



Draft Mid Devon Design Guide Supplementary Planning Document

Habitat Regulations Assessment Screening Report

November 2019

1.0 Mid Devon Design Guide

Purpose, scope and content

- 1.1 Mid Devon District Council has used consultants, DHUD Ltd in conjunction with Hilton Barnfield Architects and Hyas Associates Ltd, to help prepare a Design Guide for Mid Devon District. This is currently in a Draft form, intended for public consultation.
- 1.2 The purpose of the Mid Devon Design Guide is provide detailed guidance on urban, village and rural design in Mid Devon that can be used to help improve the design of development proposals submitted to the Council for determination and inform the decisions made on these.
- 1.3 The Mid Devon Design Guide has been prepared with regard to character and local distinctiveness of the district, including its landscape and settlements, and also taking into consideration health, climate change and sustainability.
- 1.4 The Mid Devon Design Guide comprises four volumes: Procedural; Settlement and Landscape; Compendium of District Design; and, Special Topic Sheets. It also includes a Pocket Toolkit.
- 1.5 The Mid Devon Design Guide includes eleven core principles:
 - CP1 Supporting, through design, Mid Devon District Council's and Devon County Council's commitment to creating a carbon zero district and county by 2030;
 - CP2 Identifying and facilitating local distinctiveness;
 - CP3 Representing in design, the unique landscape and settlement form of Mid Devon and the interaction between the two;
 - CP4 Providing a variety of non-prescriptive guidance usable in a range of ways;
 - CP5 Facilitating and maintaining design conversation which remains focussed on, and is proportionate to relevant issues;
 - CP6 Enabling continuity of approach and decision making;
 - CP7 Labour saving (providing a rich source of contextual information and other analysis);
 - CP8 Bringing political awareness of distinctiveness and the tools available to uphold high quality design;
 - CP9 Enabling a comprehensive design consideration through context appreciation;
 - CP10 Enabling better, more evidenced, policy compliance;
 - CP11 Enabling the preparation of evidenced Design and Access statements which demonstrate how planning proposals contribute positively to landscape and settlement distinctiveness by using the framework the Guide provides.

Relationship with the National Planning Policy and the National Design Guide

- 1.6 The National Planning Policy Framework (2019) paragraph 124 makes clear "the creation of high quality buildings and places is fundamental to what the planning and development

process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development more acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this". Paragraph 126 adds "To provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high quality standard of design." The Mid Devon Design Guide is consistent with the National Planning Policy Framework.

- 1.7 The Government published the National Design Guide in October 2019. This provides a common overarching framework for design based on ten characteristics reflecting the Government's priorities for design. It also highlights the importance of local Design Guides in setting out and understanding the local context and analysis of local character and identity. The Mid Devon Design Guide complements the National Design Guide by doing this.

Relationship with the Mid Devon Local Plan

- 1.8 The Council is preparing a new local plan for Mid Devon. The Mid Devon Local Plan Review 2013-2033 ("Local Plan Review") is at an advanced stage in its preparation. It is currently being examined by an Inspector appointed by the Planning Inspectorate and is currently subject to a main modifications stage. It is anticipated it will be adopted in the spring 2020. Once adopted the Local Plan Review will replace the current Mid Devon Local Plan, which includes:

- Core Strategy (adopted 2007)
- Allocations and Infrastructure Development Plan Document (adopted 2010)
- Development Management Policies (adopted 2013)

- 1.9 The Local Plan Review Policy DM1 High Quality Design will provide the policy baseline for the more detailed guidance included in the Mid Devon Design Guide:

Policy DM1

High Quality Design

Designs of new development must be of high quality, based upon and demonstrating the following principles:

- a. *Clear understanding of the characteristics of the site, its wider context and the surrounding area;*
- b. *Efficient and effective use of the site, having regard to criterion (a);*
- c. *Positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets;*
- d. *Creation of safe and accessible places that also encourage and enable sustainable modes of travel such as walking and cycling;*
- e. *Visually attractive places that are well integrated with surrounding buildings, streets, landscapes and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring uses, taking account of:*
 - i. *Architecture*
 - ii. *Siting, layout, scale and massing*
 - iii. *Orientation and fenestration*

- iv. *Materials, landscaping and green infrastructure*
- f. *Appropriate drainage including sustainable drainage systems (SUDS), including arrangements for future maintenance, and connection of foul drainage to a mains sewer where available.*

1.10 At the time of preparing the Mid Devon Design Guide, the Council has followed post examination hearings advice from the Planning Inspector and has proposed a Main Modification to Policy DM1. These include the addition of three further criteria to Policy DM1 as follows:

- g) *Adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows;*
- h) *Suitably sized rooms and overall floorspace which allows for adequate storage and movement within the building together as set out in the Nationally Described Space Standard with external spaces for recycling, refuse and cycle storage; and*
- i) *On sites of 10 houses or more the provision of 20% of dwellings built to Level 2 of Building Regulations Part M 'access to and use of dwellings'.*

1.11 The Mid Devon Local Plan Review (2013 – 2033) has been subject to a Sustainability Appraisal (SA) , which has incorporated a Strategic Environmental Assessment (SEA). The Local Plan Review has also been subject to a Habitat Regulations Assessment.

Status of the Mid Devon Design Guide SPD

1.12 The Mid Devon Design Guide will be adopted by the Council as a Supplementary Planning Document (SPD). The SPD will not be part of the development plan and does not introduce new planning policies into the development plan. However, it will be capable of being a material consideration in determining planning applications.

2.0 Habitat Regulations Assessment

Habitat Regulations Assessment

2.1 A Habitat Regulations Assessment (HRA) refers to the several distinct stages of Assessment. These must be undertaken in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) to determine whether a plan or project may affect the protected features of a European site ('habitats site') identified under these regulations before deciding whether to undertake, permit or authorise it.

Screening

2.2 All plans and projects which are not directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the plan or project is likely to have significant effects on that site. This consideration is typically referred to as the 'Habitats Regulations Assessment screening' and should take into account the potential effects both of the plan/project itself and in combination with other plans or projects.

- 2.3 Where the potential for likely significant effects cannot be excluded, an appropriate assessment of the implications of the plan or project for that site, in view the site’s conservation objectives must be undertaken. A plan or project may be agreed to only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site’s integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.
- 2.4 In April 2018, the Court of Justice of the European Union delivered its judgement in Case C-323/17 People Over Wind & Peter Sweetman v Coillte Teoranta (‘People over Wind’). The judgment clarified that making screening decisions as part of the HRA and for the purposes of deciding whether an appropriate assessment is require, mitigation measures cannot be taken into account. Mitigation measures intended to avoid or reduce the harmful effects of a plan or project can only be taken into account at the appropriate assessment stage.
- 2.5 The Mid Devon Design Guide SPD has been ‘screened’ for the purpose of Habitat Regulations Assessment (HRA) to assess whether it may affect the protected features of a ‘habitats site’ identified under the Conservation of Habitats and Species Regulations 2017 as amended and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended).

3.0 Habitats site

- 3.1 A Habitats site refers to any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites.
- 3.2 There are no Habitats sites within Mid Devon although there are 11 such sites within 10km (Table 1), the closest being the Culm Grasslands SAC which lies immediately adjacent to the north western boundary of Mid Devon District.

Table 1: Habitats Sites within 10km of Mid Devon District		
Special Areas of Conservation (SACs)	Special Protection Areas (SPAs)	Ramsar Sites
<ul style="list-style-type: none"> • East Devon Pebblebed Heaths • Culm Grasslands • South Dartmoor Woods • Holme Moor and Clean Moore • Dartmoor • Exmoor Heaths • Quants • Exmoor and Quantock Oakwoods 	<ul style="list-style-type: none"> • Exe Estuary • East Devon Heaths 	<ul style="list-style-type: none"> • Exe Estuary

Potential Impacts on Habitats Site

3.3 There are a number of categories that can affect Habitats Sites which include:

- Physical Loss
- Physical Damage
- Non-physical disturbance
- Water table/availability
- Toxic contamination
- Non-toxic contamination
- Biological disturbance

4.0 Mid Devon Local Plan Review 2013 – 2033 HRA

4.1 As the competent authority under The Conservation of Habitats and Species Regulations (2010) (now 2017 as amended) Mid Devon District Council has been required to assess its Local Plan Review 2013-2033 as part of the HRA process.

4.2 A full HRA Report for the Mid Devon Local Plan Review 2013-2033 was undertaken March 2015 and related to the Publication Draft version of the Local Plan Review. This concluded that adverse effects on the integrity of European sites (referred to in this report as Habitats sites) around Mid Devon from policy and site options in the new Local Plan, either alone or in combination with other plans, will not occur.

4.3 Two HRA Addenda were prepared in 2016. The first (dated August 2016) was prepared in order to update the findings of the March 2015 HRA Report in light of changes to the supply of housing and employment land that were made in the Submission version of the Local Plan Review. The HRA Addendum screened the changes to policies in the Local Plan Review and concluded that, for each change, the screening conclusions of the March 2015 HRA Report would have been the same and the same Appropriate Assessment work would therefore have been undertaken. The second HRA Addendum (December 2016) presented Appropriate Assessment work that was undertaken in relation to potential air pollution impacts on the Culm Grasslands SAC that could result from development at Junction 27 and the associated additional housing required.

4.4 A third HRA addendum was prepared in October 2019 which presented an assessment of the proposed Main Modifications raised by the Planning Inspector appointed by the Secretary of State to undertake the independent examination of the Mid Devon Local Plan Review (2013-2033). This concluded that the HRA for the Mid Devon Local Plan Review remain that the Local Plan Review (taking into account the Proposed Main Modifications) is not likely to have adverse effects on the integrity of European sites (referred to in this report as Habitats sites), either alone or in-combination with other plans or projects. These proposed Main Modifications include the proposed Main Modification to Mid Devon Local Plan Review Policy DM1 High Quality Design. The third HRA addendum has found that the proposed Main Modification to Policy DM1 does not change the HRA findings previously reported.

5.0 Mid Devon Design Guide SPD HRA Screening

- 5.1 The Mid Devon Design Guide SPD expands upon policies within the Mid Devon Local Plan Review 2013-2033. The SPD does not introduce new policies or proposals outside the scope of the Local Plan Review. Policies in the Mid Devon Local Plan Review, including Policy DM1 High Quality Design have already been subject to HRA with the conclusion that the Mid Devon Local Plan Review is not likely to have adverse effects on the integrity of European sites (referred to in this report as Habitats sites), either alone or in-combination with other plans or projects. The Design Guide SPD does not result in development itself but seeks to guide development in providing good design. The Mid Devon Design Guide SPD is therefore not likely to have significant adverse effects on the integrity of Habitats sites, either alone or in-combination with other plans or projects and further 'Appropriate Assessment' is not required.

6.0 Conclusion

- 6.1 This screening report has identified that the draft Mid Devon Design Guide SPD is not likely to have significant adverse effects on the integrity of Habitats sites, either alone or in-combination with other plans or projects and further 'Appropriate Assessment' is not required.

7.0 Next steps

- 7.1 This screening opinion will be subject to consultation with the three designated consultation bodies – Historic England, Natural England, and the Environment Agency.
- 7.2 The screening opinion will be published alongside the Draft Mid Devon Design Guide and will also be subject to public consultation.