



**Draft Mid Devon Cullompton Town Centre
Masterplan and Delivery Plan Supplementary
Planning Document**

**Habitat Regulations Assessment Screening
Report**

November 2019

1.0 Mid Devon Cullompton Town Centre Masterplan Supplementary Planning Document

Purpose, scope and content

1.1 The Cullompton Town Centre Masterplan and Delivery Plan will out set out the relationship between Mid Devon District Council (MDDC) planning policy and guidance whilst identifying its purpose as bridging the gap between high level policy aspirations and delivery on the ground. This is to ensure that future investment supports and regenerates Cullompton town centre in a co-ordinated manner.

1.2 Following early consultation with stakeholders a number of themes and objectives are emerging:

- Cullompton’s distinctive historic buildings and landscape will be enhanced and restored
- Cullompton’s centre will rediscover its historic role as a place of work and making
- Cullompton will draw people into the town centre with an enticing experience for visitors
- Cullompton’s spaces will be reclaimed and redesigned to support a vibrant community life
- Cullompton will be a sustainable town for its growing community: with education, community and recreational facilities
- It will be easy to move around on foot, on bicycle, by bus and by train.

Relationship with the National Planning Policy

1.6 The National Planning Policy Framework (2019), in ‘Ensuring the vitality of town centres’ paragraph 85 sets out that “*Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.*” Policy S11 is consistent with the National Planning Policy Framework. It identifies Cullompton as a fast growing market town with a strategic role in the hierarchy of settlements in Mid Devon. Cullompton is identified as an area for growth, being well located and supported by infrastructure and facilities. Policy S11 is consistent with the National Planning Policy Framework; outlining opportunities by existing or planned investment in infrastructure, the town’s economic potential and the scope for net environmental gains. The Cullompton Town Centre Masterplan and Delivery Plan SPD will guide town centre development opportunities to ensure the community has sufficient access to services, employment opportunities as well as setting out clear expectations for the quality of development.

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 S11 Cullompton will provide the policy baseline for the more detailed guidance included in Cullompton Town Centre Masterplan and Delivery Plan SPD:

Policy S11

Cullompton

Cullompton will develop as a fast growing market town with a strategic role in the hierarchy of settlements in Mid Devon. The town will become the strategic focus of new development reflecting its accessibility, economic potential and environmental capacity. This strategy will improve access to housing through urban extensions and expanded employment opportunities. There will be significant improvements to the town's infrastructure and connectivity, including the reopening of the railway station, and improved services for its population and nearby rural areas. Proposals will provide for approximately 3,930 dwellings, of which 1,100 will be affordable, and 73,500 gross square metres of commercial floor space over the plan period.

The Council will guide high quality development and other investment to:

- a) Make any necessary improvements to the M5 motorway including junction 28 to maintain highway capacity and safety;**
- b) Promote further public transport improvements within Cullompton and to other urban centres (particularly Tiverton and Exeter) and improved access to the rail network by the reopening of Cullompton Railway Station;**
- c) Continue measures to support the implementation of the Cullompton Air Quality Action Plan including the construction of new highway links to relieve the town centre and enhanced walking and cycling opportunities around the town;**
- d) Manage the town centre so that economic regeneration and heritage reinforce each other by promoting new homes, shops, leisure, offices and other key town centre uses which are well designed and contribute to vitality and viability;**
- e) Provide community infrastructure such as education and enhanced open space to support new development proposals;**
- f) Enhance the tourism and visitor role of the town and surrounding area; and**
- g) Support measures to reduce flood risk within Cullompton and make provision for green infrastructure.**

1.10 At the time of preparing the Mid Devon Cullompton Town Centre Masterplan and Delivery Plan, the Council has followed post examination hearings advice from the Planning Inspector and has proposed Main Modifications to Policy S11. This includes the following amendment to Policy S11:

Amend criterion a) as follows:

“Make any necessary improvements to the M5 motorway including junction 28 strategic mitigations to maintain highway capacity, and safety, integrity, and sustainability including the M5 and local highway network in conjunction with current and relevant infrastructure plans;”

- 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 Cullompton Town Centre Masterplan and Delivery Plan SPD

- 1.12 The Mid Devon Cullompton Town Centre Masterplan and Delivery Plan SPD will be adopted by the Council as a Supplementary Planning Document. 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 Cullompton Town Centre Masterplan and Delivery Plan 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 S11 Cullompton. The third HRA addendum has found that the proposed Main Modification to Policy S11 does not change the HRA findings previously reported.

5.0 Mid Devon Cullompton Town Centre Masterplan and Delivery Plan SPD HRA Screening

- 5.1 The Mid Devon Cullompton Town Centre Masterplan 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 S11 Cullompton 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 Cullompton Town Centre Masterplan and Delivery Plan SPD does not result in development itself but seeks to guide development in the form of new and improved housing, employment and community facilities in the identified area. The Mid Devon Cullompton Town Centre Masterplan 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 Cullompton Town Centre Masterplan and Delivery Plan 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 Cullompton Town Centre Masterplan and Delivery Plan SPD as it is taken through Stage 1 and 2 public consultations as endorsed by the MDDC Statement of Community Involvement.