



# **Draft Mid Devon Cullompton Town Centre Masterplan**

## **Habitat Regulations Assessment Screening Report**

**December 2022**

## 1.0 Cullompton Town Centre Masterplan Supplementary Planning Document

### *Purpose, scope and content*

- 1.1 The Cullompton Town Centre Masterplan will 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 The Draft Cullompton Town Centre Masterplan is set out in 6 Chapters. A brief description of each part is provided below:

Introduction:	Sets out the role of the Masterplan, project process and engagement undertaken
Context:	Sets out the context of the town with a summary of issues and opportunities
Vision & Objectives:	Sets out emerging themes and objectives within a spatial framework
Masterplan:	Provides an overview with a review of specific topic areas
Heritage Strategy:	Sets out Cullompton’s historic significance with a review of public realm improvements, governance and delivery
Delivery Guidance	Provides a review of the interdependencies, phasing and funding opportunities

### *Relationship with the National Planning Policy*

- 1.3 The National Planning Policy Framework (2019), in Chapter 7 ‘Ensuring the vitality of town centres’ 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*” (paragraph 85, NPPF). Policy S11, Cullompton of the Adopted Mid Devon Local Plan 2013-2033 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 will guide town centre development opportunities to ensure the community has sufficient access to services and employment opportunities as well as setting out clear expectations for the quality of development.

### *Relationship with the Mid Devon Local Plan*

- 1.4 The Mid Devon Local Plan 2013-2033 was adopted July 2020. It was examined by an Inspector appointed by the Planning Inspectorate and was subject to main modifications.
- 1.5 Applications for development must be determined in accordance with the Development Plan unless material considerations indicate otherwise as required by section 38(6) of the Town and Country Planning Act 1990 (as amended).

- 1.6 Local Plan Policy S11, Cullompton, provides the policy baseline for the more detailed guidance included in Cullompton Town Centre Masterplan:

***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 strategic mitigations to maintain highway capacity, safety, integrity, and sustainability including the M5 and local highway network in conjunction with current and relevant infrastructure plans;**
- 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.**

- 1.7 During the preparation of the Cullompton Town Centre Masterplan the Council has also applied the following policies from the Adopted Mid Devon Local Plan 2013-2033 in addition to policy S11:

- S1 - sustainable development priorities
- S2 - amount and distribution of development
- S6 employment
- S7 town centres
- S9 environment
- DM1 high quality design
- DM14 town centre development
- DM15 development outside town centres, and

- DM25 development affecting heritage assets.

1.8 The Adopted Mid Devon Local Plan 2013 – 2033 has been subject to a Sustainability Appraisal (SA), which has incorporated a Strategic Environmental Assessment (SEA). It has also been subject to a Habitat Regulations Assessment. Both the HRA and SEA of the Adopted Mid Devon Local Plan concluded that the policies within the Adopted Mid Devon Local Plan will not have adverse effects on the integrity of European sites (Habitats sites), either alone or in-combination with other plans or projects.

*Status of the Cullompton Town Centre Masterplan*

1.9 The Cullompton Town Centre Masterplan will not be part of the development plan and does not introduce new planning policies into the development plan. It will, however, 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 one of 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 of the site's conservation objectives must be undertaken. A plan or project may be agreed but 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 required, 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 Cullompton Town Centre Masterplan has been ‘screened’ for the purposes of the 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"> <li>• East Devon Pebblebed Heaths</li> <li>• Culm Grasslands</li> <li>• South Dartmoor Woods</li> <li>• Holme Moor and Clean Moore</li> <li>• Dartmoor</li> <li>• Exmoor Heaths</li> <li>• Quants</li> <li>• Exmoor and Quantock Oakwoods</li> </ul>	<ul style="list-style-type: none"> <li>• Exe Estuary</li> <li>• East Devon Heaths</li> </ul>	<ul style="list-style-type: none"> <li>• Exe Estuary</li> </ul>

3.3 In addition to these 11 sites, Natural England wrote to the Council on 30th March 2021 to advise on matters regarding development in relation to the Somerset Levels and Moors Ramsar Site, which it has pointed out will affect a very small part of Mid Devon district that falls within its catchment area. An indicative map for the catchment includes parts of the parishes of Clayhanger, Hockworthy, Holcombe Rogus and Culmstock and it is understood that Natural England is refining this map. The Somerset Levels and Moors are designated as a Special Protection Area (SPA) under the Habitat Regulations 2017 and listed as a Ramsar Site under the Ramsar Convention. While the SPA is designated for its international waterbird communities, the Ramsar site is designated for its internationally important features including the floristic and invertebrate diversity and species of its ditches, which is shared as a designated feature of the underpinning Sites of Special Scientific Interest (SSSIs). Natural England has advised that in light of the unfavourable condition of the Somerset Levels and Moors Ramsar site, before determining a planning application that may give rise to additional phosphates within the catchment, competent

authorities should undertake a Habitats Regulations Assessment proceeding to an appropriate assessment where a likely significant effect cannot be ruled out, even where the development contains pollution mitigation provisions. The development types affected include: additional residential units and commercial development; infrastructure that supports agricultural intensification; anaerobic digesters; and other developments that result in additional phosphates in the Somerset Levels and Moors catchment.

#### *Potential Impacts on Habitats Site*

3.4 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 Adopted Mid Devon Local Plan 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 was required to assess the Adopted Mid Devon Local Plan 2013-2033 as part of the HRA process.

4.2 A full HRA Report for the Adopted Mid Devon Local Plan 2013-2033 was undertaken in March 2015 (updated as an HRA Addenda (August 2016), updated again December 2016 and again October 2019). The full HRA Report for the Mid Devon Local Plan 2013-2033 concluded that the Adopted Local Plan 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. Main Modification to Policy S11 Cullompton during the Mid Devon Local Plan Review was found not to change the HRA findings that were reported as unlikely.

#### **5.0 Cullompton Town Centre Masterplan HRA Screening**

5.1 When taking into account the Mid Devon Local Plan Review 2013-2033 HRA screening, likely significant effects for the Cullompton Town Centre Masterplan on European Sites remain uncertain - relevant policies in the Adopted Mid Devon Local Plan being Policy S11 Cullompton, S1 sustainable development priorities, S2 amount and distribution of development, S6 employment, S7 town centres, S9 environment, DM1 high quality design, DM14 town centre development, DM15 development outside town centres, and DM25 development affecting heritage assets. The uncertainty remains even though the HRA for the Adopted Mid Devon Local Plan concluded that it is not likely to have adverse effects on the integrity of a European site (referred to in this report as a Habitat sites). This is also regardless that a number of policies in the Adopted Mid Devon Local Plan mitigate the potential impact of development at Cullompton; this because mitigation cannot be taken into account at the screening stage in-line with People Over Wind & Peter Sweetman v Coillte Teoranta C-323/17 Case. Whilst the Cullompton Town Centre Masterplan does not introduce new policies or proposals outside the scope of the Adopted Local Plan and

Cullompton town centre is located some distance from the nearest European sites, the Cullompton Town Centre Masterplan in-combination with other allocations identified in the Adopted Local Plan, in and around Cullompton, would result in fairly large-scale development which could affect European sites through increased pressure for recreation space and increased vehicle traffic with associated air quality. Non-physical disturbance from development (e.g. noise, vibration and light pollution) would not be expected as a result of development at Cullompton, due to the distance from European sites. However for the reason of potential impact identified through recreation pressure and air quality, in-line with the Local Plan Review HRA, it is not entirely possible to rule out with the possibility of some likely significant effects. Therefore an Appropriate Assessment has been undertaken as set out below.

## **6.0 Appropriate Assessment**

- 6.1 The Adoption of the Mid Devon Local Plan 2013- 2033 has been subject to an HRA Appropriate Assessment and concluded that it will not have adverse effects on the integrity of European sites (Habitats sites), either alone or in-combination with other plans or projects.
- 6.2 The Cullompton Town Centre Masterplan does not introduce new policies or proposals outside the scope of the Adopted Mid Devon Local Plan 2013-2033. The Cullompton Town Centre Masterplan does not result in development itself but seeks to guide development in the masterplan study area. For the above reasons, the findings and results of the HRA for the Adopted Mid Devon Local Plan 2013-2033 are applicable for the Appropriate Assessment of the Cullompton Town Centre Masterplan .

### *Recreation Pressure*

- 6.3 In considering the identified possible impact of increased pressure for recreation space, many of the European sites around Mid Devon are vulnerable to the effects of erosion/trampling from recreation (e.g. heathland habitats) and several sites include birds and other qualifying species that could be affected by disturbance, in particular the sites to the south of Mid Devon (Exe Estuary SPA and Ramsar Site, East Devon Pebblebed Heaths SAC and East Devon Heaths SPA).
- 6.4 However, the distance of most European sites around Mid Devon from the District, and in particular the locations that will be the main focus of development (Tiverton, Crediton and Cullompton) means that a significant increase in day-to-day visitor numbers at any of the European sites for activities such as dog walking is not considered likely.
- 6.5 While there may still be some increase in visits to sites such as Dartmoor SAC, South Dartmoor Woods SAC and the East Devon Heaths SAC which are known to be popular visitor destinations, there are a wide range of mitigation measures already in place. These include, for example, the Dartmoor National Park Management Plan and the South East Devon European Site Mitigation Strategy that should help to avoid adverse effects. In addition, policies within the Adopted Mid Devon Local Plan 2013-2033 will help to ensure that green infrastructure is included within development sites.

- 6.6 In October 2019 a HRA Addendum presented an assessment of the proposed Main Modifications raised by the Planning Inspector during the independent examination of the Mid Devon Local Plan (2013-2033). It concluded that the HRA for the Mid Devon Local Plan remain, that the Local Plan (taking into account the Proposed Main Modifications) was 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 Main Modifications included CU11 Cullompton of the Adopted Mid Devon Local Plan 2013-2033. The HRA addendum found that the proposed Main Modifications to Policy CU11 did not change the HRA findings.
- 6.7 Therefore, it is concluded that the Cullompton Town Centre Masterplan proposals, alone or in-combination with other plans and proposals will not have an adverse effect on the integrity of European sites as a result of increased recreation pressure.

#### *Vehicle Traffic*

- 6.8 Air pollution from traffic is most likely to affect European sites which have plant, soil and water habitats amongst their qualifying features but some qualifying animal species may also be directly affected, or indirectly affected by deterioration in habitat. Therefore, where European sites do not include species that are vulnerable to these impacts amongst their qualifying features, air pollution-related effects can be ruled out. The qualifying heathland habitats of the Culm Grassland SAC are known to be vulnerable to the effects of air pollution and due to its proximity to a strategic road (A361), it was identified in the HRA for the Adopted Mid Devon Local Plan 2013-2033 as having the potential to be affected by air pollution as a result of proposals in the Adopted Mid Devon Local Plan 2013-2033.
- 6.9 Nitrogen dioxides (NO<sub>x</sub>) are considered to be the key pollutants from traffic emissions. Deposition of nitrogen compounds may lead to both soil and freshwater acidification, and NO<sub>x</sub> can cause eutrophication of soils and water.
- 6.10 For the Culm Grasslands SAC, in considering the identified possible impact of increased vehicle traffic, the Adopted Local Plan 2013-2033 Appropriate Assessment included a transport model used to obtain traffic data for assessment year of 2033 i.e. the end of the Adopted Local Plan period, when all of the development in the Local Plan would likely to be completed and occupied, and the traffic impacts will be greatest. The Appropriate Assessment of air pollution effects on the Culm Grasslands SAC found that the combination of Local Plan allocations would increase NO<sub>x</sub> levels immediately adjacent to the A361, over the plan period. However, the effects would be very localised within the SAC. A negligible increase in nutrient nitrogen and acid nitrogen deposition would occur from the Adopted Mid Devon Local Plan 2013-2033, although critical loads for these are already being exceeded and will continue to do so in 2022, despite expected decreases in background concentrations. The most appropriate mitigation for the effects of air pollution at the Culm Grasslands SAC is to target agricultural sources of nitrogen (which is outside the remit of the Local Plan), although improvements to vehicle emissions nationally, and sustainable transport initiatives, for example those encouraged in the Adopted Local Plan, will also contribute to the mitigation of impacts on the SAC's qualifying features. It was concluded that the Adopted Mid Devon Local Plan 2013-2033 proposals would not have an adverse effect on the integrity of the Culm Grasslands SAC.



- 6.11 In October 2019 a HRA Addendum presented an assessment of the proposed Main Modifications to the Mid Devon Local Plan 2013-2033 raised by the Planning Inspector. It concluded that the HRA for the Mid Devon Local Plan remained, that the Adopted Mid Devon Local Plan 2013-2033 was 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 Modifications to the Adopted Mid Devon Local Plan 2013-2033 Policy S11 Cullompton, S1 sustainable development priorities, S2 amount and distribution of development, S6 employment, S7 town centres, S9 environment, DM1 high quality design, DM14 town centre development, DM15 development outside town centres and DM25 development affecting heritage assets. The HRA addendum found that the proposed Main Modifications to Policy CU11 did not change the HRA findings previously reported.
- 6.12 Therefore, it is concluded that the Cullompton Town Centre Masterplan proposals, alone or in-combination with other plans and proposals will not have an adverse effect on the integrity of European sites as a result of increased vehicle traffic.

#### *Appropriate Assessment Conclusion*

- 6.13 The Appropriate Assessment considered in detail the potential impact identified at the HRA screening stage i.e. recreation pressure and increased vehicle traffic. From these findings it is concluded that the Cullompton Town Centre Masterplan proposals, alone or in-combination with other plans and proposals will not have an adverse effect on the integrity of European sites.

### **7.0 Conclusion**

- 7.1 This screening report has identified that the Cullompton Town Centre Masterplan 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.

### **8.0 Next steps**

- 8.1 This screening opinion will be subject to consultation with the three designated consultation bodies – Historic England, Natural England, and the Environment Agency.
- 8.2 The screening opinion will be published alongside the Draft Cullompton Town Centre Masterplan at Stage 2 of the public consultation. It has previously been taken through Stage 1 public consultations as endorsed by the MDDC Statement of Community Involvement.