

Appendix 1: Appropriate Assessment: Modbury Neighbourhood Plan

Part D: Appropriate Assessment

NB: In undertaking the appropriate assessment, the LPA must ascertain whether the plan would adversely affect the integrity of the European site. The Precautionary Principle applies, so to be certain, the authority should be convinced that no reasonable scientific doubt remains as to the absence of such effects.

11. Assessment of effects taking account of avoidance or reduction measures included in the proposal

Aspect of plan which will be potentially damaging	Avoidance and mitigation measures included in the Plan/policies (and any additional measures required for inclusion in the proposal)	Secured by	Residual effects
<p><i>Increased visitor and recreational pressure (terrestrial and marine) associated from new residents associated with the proposed development.</i></p>	<p>The identified potentially damaging impact is a non-direct impact (i.e. one which does not require onsite construction/operational avoidance or mitigation measures).</p> <p>The Plan falls within the Zone of Influence for new residents have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan, namely the study completed to consider recreational pressure of residents from new development upon the Tamar European Marine Site (<i>EMS Recreation Study Document 04. Survey of recreational use within the Plymouth Sound and Estuaries European Marine Site: Scoping report and survey results</i>, MBA, March 2017).</p> <p>The Study clarified and confirmed a 12.3km ZOI around the Tamar EMS. The proposed development site within this ZOI for the Tamar EMS, and accordingly the recreational pressure of new residents associated with the development will require mitigating to ensure they do not have a significant effect on the Tamar EMS (as without mitigation the new residents in combination with other development could have a significant effect on the Tamar EMS).</p> <p>This is considered in more detail in the Habitats Regulations Assessment of the Joint Local Plan (July 2017) which notes that: <i>'In order to address the impacts arising from the increased recreational pressure, a single mitigation strategy will be agreed with Plymouth City Council, South Hams District Council and West Devon Borough Council and also with Cornwall Council and a mechanism for securing the funding through planning obligations will be set out and agreed in a Supplementary Planning Document (SPD). Using evidence from the Plymouth Sound and Tamar Estuaries Recreation Study (Marine Biological Association, 2017), a single mitigation strategy will identify the interventions required and the SPD will then set out the charge that will be applied to all new dwellings and tourist developments within a 'Zone of Charging' as set out in Policy SPT13</i></p>	<p>The Plymouth Sound and Estuaries SAC and the Tamar Estuaries Complex SPA have been identified in the JLP as having the potential risk of significant effects from recreational pressures. Each has an agreed Management Plan.</p> <p>Policy SP14 in the JLP covers this issue.</p> <p>Policy SPT14 European Sites – mitigation of recreational impacts from development</p> <p>Mitigation measures for recreational impacts on European Sites will be required where development is proposed within the identified zones of influence around those European Sites that are vulnerable to adverse recreational impacts.</p> <p>Residential development, student and tourist accommodation within these zones of influence will be required to provide for appropriate management, mitigation and monitoring on site, and/or financial contributions towards off site mitigation and management. This will need to be agreed and secured prior to approval of the development.</p> <p>Mitigation measures will include:</p> <ol style="list-style-type: none"> 1. On-site access and management. 2. Off-site provision of suitable alternative recreational facilities 	<p>None/negligible</p>

	<p><i>‘European Protected Sites – mitigation of recreational impacts from development’.</i></p> <p>The Strategic Access Management and Monitoring Strategy (SAMMS) list is currently being finalised, with a view to being agreed through the Duty to Cooperate and with Natural England (and will ultimately inform the JLP SPD) – this being a costed list of management actions that are required to mitigate impacts of new residents, and towards which commuted sums from development are required to contribute towards delivering. Until the time that the SAMMS list has been formalised and the per dwelling figures updated by virtue of an adopted JLP SPD, the existing per dwelling figures are being used from the Plymouth Travel To Work Area, as have previously been used by Cornwall Council, Plymouth City Council and SHDC and as are reflected in the proposed condition.</p>	<p>This policy governs the approach to appropriate planning applications within the ZOI. The mitigation strategy already requires that commuted sums are levied in regard of appropriate development but strategy and contributions are currently being finalised. As a result charging mechanisms may change.</p> <p>Any planning application submitted related to Policy MNP3 (including the Ayleston Park site) would be subject to the requirements of Policy SPT14.</p>	
<p>12. Does the proposal have potential for in-combination effects with other plans or projects individually or severally</p>	<p>The impacts from increased visitor and recreational pressure identified within this HRA (and as reflected within the 12.3km ZOI, and the HRA of the JLP) is an in-combination impact – i.e. it is unlikely that any one development would have a likely significant effect alone, however when developments within Plymouth, South Hams, West Devon and Cornwall are consider in-combination there is potential for a likely significant effect.</p>		
<p>Part E: Conclusion</p>			
<p>13. Natural England consultation response</p>	<p>This is a Draft Appropriate Assessment, Natural England’s response will be included following receipt of their consultation response.</p>		
<p>14. List of mitigation measures and safeguards to be covered by planning obligations (conditions or S106)</p>	<p>Every new dwelling in the Neighbourhood Plan area will have to make a contribution towards the mitigation strategy, based on the most up to date calculations</p>		
<p>15. Will the proposed development have an adverse effect on integrity?</p>	<p>It is concluded that the Modbury Neighbourhood Plan will not have an adverse effect on the integrity of the Plymouth Sound and Estuaries SAC and the Tamar Estuaries Complex SPA subject to the measures outlined above being applied to appropriate development proposals that result from implementation of the Plan.</p>		
<p>Author:</p>	<p>Duncan Smith, Neighbourhood Planning Officer, South Hams Council; August 2019.</p>		