

Paignton Neighbourhood Forum
and
Torbay Council



SEA screening opinion

Consultation Draft

March 2016

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1. Introduction

Scope and purpose of this report

- 1.1 This screening opinion has been prepared by the Paignton Neighbourhood Forum jointly with Torbay Council, and with assistance provided through government support to Neighbourhood Forums.
- 1.2 The scope and purpose of this screening opinion is to inform the determination process of whether a strategic environmental assessment (**SEA**) is required to accompany the development of the Paignton Neighbourhood Plan.
- 1.3 The screening opinion has been provided to the statutory consultation bodies for SEA, namely Natural England, the Environment Agency, and Historic England, for their opinion in accordance with Regulation 9 2(b) of the Environmental Assessment of Plans and Programmes Regulations 2004 (**The SEA Regulations**).

Background

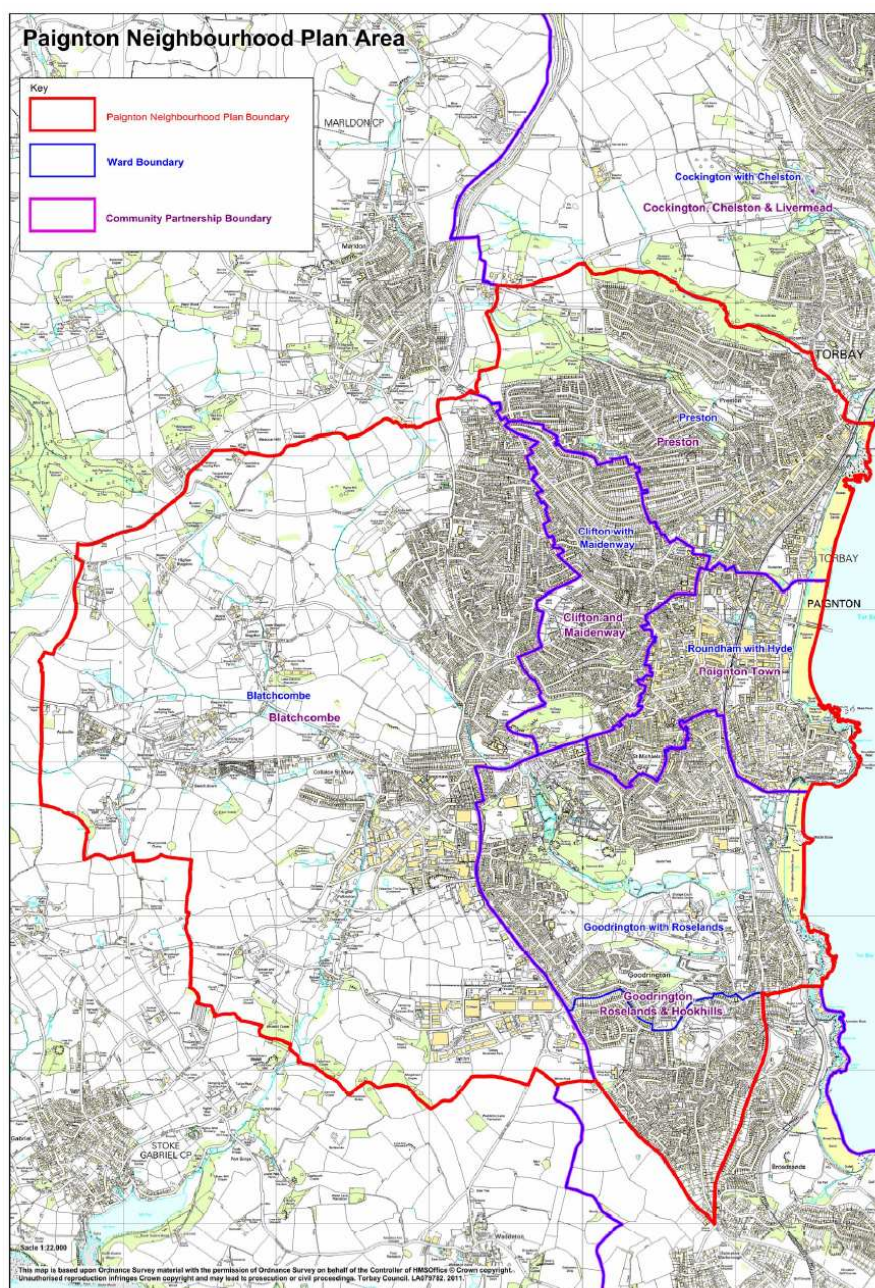
- 1.4 SEA is a systematic process undertaken to evaluate the likely significant environmental effects of formal plans. The requirement for SEA in England was introduced in 2004 through the SEA Regulations in accord with the European SEA Directive (2001/42/EC) (**The SEA Directive**).
- 1.5 It is a 'Basic Condition' of making a Neighbourhood Plan that it is tested to ensure compatibility with European Union obligations, which includes the SEA Directive in paragraph 1.4 above. Neighbourhood Plans only require SEA where they are likely to lead to 'significant environmental effects'.
- 1.6 To decide if a proposed Neighbourhood Plan is likely to have significant environmental effects, it is 'screened' against the criteria set out in Annex 2 of the SEA Directive (Schedule 1 of the SEA Regulations). Where it is determined that a Neighbourhood Plan is unlikely to have significant environmental effects, and accordingly does not require SEA, a statement of the reasons should be prepared and published for consultation with the defined statutory bodies of Natural England, Environment Agency and Historic England. If a Neighbourhood Plan is likely to have a significant effect on the Environment, SEA must be carried out.
- 1.7 The conclusion reached in this screening opinion is that the Paignton Neighbourhood Plan is not likely to lead to significant environmental effects, and as such does not require a SEA process.
- 1.8 The following information is presented:
- Part 2: provides details of the Neighbourhood Plan scope and likely content, the key environmental constraints within and near to the designated Neighbourhood Area, and relationship to the recently adopted Torbay Local Plan;
 - Part 3: sets out a discussion of the potential environmental effects of the Neighbourhood Plan and their significance;
 - Part 4: provides a summary of the screening determination and consultation opinion from the three statutory bodies for SEA.

2. Neighbourhood Plan details

Plan title and area covered

2.1 The plan will have the title of Paignton Neighbourhood Development Plan and will cover the Neighbourhood Area shown in Figure 1 below:

Figure 1 - Designated Neighbourhood Area:



Name of Qualifying Body and Local Planning Authority

2.2 The qualifying body preparing the Neighbourhood Plan is the designated Paignton Neighbourhood Forum. There is no parish council within the designated area. The Local Planning Authority for the area is Torbay Council, which is a unitary authority.

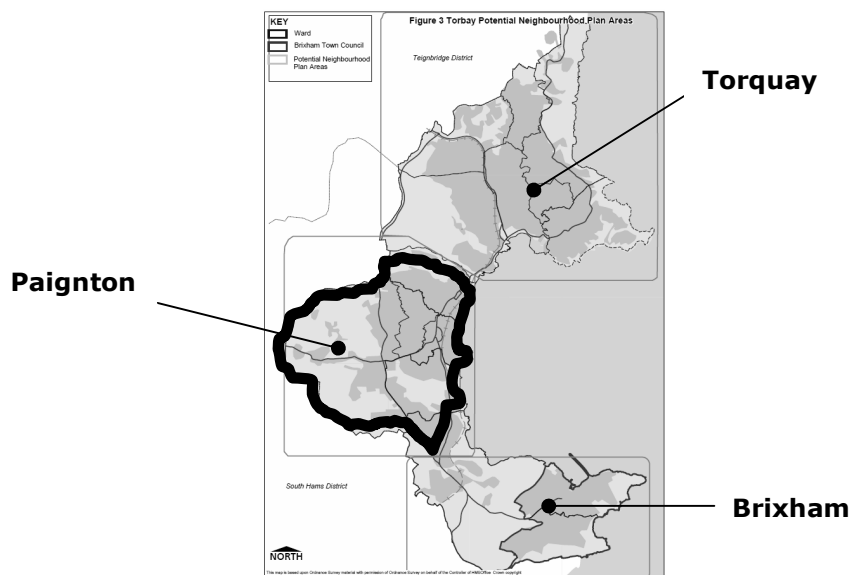
Neighbourhood Plan contact points:

Forum contact: Mr David Watts Forum Chairman Weston Villa 34 Totnes Road Paignton TQ4 5JZ Email: dwdw@paigntonneighbourhoodplan.org.uk Telephone: 01803 523434	Alternate Forum contact: Mr Mike Parkes Forum Secretary Brooke Vale Long Road Paignton TQ4 7PQ Email: mike.parkes45@hotmail.co.uk Telephone: 01803 469185
Torbay Council contact: Mr David Pickhaver Strategic Planning, Torbay Council, Town Hall, Castle Circus, Torquay, TQ1 3DR Email: Future.Planning@torbay.gov.uk Telephone: 01803 208814	

Location and spatial extent of the Neighbourhood Plan

2.3 Paignton is a seaside town with rural hinterland located on the south Devon coast between Torquay and Brixham. The three towns together make up the area of Torbay.

Figure 2 – Location within Torbay:



Timeframe of the Neighbourhood Plan

2.4 This will be to 2030 and beyond, the same as the recently 'adopted' Torbay Local Plan referred to later below.

Main aims and objectives of the Neighbourhood Plan

2.5 In accordance with community views gathered during **Stage 1**, the overall aim will be '*To make the town and surroundings more attractive to tourists and a superb place to live and work*', with 4 key objectives:

- 1) To make more of tourism and the retail offer;
- 2) To improve points of arrival and connection;
- 3) To protect local identity;
- 4) To ensure there is balanced development (especially between the provision of houses with jobs, and retail growth with population growth).

2.6 **Stage 2** of the community engagement confirmed the key areas where the community wants change to take place. The engagement identified the following for improvement:

Area Wide:

- Provide for **Housing with Jobs** in general accordance with the strategic policies of the recently adopted Torbay Local Plan;
- Include a **Design Guide / Code** that further protects and enhances Paignton's natural and heritage features and local identity;

Town Centre and Seafront:

- Enhance the **Town Centre** to ensure its many areas of green space, and historic features are protected and improved;
- Rejuvenate **Paignton Harbour** in a manner that does not conflict with its historic character and marine environment;
- Improve the **seafront area** to ensure that it continues to be attractive to tourists and not in any conflict with the natural environment that exists;
- Enhance the **Torbay Road** area to cater for leisure visitors in a manner that respects and enhances the heritage features of the area;
- Improve the **Station Square** area to reduce conflict between pedestrians and vehicles as far as possible and enhance the location's role as a transport entry point to the town centre generally;
- Improve the **Victoria Square** area as a location that is more attractive to visitors and residents on foot;
- Redevelop **Crossways** to make better use of the location for enhancing the role of the town centre as a place to live and visit and enjoy;
- Protect and enhance **Victoria Park** as a Local Green Space;

- Retain **Queens Park** as a major area of green space for sport and recreation and enhance its landscape role;
- Improve the **Old Town** area in a manner that will enhance its heritage features and interest to visitors;
- Improve **the ability to move** more easily between points of connection within and around the town centre;
- Make more use of existing space for **housing opportunities** that will enhance the vitality and viability of the town centre for future generations;
- Improve the opportunities for investment in the **Core Tourism Area** in a manner that conserves and enhances the area;
- Include improvement of **flood and sea defences** in accord with the Council approved coastline strategy for the town centre area;
- Improve the appearance and role of **Victoria Street** as the principal shopping street in the town centre;
- Improve the **transport 'Gateway'** role of the town centre;
- Support **independent traders** in particular in the provision of further retail opportunities in the town centre;

Western Area

- Safeguard the area of **open countryside**;
- Support completion of development at **Great Parks** in accord with the Council adopted Masterplan Supplementary Planning Document;
- Support completion of development already approved at **White Rock** and adjoining areas, and to include the growth of South Devon College;
- Improve the appearance and function of the **Western Corridor** in a manner that retains and enhances local identity and environmental features;
- Enhance **Yalberton Valley** as a location of environmental value and tourist attraction;
- Balance the sequence and pace of growth at **Collaton St Mary** with the provision of infrastructure, environmental safeguards and enhancement of community facilities required for sustainable development;

Adjoining Areas

- Protect, conserve and enhance the landscape and waterscape environment of **Clennon Valley**;
- Safeguard and enhance as far as possible community facilities available in the established area of **Clifton and Maidenway**;
- Improve the tourist role and local facilities in **Preston** in a manner that will retain and protect the areas attractive environmental features.

[Link with the adopted Torbay Local Plan](#)

2.7 Preparation and submission of the Neighbourhood Plan follows on from the Torbay Local Plan formally 'adopted' by Torbay Council on 10 December 2015. This completed an extended period of Examination in Public that ended on 12 October 2015 with publication of the Planning Inspector's Final Report containing the Modifications approved for the Local Plan to be 'sound'.

2.8 The Local Plan included a statutory plan level sustainability appraisal **(SA)** and Habitat Regulation Assessment **(HRA)**. As Modified, the adopted Local Plan allocates the following sites for employment and housing development in the designated Paignton Neighbourhood Area:

Employment sites:

Deliverable sites with planning permission:

- White Rock, Paignton (Policy SS5 Table 4.2 / SDP3.5)
- Yalberton Industrial Estate, Paignton (Policy Table 4.2 / SDP3)

Refurbishment of existing sites:

- Yalberton Industrial Estate, Paignton (Policy SS5 Table 4.2 / SDP3)

Town Centre regeneration:

- Victoria Centre, Crossways and Harbour (Policy SS5 Table 4.2 / SDP2)

Opportunities in the built up area:

- Claylands, Paignton (Policy SS5 Table 4.2 SDP1/SDP3)

Future Growth Areas

- Yalberton - Jackson land and Bookhams (Policy SS5 Table 4.2 / SDP3)
- Collaton St Mary, Paignton, proposed village centre enhancement (Policy SS5 Table 4.2 / SDP3)

Housing Sites:

Paignton Town Centre and Harbour:

- 590 dwellings (Policy SS12 Table 4.3)

Paignton North and Western Area:

- 2,250 dwellings (Policy SS12 Table 4.3)

Elsewhere in Paignton, including windfalls of 52 per year on sites of 5 or less:

- 1,450 dwellings (Policy SS12 Table 4.3)

2.9 The proposed Neighbourhood Plan is

- not including any further sites than those in the 'adopted' Local Plan;
- not allocating any replacement sites to those in the 'adopted' Local Plan;
- not proposing any additional housing to that set out in the 'adopted' Local Plan
- recognising that the Local Plan **(SA)** and **(HRA)** have already been the subject of consultation with the three SEA bodies at statutory plan making level and scrutiny of formal Examination by a Planning Inspector.

2.10 For continuity the Neighbourhood Plan will show each site in the Local Plan for information, with any update of estimated delivery timescale, but not as a

process of re-allocating the sites involved. This would meet the 'Basic Conditions' requirement of general conformity with the strategic policies of the Local Plan.

The Neighbourhood Plan and 'sensitive areas'

2.11 Government internet based National Planning Practice Guidance (**NPPG**) provides guidance on sites and areas that should be deemed as 'sensitive areas' for the purposes of screening projects in relation to environmental impact assessment (NPPG 033 ID: 4-033-20140306):

- Sites of Special Scientific Interest (SSSI);
- Natura 2000 sites;
- National Parks;
- Areas of Outstanding Natural Beauty (AONB);
- World Heritage Sites;
- Scheduled monuments.

2.12 The position in relation to the designated Paignton Neighbourhood Plan area is as follows:

SSSI's: - Within the boundary of the Neighbourhood Plan there is one SSSI - located on the coastline at Roundham Head. Two further SSSI's are located just beyond the boundary - at Saltern Cove on the seaward side approximately 500 meters to the east, and at Occombe located 500m to the north. All 3 are listed in Appendix E of the 'adopted' Local Plan that has been formally examined.

Natura 2000 sites: - The South Hams Special Area of Conservation (**SAC**) extends over all of the designated Neighbourhood area with a network of flight paths of the Greater Horseshoe Bat and a sustenance zone radiating some 8 km from the maternity roost at Berry Head. The effect of further development on the SAC and protected Cirl Buntings was examined as part of the 'adopted' Local Plan.

National Parks: - The nearest is Dartmoor National Park located approximately 10km north west of the designated Neighbourhood Area.

AONB:- No part of an AONB falls within the designated Neighbourhood Plan area. The nearest is the South Devon AONB which lies approximately 1 km to the south west of the Neighbourhood Area at its nearest point. The effect on the AONB of further development was examined through the HRA as part of the 'adopted' Local Plan.

World Heritage Sites:- Dorset and East Devon Coast line (2001) located approximately 40km to the north. The eastern coastline of the designated Neighbourhood Area forms part of the English Riviera UNESCO Global Geopark (2007) which recognises Torbay's geological landscapes of international significance.

Scheduled monuments: - Three lie within the designated Neighbourhood Plan Area as listed in Appendix F of the 'adopted' Local Plan:

- The Bishops Palace, Tower Road (town centre)
- Two prehistoric hilltop enclosures. A ditch system and four bowl barrows, 300m north of Barton Pines (lying partly within the neighbouring authority)
- Two bowl barrows at Beacon Hill, 120m south of the Beacon ((lying partly within the neighbouring authority)

Other key environmental assets:

2.13 Though not listed as 'sensitive sites' the following have also been taken into account as also shown in Appendix F of the 'adopted' Local Plan:

Designated Conservation Areas: - There are 4 within the designated Neighbourhood Area:

- Roundham and Paignton Harbour (designated 1985)
- Old Paignton (designated 1986)
- Shorton (designated 1989)
- Polsham (designated 2001)

Listed Buildings: - There are 165 nationally listed buildings within the designated Neighbourhood Area, including 1 Grade 1 building (Parish Church of St John the Baptist in Church Street) and 4 Grade II* listed buildings.

3. Potential Environmental Effects

3.1 Table 3.1 presents the environmental effects which have the potential to arise as a result of the proposed Neighbourhood Plan together with a commentary on whether these effects are likely to be 'significant'. The environmental effects have been grouped by the SEA 'topics' suggested by the SEA Directive and SEA Regulations.

3.2 The SEA is 'of a procedural nature' (para 9 of the Directive preamble) and does not set out to prescribe particular issues that should and should not be a focus, beyond requiring a focus on 'the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the factors'.

Table 3.1: Potential environmental effects of the Paignton Neighbourhood Plan and their significance

SEA Topic	Likely effect? Y/N	Effect likely to be significant in the context of SEA?
Biodiversity, flora and fauna (Including biodiversity habitats and species, biodiversity sites, areas of geological interest)	Y	The effect of further development on biodiversity sites within and near to the Neighbourhood Plan area that are deemed as 'sensitive areas' as defined by the NPPG have been considered at plan making level as part of the recently 'adopted' Local Plan process. In terms of any further proposals, the evolving Neighbourhood Plan has at its core the enhancement of green infrastructure networks in the Neighbourhood area. Therefore the effects on biodiversity of any further Neighbourhood Plan proposals are <u>unlikely to be significant</u> .
Population (Including residents' quality of life, accessibility to services and facilities, deprivation and similar)	Y	The benefits for residents of Paignton from a well-designed Neighbourhood Plan have the potential to be wide-ranging, but are <u>unlikely to be significant</u> in the context of the SEA Directive
Human Health (Incorporating residents' health and wellbeing)	Y	The health and wellbeing benefits for residents of Paignton from a well-designed Neighbourhood Plan have the potential to be wide-ranging, but are <u>unlikely to be significant</u> in the context of the SEA Directive.
Soil (Including agricultural land, soil erosion, soil quality)	Y	The effect of further development on soil within and near to the Neighbourhood Plan area is deemed to have been considered at plan making level as part of the recently 'adopted' Local Plan process. In terms of any further proposals, the Neighbourhood Plan has at its core the protection and enhancement of the countryside and natural features. The effect on soil is <u>unlikely to be significant</u> in the context of the SEA Directive.

SEA Topic	Likely effect? Y/N	Effect likely to be significant in the context of SEA?
Water (Including water quality and availability)	Y	The effect of further development on water within and near to the Neighbourhood Plan area have been considered at plan making level as part of the recently 'adopted' Local Plan process. In terms of any further proposals in the Neighbourhood Plan the effects on water are <u>unlikely to be significant</u>.
Air (Including air quality)	N	The effect of further development on air within and near to the Neighbourhood Plan area is deemed to have been considered at plan making level as part of the recently 'adopted' Local Plan process. In terms of any further proposals in the Neighbourhood Plan the effects on air are <u>unlikely to be significant</u>.
Climatic Factors (Including relating to climate change mitigation (limiting greenhouse gas emissions) and adaptation (adapting to the anticipated effects of climate change, including flood risk))	Y	The effect on climatic factors of further development within and near to the Neighbourhood Plan area is deemed to have been considered at plan making level as part of the recently 'adopted' Local Plan process. The nature and magnitude of any further proposals in the Neighbourhood Plan in terms of the effects on climatic factors are <u>unlikely to be significant</u> in the context of the SEA Directive
Material Assets (Including minerals resources, waste considerations)	Y	The effects of further development on sites within and near to the Neighbourhood Plan area have been considered at plan making level as part of the recently 'adopted' Local Plan process. Due to the nature and magnitude of any further proposals in the Neighbourhood Plan the effects on material assets are <u>unlikely to be significant</u> in the context of the SEA Directive

SEA Topic	Likely effect? Y/N	Effect likely to be significant in the context of SEA?
Cultural Heritage (Including historic environment, cultural heritage, historic settings)	Y	The effects of further development on cultural heritage sites within and near to the Neighbourhood Plan area have been considered at plan making level as part of the recently 'adopted' Local Plan process. Due to the nature and magnitude of any further proposals in the Neighbourhood Plan the effects are <u>unlikely to be significant</u> in the context of the SEA Directive
Landscape (Including landscape and townscape quality)	Y	The effects of further development on landscape, including townscape, within and near to the Neighbourhood Plan area have been considered at plan making level as part of the recently 'adopted' Local Plan process. Due to the nature and magnitude of any further proposals in the Neighbourhood Plan the effects are <u>unlikely to be significant</u> in the context of the SEA Directive

4. Summary of screening opinion and statutory responses

4.1 This screening opinion has considered whether the Paignton Neighbourhood Plan is likely to lead to significant environmental effects having regard to the SEA Directive (2001/42/EC) and related SEA Regulations of 2004 referred to in paragraph 1.3.

4.2 The conclusion reached is that the Neighbourhood Plan itself will not have significant effects on the environment. The nature and scale of proposals (in addition to those in the 'adopted' Local Plan) arising from the Neighbourhood Plan are unlikely to be significant in the context of the SEA Directive and Regulations and would not replace the need for 'project level' environmental impact assessment in due course where planning applications are required.

4.3 For these reasons, it is concluded that the Paignton Neighbourhood Plan is not subject to the requirements of the SEA Directive and SEA Regulations which means the SEA process is not deemed to be required to accompany the development of the Paignton Neighbourhood Plan.

4.4 In accordance with Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004, a copy of this screening opinion has been provided to the statutory consultation bodies for SEA for their opinion as indicated in the **Consultation Response** template attached.

4.5 In due course, the determination and statement of reasons will be published in line with SEA Regulation 11.

Consultation Response Template

Q.1 The effects of the Neighbourhood Plan are unlikely to be significant in terms of the SEA Directive and SEA Regulations of 2004

Please indicate your response:

Historic England ☐ Agreed ☐ Not agreed

Environment Agency ☐ Agreed ☐ Not agreed

Natural England ☐ Agreed ☐ Not agreed

Q.2 If "Not agreed" please indicate the SEA Topic and likely significant effects:

Q.3 If "Not agreed", please provide any supplementary information that would help in undertaking a SEA:

Please send your response by email to the Forum and Council contact shown below:

dwdw@paigntonneighbourhoodplan.org.uk

copied to: Future.Planning@torbay.gov.uk

alternatively, in writing to each of the postal addresses shown at paragraph 2.2 of this statement.

Consultation period:

Please provide any response within 5 weeks by no later than **XX-April-2016** in accordance Regulations 9 1(b) and 12 (6) of the Environmental Assessment of Plans and Programmes Regulation 2004.