



# Habitats Regulations Assessment of the Exeter Plan (Full Draft Plan)

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## Summary

The Conservation of Habitats and Species Regulations 2017 (as amended) require local authorities to assess the impact of their local plan on the internationally important sites for biodiversity in and around their administrative areas. Together, these Special Protection Areas, Special Areas of Conservation and Ramsar sites are known as European sites. The task is achieved by means of a Habitats Regulations Assessment (HRA).

An HRA asks very specific questions of a plan. Firstly, it 'screens' the plan to identify if there is a risk that certain policies or allocations may have a 'likely significant effect' on a European site, alone or (if necessary) in-combination with other plans and projects. If the risk of likely significant effects can be ruled out, then the plan may be adopted but if they cannot, the plan must be subjected to the greater scrutiny of an 'appropriate assessment' to find out if the plan will have an 'adverse effect on the integrity' of the European sites.

Following an appropriate assessment, a Plan may only be adopted if an adverse effect on the integrity of the site can be ruled out. If necessary, a plan should be amended to avoid or mitigate any likely conflicts. This usually means that some policies or allocations will need to be modified or, more unusually, may have to be removed altogether.

This document is an interim HRA report (that will be expanded as the Plan is finalised) to accompany the Exeter Plan at the Full Draft Plan stage, in October 2023. The HRA will continue to progress as the Plan develops.

An initial screening of the Plan identified the potential for likely significant effects with respect to a number of different impact pathways:

- General urban effects, likely significant effects alone were identified for the Exe Estuary SPA/Ramsar for two separate allocations (Sites 84 and 94).
- Recreation, likely significant effects were identified alone for the Exe Estuary SPA/Ramsar, East Devon Heaths SAC/SPA<sup>1</sup>, Dawlish Warren SAC, South Dartmoor Woods SAC from the overall quantum of growth set out in H1 and H2. Likely significant effects were also identified for recreation for all allocations, in combination, for the same European sites.
- Hydrological impacts, likely significant effects were identified in-combination for the overall quantum of growth and the individual allocations with respect to the Exe Estuary SPA/Ramsar.
- Air quality, likely significant effects were identified in-combination for the overall quantum of growth and the individual allocations with risks to the East Devon Heaths SAC/SPA, Exe Estuary SPA/Ramsar and South Dartmoor Woods SAC.

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<sup>1</sup> We use this term to refer to both the East Devon Pebblebed Heaths SAC and the East Devon Heaths SPA, which have identical boundaries

For each impact pathway we review the information available to inform the appropriate assessment and identify areas where further evidence or information are required and also highlight where changes or additional policy wording may be necessary as the Plan progresses.

For general urban effects we identify the need for specific policy wording with respect to site 84.

For recreation, further evidence is required in relation to the South Dartmoor Woods SAC. Discussion is required with neighbouring authorities, Dartmoor National Park and Natural England in order to ascertain whether there is more information available on visitor use and recreation impacts. Some additional evidence gathering may be required and mitigation may be necessary. For recreation we highlight the importance of the existing strategic mitigation approach for the Exe Estuary SPA/Ramsar/East Devon Heaths SAC/SPA and Dawlish Warren SAC; the strategy has been running since 2014 and a review and update has been commissioned. This will be available prior to the Plan being finalised and the next version of the HRA will need to ensure the strategy includes adequate mitigation for the levels of growth set out in the Plan.

The studies required or evidence needed to inform the assessment of air pollution and water resources, respectively, have not yet been carried out or have not been finalised, respectively. Whilst work will continue on both these issues and will inform further updates of the plan and the HRA, at present adverse effects on the integrity of several European sites cannot be ruled out.

Additional evidence gathering and checks are therefore required prior to the next iteration of the HRA, which will include a complete rescreen of the Plan and appropriate assessment.

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# 1. Introduction

## Overview

- 1.1 This report is an interim Habitats Regulations Assessment (HRA) report to accompany the Exeter Plan ('the Plan') at the Full Draft Plan stage. This report has been prepared by Footprint Ecology on behalf of Exeter City Council. A HRA assesses the implications of a plan for legally protected European sites.
- 1.2 This report will be updated each stage of the Plan and the HRA will be finalised at the point at which the Plan is ready for adoption.

## The Exeter Plan

- 1.3 Exeter City covers an area just under 4800ha and is the county town of Devon. It lies at the head of the Exe Estuary, around 10km from the open coast.
- 1.4 The Exeter Plan will be the main planning policy document for Exeter and will set out where development should take place and provide the policies which will be used in making decisions on planning applications. It will eventually replace the policies in the Core Strategy and the Local Plan First Review.
- 1.5 Work on the Exeter Plan commenced in 2020. The Full Draft Plan builds on the Outline Draft Plan which went out to consultation in 2022. The Full Draft Plan provides a full set of proposed planning policies and more detailed information on brownfield development sites. Following consultation on the Full Draft Plan, Exeter City Council will produce a publication version, which will be published for comment before being submitted to the Planning Inspectorate for examination.

## Habitats Regulations Assessment process

- 1.6 The designation, protection and restoration of European wildlife sites is embedded in the Conservation of Habitats and Species Regulations 2017, as amended, which are commonly referred to as the 'Habitats Regulations'. Importantly, the most recent amendments (the Conservation of Habitats and

Species (amendment) (EU Exit) Regulations 2019<sup>2</sup>) take account of the UK's departure from the EU.

- 1.7 Regulation 105 *et seq* addresses the assessment of local plans and determines the scope of this HRA alongside recent Government Guidance on the interpretation and application of the Regulations<sup>3</sup>.

### *European sites*

- 1.8 'European sites' are the cornerstone of UK nature conservation policy. Each forms part of a 'national network' of sites that are afforded the highest degree of protection in domestic policy and law. They comprise Special Protection Areas (SPA) classified under the 1979 Birds Directive and Special Areas of Conservation (SAC) designated under the 1992 Habitats Directive. As a matter of policy, potential SPAs (pSPAs), possible SACs (pSACs) and those providing formal compensation for losses to European sites, are also given the same protection<sup>4</sup>.
- 1.9 The network safeguards the most valuable and threatened habitats and species across the country and Europe. Prior to Brexit, this formed part of the EU-wide Natura 2000 network of SPAs and SACs to form the largest, coordinated network of protected areas in the world.
- 1.10 The designations made under the European Directives still apply and the term, 'European site' remains in use. According to long-established

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<sup>2</sup> The amending regulations generally seek to retain the requirements of the 2017 Regulations but with adjustments for the UK's exit from the European Union. See Regulation 4, which also confirms that the interpretation of these Regulations as they had effect, or any guidance as it applied, before exit day, shall continue to do so.

<sup>3</sup> Habitats regulations assessments: protecting a European site. Defra and Natural England. 24 February 2021. <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>

<sup>4</sup> For the avoidance of doubt, the list of statutory European sites also comprises: A site submitted by the UK to the European Commission (EC) before Exit Day (a candidate SAC or cSAC) as eligible for selection as a Site of Community Importance (SCI) but not yet entered on the ECs list of SCI, until such time as the Appropriate Authority has designated the site or it has notified the statutory nature conservation body that it does not intend to designate the site. After Exit Day, no further cSACs will be submitted to the EU. Statutory European sites also include SCI included on a list of such sites by the European Commission from cSACs submitted by the UK before the UK left the EU, until such time as the UK designates the site when it will become a fully designated SAC.



Government policy<sup>5</sup>, European sites also comprise 'Wetlands of International Importance' (or Ramsar sites) although these do not form part of the national network.

- 1.11 The overarching objectives of the national network are to maintain, or where appropriate, restore habitats and species listed in Annexes I and II of the Habitats Directive to a Favourable Conservation Status, and contribute to ensuring, in their area of distribution, the survival and reproduction of wild birds and securing compliance with the overarching aims of the Wild Birds Directive.
- 1.12 The appropriate authorities must have regard to the importance of protected sites, coherence of the national site network and threats of degradation or destruction (including deterioration and disturbance of protected features) on SPAs and SACs.

### *Role of the competent authority*

- 1.13 Although this HRA has been prepared to help the Council discharge its duties under the Habitats Regulations, the Council is the competent authority, and it must decide whether to accept this report or otherwise. Further, it should be noted that this HRA has been prepared for the purposes of preparing and examining the Plan. Individual allocations will need to be reviewed when they become the subject of an individual planning application, to ensure that if further assessment under the Habitats Regulations is necessary, it is undertaken in accordance with the requirements of appropriate assessment.

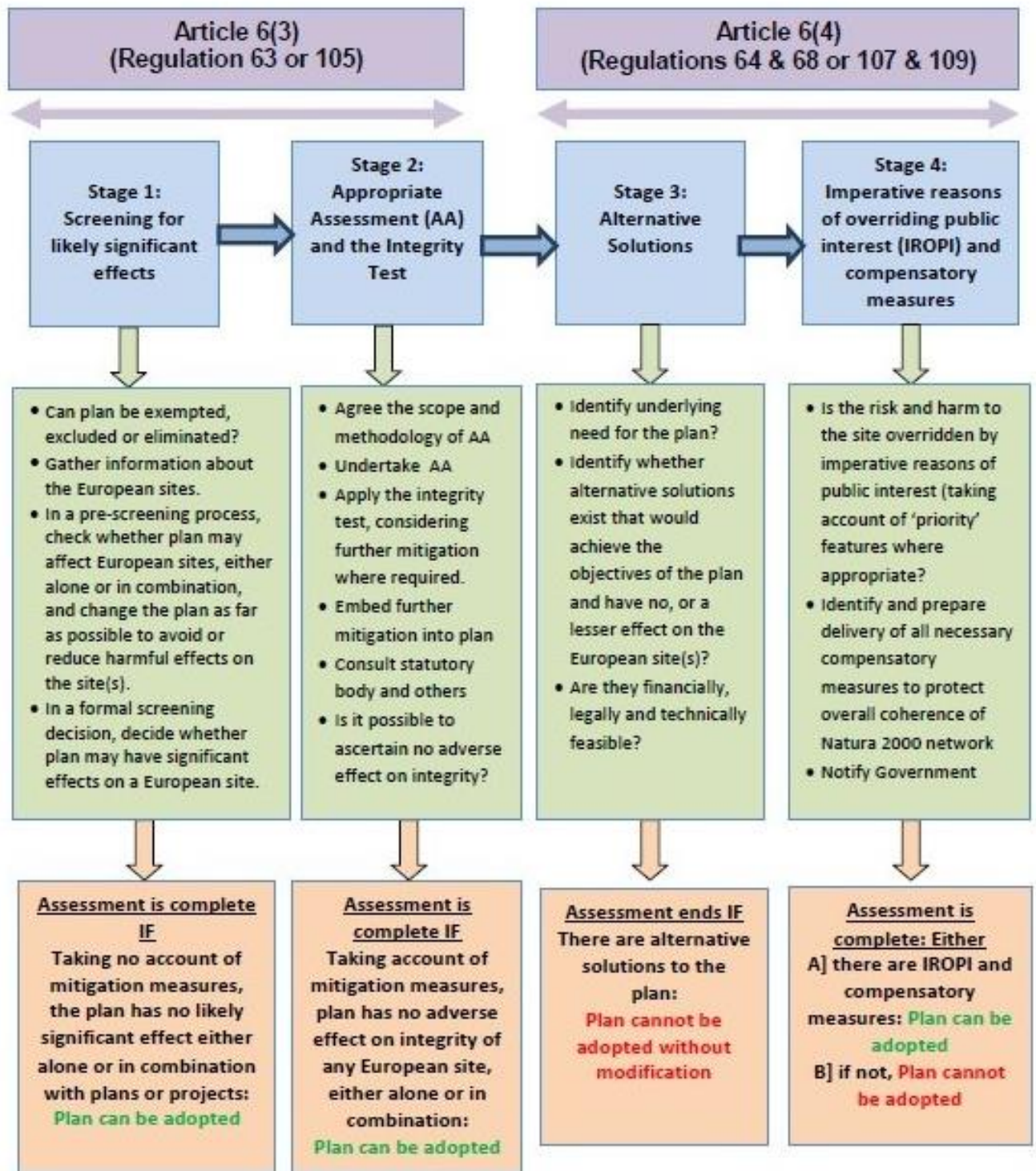
### *Process*

- 1.14 The step-by-step process of HRA is summarised in Figure 1. Though dated prior to the latest amendments to the Regulations, the same tests still apply and it remains valid.

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<sup>5</sup> ODPM Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System (16 August 2005), to be read in conjunction with the current NPPF, other Government guidance and the current version of the Habitats Regulations.

Outline of the four-stage approach to the assessment of plans under the Habitats Regulations



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Figure 1: Outline of the assessment of plans under the Habitat Regulations

- 1.15 Throughout all stages, there is a continual consideration of the options available to avoid and mitigate any identified potential impacts. A competent authority may consider that there is a need to undertake further levels of evidence gathering and evaluation at the appropriate assessment stage in order to provide the necessary certainty. At this point the competent authority may identify the need to add to or modify the plan in order to adequately protect the European site, and these mitigation measures may be added through the imposition of particular restrictions and conditions.
- 1.16 For plans, the stages of HRA are often quite fluid, with the plan normally being prepared by the competent authority itself. This gives the competent authority the opportunity to repeatedly explore options to prevent impacts, refine the plan and rescreen it to demonstrate that all potential risks to European sites have been successfully dealt with.
- 1.17 When preparing a plan, a competent authority may therefore go through a continued assessment as the plan develops, enabling the assessment to inform the development of the plan. For example, a competent authority may choose to pursue an amended or different option where impacts can be avoided, rather than continue to assess an option that has the potential to significantly affect European site interest features.
- 1.18 After completing an assessment, a competent authority should only adopt a plan where it can be ascertained that there will not be an adverse effect on the integrity of the European site(s) in question. In order to reach this conclusion, the competent authority may have made changes to the plan, or modified the project with restrictions or conditions, in light of their Appropriate Assessment findings.
- 1.19 Where adverse effects cannot be ruled out, further exceptional tests are set out in Regulation 107. In exceptional cases, this allows a plan to be taken forward where there are no 'alternative solutions', where 'imperative reasons of overriding public interest' apply and where compensation can be delivered. It should be noted that meeting these tests is a rare last resort and ordinarily, competent authorities seek to ensure that a plan or project is fully mitigated for, or it does not proceed.
- 1.20 In such circumstances where a competent authority considers that a plan should proceed under Regulations 107, they must notify the relevant Secretary of State. Normally, planning decisions and competent authority duties are then transferred, becoming the responsibility of the Secretary of State, unless on considering the information, the planning authority is

directed by the Secretary of State to make their own decision on the plan or project at the local level. The decision maker, whether the Secretary of State or the planning authority, should give full consideration to any proposed ‘overriding reasons’ for which a plan or project should proceed despite being unable to rule out adverse effects on European site interest features, and ensure that those reasons are in the public interest and are such that they override the potential harm. The decision maker will also need to secure any necessary compensatory measures, to ensure the continued overall coherence of the European site network if such a plan or project is allowed to proceed. However, it is understood that the Council would not wish to pursue these derogations.

### *Definitions, references to case law and guidance*

- 1.21 This HRA follows principles of case law, both UK and EU. It also refers as appropriate to the Habitats Regulations Assessment Handbook (Tyldesley & Chapman, 2021), to which Footprint Ecology subscribes. We also follow relevant government guidance.
- 1.22 Drawing on the Handbook, other relevant guidance and case law, we clarify the following terms used in the flow chart (Figure 1):
- 1.23 In Stage 1, A ‘**likely significant effect**’ following Waddenzee<sup>6</sup>, is a ‘*possible significant effect; one whose occurrence cannot be excluded on the basis of objective information*’. It is a low threshold and simply means that there is a risk or doubt regarding such an effect. The screening stage is a preliminary examination, sometimes described as a coarse filter, or following Sweetman<sup>7</sup>, as ‘*a trigger for the obligation to carry out an appropriate assessment*’. There should however be credible evidence to show that there is a real rather than a hypothetical risk of effects that could undermine a site’s conservation objectives. This was amplified in the Bagmoor Wind<sup>8</sup> case where ‘*if the absence of risk... can only be demonstrated after a detailed investigation, or expert opinion, [then] the authority must move from preliminary examination to appropriate assessment*’.

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<sup>6</sup> Waddenzee: European Courts C-127/02 Waddenzee 7<sup>th</sup> September 2004, reference for a preliminary ruling from the Raad van State.

<sup>7</sup> Sweetman: European Court C – 258/11 Sweetman 11<sup>th</sup> April 2013, reference for a preliminary ruling from the Supreme Court of Ireland

<sup>8</sup> Bagmoor Wind: UK courts Bagmoor Wind v The Scottish Ministers, Court of Session [2012] CSIH 93

- 1.24 Following the People Over Wind judgement<sup>9</sup>, when making screening decisions for the purposes of deciding whether an appropriate assessment is required, competent authorities cannot take into account any mitigation measures.
- 1.25 Stage 2 involves the **appropriate assessment and integrity test**. Here a plan can only be adopted if the competent authority can demonstrate that it will not adversely affect the integrity of the European site. This is precautionary approach and means it is necessary to show the absence of harm.
- 1.26 Following Champion<sup>10</sup> **'appropriate'** is not a technical term but simply indicates that the assessment needs to be appropriate to the task in hand.
- 1.27 The **integrity** of a European site has been described as the 'coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified<sup>11</sup>. An alternative definition, after Sweetman<sup>12</sup>, is 'the lasting preservation of the constitutive characteristics of the site'.
- 1.28 In terms of the burden of proof, the HRA of development plans was first made a requirement in the UK following a ruling by the European Court of Justice in EC v UK<sup>13</sup>. However, the judgement<sup>14</sup> recognised that any assessment had to reflect the actual stage in the strategic planning process and the level of evidence that might or might not be available. This was given expression in the High Court (Feeney)<sup>15</sup> which stated: "*Each ... assessment ... cannot do more than the level of detail of the strategy at that stage permits*".
- 1.29 The need to consider possible **in-combination** effects arises at stage 1 – the screening and also at stage 2 – the appropriate assessment and integrity test. The effects of the plan in-combination with other plans or projects are the cumulative effects which will or might arise from the addition of the effects of other relevant plans or projects alongside the plan under

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<sup>9</sup> *People Over Wind and Sweetman v Coillte Teoranta* (323-17) [2018] PTSR 1668

<sup>10</sup> *R (on the application of Champion v North Norfolk District Council* [2015] 1 WLR 3170 at para 41

<sup>11</sup> Para 20 of the ODPM Circ. 06/2005

<sup>12</sup> *Sweetman v An Bord Pleanála* (C-258-11) [2014] PTSR 1092 at paragraph 39

<sup>13</sup> *Commission v UK* (C-6/04) [2005] ECR I-9017

<sup>14</sup> *Commission of the European Communities v UK* Opinion of Advocate General Kokott

<sup>15</sup> *Feeney v Oxford City Council* [2011] EWHC 2699 Admin at paragraph 92

consideration. If during the stage 1 screening it is found the subject plan would have no likely effect alone, but might have such an effect in-combination then the appropriate assessment at stage 2 will proceed to consider cumulative effects. Where a plan is screened as having a likely significant effect alone, the appropriate assessment should initially concentrate on its effects alone. Exceptionally, the Wealden decision<sup>16</sup> requires the impacts of air pollution to be considered alone and in-combination.

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<sup>16</sup> Wealden District Council v Secretary of State for Communities and Local Government, Lewes District Council and the South Downs National Park Authority (Defendants) and Natural England (Interested Party) [2017] EWHC 351 (Admin).

## 2. European sites in and around Exeter

### Overview of potentially relevant European sites

- 2.1 We have used 20km from the City boundary as an initial area of search (20km providing a reasonable area of search within which policies could reasonably be considered to generate measurable effects). Air quality impacts at plan level are typically considered to relate to a 10km distance (Chapman & Kite, 2021) while generic analysis of Footprint Ecology visitor data to countryside sites in the UK (Weitowitz et al., 2019) indicates that the majority of visitors originate within a 12.6km radius. The choice of 20km is therefore precautionary.
- 2.2 Sites that fall within this initial area of search are listed in Table 1. SAC sites are shown in Map 1 and the map highlights those within 20km. Similarly Map 2 shows SPA and Ramsar sites and those which are within 20km. For the avoidance of doubt Dartmoor SAC lies beyond 20km and is excluded from further consideration. The nearest part of Dartmoor SAC is 20.6km from the edge of the Exeter administrative boundary and most of the SAC lies much further away from the western edge of the city (over 40km for some parts).

**Table 1: European Sites within a 20km radius.**

SAC	SPA	Ramsar
Dawlish Warren	East Devon Heaths	Exe Estuary
East Devon Pebblebed Heaths	Exe Estuary	
Lyme Bay & Torbay		
Sidmouth To West Bay		
South Dartmoor Woods		
South Hams		

### *Overlapping site boundaries*

- 2.3 It should be noted that the East Devon Pebblebed Heaths SAC and the East Devon Heaths SPA have identical boundaries and in the rest of this report we will refer to the East Devon Heaths SAC/SPA where we mean both sites together. Where we use the specific site name then the text is specific to the relevant site (i.e. the SAC or SPA). Similarly, we use the Exe Estuary SPA/Ramsar when referring to both the Exe Estuary SPA and Ramsar site together (again the boundaries overlap).



## Initial review of sites and potential impact pathways

- 2.4 Potential impact pathways - ways in which elements of the Plan might impact the relevant European sites - are summarised in Table 2. Potential impact pathways are then summarised by European site in Table 3. Many of the European sites listed are well outside the Exeter City boundary and as such impacts such as direct loss of habitat are not relevant. The Plan relates to the growth within the city and therefore will predominantly involve brownfield sites and development within the existing urban area. Impacts such as fragmentation or loss of supporting habitat associated with European sites can therefore also be ruled out at an early stage. Impacts are therefore indirect and could apply to a limited number of sites. It can be seen that there are no potential pathways identified that might relate to Lyme Bay and Torbay SAC, Sidmouth to West Bay SAC or South Hams SAC, predominantly due to the distances involved. Recreation impacts could be relevant with respect to the coastal sites (e.g. Liley & Bishop, 2022), however such risks relate to specialist activities and very specific locations (see Liley & Bishop, 2022 for discussion) which would not be relevant to growth in Exeter.



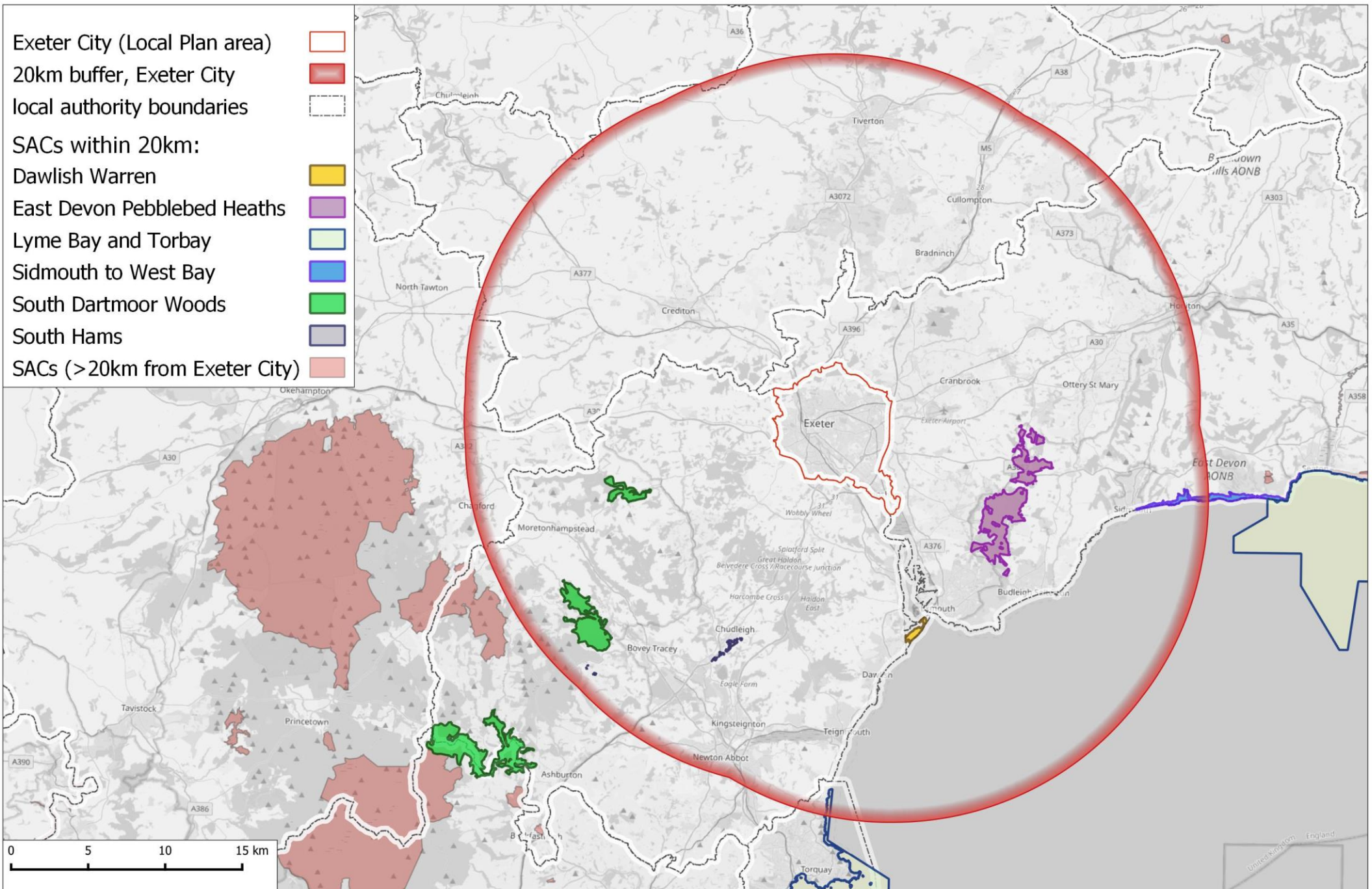
**Table 2: Impact Pathways**

Pathway	Explanation
General urban effects	Effects on a European site from nearby development, including light, noise, domestic cats, spread of invasive species, etc. Either adding to existing levels in urban areas or creating new issues in non-urban areas, for example affecting the ability of light sensitive species to navigate the landscape or deterring use of existing habitat/feeding/roosting sites.
Recreation impacts	Effects on a European site caused by human use of site for recreational activities and their consequences, including walking, riding, sports, organised activities etc. Effects may include direct disturbance of species by people, dogs or vehicles, trampling, erosion, fire, vandalism, fly tipping.
Hydrological impacts (water quality & availability)	Effects on a European site from altered local water quality or from interruption, reduction or other interference of local hydrology, including groundwater, surface standing water or watercourses.
Air Quality	Effects on a European site from changes in local air quality, primarily likely from increased vehicle traffic associated with growth in the Plan.

**Table 3: Potential impact pathways with a tick indicating where the pathway is relevant to the site. Distances are the approximate distances from the nearest part of the European site to the nearest part of the city boundary. No distances are given for the Exe Estuary SPA/Ramsar as it falls within the city boundary.**

Site	Distance (km)	General urban effects	Recreation impacts	Hydrological impacts (water quality & availability)	Air Quality	Notes
East Devon Pebblebed Heaths SAC	5.4		✓		✓	Included in existing mitigation strategy relating to recreation. Crossed by roads with direct connection to Exeter, so air quality relevant. Well outside city boundary and above the city, so no issues from run off etc and hydrology of site linked to groundwater (not likely to be affected by development in Exeter) so no hydrological links. Too far outside city for any risk of urban effects.
East Devon Heaths SPA	5.4		✓		✓	As above.
Dawlish Warren SAC	7.0		✓			Included in existing mitigation strategy relating to recreation. A379 (Exeter Road) well beyond 200m and only tiny proportion of site just within 200m of minor roads, so air quality not relevant. Train track separates site from housing. Too far from city for risks relating to hydrology, urbanisation etc.
Exe Estuary Ramsar		✓	✓	✓	✓	Site falls within city boundary. Direct hydrological links, access and roads within 200m.
Exe Estuary SPA		✓	✓	✓	✓	As above.
Lyme Bay & Torbay SAC	17.7					Marine SAC with sea caves and reefs the qualifying interest. Links only plausible from recreation and quite specialist activities (such as coastering) and therefore ruled out from further assessment.
Sidmouth to West Bay SAC	15.4					Habitat interest relates to cliffs and beaches. Distance from the city means site can be ruled out from further assessment.
South Dartmoor Woods SAC	8.7		✓		✓	Woodland sites within relatively close proximity to city. Potential for impacts from increased recreation (dog walking) and air quality (road traffic).
South Hams SAC	11.2					Site interest relates to bats and coastal (predominantly cliff) habitats. Distance means site can be ruled out from further assessment.

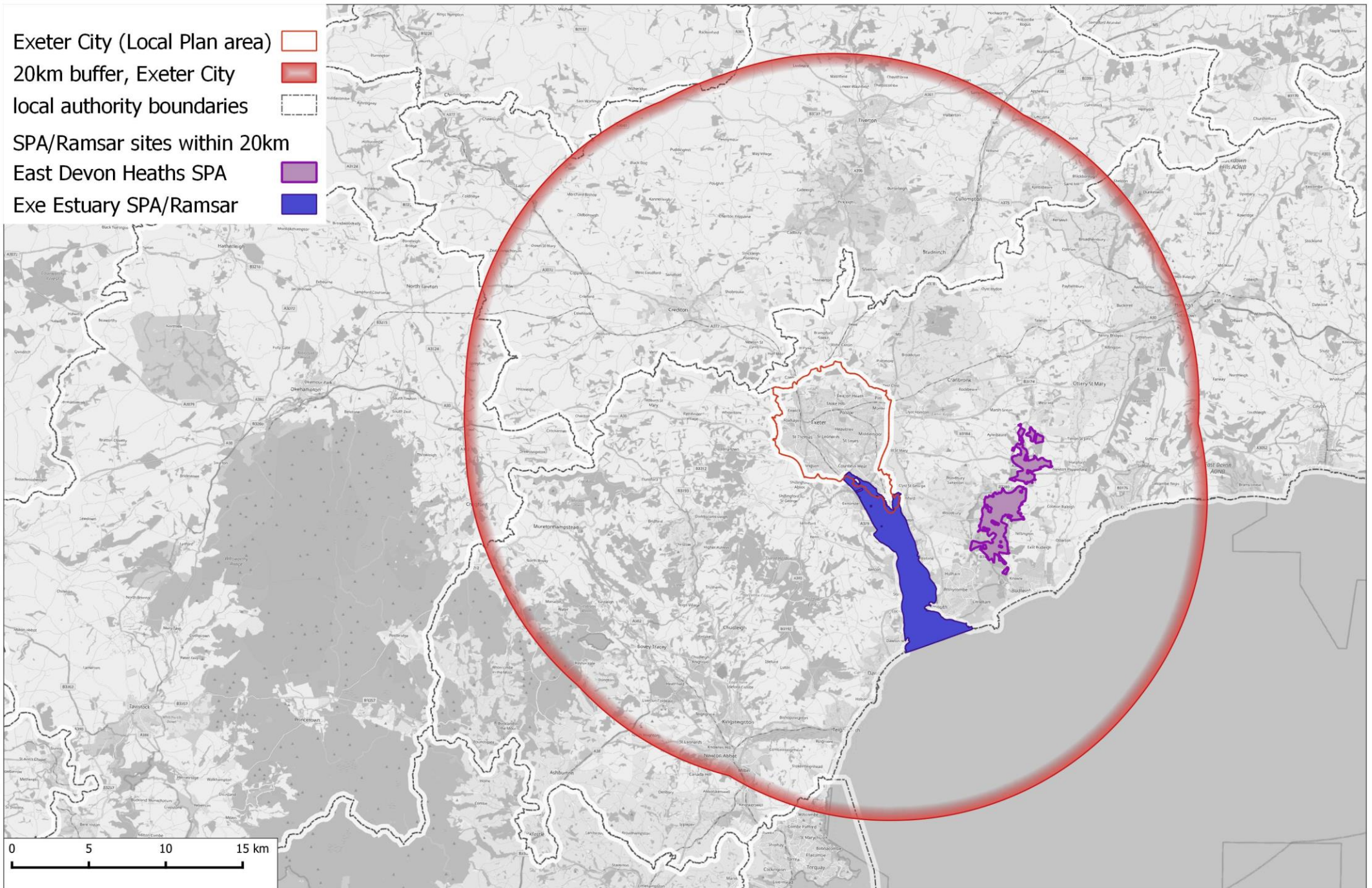
**Map 1: SACs within 20km**



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## Map 2: SPA/Ramsar sites



2.5 In assessing the implications of any plan or project on European sites, it is essential to fully understand the ecology and sensitivity of the sites, in order to identify how they may be affected. Appendix 1 summarises the generic conservation objectives and Appendix 2 provides detail of the relevant sites, listing their qualifying features, describing the sites and providing links to the relevant detailed conservation advice from Natural England. Appendix 3 lists the threats and pressures for each identified in the relevant site improvement plan.

### 3. Screening for Likely Significant Effects

- 3.1 This section is an initial screening of the policies of the Plan at this stage in the plan making.
- 3.2 The screening is the initial stage in the 4 stage process of HRA. The screening for likely significant effects of a plan involves checking all aspects of the plan and identifying any areas of potential concern, which are then examined in more detail in the appropriate assessment (stage 2) of the HRA. The check for likely significant effects provides an initial test of the plan. It is undertaken to enable the plan maker as competent authority to do two things. Firstly, it narrows down and highlights those elements of the plan that may pose a risk to European sites. Secondly, where an option poses a risk but is a desired element of the plan, the screening exercise identifies where further assessment is necessary in order to determine the nature and magnitude of potential impacts on European sites and what could be done to avoid, cancel, reduce or eliminate those risks. Further assessment and evidence gathering after early screening may include, for example, the commissioning of additional survey work, modelling, researching scientific literature or setting out justifications in accordance with expert opinion.

#### What constitutes a likely significant effect?

- 3.3 Where the screening identifies risks that cannot be avoided with simple clarifications, corrections or instructions for project level HRA, a more detailed assessment is undertaken to gather more information about the likely significant effects and give the necessary scrutiny to potential mitigation measures. This is the appropriate assessment stage of HRA.
- 3.4 A likely significant effect could be concluded on the basis of clear evidence of risk to European site interest, or there could be a scientific and plausible justification for concluding that a risk is present, even in the absence of direct evidence. The latter is an example of the precautionary approach, which is embedded through the HRA process. The precautionary principle should be applied at all stages in the HRA process and follows the principles established in domestic and EU case law.

- 3.5 The screening in this report looks at policies prior to any avoidance/reduction/mitigation measures in line with People Over Wind<sup>17</sup>; mitigation can only be considered at Appropriate Assessment stage. People Over Wind clarified the need to carefully explain actions taken at each HRA stage, particularly at the screening for likely significant effects stage. The Judgment highlights the need for clear distinction between the stages of HRA, and good practice in recognising the function of each. The screening for likely significant effects stage should function as a screening or checking stage (regardless of avoidance/reduction/mitigation measures), to determine whether further assessment is required. Assessing the nature and extent of potential impacts on European site interest features, and the robustness of mitigation options, should be done at the appropriate assessment stage.

## The screening

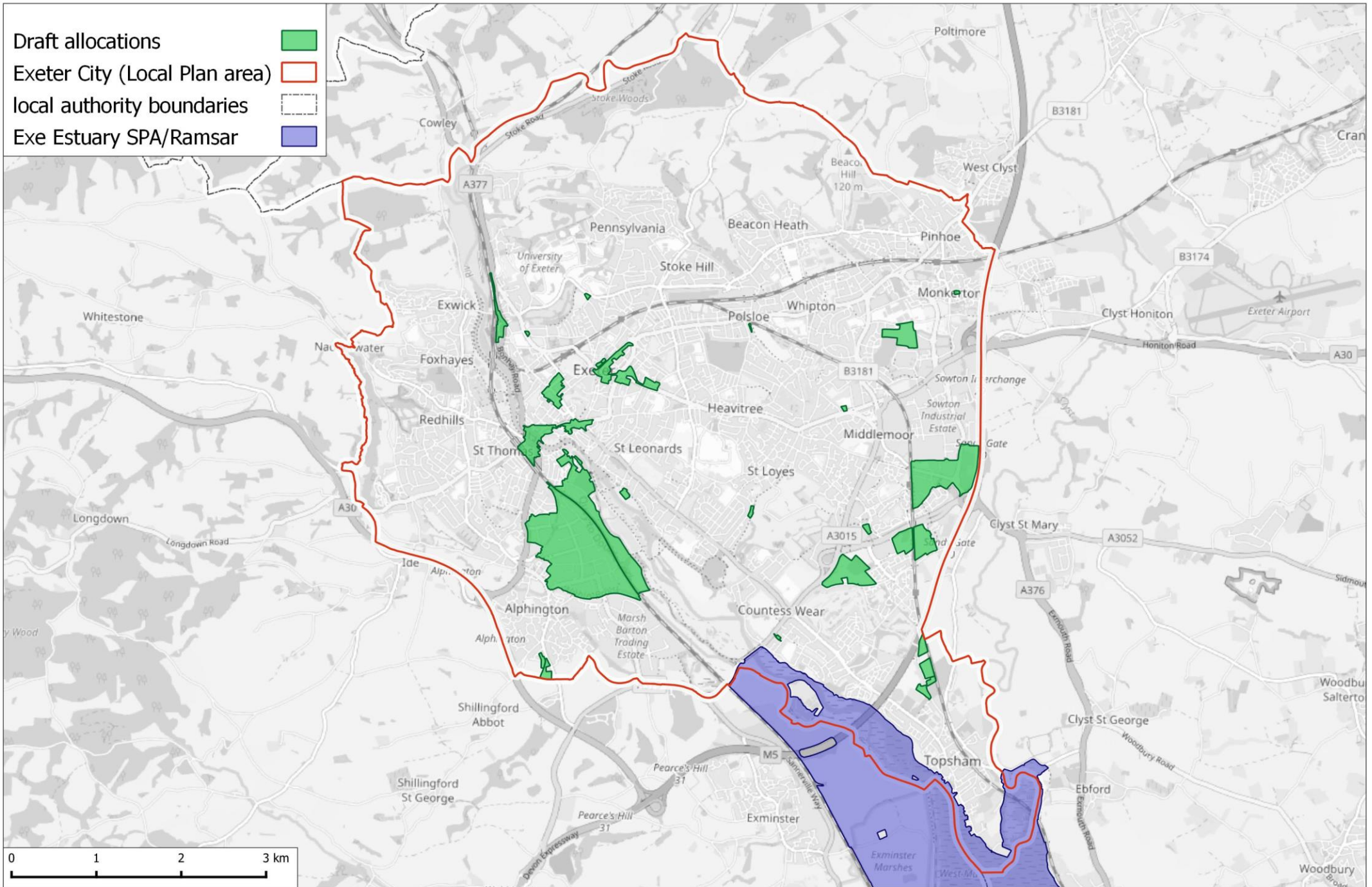
- 3.6 Map 3 shows the allocations within the Plan.
- 3.7 The screening for likely significant effects within Table 4 below provides the screening at this stage in the plan-making. The screening covers the whole plan. Where risks are highlighted and there is a possibility of significant effects on European sites, further and more detailed appropriate assessment will be required. Inevitably there will be precaution in screening elements of the plan, as the purpose of screening for likely significant effects is to identify where there is either no possibility of an effect, or where there are uncertainties.
- 3.8 Below the screening table, Table 5 summarises the distances from each of the allocation sites to each of the European sites. This gives further context. In Table 5, grey shading indicates distances that are below 10km, reflecting the distance used in the mitigation strategy to define the zone of influence for the East Devon Heaths SAC/SPA, Exe Estuary SPA/Ramsar and Dawlish Warren SAC. The shading therefore provides an easy means to identify sites that fall within that zone. Red text indicates distances of 500m or less, highlighting allocations that are particularly close to a European site, and where, for example, urban effects could be relevant.

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<sup>17</sup> People Over Wind: European Court Case C-323/17 People Over Wind & Peter Sweetman v Coillte Teoranta 12 April 2018



Map 3: Allocations and sites within the Plan



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**Table 4: Initial screening of the Outline Draft Plan for likely significant effects. Orange shaded rows with bold text indicates policies that are screened in alone or in-combination. Grey shading/italicised text indicates introductory text and chapter headings, and therefore differentiates chapters/sections of the Plan.**

Plan section/policy	Description	Initial LSE screening	Potential risks	Comments
<i>Explaining the Exeter Plan</i>	<i>Initial text setting context and introduction.</i>	<i>Introductory text. No LSE.</i>		
Our vision for Exeter	Overarching vision.	Strategic text. No LSE.		
<i>Spatial strategy</i>	<i>Introductory text on spatial strategy.</i>	<i>Introductory text. No LSE.</i>		
S1: Spatial strategy	Sets out the main principles for guiding the pattern and characteristics of development in the city.	Strategic text. No LSE.		Very strategic with no quantum of growth set or specific locations.
S2: Liveable Exeter Principles	Broad principles for large scale developments	General statements. No LSE.		
<i>Climate emergency</i>	<i>Introductory text on climate emergency.</i>	<i>Introductory text. No LSE.</i>		
CC1: Net zero Exeter	Lists a range of criteria to ensure development proposals support the achievement of net zero.	General Policy that will not lead to development. No LSE.		Policy provides links to green infrastructure, biodiversity net gain and landscape schemes which are likely to be positive with respect to European sites.
CC2: Renewable and low carbon energy	Broad policies stating that renewable and low carbon developments are favourable.	General Policy that will not lead to development. No LSE.		
CC3: Local energy networks	Identifies locations for local energy networks and criteria	General Policy that will not lead to		

Plan section/policy	Description	Initial LSE screening	Potential risks	Comments
	for new development in the vicinity of such networks.	development. No LSE.		
CC4: Ground-mounted photovoltaic arrays	Sets criteria for choosing locations to place ground-mounted photovoltaic arrays.	General Policy that will not lead to development. No LSE.		Policy linked to green energy, with criteria to avoid adverse effects to European sites. Policy screened out as locations are not specified.
CC5: Future development standards	General policy around carbon emissions in development.	General Policy that will not lead to development. No LSE.		
CC6: Embodied carbon	Broad policy that aims to reduce carbon emissions in major developments.	General Policy that will not lead to development. No LSE.		
CC7: Solar-ready development	Aspiration that all major developments are solar-ready.	General Policy that will not lead to development. No LSE.		
CC8: Flood risk	Sets general criteria relating to flood risk.	General Policy that will not lead to development. No LSE.		
CC9: Water quantity and quality	General policy that promotes water use efficiency and improved ecological status of Exeter's	General Policy that will not lead to		Policy screened out as it does not relate to a specific European site or specific mitigation for the estuary. Policy nonetheless potentially ensures some

Plan section/policy	Description	Initial LSE screening	Potential risks	Comments
	water bodies by residential developments.	development. No LSE.		incidental protection to the Exe Estuary in relation to contamination from surface water/flooding.
<i>Homes</i>	<i>Introductory text for section on housing requirement and allocations.</i>	<i>Introductory text. No LSE.</i>		
<b>H1: Housing requirement</b>	<b>Sets quantum of growth, targeting the delivery of at least 642 homes per year between 2020 and 2040. 14,120 homes proposed.</b>	<b>LSE. Screened in.</b>	<b>Urban effects alone (Exe Estuary SPA/Ramsar); Recreation alone (Exe Estuary SPA/Ramsar, East Devon Heaths SAC/SPA, Dawlish Warren SAC, South Dartmoor Woods SAC); Hydrological impacts alone (Exe Estuary SPA/Ramsar); Air Quality alone (East Devon Heaths SAC/SPA, Exe Estuary SPA/Ramsar, South Dartmoor Woods SAC).</b>	<b>Total includes 2,604 completions (2020-2023) and approximately 5,304 homes with existing planning consents. New homes anticipated are approximately 5,272 homes on allocated sites and 944 windfall.</b>
<b>H2: Housing allocations and windfalls</b>	<b>Lists development sites that are allocated.</b>	<b>LSE. Screened in.</b>	<b>Urban effects alone (Exe Estuary SPA/Ramsar); Recreation alone (Exe Estuary SPA/Ramsar, East Devon Heaths SAC/SPA, Dawlish Warren SAC, South Dartmoor Woods SAC); Hydrological impacts alone (Exe Estuary SPA/Ramsar); Air Quality alone (East Devon Heaths SAC/SPA, Exe Estuary SPA/Ramsar, South Dartmoor Woods SAC).</b>	<b>Overall amount of growth in allocations as per H1.</b>
H3: Affordable housing	Sets the quantity of affordable housing required per housing development.	Policy listing general criteria. No LSE.		
H4: Build to rent	Sets the criteria for developments that are built specifically for rent, including some measures for affordable housing.	Policy listing general criteria. No LSE.		

Plan section/policy	Description	Initial LSE screening	Potential risks	Comments
H5: Co-living housing	Criteria for proposals of co-living developments.	Policy listing general criteria. No LSE.		
<b>H6: Custom and self-build housing</b>	<b>Sets the general criteria for custom house building in addition to allocated self-build plots.</b>	<b>General criteria and allocations. LSE. Screened in.</b>	<b>Urban effects alone (Exe Estuary SPA/Ramsar), Recreation in-combination (Exe Estuary SPA/Ramsar; East Devon Heaths SAC/SP; South Dartmoor Woods), Hydrological effects in combination (Exe Estuary SPA/Ramsar), Air quality effects in combination (Exe Estuary SPA/Ramsar).</b>	<b>Policy does give specific level of growth and at specific sites and these contribute to the overall level of growth</b>
H7: Specialist accommodation	General policy for developments that meet specialist needs.	Policy listing general criteria. No LSE.		
H8: Purpose built student accommodation	General policy for student accommodation developments.	Policy listing general criteria. No LSE.		
H9: Gypsy and traveller accommodation	Criteria for choosing suitable sites for gypsy and traveller pitches.	Policy listing general criteria. No LSE.		
H10: Residential conversions and houses in multiple occupation	Outlines the criteria for converting buildings to multiple occupancy.	Policy listing general criteria. No LSE.		
H11: Loss of residential accommodation	Development resulting in a net loss of residential dwellings will not be permitted.	General policy. No LSE.		

Plan section/policy	Description	Initial LSE screening	Potential risks	Comments
H12: Accessible homes	Policy stating the minimum requirement of accessible homes in new developments.	Policy listing general criteria. No LSE.		
H13: Housing density and size mix	Proposals will have appropriate housing density and size mix, as determined in the latest Local Housing Needs Assessment.	Policy listing general criteria. No LSE.		
H14: Residential amenity and healthy homes	Factors for developments to take into account, providing safe and healthy living standards to residents.	Policy listing general criteria. No LSE.		
<i>Economy and jobs</i>	<i>Introductory text on employment and the economy.</i>	<i>Introductory text. No LSE.</i>		
EJ1: Economic growth in the transformational sectors	General policy supporting development proposals relating to transformational sectors.	Policy or proposal that could not have any conceivable impact on a site. No LSE.		
EJ2: Retention of employment land	Policy retaining the established employment areas at Southernhay, Matford, Pinhoe, Sowton, Exeter Business Park, Pynes Hill and Peninsula Park for employment use-	Policy or proposal that could not have any conceivable impact on a site. No LSE.		

Plan section/policy	Description	Initial LSE screening	Potential risks	Comments
EJ3: New forms of employment provision	General policy supporting development proposals for new forms of employment provision.	Policy or proposal that could not have any conceivable impact on a site. No LSE.		
EJ4: Access to jobs and skills	General policy supporting access to jobs and skills.	Policy or proposal that could not have any conceivable impact on a site. No LSE.		
EJ5: Provision of local services in employment areas	Provision of local services in employment areas listed in Policy EJ2.	Policy or proposal that could not have any conceivable impact on a site. No LSE.		
<b>EJ6: New transformational employment allocations</b>	<b>Sites of employment development.</b>	<b>Allocation. LSE. Screened in.</b>	<b>Air quality effects in-combination (Exe Estuary SPA/Ramsar); Hydrological effects in-combination (Exe Estuary SPA/Ramsar).</b>	<b>Allocation near Sandy Park, Newcourt (7 hectares) and adjacent to Ikea (4 hectares) in close proximity to Exe Estuary SPA/Ramsar.</b>
<i>The future of our high streets</i>	<i>Introductory text relating to high streets and retail.</i>	<i>Introductory text. No LSE.</i>		
HS1: The vitality of our high streets and centres	General policy relating to supporting certain proposals in the city, district and local centres to	Policy or proposal that could not have any		

Plan section/policy	Description	Initial LSE screening	Potential risks	Comments
	preserve their vitality, culture and viability.	conceivable impact on a site. No LSE.		
<i>Sustainable transport and communications</i>	<i>Introductory text on travel.</i>	<i>Introductory text. No LSE.</i>		
STC1: Sustainable movement	General policy ensuring/promoting active travel and sustainable transport options.	Policy or proposal that could not have any conceivable impact on a site. No LSE.		
STC2: Active and sustainable travel in new developments	Policy sets out that new developments will need to make it easier for people to walk, cycle or use public transport and shared mobility.	General criteria for development proposals. No LSE.		Policy general and does include support for extension of public rights of way network, including the Exe Estuary Trail and Exe Cycle Route. Such support may mean potential to draw recreation use away from the Estuary and as such may have incidental benefits in terms of mitigation for recreation.
STC3: Supporting active travel	Policy safeguards existing/future links to long distance strategic trails and identifies areas where improvements required or new cycle routes. In addition, criteria for all new developments to support active travel.	Policy or proposal that could not have any conceivable impact on a site. No LSE.		
STC4: Supporting public transport	Policy that improves the public transport network	Policy or proposal that		

Plan section/policy	Description	Initial LSE screening	Potential risks	Comments
	including enhanced bus routes and rail provision. Additionally, states the need for major developments to provide public transport provision.	could not have any conceivable impact on a site. No LSE.		
STC5: Supporting new forms of car use	General policy to reduce car use in the city. Policy states the need for safely accessible electric car charging points and promotion of active travel, public transport and shared mobility.	Policy or proposal that could not have any conceivable impact on a site. No LSE.		
STC6: Travel plans	Criteria for travel plans, which must accompany any major developments.	Policy or proposal that could not have any conceivable impact on a site. No LSE.		
STC7: Safeguarding transport infrastructure	Safeguarding of sites for future transport infrastructure.	Policy or proposal that could not have any conceivable impact on a site. No LSE.		Policy safeguards future sites but does not allocate them.
STC8: Motorway service area	Proposal that supports the redevelopment of the M5 service area.	General policy. No LSE.		



Plan section/policy	Description	Initial LSE screening	Potential risks	Comments
STC9: Digital communications	General policy requiring new major development to incorporate necessary digital infrastructure.	Policy or proposal that could not have any conceivable impact on a site. No LSE.		
<i>Natural environment</i>	<i>Introductory text on the environment and relevant policies.</i>	<i>Introductory text. No LSE.</i>		
NE1: Landscape setting areas	Policy protecting landscape, in terms of character, beauty and views.	General criteria for development proposals and environmental protection. No LSE.		
<b>NE2: Valley Parks</b>	<b>General policy supporting appropriate development within the Valley Parks and restricting inappropriate development.</b>	<b>Policy intended to avoid or reduce harmful effects to a European site. Screened in.</b>	<b>Screened in for further consideration at appropriate assessment in accordance with People vs Wind. Policy refers to Suitable Alternative Natural Greenspace and also the Riverside and Ludwell Parks Masterplan. As clear from the policy these sites will function as mitigation to address recreation pressure on the European sites (East Devon Heaths SAC/SPA); Exe Estuary SPA/Ramsar; Dawlish Warren SAC).</b>	<b>Policy does not allocate the sites or specify scale of mitigation, so screened in on a precautionary basis.</b>
<b>NE3: Biodiversity</b>	<b>Plan-wide policy setting environmental protection (including designated sites), mitigation</b>	<b>Policy intended to avoid or reduce</b>	<b>Screened in for further consideration at appropriate assessment in accordance with People vs Wind. Policy refers to mitigation to address recreation pressure on the European</b>	<b>Screened in for further consideration as supporting text references the recreation mitigation strategy and</b>

Plan section/policy	Description	Initial LSE screening	Potential risks	Comments
	<b>requirements and biodiversity net gain.</b>	<b>harmful effects to a European site. Screened in.</b>	<b>sites (East Devon Heaths SAC/SPA); Exe Estuary SPA/Ramsar; Dawlish Warren SAC).</b>	<b>need for mitigation for recreation (where relevant) indicated in policy.</b>
NE4: Green infrastructure	Plan-wide policy protecting and enhancing green infrastructure.	Policy or proposal that could not have any conceivable impact on a site. No LSE.		Cross references to the Green Infrastructure Strategy. Not specific to mitigation and general green infrastructure policy, some cross-over and potential likely incidental benefits to European sites in terms of protection from recreation impacts.
NE5: The Green Circle	Policy protecting green infrastructure.	Policy or proposal that could not have any conceivable impact on a site. No LSE.		
NE6: Urban greening factor	New developments must use UGF calculator to demonstrate retention of green infrastructure.	Policy or proposal that could not have any conceivable impact on a site. No LSE.		
NE7: Urban tree canopy cover	Policy promotes tree cover in new developments.	Policy or proposal that could not have any conceivable		

Plan section/policy	Description	Initial LSE screening	Potential risks	Comments
		impact on a site. No LSE.		
<i>History and heritage</i>	<i>General introduction on history and heritage.</i>	<i>Introductory text. No LSE.</i>		
HH1: Conserving and enhancing Exeter's historic environment	Policy to protect and enhance the city's heritage, historic landscape, heritage assets, their setting and the cultural offering and identity of the city.	General criteria for development proposals. No LSE.		
HH2: Heritage assets and climate change	Developments will not be supported if they cause harm to heritage assets, unless addressing climate change outweighs the harm to the heritage asset.	General criteria for development proposals. No LSE.		
HH3: Conserving and enhancing Exeter City Walls	Policy recognises the historic importance of Exeter's City Wall's, and thus development proposals should protect or enhance them, not cause harm.	General criteria for development proposals. No LSE.		
<i>Culture and tourism</i>	<i>General introduction relating to culture and tourism.</i>	<i>Introductory text. No LSE.</i>		
C1: Protecting and enhancing cultural and tourism facilities	General policy protecting and enhancing cultural and tourism facilities.	General criteria for development proposals. No LSE.		

Plan section/policy	Description	Initial LSE screening	Potential risks	Comments
C2: Development and cultural provision	Large scale developments should contribute to local culture.	General criteria for development proposals. No LSE.		
<i>High quality places and design</i>	<i>Introductory text relating to general design principles and development quality.</i>	<i>Introductory text. No LSE.</i>		
D1: Design principles	Policy listing principles which will promote high quality design in development.	General criteria for development proposals. No LSE.		
D2: Advertisements	Advertisements should consider local amenities and public safety using the factors outlined in this policy.	Policy or proposal that could not have any conceivable impact on a site. No LSE.		
<i>Health and wellbeing</i>	<i>Introductory text on health and wellbeing, covering quality housing, job creation, increases in physical activity, enhancing nature etc.</i>	<i>Introductory text. No LSE.</i>		
HW1: Health and wellbeing	General policy maximising opportunities for achieving positive mental and physical health outcomes.	General criteria for development proposals. No LSE.		

Plan section/policy	Description	Initial LSE screening	Potential risks	Comments
HW2: Pollution and contaminated land	General policy that requires the development (including construction phase) to minimise the impact on local environmental quality.	General criteria for development proposals. No LSE.		Discusses (not specifically) the use of mitigation, remediation and monitoring strategies to reduce impacts on air quality, noise levels, surface and ground water quality and land/soil condition.
<i>Infrastructure and community facilities</i>	<i>General introduction covering infrastructure and community facilities.</i>	<i>Introductory text. No LSE.</i>		
IC1: Delivery of infrastructure	General policy relating to infrastructure delivery, CIL/S106 payments and need for Infrastructure Delivery Plans.	Policy or proposal that could not have any conceivable impact on a site. No LSE.		
IC2: Viability	General policy covering viability.	Policy or proposal that could not have any conceivable impact on a site. No LSE.		
IC3: Community facilities	General policy relating to protecting existing community facilities and the support of proposals for new facilities upon consultation with local communities.	Policy or proposal that could not have any conceivable impact on a site. No LSE.		

Plan section/policy	Description	Initial LSE screening	Potential risks	Comments
IC4: Sport, recreation and allotment space in new developments	Outlines the qualifying factors for new open spaces, which will be required by every new residential development.	Policy listing general criteria. No LSE.		
IC5: Play areas in new development	Major developments will be required to provide play facilities, or financially contribute to existing areas in accordance with Council Play Strategy guidance.	General criteria for development proposals. No LSE.		
IC6: New cemetery provision	Outlines the factors with which proposals for a new cemetery would be supported.	General criteria for development proposals. No LSE.		
<i>Potential development sites – Taken from Policy H2.</i>	<i>Introductory text for individual sites.</i>	<i>Introductory text. No LSE.</i>		
<b>Marsh Barton – Site Reference 14</b>	<b>Allocation</b>	<b>LSE. Screened in.</b>	<b>Recreation in-combination (Exe Estuary SPA/Ramsar; East Devon Heaths SAC/SPA; South Dartmoor Woods SAC); Hydrological impacts in-combination (Exe Estuary SPA/Ramsar); Air Quality in-combination (East Devon Heaths SAC/SPA, Exe Estuary SPA/Ramsar, South Dartmoor Woods SAC).</b>	<b>1000 homes</b>
<b>Water Lane – Site Reference 15</b>	<b>Allocation</b>	<b>LSE. Screened in.</b>	<b>Recreation in-combination (Exe Estuary SPA/Ramsar; East Devon Heaths SAC/SPA; South Dartmoor Woods SAC); Air Quality in-combination (East Devon Heaths SAC/SPA, Exe</b>	<b>1600 homes</b>

Plan section/policy	Description	Initial LSE screening	Potential risks	Comments
			Estuary SPA/Ramsar, South Dartmoor Woods SAC).	
East Gate – Site Reference 52	Allocation	LSE. Screened in.	Recreation in-combination (Exe Estuary SPA/Ramsar; East Devon Heaths SAC/SPA; South Dartmoor Woods SAC); Hydrological impacts in-combination (Exe Estuary SPA/Ramsar); Air Quality in-combination (East Devon Heaths SAC/SPA, Exe Estuary SPA/Ramsar, South Dartmoor Woods SAC).	850 homes
Red Cow – Site Reference 22	Allocation	LSE. Screened in.	Recreation in-combination (Exe Estuary SPA/Ramsar; East Devon Heaths SAC/SPA; South Dartmoor Woods SAC); Hydrological impacts in-combination (Exe Estuary SPA/Ramsar); Air Quality in-combination (East Devon Heaths SAC/SPA, Exe Estuary SPA/Ramsar, South Dartmoor Woods SAC).	280 homes
North Gate – Site Reference 42	Allocation	LSE. Screened in.	Recreation in-combination (Exe Estuary SPA/Ramsar; East Devon Heaths SAC/SPA; South Dartmoor Woods SAC); Hydrological impacts in-combination (Exe Estuary SPA/Ramsar); Air Quality in-combination (East Devon Heaths SAC/SPA, Exe Estuary SPA/Ramsar, South Dartmoor Woods SAC).	200 homes
South Gate – Site Reference 46	Allocation	LSE. Screened in.	Recreation in-combination (Exe Estuary SPA/Ramsar; East Devon Heaths SAC/SPA; South Dartmoor Woods SAC); Hydrological impacts in-combination (Exe Estuary SPA/Ramsar); Air Quality in-combination (East Devon Heaths SAC/SPA, Exe Estuary SPA/Ramsar, South Dartmoor Woods SAC).	170 homes

Plan section/policy	Description	Initial LSE screening	Potential risks	Comments
Land at Old Rydon Lane – Site Reference 89	Allocation	LSE. Screened in.	Recreation in-combination (Exe Estuary SPA/Ramsar; East Devon Heaths SAC/SPA; South Dartmoor Woods SAC); Hydrological impacts in-combination (Exe Estuary SPA/Ramsar); Air Quality in-combination (East Devon Heaths SAC/SPA, Exe Estuary SPA/Ramsar, South Dartmoor Woods SAC).	350 homes
Land at Cowley Bridge Road – Site Reference 143	Allocation	LSE. Screened in.	Recreation in-combination (Exe Estuary SPA/Ramsar; East Devon Heaths SAC/SPA; South Dartmoor Woods SAC); Hydrological impacts in-combination (Exe Estuary SPA/Ramsar); Air Quality in-combination (East Devon Heaths SAC/SPA, Exe Estuary SPA/Ramsar, South Dartmoor Woods SAC).	231 homes
Bridges Retail Park – Site Reference 39	Allocation	LSE. Screened in.	Recreation in-combination (Exe Estuary SPA/Ramsar; East Devon Heaths SAC/SPA; South Dartmoor Woods SAC); Hydrological impacts in-combination (Exe Estuary SPA/Ramsar); Air quality in-combination (Exe Estuary SPA/Ramsar, East Devon Heaths SAC/SPA, South Dartmoor Woods SAC).	230 homes
12-31 Sidwell Street – Site Reference 51	Allocation	LSE. Screened in.	Recreation in-combination (Exe Estuary SPA/Ramsar; East Devon Heaths SAC/SPA; South Dartmoor Woods SAC); Hydrological impacts in-combination (Exe Estuary SPA/Ramsar); Air Quality in-combination (East Devon Heaths SAC/SPA, Exe Estuary SPA/Ramsar, South Dartmoor Woods SAC).	51 homes
Land at Exeter Squash Club, Prince	Allocation	LSE. Screened in.	Recreation in-combination (Exe Estuary SPA/Ramsar; East Devon Heaths SAC/SPA; South Dartmoor Woods SAC); Hydrological	40 homes



Plan section/policy	Description	Initial LSE screening	Potential risks	Comments
of Wales Road – Site Reference 26			impacts in-combination (Exe Estuary SPA/Ramsar); Air Quality in-combination (East Devon Heaths SAC/SPA, Exe Estuary SPA/Ramsar, South Dartmoor Woods SAC).	
Land at Newcourt Road, Topsham – Site Reference 91	Allocation	LSE. Screened in.	Recreation in-combination (Exe Estuary SPA/Ramsar; East Devon Heaths SAC/SPA; South Dartmoor Woods SAC); Hydrological impacts in-combination (Exe Estuary SPA/Ramsar); Air Quality in-combination (East Devon Heaths SAC/SPA, Exe Estuary SPA/Ramsar, South Dartmoor Woods SAC).	38 homes
Land adjoining Silverlands – Site Reference 18	Allocation	LSE. Screened in.	Recreation in-combination (Exe Estuary SPA/Ramsar; East Devon Heaths SAC/SPA; South Dartmoor Woods SAC); Hydrological impacts in-combination (Exe Estuary SPA/Ramsar); Air Quality in-combination (East Devon Heaths SAC/SPA, Exe Estuary SPA/Ramsar, South Dartmoor Woods SAC).	37 homes
Belle Isle Depot, Belle Isle Drive – Site Reference 72	Allocation	LSE. Screened in.	Recreation in-combination (Exe Estuary SPA/Ramsar; East Devon Heaths SAC/SPA; South Dartmoor Woods SAC); Hydrological impacts in-combination (Exe Estuary SPA/Ramsar); Air Quality in-combination (East Devon Heaths SAC/SPA, Exe Estuary SPA/Ramsar, South Dartmoor Woods SAC).	33 homes
Land to the west of Newcourt Road, Topsham – Site Reference 94	Allocation	LSE. Screened in.	Urban effects alone (Exe Estuary SPA/Ramsar); Recreation in-combination (Exe Estuary SPA/Ramsar; East Devon Heaths SAC/SPA; South Dartmoor Woods SAC); Hydrological impacts in-combination (Exe Estuary SPA/Ramsar); Air Quality in-combination (East	38 homes. In very close proximity to Exe Estuary SPA/Ramsar (500m)

Plan section/policy	Description	Initial LSE screening	Potential risks	Comments
			Devon Heaths SAC/SPA, Exe Estuary SPA/Ramsar, South Dartmoor Woods SAC).	
Chestnut Avenue – Site Reference 75	Allocation	LSE. Screened in.	Recreation in-combination (Exe Estuary SPA/Ramsar; East Devon Heaths SAC/SPA; South Dartmoor Woods SAC); Hydrological impacts in-combination (Exe Estuary SPA/Ramsar); Air Quality in-combination (East Devon Heaths SAC/SPA, Exe Estuary SPA/Ramsar, South Dartmoor Woods SAC).	26 homes
Former Overflow Car Park, Tesco – Site Reference 80	Allocation	LSE. Screened in.	Recreation in-combination (Exe Estuary SPA/Ramsar; East Devon Heaths SAC/SPA; South Dartmoor Woods SAC); Hydrological impacts in-combination (Exe Estuary SPA/Ramsar); Air Quality in-combination (East Devon Heaths SAC/SPA, Exe Estuary SPA/Ramsar, South Dartmoor Woods SAC).	18 homes
Land behind 66 Chudleigh Road – Site Reference 125	Allocation	LSE. Screened in.	Recreation in-combination (Exe Estuary SPA/Ramsar; East Devon Heaths SAC/SPA; South Dartmoor Woods SAC); Hydrological impacts in-combination (Exe Estuary SPA/Ramsar); Air Quality in-combination (East Devon Heaths SAC/SPA, Exe Estuary SPA/Ramsar, South Dartmoor Woods SAC).	16 homes
East of Pinn Lane – Site Reference 106	Allocation	LSE. Screened in.	Recreation in-combination (Exe Estuary SPA/Ramsar; East Devon Heaths SAC/SPA; South Dartmoor Woods SAC); Hydrological impacts in-combination (Exe Estuary SPA/Ramsar); Air Quality in-combination (East Devon Heaths SAC/SPA, Exe Estuary SPA/Ramsar, South Dartmoor Woods SAC).	14 homes

Plan section/policy	Description	Initial LSE screening	Potential risks	Comments
Land at Hamlin Lane – Site Reference 60	Allocation	LSE. Screened in.	Recreation in-combination (Exe Estuary SPA/Ramsar; East Devon Heaths SAC/SPA; South Dartmoor Woods SAC); Hydrological impacts in-combination (Exe Estuary SPA/Ramsar); Air Quality in-combination (East Devon Heaths SAC/SPA, Exe Estuary SPA/Ramsar, South Dartmoor Woods SAC).	13 homes
Fever and Boutique, 12 Mary Arches Street – Site Reference 100	Allocation	LSE. Screened in.	Recreation in-combination (Exe Estuary SPA/Ramsar; East Devon Heaths SAC/SPA; South Dartmoor Woods SAC); Hydrological impacts in-combination (Exe Estuary SPA/Ramsar); Air Quality in-combination (East Devon Heaths SAC/SPA, Exe Estuary SPA/Ramsar, South Dartmoor Woods SAC).	10 homes
88 Honiton Road – Site Reference 110	Allocation	LSE. Screened in.	Recreation in-combination (Exe Estuary SPA/Ramsar; East Devon Heaths SAC/SPA; South Dartmoor Woods SAC); Hydrological impacts in-combination (Exe Estuary SPA/Ramsar); Air Quality in-combination (East Devon Heaths SAC/SPA, Exe Estuary SPA/Ramsar, South Dartmoor Woods SAC).	10 homes
Garages at Lower Wear Road – Site Reference 84	Allocation	LSE. Screened in.	Urban effects alone (Exe Estuary SPA/Ramsar); Recreation in-combination (Exe Estuary SPA/Ramsar; East Devon Heaths SAC/SPA; South Dartmoor Woods SAC); Hydrological impacts in-combination (Exe Estuary SPA/Ramsar); Air Quality in-combination (East Devon Heaths SAC/SPA, Exe Estuary SPA/Ramsar, South Dartmoor Woods SAC).	9 homes. In very close proximity to Exe Estuary SPA/Ramsar (180m)
99 Howell Road - Site Reference 24	Allocation	LSE. Screened in.	Recreation in-combination (Exe Estuary SPA/Ramsar; East Devon Heaths SAC/SPA;	6 homes

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Plan section/policy	Description	Initial LSE screening	Potential risks	Comments
			<p><b>South Dartmoor Woods SAC); Hydrological impacts in-combination (Exe Estuary SPA/Ramsar); Air Quality in-combination (East Devon Heaths SAC/SPA, Exe Estuary SPA/Ramsar, South Dartmoor Woods SAC).Air Quality in-combination (East Devon Heaths SAC/SPA, Exe Estuary SPA/Ramsar, South Dartmoor Woods SAC).</b></p>	

**Table 5: Summary of distances (km) from the closest part of each strategic allocation to the closest point of each of the relevant European sites.**

Distances of under 500m are shown in red and grey shading indicate distances within 10km.

Allocation Name	Site Ref	No. dwellings	Distance (km) from allocation			
			Dawlish Warren SAC	East Devon Heaths SAC/SPA	Exe Estuary SPA/Ramsar	South Dartmoor Woods SAC
Marsh Barton	14	1000	11.81	10.59	1.41	10.56
Water Lane	15	1600	11.82	10.44	1.39	10.88
East Gate	52	850	13.78	11.12	3.25	11.76
Red Cow	22	280	15.10	13.80	4.65	10.84
North Gate	42	200	14.15	12.07	3.67	11.10
South Gate	46	170	13.76	11.66	3.27	11.13
Old Rydon Lane	89	350	10.10	7.30	1.16	14.86
Land at Cowley Bridge Road	143	231	16.46	14.35	5.90	11.30
Bridges Retail Park	39	230	13.90	12.27	3.49	10.72
12-31 Sidwell Street	51	51	14.35	11.82	3.81	11.81
Land at Exeter Squash Club, Prince of Wales Road	26	40	15.11	12.31	4.57	12.02
Land at Newcourt Road, Topsham	91	38	9.71	7.04	0.8	14.79
Land adjoining Silverlands	18	37	11.58	11.25	2.08	10.33
Belle Isle Depot, Belle Isle Drive	72	33	12.83	10.94	2.34	11.61
Land to the west of Newcourt Road, Topsham	94	31	9.20	6.89	0.50	14.74
Chestnut Avenue	75	26	11.96	9.5	1.52	13.02
Former Overflow Tesco Car Park	80	18	11.26	8.13	1.80	14.33
Land behind 66 Chudleigh Road	125	16	11.73	11.39	2.17	10.34
East of Pinn Lane	106	14	13.74	8.69	4.73	16.07
Land at Hamlin Lane	60	13	13.97	10.45	3.71	13.66
Fever and Boutique, 12 Mary Arches Street	100	10	14.28	12.22	3.80	11.13
88 Honiton Road	110	10	12.73	9.02	2.93	14.4
Garages at Lower Wear Road	84	9	10.49	8.75	0.18	13.12
99 Howell Road	24	6	15.07	12.76	4.57	11.2

## Screening conclusions

- 3.9 The initial screening of the outline draft plan has identified a number of risks in terms of general urban effects, recreation, hydrological impacts and air quality.
- 3.10 For general urban effects, likely significant effects were identified for the Exe Estuary SPA/Ramsar from the overall quantum of growth (set out in H1 and H2) and for two separate allocations.
- 3.11 For recreation, likely significant effects were identified alone for the Exe Estuary SPA/Ramsar, East Devon Heaths SAC/SPA, Dawlish Warren SAC, South Dartmoor Woods SAC from the overall quantum of growth and in-combination for all the allocations. Recreation mitigation is set out in Policies NE2 and NE3 which also need to be considered at appropriate assessment.
- 3.12 For both hydrological impacts and air quality, impacts were identified alone for the overall quantum of growth and in-combination for the individual allocations with risks to the Exe Estuary SPA/Ramsar for hydrology and to East Devon Heaths SAC/SPA, Exe Estuary SPA/Ramsar and South Dartmoor Woods SAC with respect to air quality.
- 3.13 Following the initial screening, topics for appropriate assessment are highlighted to advise on the scope of the appropriate assessment and inform the evidence that will need to be gathered as the Plan progresses. These topics will be assessed in detail within the appropriate assessment at the next iteration of the Plan, when more detail and evidence are available.

## 4. Appropriate assessment topic: Urban effects

### Relevant policies from initial LSE screening

- 4.1 Likely significant effects were identified alone with respect to the Exe Estuary SPA/Ramsar for policies:
- H1 Housing requirement;
  - HS Housing allocations.
- 4.2 These policies set the overall level of growth and locations. Likely significant effects alone were identified only for allocations that were within 500m of the Exe Estuary SPA/Ramsar:
- Garages at Lower Wear Road – Site Reference 84;
  - Land to the west of Newcourt Road, Topsham – Site Reference 94.
- 4.3 The Topsham site (second bullet above) is allocated for Custom/self-build and is also identified in Policy H6: Custom and self-build housing, for which likely significant effects were also triggered, alone.

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- 4.4 Urban effects relate to issues where development is close to the European site boundary and is an umbrella term relating to impacts such as light, noise, cat predation, fly tipping, increased fire risk, spread of invasive species (e.g. from gardens and garden waste) and vandalism. Where housing is directly adjacent to sites, access can occur directly from gardens and informal access points. Use will spill over from adjacent gardens and adjacent green space next to urban areas is often subject to a range of activities and issues that are not necessarily compatible with nature conservation. We treat urban effects separately from recreation as urban effects are specific to where housing is in close proximity and urban effects are not addressed through the existing mitigation strategy.

### Urban effects and the Exe Estuary SPA/Ramsar

- 4.5 The only European site relevant to development in Exeter in this respect is the Exe Estuary SPA/Ramsar.
- 4.6 Risks from urban effects for the Estuary could include increased fire incidence, potentially a concern only during dry periods around saltmarsh and fringing vegetation (reedbeds for example). Fires can start in a range of ways, including



deliberate arson, children playing, campfires, barbeques, sparks from vehicles, discarded cigarettes etc. Studies of fire incidence have shown higher incidence of fires in locations with higher levels of housing within 500m of the site boundary (Kirby & Tantram, 1999). Light pollution is also a risk, potentially affecting foraging behaviour and distribution of birds (Dwyer et al., 2013; Longcore & Rich, 2004; Santos et al., 2010)

- 4.7 Cat predation (e.g. Cecchetti et al., 2021; Hall et al., 2016; Kays et al., 2019; Loss & Marra, 2017) is potentially a risk only where aggregations of small waders or other waterbirds are accessible to cats. Fly-tipping and dumping of garden waste resulting in contamination and spread of non-native species are also a risk, but only likely to be of concern where the upper marsh is accessible and adjacent to roads or paths.
- 4.8 Two allocations were identified from the screening due to their particular close proximity to the Exe Estuary SPA/Ramsar; both are within 500m of the European site boundary. These are considered in more detail below.

### **Garages at Lower Wear Road – Site Reference 84**

- 4.9 This allocation is for 9 houses and is approximately 180m at its closest from the SPA/Ramsar. It is screened from the SPA/Ramsar by existing housing. The closest part of the SPA/Ramsar is marshland that is potentially accessible in dry conditions (although there is a ditch that will restrict access to most of the marsh) and currently separated from the road (Glasshouse Lane) by a thin line of trees and dilapidated fence. The marsh does not support high numbers of birds and the ditch provides some protection (e.g. from cats) but could be vulnerable to impacts from fire or from fly tipping. These risks could be addressed at project level and are potentially easily mitigated (given the size of the development and distance involved) by some improved fencing or better boundary along the edge of Glasshouse Lane.

### **Land to the west of Newcourt Road, Topsham – Site Reference 94 (and Policy H6)**

- 4.10 This allocation is for 31 homes (net) and is on the outskirts of Topsham. It currently comprises a bungalow, outbuildings and a grassy field. At its closest point it is 500m from the Exe Estuary SPA/Ramsar. This distance means light pollution, cat predation and dumping of garden waste etc can be discounted. The nearest parts of the European site comprise intertidal mudflat (soft sediment) and there is minimal access to the shoreline due to numerous private gardens). This

means that fire risk can be ruled out. As such, urban effects can be eliminated for this location and there will be no need for any in-combination assessment.

### **Key findings: urban effects**

Urban effects relate to issues where development is close to the European site boundary and is an umbrella term relating to impacts such as light, noise, cat predation, fly tipping, increased fire risk, spread of invasive species (e.g. from gardens and garden waste) and vandalism.

Two allocations (Garages at Lower Wear Road, Site Reference 84 and Land to the west of Newcourt Road, Topsham, Site Reference 94) were identified in the initial screening as they were within 500m of the Exe Estuary SPA/Ramsar. Checks of these sites indicate that the risks are low and both are set back from the estuary shoreline (180m and 500m respectively). For site 84 any risks can be checked and addressed at the project level, once detailed designs are available. Mitigation may be required in the form of better boundary treatment, signage or vegetation management near the allocation site. The need for further checks and project level assessment of urban effects should be identified in the site specific text for this allocation when it is written. For Site 94 site checks provide the confidence to eliminate any risks due to the distances involved and the local geography.

## 5. Appropriate assessment topic: Recreation

### Relevant policies from initial LSE screening

- 5.1 The initial screening identified likely significant effects alone from the overall housing growth proposed in the plan, as set out in H1: Housing requirement and H2: Housing allocations, for the Exe Estuary SPA/Ramsar, East Devon Heaths SAC/SPA, Dawlish Warren SAC and the South Dartmoor Woods SAC.
- 5.2 Likely significant effects were also triggered in-combination by Policy H6: Custom and self-build housing and for each allocation, in-combination:
- Marsh Barton – Site Reference 14
  - Water Lane – Site Reference 15
  - East Gate – Site Reference 52
  - Red Cow – Site Reference 22
  - North Gate – Site Reference 42
  - South Gate – Site Reference 46
  - Land at Old Rydon Lane – Site Reference 89
  - Land at Cowley Bridge Road – Site Reference 143
  - Bridges Retail Park – Site Reference 39
  - 12-31 Sidwell Street – Site Reference 51
  - Land at Exeter Squash Club, Prince of Wales Road – Site Reference 26
  - Land at Newcourt Road, Topsham – Site Reference 91
  - Land adjoining Silverlands – Site Reference 18
  - Belle Isle Depot, Belle Isle Drive – Site Reference 72
  - Land to the west of Newcourt Road, Topsham – Site Reference 94
  - Chestnut Avenue – Site Reference 75
  - Former Overflow Car Park, Tesco – Site Reference 80
  - Land behind 66 Chudleigh Road – Site Reference 125
  - East of Pinn Lane – Site Reference 106
  - Land at Hamlin Lane – Site Reference 60
  - Fever and Boutique, 12 Mary Arches Street – Site Reference 100
  - 88 Honiton Road – Site Reference 110
  - Garages at Lower Wear Road – Site Reference 84
  - 99 Howell Road - Site Reference 24
- 5.3 Policies NE2 and NE3 relate to mitigation for recreation impacts and were therefore screened in for further consideration.

## Introduction

- 5.4 Postcode data indicates that there were around 56,209 residential properties within Exeter in 2020 (and for reference the data for 2022 indicate around 56,810 residential properties). The proposed level of growth in H1 of 14,300 new dwellings therefore represents an increase in the number of residential properties of around 25% for the overall growth<sup>18</sup>. While occupancy levels may change overtime this clearly represents a potential marked increase in the population living in the city and therefore the potential for a marked uplift in recreational use of surrounding countryside sites.
- 5.5 In the UK there is considerable overlap between nature conservation and recreation. Many of our most important nature conservation sites have legal rights of access, for example through Public Rights of Way or Open Access through the Countryside and Rights of Way Act (CRoW) 2000. People are often drawn to sites that are important for nature conservation as they are large, scenic and often few other alternatives exist. Recreation use can include a variety of activities, ranging from the daily dog walks to competitive adventure and endurance sports. Visits to the natural environment have shown a significant increase in England as a result of the increase in population and a trend to visit more (O'Neill, 2019). The issues are particularly acute in southern England, where population density is highest. The covid pandemic resulted in a further marked increase in use of local countryside sites (Burnett et al., 2021; Natural England & Kantar Public, 2021) and a marked uplift in dog ownership (Morgan et al., 2020).
- 5.6 There can be a difficult balancing act between providing for an increasing demand for access without compromising the integrity of protected wildlife sites. There is now a strong body of evidence showing how increasing levels of access can have negative impacts on wildlife. Issues are varied and include disturbance, increased fire risk, contamination and damage (for general reviews see: Liley et al., 2010, 2019; Lowen et al., 2008; Ross et al., 2014; Underhill-Day, 2005).
- 5.7 The issues are not however straightforward. It is now increasingly recognised that access to the countryside is crucial to the long term success of nature conservation projects, for example through enforcing pro-environmental behaviours and a greater respect for the world around us (Richardson et al., 2016). Access also brings wider benefits to society that include benefits to mental/physical health (Bell et al., 2018; Keniger et al., 2013; Lee & Maheswaran, 2011; Pretty et al., 2005)

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<sup>18</sup> Note that the 14,300 figure includes existing completions (2,024 completions), which brings the level of additional growth to around 22%.

and economic benefits (ICF GHK, 2013; ICRT, 2011; Keniger et al., 2013; The Land Trust, 2018). Nature conservation bodies are trying to encourage people to spend more time outside and government policy is also promoting countryside access in general (e.g. through enhancing coastal access).

### Potential sites and risks

5.8 Recreation issues have the potential to undermine the conservation objectives of the European sites where likely significant effects have been identified in a range of ways (see Table 6) and are identified in the respective site improvement plans (produced by Natural England) as summarised in Table 6. For the Exe Estuary SPA/Ramsar, Dawlish Warren SAC and the East Devon Heaths SAC/SPA the issues are long standing and a strategy was established in 2014 to mitigate the impacts from residential development for these sites.

**Table 6: European sites and potential recreation impacts relevant at the appropriate assessment stage. Relevant pressures/threats from Site Improvement Plans (SIPs). Direct impact from third party can include unauthorised access and fire.**

Site	Recreation impacts/risks	Relevant pressures/threats from SIPs		
		Direct impact from third party	Wildfire/arson	Public access/disturbance
Dawlish Warren SAC	Trampling damage to dune habitats, dog fouling, fire incidence.			✓
East Devon Pebblebed Heaths SAC	Trampling damage, dog fouling, increased fire risk.		✓	✓
East Devon Heaths SPA	Disturbance to Nightjar and Dartford Warbler; also fire risk.		✓	✓
Exe Estuary Ramsar	Disturbance to waterbirds.			✓
Exe Estuary SPA	Disturbance to waterbirds.			✓
South Dartmoor Woods SAC	Trampling damage, dog fouling, fire.			

## South Dartmoor Woods SAC

### *Impacts of recreation*

- 5.9 South Dartmoor Woods SAC lies within Dartmoor National Park and consists of seven individual sites within two clusters, one near Lustleigh and one near Buckfastleigh. There are 7 component SSSIs of which the Teign Valley Woods SSSI is the closest to Exeter (8.7km from the city boundary). The next closest are Bovey Valley Woodlands SSSI (around 15.4km at its closest) and Yarner Wood and Trendlebere Down SSSI (around 16.1km at its closest).
- 5.10 High levels of visitor footfall can create a range of problems in woodlands such as soil damage, enrichment (e.g. from dog fouling) and direct damage to trees including their roots (for general reviews of recreation impacts and woodland see: Anderson & Radford, 1992; Corney et al., 2008; Liley et al., 2010, 2019; Lowen et al., 2008; Marzano & Dandy, 2012; Ryan, 2012). The paths alongside the rivers provide attractive and popular walks and where people (and their pets) access the waters edge, erosion of the banksides can be damaging. Heathland habitats are also vulnerable to recreation impacts, for example from trampling damage, enrichment and increased fire risk and these issues (see Underhill-Day, 2005 for review). Disturbance is also relevant as ground-nesting heathland birds (Nightjar and Dartford Warbler) are included in the supplementary conservation advice for the dry heathland component of the SAC as key structural, influential and/or distinctive species, and these are species known to be vulnerable to recreation impacts (Liley & Clarke, 2003; Murison, 2002; Murison et al., 2007). Similarly, the supplementary advice for the old sessile oak woodland identifies the assemblage of breeding woodland birds including Wood Warbler (a ground nesting species and therefore vulnerable to dogs off-lead) as key species.
- 5.11 While there is therefore potential for the conservation objectives of the SAC to be undermined by increased recreation use, recreation is not however identified as a current pressure or a future threat in Natural England's site improvement plan. SSSI condition assessments are not specifically designed to assess recreation impacts but can provide some general indications of current issues and concerns at sites. The latest condition assessment for the Teign Valley Woods SSSI<sup>19</sup> reports that 5 of the units are currently in favourable condition while 2 are unfavourable declining. The unfavourable condition relates to a loss of the extent of heathland

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<sup>19</sup> See

<https://designatedsites.naturalengland.org.uk/ReportUnitCondition.aspx?SiteCode=S1003004&ReportTitle=Teign%20Valley%20Woods%20SSSI> accessed 17<sup>th</sup> August 2022

due to heather dieback in unit 1 and in unit 3 the deadwood targets not being met due to ash dieback. For unit 3, close proximity to the main road, car-parking and a dwelling means that tree safety management is a priority and target levels of standing deadwood are unlikely ever to be met due to the over-riding health and safety requirements. Considerable erosion and bank-side wear was evident at Dunsford Woods during a site visit in 2023.

### *Visitor use*

- 5.12 Postal survey results (Cruickshanks & Liley, 2012), although dated, provide some information on recreation use of the Dartmoor area by residents living within Exeter. Exeter City residents made an average of 17.5 visits per year to Dartmoor and the Steps Bridge/Dunsford Wood area (within the Teign Valley SSSI) was the most commonly cited destination, visited on average around 2.4 times per year by Exeter residents. There is therefore evidence that Exeter residents visit this part of the SAC but that the levels of use may be low.
- 5.13 Work on recreation pressure for Dartmoor National Park and the impacts of growth in the wider area, were undertaken by Exeter University (Day et al., 2018). Their modelling indicated that there are currently around 7 million day trips per year to Dartmoor from residents of the eight neighbouring local authorities. Increased populations in those authorities was predicted to result in more than 870,000 additional annual visits, a rise of some 12%. The report considers the impacts from the additional recreation and highlights a range of species that are considered vulnerable, based on expert review. These species include Nightjar and Wood Warbler. The analyses also considered trampling damage to habitats and they estimated that increasing recreational pressure on Dartmoor could result in 10,854 m<sup>2</sup> of bare ground being exposed along the path network and increased gullying along 42km of path.

### *Implications for the Exeter Local Plan*

- 5.14 There is potential for impacts from recreation on the South Dartmoor Woods SAC and evidence that people from Exeter do visit the SAC, albeit at a low level. Further evidence will be necessary before adverse effects on integrity can be ruled out, either from the development in Exeter alone or in-combination with other plans or projects.
- 5.15 The work by Exeter University flags the need for ongoing consideration. The SAC lies within Dartmoor National Park and visitor use includes a mix of day trips and visits from further afield. As such the impacts from housing growth are complex and potentially relate to a wide area. It should be noted that there are two



statutory purposes for national parks in England and Wales. The first is to conserve and enhance natural beauty, wildlife and cultural heritage and the second is to promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public. This second purpose includes opportunities for open air recreation. However, if it appears that there is a conflict between the two National Park purposes, the Environment Act 1995 requires greater weight to be attached to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park (this is known as the Sandford Principle<sup>20</sup>).

- 5.16 It is potentially a challenge for Dartmoor National Park to continue to manage the growing recreation use without harm to the ecological interest and where that increase is linked to growth in housing within the adjacent local authorities the challenges are harder. This is because such visitor use will not be staying visitors who are likely to plan their visit carefully in advance using the National Park website, going to visitor centres etc.
- 5.17 Further evidence gathering should involve checks and discussion with Natural England, neighbouring authorities and Dartmoor National Park to consider the scale of any risks, any additional evidence (visitor data and recreation impact assessment) that might be available or need collecting, any monitoring currently in place and the potential (if needed) for mitigation intervention. Given the National Park's role in promoting and managing recreation, it should be possible to ensure any issues can be resolved, as there is a body that can oversee and deliver mitigation. Any solution will require working with the National Park and potentially other authorities and will require some further policy wording within the Exeter Plan. There are parallels for other National Parks in southern England – for example a zone of influence of 13.8km has been established around the New Forest SPA/SAC<sup>21</sup>. Within this zone likely significant effects from new residential growth are assumed and mitigation required. This zone includes the city of Southampton.

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<sup>20</sup> Named after Lord Sandford, who chaired the 1974 National Parks Policy Review Committee.

<sup>21</sup> See the New Forest National Park website for details :

<https://www.newforestnpa.gov.uk/conservation/managing-recreation/managing-recreation/research-into-recreational-use-of-the-new-forests-protected-habitats-footprint-ecology-2020/>

## The Exe Estuary SPA/Ramsar, East Devon Heaths SAC/SPA and Dawlish Warren SAC

### *Introduction*

- 5.18 Recreation impacts for these sites have long been identified as a concern and a strategic approach to mitigation has been in place since 2014. This strategic approach applies to residential and some tourist development within a zone of influence drawn around each European site and is applied consistently across Exeter City, East Devon and Teignbridge. Full details of the issues and mitigation measures are set out in the strategy (see Liley et al., 2014).
- 5.19 Mitigation has involved on-site measures such as rangers, management of parking and engagement with visitors on the respective sites (these measures are referred to as SAMM – Strategic Access Management and Monitoring) and the provision of alternative places for recreation use by local residents (SANG – Suitable Alternative Natural Greenspace).
- 5.20 The mitigation strategy is long running, well established and ensures mitigation can be delivered. It provides transparency for developers as the costs and mitigation requirements are known in advance. The strategy is clearly referenced and mitigation requirements for the Plan established in Policy NE3 while SANGs are also referenced in Policy NE2.
- 5.21 The strategy is being updated and revised during 2023 (in a joint commission by East Devon, Exeter City and Teignbridge District) and at the time of writing the updated strategy is not available to inform this HRA report.

### *Implications for the HRA*

- 5.22 The mitigation strategy provides a robust and established means to deliver the mitigation and is in line with strategies in other parts of the country, such as the Thames Basin Heaths, the Dorset Heaths, the Solent Coast, the Suffolk Coast and the North Kent Coast. As such there can be confidence in the broad approach as a means to address impacts arising from the cumulative effects of development across a wide area. It should be straight forward for the strategy to be updated prior to the next iteration of the Exeter Plan and therefore the strategy can be up and running alongside the submission of the Plan.
- 5.23 In order to be able to rule out adverse effects on integrity from recreation on the Exe Estuary SPA/Ramsar, East Devon Heaths SAC/SPA and Dawlish Warren SAC it will be necessary for the next iteration of this HRA to be able to draw on the

updated mitigation strategy. The HRA will need to be able to have the confidence that the strategy is achievable, that the necessary SAMM and SANG are adequately resourced and deliverable and that the level of mitigation is address the scale of growth coming forward.

### **Key findings: Recreation**

#### ***South Dartmoor Woods SAC***

Risks from recreation relation to trampling, nutrient enrichment, damage to trees and increased fire incidence. Further evidence is required as the Plan develops and before the next iteration of the HRA. Discussion is required with neighbouring authorities, Dartmoor National Park and Natural England in order to ascertain whether there is more information available on visitor use and recreation impacts. Some additional evidence gathering may be required and mitigation may be necessary.

#### ***The Exe Estuary SPA/Ramsar, East Devon Heaths SAC/SPA and Dawlish Warren SAC***

A strategic mitigation approach is established and long running to address the impacts from housing and some tourist development within Exeter City, East Devon and Teignbridge Districts. This strategic mitigation approach will be updated prior to the next iteration of the Plan and the next version of the HRA draw on the updated mitigation strategy. The HRA will need to be able to have the confidence that the strategy is achievable, that the necessary SAMM and SANG are adequately resourced and deliverable and that the level of mitigation is address the scale of growth coming forward.

## 6. Appropriate assessment topic: Hydrological issues

### Relevant policies from initial LSE screening

- 6.1 Likely significant effects were only identified with respect to the Exe Estuary SPA/Ramsar.
- 6.2 Likely significant effects were identified alone for the policies which sett the overall level of growth and distribution:
- H1 Housing requirement;
  - HS Housing allocations.
- 6.3 Likely significant effects were also triggered in-combination by Policy H6: Custom and self-build housing and by Policy EJ6: New transformational employment allocations. Furthermore, likely significant effects were identified in-combination for all allocations:
- Marsh Barton – Site Reference 14
  - Water Lane – Site Reference 15
  - East Gate – Site Reference 52
  - Red Cow – Site Reference 22
  - North Gate – Site Reference 42
  - South Gate – Site Reference 46
  - Land at Old Rydon Lane – Site Reference 89
  - Land at Cowley Bridge Road – Site Reference 143
  - Bridges Retail Park – Site Reference 39
  - 12-31 Sidwell Street – Site Reference 51
  - Land at Exeter Squash Club, Prince of Wales Road – Site Reference 26
  - Land at Newcourt Road, Topsham – Site Reference 91
  - Land adjoining Silverlands – Site Reference 18
  - Belle Isle Depot, Belle Isle Drive – Site Reference 72
  - Land to the west of Newcourt Road, Topsham – Site Reference 94
  - Chestnut Avenue – Site Reference 75
  - Former Overflow Car Park, Tesco – Site Reference 80
  - Land behind 66 Chudleigh Road – Site Reference 125
  - East of Pinn Lane – Site Reference 106
  - Land at Hamlin Lane – Site Reference 60
  - Fever and Boutique, 12 Mary Arches Street – Site Reference 100
  - 88 Honiton Road – Site Reference 110
  - Garages at Lower Wear Road – Site Reference 84
  - 99 Howell Road - Site Reference 24

## Introduction

- 6.4 Run-off outflow from sewage treatments and overflows from septic tanks and poorly installed washing machines can result in increased nutrient loads and contamination of water courses. This can have consequences for European sites which contain wetland or aquatic features, as the pollution will affect the ability of the site to support the given interest.
- 6.5 Furthermore, abstraction and land management can influence water flow and quantity, resulting in reduced water availability at certain periods or changes in the flow. This can exacerbate issues relating to water quality.
- 6.6 These impact pathways can be specific to particular parts of European sites or particular development locations and are also relevant to the overall quantum of development.

## Water supply

- 6.7 It is the role of the Environment Agency to make sure that abstraction is sustainable and does not damage the environment. Water abstraction is managed through a licensing system originally introduced by the Water Resources Act 1963.
- 6.8 The Environment Agency is the competent authority for the Water Framework Directive, and it oversees the publication of River Basin Management Plans which are a requirement of the Directive. These plans set out how the management of water bodies will be undertaken, the roles of relevant bodies and the steps undertaken to ensure environmental targets are met.
- 6.9 The first River Basin Management Plans were produced in 2009 and then updated in 2015. In the more recent, second cycle river basin management plans the Environment Agency has committed to ensure abstraction licensing strategies and actions fully incorporate all environmental objectives and align with river basin management plans. The Agency will assess all licence applications and only issue licences that adequately protect and improve the environment; where necessary each should be subject to an individual HRA. The Agency will only grant replacement licences where the abstraction is environmentally sustainable, and abstractors can demonstrate they have a continued need for the water, and it will be used efficiently. In addition, for existing licences, the Agency will prioritise actions to protect and improve European sites and address the most seriously damaging abstractions during this plan period. All abstractors in surface water and groundwater bodies where serious damage is occurring or could occur without action should expect that their licences will be constrained over the next 6 years.

- 6.10 The Water Act 2003 introduced a legal requirement into the Water Industry Act 1991 for water companies to prepare, publish and maintain WRMPs. South West Water’s current Water Resources Management Plan (WRMP)<sup>22</sup> predicts demand for water and identifies issues around supply. The Exeter area is supplied with domestic water from the Wimbleball Water Resource Zone (WRZ) which extends across much of east Devon. Wimbleball Reservoir is located in the headwaters of the River Exe. Forecasts are made based on population forecasts from the Office of National Statistics and property forecasts from local plans. The WRMP used water supply and demand forecasts, together with climate change and target headroom values to forecast baseline supply demand for a 25 year period, to 2044/5. This shows that, without any interventions the Wimbleball WRZ is in surplus until the very end of the planning period with a minor deficit in 2044/45
- 6.11 These predictions take into account abstraction licence changes and renewals, including information provided by the Environment Agency on actions that companies need to undertake to contribute towards meeting environmental obligations, including any required changes to abstraction licences.
- 6.12 Despite this positive outcome, the WRMP sets out a series of interventions are set out that would apply across the entire water company area and include, in the short-term, reducing South West Water’s consumption of water at large sewage treatment works, reducing leakage and helping customers reduce water use. In addition, in those WRZ where future deficits are predicted, a series of bespoke measures are also proposed though these do not affect Wimbleball WRZ or Exeter.
- 6.13 With these interventions in place, the Water Resources Management Plan indicates there is sufficient surplus of water with no need to increase abstraction beyond that provided for by existing licences.
- 6.14 However, WRMPs have to be revised very five years. Accordingly, in February 2023 South West Water published its HRA embedded within (Annex 2, Appendix H) the Strategic Environmental Assessment (SEA)<sup>23</sup> of the draft WRMP<sup>24</sup>. Following a consultation exercise, the HRA is to be finalised in ‘autumn 2023’ though it has not yet been published.
- 6.15 The current draft (or ‘informal’) HRA of the preferred ‘best value’ plan included 11 options. Four were screened out as unlikely to result in significant effects alone or

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<sup>22</sup> South West Water Bournemouth Water (2019). Final Water Resources Management Plan.

<sup>23</sup> Southern Water WRMP<sup>24</sup>: <https://www.southwestwater.co.uk/about-us/what-we-do/improving-your-service/water-resources-management-plan>

in-combination. Likely significant effects could not be ruled out of the remaining seven. Of these, mitigation was found able to remove the risk of an adverse effect on the integrity of European site on six though the outcome of one option remained uncertain.

- 6.16 Of the 31 options assessed that were not included in the best value plan, likely significant effects were screened out for fourteen, and mitigation was found able to remove the risk of an adverse effect on the integrity of European site on all of the remaining options bar three. The outcome of these remained uncertain.
- 6.17 In arriving at these conclusions, the WRMP24 HRA recommended further studies were undertaken to more accurately determine potential adverse effects on those options where adverse effects could not be ruled out; these would be incorporated into the final HRA.
- 6.18 As the final HRA has not yet been published it would be premature to rely on these outcomes. As the water company and Environment Agency represent the most suitable competent authorities to assess the WRMP24, once produced its findings can and should be adopted by the Exeter Local Plan HRA. In the meantime, however, reliance will have to be placed on the WRMP19. It is noted, though, that neither the WRMP19 nor its predecessor was accompanied by an HRA apparently because no changes were required from previous iterations. It is clear, therefore, that prior to the next iteration of the Local Plan HRA that checks should be made with the relevant bodies that forecasts are still appropriate given the scale of development within Exeter and elsewhere in the WRZ.
- 6.19 However, even with this level of uncertainty, given the reliance of the WRMP19 on interventions to reduce water consumption, it is reasonable and appropriate for Policy CC9 in the Local Plan to emphasise the need for future development to incorporate water-saving measures, in accordance with South West Water advice. Policy CC9 states that all new residential development must achieve as a minimum water efficiency that requires an estimated water use of no more than 110 litres per day.

## Water quality

- 6.20 Wastewater or sewage can be very damaging to water bodies as it can contain large amounts of nutrients (such as phosphorus and nitrates), ammonia, bacteria, harmful chemicals and other damaging substances. Issues arise where sewage treatment technology to adequately reduce levels of phosphorus and harmful chemicals is not in place, where leakages occur from privately owned septic tanks and, in wet weather, storm overflows can discharge untreated sewage. Poorly

installed domestic washing machines and even washing cars at home can, in places, also add to the pollution load. Outcomes can include increased turbidity, algal blooms, reduced dissolved oxygen and an overall increase in the nutrient status of receiving waterbodies. Simply, increases in housing increase pressure on the sewage network and the volume of wastewater.

- 6.21 The pollution of inland and coastal waters has received greater recognition in recent years and the significance of such potential impacts and the need to mitigate has been given emphasis by Natural England's demands that new development affecting vulnerable water bodies must achieve 'nutrient neutrality', ie avoid any net increase in nitrate and phosphate pollution. Whilst this relates primarily to the disposal of foul water, run-off from hard surfaces can also be a factor. This reflects contemporary case law (the Dutch case) which makes clear that where water quality targets of European sites are not being met, further inputs of pollutants should not be allowed.
- 6.22 For the avoidance of doubt, the Exe Estuary is not currently subject to these measures, but a range of other statutory and policy drivers still apply.
- 6.23 River Basin Management Plans provide the framework for protecting and enhancing the water environment. The relevant plan for the South West<sup>24</sup> sets out statutory objectives for protected areas and a programme of measures to achieve those objectives.
- 6.24 South-West Water provides wastewater treatment for new development which it typically delivers by ensuring there is adequate capacity or headroom within the wastewater treatment system.
- 6.25 Whilst it should be expected that all existing wastewater treatment works that lie within the catchment of the Exe Estuary operate within their licensed conditions and that all have capacity to accommodate predicted levels of growth, this is not known to the Council for certain and there is some evidence in the public domain they are not. On the other hand, licenses for all wastewater treatment works and any changes to these would have been subjected to project-level HRAs and would not be permitted to operate if adverse effects could not be ruled out.
- 6.26 The basis for integrated long-term planning relating to drainage, flooding and protection of the environment is provided by Drainage and Wastewater Management Plan (DWMP). The DWMP and its environmental assessments will

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<sup>24</sup> See [Environment Agency website](#)



inform the content and direction and so be of direct relevance to the evolution of the Local Plan and this HRA.

- 6.27 In May 2023 South West Water published its first DWMP (DWM24)<sup>25</sup> covering the period from 2025 to 2050 with an accompanying HRA<sup>26</sup>. The HRA assessed four options and concluded that of the 661 Level 3 catchments, 493 required appropriate assessment. However, with suitable mitigation adverse effects on the integrity of all European sites in the area were ruled out.
- 6.28 Given their particular knowledge of the water environment, South West Water/Environment Agency are the competent authorities best placed to assess the impact of the disposal and the subsequent management of foul water, not the Council. Therefore, there is no reason to doubt the outcome of the DWMP24 HRA and it is safe for the Council to rely on its findings. However, the Council can and should ensure that measures within the DWMP24 are carried forward into the Local Plan where relevant.
- 6.29 It is recommended that prior to the next iteration of the Local Plan and this HRA that checks should be made with the relevant bodies to ensure that it is provided with up-to-date analysis as the DWMP progresses given the scale of development within Exeter and elsewhere in the catchment of the Exe Estuary.
- 6.30 The characteristics of the Exe Estuary are provided below.

### *Exe Estuary SPA/Ramsar*

- 6.31 The Environment Agency classification for the estuary under the Water Framework Directive in 2020 is 'Moderate' for both ecological and chemical parameters. Issues preventing waters reaching 'Good' status and the contributing sectors can be summarised under growth, development and transport.
- 6.32 The Site Improvement Plan (SIP)<sup>27</sup> for the Exe Estuary does not list water resources or water quality as an existing pressure or emerging threat. However, the conservation objectives<sup>28</sup> include the following:

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<sup>25</sup> South West Water (2023). Drainage and Wastewater Management Plan. Our Regional Plan.

<sup>26</sup> Pennon (2023). Drainage and Wastewater Management Plan. HRA Stage 1 screening and Stage 2 Appropriate Assessment. May 2023.

<sup>27</sup> Natural England (2014). Site Improvement Plan. Exe Dawlish. V1.0.

<sup>28</sup> Natural England (2022). Exe Estuary Supplementary advice (last updated 18<sup>th</sup> March 2022). Available at:

<https://designatedsites.naturalengland.org.uk/Marine/SupAdvice.aspx?SiteCode=UK9010081&SiteNam>

- ‘... to ensure that, subject to natural change, the ... supporting processes on which the habitat of the qualifying species rely [are maintained or restored as appropriate].

6.33 Furthermore, the supplementary advice for the waterbird assemblage (taken here as a reasonable surrogate for all other wetland features) adds that:

- ‘aqueous contaminants’ should be ‘reduced’,
- ‘dissolved oxygen’ levels should be ‘maintained’,
- ‘dissolved inorganic nitrogen levels’ should be ‘maintained’; and
- that ‘natural levels of turbidity’ should be ‘maintained’.

6.34 The need to ‘reduce’ aqueous contaminants reflects the high levels of inorganic contaminants in the estuary. To ‘maintain’ existing levels of the other factors suggests these are of lesser concern, perhaps broadly reflecting the SIP. In contrast, no specific targets appear to be set out in terms of water resources.

6.35 The outcome of the DWMP24 HRA is clear that adverse effects can be ruled out. In contrast, the assessment of water resources at present is compromised by the lack of a finalised HRA to inform the emerging WRMP24. Whilst evidence drawn from the draft WRMP24 HRA site objectives and SIP suggest the absence of an immediate issue, this cannot be presumed.

6.36 Should emerging analysis carried out for the WRMP indicate that adverse effects on the integrity of the Exe Estuary cannot be avoided, mitigation, typically in the form of increased capacity and ability often provided by new infrastructure, may be required. South West Water has a legal duty to provide this, but it can take time to implement. Policy CC9 states that the Council will work closely with South West Water and all other partners to help deliver the Drainage and Wastewater Management Plan and, where necessary, contributions will be sought towards water infrastructure.

## **Key findings: Hydrological issues**

### ***The Exe Estuary SPA/Ramsar***

The outcome of the DWMP24 HRA indicate that adverse effects can be ruled out with respect to water quality. This conclusion should be checked at the next iteration of the HRA and, if required, any relevant mitigation measures required to achieve this for the Exe Estuary should be incorporated within the Local Plan.

In contrast, the assessment of water resources at present is compromised by the lack of a finalised HRA to inform the emerging WRMP24. Whilst evidence drawn from the draft WRMP24 HRA site objectives and SIP suggest the absence of an immediate issue, this cannot be presumed. Liaison with South West Water, the Environment Agency and Natural England is required to assess the scale of any issues and identify any mitigation measures, if necessary, before the next iteration of the Local Plan and this HRA.

Should emerging analysis carried out for the WRMP indicate that adverse effects on the integrity of the Exe Estuary cannot be avoided, mitigation, typically in the form of increased capacity and ability often provided by new infrastructure, may be required. South West Water has a legal duty to provide this, but it can take time to implement.

## 7. Appropriate assessment topic: Air Quality

7.1 Likely significant effects were identified in-combination with respect to the East Devon Heaths SAC/SPA, Exe Estuary SPA/Ramsar, South Dartmoor Woods SAC for policies which set the overall level of growth and distribution:

- H1 Housing requirement;
- HS Housing allocations.

7.2 Likely significant effects were also triggered in-combination by Policy H6: Custom and self-build housing and by Policy EJ6: New transformational employment allocations.

7.3 It should be noted that the development strategy involves mainly brownfield development close to the city centre and specifically aims to reduce the need to travel. However, at present, it is impossible to identify which allocations would contribute to any increase in traffic flows at the European sites and so all allocations have been screened in as there is the potential for likely significant effects in-combination:

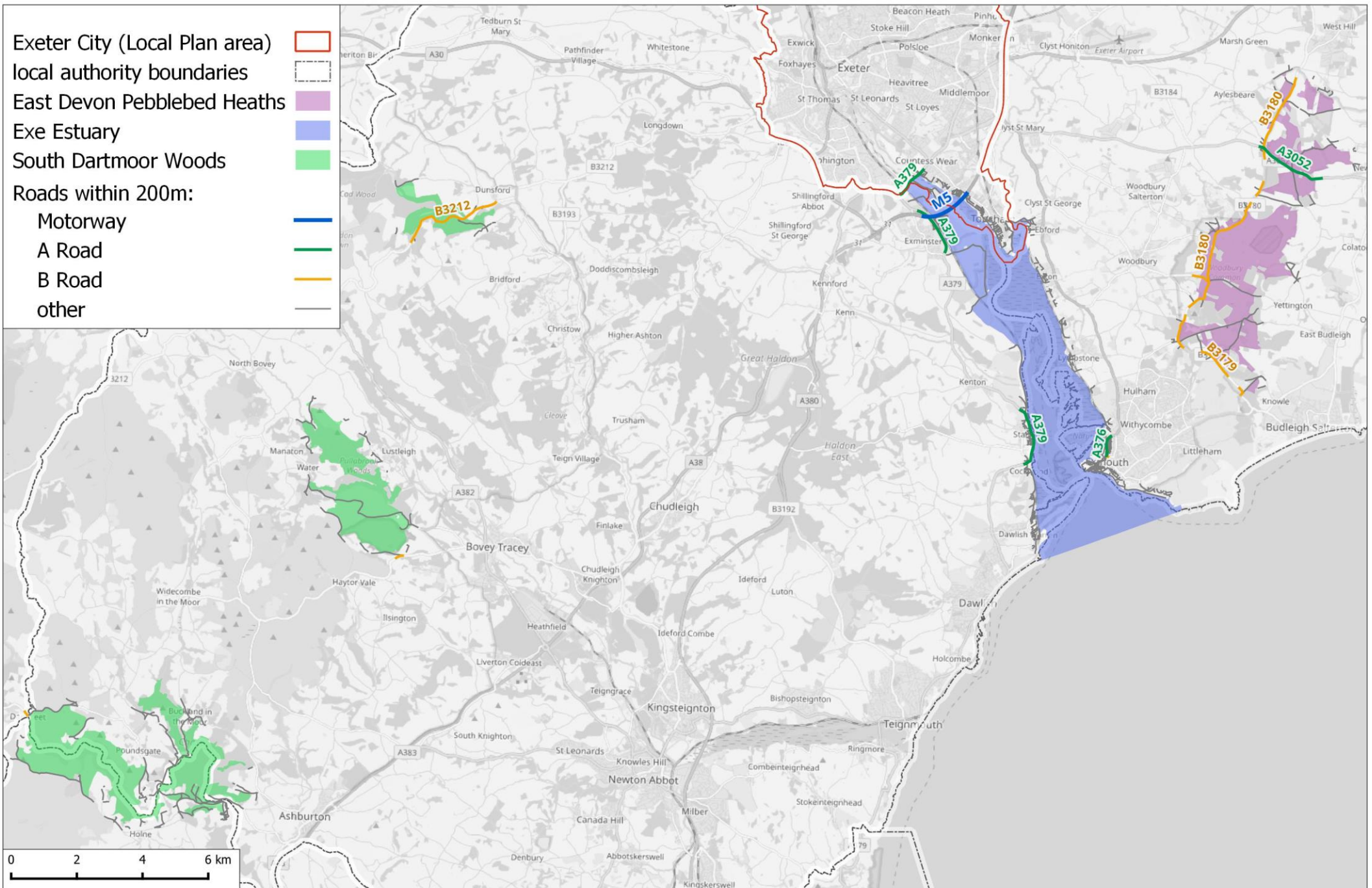
- Marsh Barton – Site Reference 14
- Water Lane – Site Reference 15
- East Gate – Site Reference 52
- Red Cow – Site Reference 22
- North Gate – Site Reference 42
- South Gate – Site Reference 46
- Land at Old Rydon Lane – Site Reference 89
- Land at Cowley Bridge Road – Site Reference 143
- Bridges Retail Park – Site Reference 39
- 12-31 Sidwell Street – Site Reference 51
- Land at Exeter Squash Club, Prince of Wales Road – Site Reference 26
- Land at Newcourt Road, Topsham – Site Reference 91
- Land adjoining Silverlands – Site Reference 18
- Belle Isle Depot, Belle Isle Drive – Site Reference 72
- Land to the west of Newcourt Road, Topsham – Site Reference 94
- Chestnut Avenue – Site Reference 75
- Former Overflow Car Park, Tesco – Site Reference 80
- Land behind 66 Chudleigh Road – Site Reference 125
- East of Pinn Lane – Site Reference 106
- Land at Hamlin Lane – Site Reference 60
- Fever and Boutique, 12 Mary Arches Street – Site Reference 100
- 88 Honiton Road – Site Reference 110
- Garages at Lower Wear Road – Site Reference 84
- 99 Howell Road - Site Reference 24

## European sites: East Devon Heaths SAC/SPA, Exe Estuary SPA/Ramsar, South Dartmoor Woods SAC.

- 7.4 Development is typically associated with increased traffic and emissions which can increase the airborne concentration of nitrogen oxides (NO<sub>x</sub>) and ammonia (NH<sub>3</sub>), and the subsequent rate of nitrogen deposition from the atmosphere. This can lead to the nutrient enrichment and acidification of soils, encouraging more tolerant ruderal species at the expense of sensitive plant, lower plant and invertebrate communities. In high concentrations, ammonia can result in direct toxic effects on vegetation, a factor which may also be true of NO<sub>x</sub>. Larger animals, such as small mammals and birds are considered immune to direct effects but can be vulnerable to change in their supporting habitats. Furthermore, it can exacerbate the effects of other factors such as climate change or pathogens, for example.
- 7.5 However, levels of nitrogen deposition typically fall quickly over the first few metres from the roadside before gradually levelling out; beyond 200m, they become difficult to distinguish from background levels. In other words, impacts at 10m, 50m or 200m can be very different from those at the roadside.
- 7.6 Map 4 shows roads around the European sites and identifies the relevant roads within 200m:
- Exe Estuary SPA/Ramsar: M5, A376 and A379
  - East Devon Heaths SAC/SPA: A3052, B3180
  - South Dartmoor Woods SAC: B3213



**Map 4: Roads within 200m of European sites**



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- 7.7 Reflecting this, Natural England provides screening criteria to assess the impact of air pollution on European sites<sup>29</sup>. Essentially, this provides a stepwise process that first explores whether any European sites lie within 200 m of a busy road that is anticipated to carry increased traffic, prior to determining whether vulnerable qualifying features live within the affected area. If they do, detailed traffic analysis is required to determine if the level of traffic is anticipated to exceed a standard threshold of 1,000 Annual Average Daily Traffic (flows) for all vehicles or 200 Heavy Duty Vehicles (HDVs). If these thresholds are exceeded, air quality analysis is required.
- 7.8 Specific impacts are assessed by calculating the relative contribution of the local plan (and, bearing in mind the Wealden decision, in-combination with other plans or projects) in relation to the relevant critical levels for NO<sub>x</sub> and ammonia, and the critical loads for nitrogen deposition.
- 7.9 The critical level for NO<sub>x</sub> is 30  $\mu\text{g m}^{-3}$ . It is a precautionary threshold below which there is confidence that adverse effects on vegetation communities will not arise. The critical level for ammonia is set at 3  $\mu\text{g m}^{-3}$  unless bryophytes or lichens form part of the qualifying features in which case it falls to 1  $\mu\text{g m}^{-3}$  (as in the case of the South Dartmoor Woodlands and East Devon Heaths). The critical loads for nitrogen deposition are specific to each individual feature or habitat and are expressed in kilograms of nitrogen per hectare per year (or  $\text{kgNha}^{-1}\text{yr}^{-1}$ ). These are presented as a range of values (e.g. 10-20  $\text{kgNha}^{-1}\text{yr}^{-1}$ ) and, as a precautionary approach, only the lowest values in the range are typically used. Critical levels and loads are drawn from the Air Pollution Information Service (or APIS)<sup>30</sup>.
- 7.10 Drawing on best practice<sup>31</sup> where existing background levels of these pollutants fall below the relevant critical levels or loads, emissions are considered to avoid harm where the contribution of the local plan (alone and in-combination) would not exceed the same thresholds. However, this is rare in lowland England. Indeed, where background levels already exceed these thresholds, it is considered that adverse effects will be avoided only if the increase is less than 1% of the critical levels or loads. The 1% threshold has been widely adopted in established guidance as in practice it is barely discernible from natural background fluctuations. Set at two orders of magnitude below the critical level or load, this

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<sup>29</sup> Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations. Version 1.4. June 2018

<sup>30</sup> Air Pollution Information Service available at <https://www.apis.ac.uk/>

<sup>31</sup> Holman et al. (2019). A guide to the assessment of air quality impacts on designated nature conservation sites – version 1.0. Institute of air quality management, London. Available at: <https://iaqm.co.uk/text/guidance/air-quality-impacts-on-nature-sites-2019.pdf>

threshold is considered suitably precautionary. Furthermore, whilst exceedance of the 1% threshold means that adverse effects cannot be ruled out, it does not necessarily mean that harm would arise.

- 7.11 It can be seen, therefore, that the additional contributions that might arise from increased traffic are only likely to be significant where a European site lies within 200m of a road which is expected to experience a marked increase in traffic, and where a feature is known to be sensitive to such effects. Map 3 shows those
- 7.12 Reflecting these and other factors, the SIPs for the East Devon Heaths SAC/SPA<sup>32</sup> and the South Dartmoor Woods SAC<sup>33</sup> both identify air pollution as an existing pressure; in the case of the latter site, it is the only pressure affecting the SACs. In contrast, the SIP for the 'Exe Estuary/Dawlish' SAC/SPA<sup>34</sup> does not identify air pollution as either an existing pressure or emerging threat.
- 7.13 SIPs represent only a snapshot in time, and all are now eight years old. Whilst they remain valid, reference to the conservation objectives and supplementary advice for each European site provides more contemporary advice and greater specificity. Drawing on this advice, the following is evident.
- 7.14 All three European sites, include the high-level conservation objective to:
- '... maintaining or restoring ... the supporting processes on which qualifying natural habitats [and in the case of the East Devon Heaths and Exe Estuary] and the habitats of qualifying species rely ...' (though the wording of the Exe Estuary objective refers to 'qualifying features' rather than habitats or species.
- 7.15 The supplementary advice for East Devon Heaths<sup>35</sup> and South Dartmoor Woods<sup>36</sup> states for all the qualifying features (emphasis added):
- 'Restore as necessary the concentrations and deposition of air pollutants to at or below the site-relevant Critical Load or Level values given for this feature of the site ... [on APIS];

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<sup>32</sup> Natural England (2014). Site Improvement Plan. East Devon Heaths. V1.0.

<sup>33</sup> Natural England (2014). Site Improvement Plan. South Woodland Woods. V1.0.

<sup>34</sup> Natural England (2014). Site Improvement Plan. Exe Dawlish. V1.0.

<sup>35</sup> Natural England (2019). European Site Conservation Objectives: Supplementary advice on conserving and restoring site features. East Devon Pebblebed Heaths Special Area of Conservation.

<sup>36</sup> Natural England (2019). European Site Conservation Objectives: Supplementary advice on conserving and restoring site features. South Dartmoor Woods Special Area of Conservation.



- 7.16 For the Exe Estuary<sup>37</sup> the same text is employed though the target is to 'maintain':
- 7.17 Importantly, a target to 'restore' reflects that existing background concentrations and/or rates of deposition already exceed critical levels or loads, respectively. In turn, this highlights the greater challenge of achieving the conservation objectives.
- 7.18 Should the HRA be unable to rule out adverse effects on the integrity of the site, mitigation will be required. This could take the form of the reduction of other sources of airborne pollutants, speed restrictions, improves to junctions, improvements in public transport, reductions in the size of certain allocations to reduce traffic or, more unusually, the removal of an allocation altogether.
- 7.19 Given the context provided above, in order to obtain the evidence to assess air pollution, traffic studies will be required for those roads within 200m of the three European sites. Where this identifies increases in traffic of greater than 1,000 AADT for all traffic or 200AADT for HDVs amongst a range of other criteria, air quality analysis is typically pursued to predict the impact on NO<sub>x</sub>, ammonia and nitrogen deposition. Where this exceeds 1% of the critical level or lowest critical load, adverse effects on the integrity of the site cannot be ruled out.

### Key findings: Air Quality

#### ***East Devon Heaths SAC/SPA, Exe Estuary SPA/Ramsar and South Dartmoor Woods SAC.***

At present, the Council does not have the evidence for this HRA to evaluate and it is premature to make any conclusions. However, the Council will be undertaking traffic modelling work and further evidence gathering to allow this part of the assessment work to be completed and any mitigation measures (if necessary) established. This process can take some time to complete but will be necessary before the HRA can evolve. At present, therefore, adverse effects on the integrity of the East Devon Heaths SAC/SPA, Exe Estuary SPA/Ramsar and South Dartmoor Woods SAC cannot be ruled out.

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<sup>37</sup> Natural England (2022). Exe Estuary Supplementary advice (last updated 18<sup>th</sup> March 2022). Available at:

<https://designatedsites.naturalengland.org.uk/Marine/SupAdvice.aspx?SiteCode=UK9010081&SiteName=exe+estuary&SiteNameDisplay=Exe+Estuary+SPA&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=&NumMarineSeasonality=7> (accessed on 19 August 2022).

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## Appendix 1: Conservation Objectives

- 7.20 As required by the Directives, 'Conservation Objectives' have been established by Natural England, which should define the required ecologically robust state for each European site interest feature. All sites should be meeting their conservation objectives. When being fully met, each site will be adequately contributing to the overall favourable conservation status of the species or habitat interest feature across its natural range. Where conservation objectives are not being met at a site level, and the interest feature is therefore not contributing to overall favourable conservation status of the species or habitat, plans should be in place for adequate restoration.
- 7.21 In 2012, Natural England issued a set of generic European site Conservation Objectives, which should be applied to each interest feature of each European site. The list of generic Conservation Objectives for each European site includes an overarching objective, followed by a list of attributes that are essential for the achievement of the overarching objective. Whilst the generic objectives are standardised, they are to be applied to each interest feature of each European site, and the application and achievement of those objectives will therefore be site specific and dependant on the nature and characteristics of the site.
- 7.22 For SPAs, the overarching objective is to:
- 'Avoid the deterioration of the habitats of qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive.'*
- 7.23 This is achieved by, subject to natural change, maintaining and restoring:
- The extent and distribution of the habitats of the qualifying features.
  - The structure and function of the habitats of the qualifying features.
  - The supporting processes on which the habitats of the qualifying features rely.
  - The populations of the qualifying features.
  - The distribution of the qualifying features within the site.
- 7.24 For SACs, the overarching objective is to:
- 'Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the*



*integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features.'*

- 7.25 This is achieved by, subject to natural change, maintaining and restoring:
- The extent and distribution of the qualifying natural habitats and habitats of qualifying species.
  - The structure and function (including typical species) of qualifying natural habitats and habitats of qualifying species.
  - The supporting processes on which qualifying natural habitats and habitats of qualifying species rely.
  - The populations of qualifying species.
  - The distribution of qualifying species within the site.
- 7.26 Conservation objectives inform any HRA of a plan or project, by identifying what the interest features for the site should be achieving, and what impacts may be significant for the site in terms of undermining the site's ability to meet its conservation objectives. Site specific supplementary advice highlights the importance of typical species, processes or ecological characteristics that are critical to the interest features of the site. Within the supplementary advice these are normally referred to as 'attributes' and can refer to a range of ecological characteristics such as population number, extent of habitat or a supporting process such as hydrology. Each attribute has a 'target' for the required condition of the attribute.
- 7.27 In Appendix 2 the hyper-links cross reference to the relevant conservation objectives page (on the Natural England website) for all the relevant European sites.

## Appendix 2: Summary of European Sites

Summary of European sites and their interest features. Links in the site column relate to the conservation objectives for each site or (in the case of the Ramsar sites) the relevant page with the information sheet on the Natural England website. # in the interest features column denotes an interest feature for which the UK has a special responsibility. Descriptions are drawn from the description in the relevant site improvement plans.

Site	Interest features	Description
<a href="#">East Devon Pebblebed Heaths SAC</a>	H4030 European dry heaths S1044 <i>Coenagrion mercuriale</i> : Southern damselfly H4010 Northern Atlantic wet heaths with <i>Erica tetralix</i>	The East Devon Pebblebed Heaths is the largest block of lowland heath in Devon, and it is internationally important for its Northern Atlantic wet heaths and extensive areas of lowland European dry heaths. The diversity of heathland reflects the varied topography, geology, hydrology and water chemistry of the area, and supports associated plant and animal communities. Among the 21 breeding dragonfly species recorded at the site is the southern damselfly, an Annex II species.
<a href="#">East Devon Heaths SPA</a>	A302(B) <i>Sylvia undata</i> : Dartford warbler A224(B) <i>Caprimulgus europaeus</i> : European nightjar	The East Devon Pebblebed Heaths is the largest block of lowland heath in Devon. There is an important assemblage of birds, and breeding European nightjar and Dartford warbler afford the site SPA status.
<a href="#">Dawlish Warren SAC</a>	H2190 Humid dune slacks S1395 <i>Petalophyllum ralfsii</i> : Petalwort H2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ("white dunes") H2130# Fixed dunes with herbaceous vegetation ("grey dunes")	Dawlish Warren is a geomorphologically important sand spit which protects the mouth of the Exe estuary. Herb-rich neutral grassland hosts the only mainland population of the Warren sand crocus. A mosaic of reed bed, marsh, scrub and open water support several nationally rare plants.
<a href="#">Exe Estuary SPA</a>	A141(NB) <i>Pluvialis squatarola</i> : Grey plover A046a(NB) <i>Branta bernicla bernicla</i> : Dark-bellied brent goose A132(NB) <i>Recurvirostra avosetta</i> : Pied avocet A156(NB) <i>Limosa limosa islandica</i> : Black-tailed godwit Waterbird assemblage A149(NB) <i>Calidris alpina alpina</i> : Dunlin A007(NB) <i>Podiceps auritus</i> Slavonian grebe A130(NB) <i>Haematopus ostralegus</i> : Eurasian oystercatcher	The Exe estuary is of international importance for wintering and migratory wetland birds. It is also of national importance for its marine life, especially that associated with intertidal sand and mud flats. Dawlish Warren is a geomorphologically important sand spit which protects the mouth of the Exe estuary. Salt marsh in the lee of the spit is an important habitat and provides a winter roost for wildfowl and waders, particularly dark-bellied Brent geese and oystercatcher.

Site	Interest features	Description
<a href="#">Exe Estuary Ramsar</a>	Waterfowl assemblage of international importance (under criterion 5) Species/populations occurring at levels of international importance (under criterion 6): <i>Branta bernicla bernicla</i> : Dark-bellied brent goose	As above.
<a href="#">Lyme Bay &amp; Torbay SAC</a>	H1170 Reefs H8330 Submerged or partially submerged sea caves	The two sections of the Lyme Bay and Torbay SAC off the Devon coast of England contain a greater diversity of habitats than found in other existing SACs in the Western English Channel and Celtic Sea. Within the Lyme Bay Reefs portion, bedrock and stony reef, boulders and cobble and sediments comprise a type of reef uncommon in the region. This complex and diverse reef habitat supports particularly high species richness. Hydroids, anemones, sea squirts, sponges and corals populate the area to the extent the area has been identified as a marine biodiversity 'hotspot.' The pink sea fan and the nationally rare southern cup coral is found throughout the site. The diverse geology of the 'Mackerel Cove to Dartmouth Reefs' in Torbay, limestone reefs and outcrops, sandstone, slate reef, granite outcrops, and stony reef, supports a similarly rich assemblage of animal communities, including an extensive coverage of kelp and blue mussel communities on shallower reefs, and species of sponge, anemone, soft corals and crustaceans on the deeper reefs. The area also contains a diversity of wave-eroded sea caves at Babbacombe to Hopes Nose and Broad Sands to Berry Head. The freshwater and saltwater mix in these caves makes them some of the best examples of coastal solution caves in the UK. The caves also support a richness of animal life including many nationally significant species such as sponges, pink sea fingers, burrowing anemones and southern cup coral.
<a href="#">Sidmouth to West Bay SAC</a>	H1210 Annual vegetation of drift lines H1230 Vegetated sea cliffs of the Atlantic and Baltic coasts H9180# <i>Tilio-Acerion</i> forests of slopes, screes and ravines	Sidmouth to West Bay is an example of a highly unstable soft cliff coastline subject to mudslides and landslips. The principal rock types are soft mudstones, clays and silty limestones, with a small chalk outlier in the west. Vegetation is very varied and includes

Site	Interest features	Description
		<p>pioneer communities on recent slips, calcareous grassland and scrub on detached chalk blocks, and extensive self-sown woodland dominated by ash <i>Fraxinus excelsior</i> or sycamore <i>Acer pseudoplatanus</i>. This mosaic of habitats makes this site rich in invertebrates, especially bees and wasps. The Red Data Book lichen <i>Parmelia quercina</i> occurs on ash <i>Fraxinus excelsior</i> trees.</p>
<p><a href="#">South Dartmoor Woods SAC</a></p>	<p>H4030 European dry heaths H91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p>	<p>The SAC consists of fine examples of old sessile oak woods, some of the best remaining in South Devon. The SAC forms a complex mosaic of woodland, grassland and heathland, with rare lichen species and nationally rare species of Pearl Border Fritillary and High Brown Fritillary.</p>
<p><a href="#">South Hams SAC</a></p>	<p>H8310 Caves not open to the public H6210# Semi-natural dry grasslands and scrubland facies: on calcareous substrates (<i>Festuco-Brometalia</i>) H4030 European dry heaths H1230 Vegetated sea cliffs of the Atlantic and Baltic coasts H9180# <i>Tilio-Acerion</i> forests of slopes, screes and ravines S1304 <i>Rhinolophus ferrumequinum</i>: Greater Horseshoe Bat</p>	<p>The South Hams SAC is comprised of several but separate component SSSIs. The SAC is thought to hold the largest population of Greater horseshoe bat in the UK, and is the only one containing more than 1,000 adult bats. It contains the largest known maternity roost in the UK and possibly Europe. The site contains both maternity and hibernation sites. Many of the roosts are within caves not open to the public. The SAC is important for its extensive limestone grassland, some areas on the plateau support European dry heath characteristic of acid soil. The limestone headland cliffs of Torbay support calcareous grassland and scrubland facies. The site is exceptional in that it supports a number of rare and scarce vascular plants typical of the oceanic southern temperate and Mediterranean-Atlantic elements of the British flora. The SAC also supports areas of <i>Tilio-Acerion</i> ravine forest which is woodland containing ash, wych elm and small leaved lime and field maple.</p>

## Appendix 3: Site pressures and threats for relevant European sites

The table lists the threats and pressures identified for each European site in the relevant site improvement plan. The links are for the relevant plan and the threats/pressures are listed in prioritised order.

Site	Site pressures and threats
<a href="#">East Devon Pebblebed Heaths SAC/SPA</a>	<ol style="list-style-type: none"> <li>1 Inappropriate scrub control</li> <li>2 Undergrazing</li> <li>3 Change in land management</li> <li>4 Public access/disturbance</li> <li>5 Air pollution: impact of atmospheric nitrogen deposition</li> <li>6 Water pollution</li> <li>7 Hydrological changes</li> </ol>
<a href="#">Exe Estuary SPA and Dawlish Warren SAC</a>	<ol style="list-style-type: none"> <li>1 Public access/disturbance (affecting birds)</li> <li>2 Changes in species distributions</li> <li>3 Coastal squeeze</li> <li>4 Change in land management</li> <li>5 Public access/disturbance (visitor pressure at Dawlish Warren)</li> <li>6 Fisheries: Commercial marine and estuarine</li> </ol>
<a href="#">Lyme Bay &amp; Torbay SAC</a>	<ol style="list-style-type: none"> <li>1 &amp; 2 Fisheries: commercial marine and estuarine</li> <li>3 Public access/disturbance</li> </ol>
<a href="#">Sidmouth to West Bay SAC</a>	<ol style="list-style-type: none"> <li>1 Invasive species</li> <li>2 Disease</li> <li>3 Direct impact from third party</li> <li>4 Planning permission: general</li> <li>5 Water pollution</li> <li>6 Vehicles</li> <li>7 Habitat fragmentation</li> <li>8 Inappropriate coastal management</li> <li>9 Air pollution: risk of atmospheric nitrogen deposition</li> </ol>
<a href="#">South Dartmoor Woods SAC</a>	<ol style="list-style-type: none"> <li>1 Air pollution: impact of atmospheric nitrogen deposition</li> </ol>
<a href="#">South Hams SAC</a>	<ol style="list-style-type: none"> <li>1 Change in land management</li> </ol>

Site	Site pressures and threats
	<ul style="list-style-type: none"> <li>2 Planning permission: general</li> <li>3 Physical modification</li> <li>4 Inappropriate vegetation management</li> <li>5 &amp; 7 Public access/disturbance</li> <li>6 Forestry and woodland management</li> <li>8 Inappropriate scrub control</li> <li>9 Air pollution: impact of atmospheric nitrogen deposition</li> </ul>