



Exmoor National Park Authority

Draft Supplementary Planning Document

Rural Worker and Succession Farm Dwelling Guidance

**Strategic Environmental Assessment
and Habitats Regulations Screening Report**

March 2019

1. Introduction

- 1.1 Formal planning documents must not breach, and otherwise must be compatible with EU obligations. These include the Strategic Environmental Assessment (SEA) Directive and Habitats Directive.
- 1.2 A Strategic Environmental Assessment (SEA) is required under European legislation¹ for all plans which may have a significant effect on the environment. “The Habitats Directive requires authorities to assess the impact of plans or projects that may have a significant effect on “European sites”. Authorities cannot consent to plans or projects they determine may have an “adverse effect on the integrity of a European site” (Special Areas of Conservation and Special Protection Areas) following such an assessment”. A Habitats Regulations Assessment (HRA) is a process which looks at the potential impact of proposals within a plan on European sites.
- 1.3 The Exmoor National Park Authority (ENPA) is required to determine whether or not the contents of the draft supplementary planning document (SPD) for Rural Worker and Succession Farm Dwelling Guidance requires a Strategic Environmental Assessment (SEA).

2. Legislative Background

- 2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, known as the SEA Regulations (from here on referred to as “the Regulations”). Detailed Guidance on these regulations can be found in the Government publication ‘A Practical Guide to the Strategic Environmental Assessment Directive’² and the National Planning Practice Guidance³.
- 2.2 The Habitats Regulations requires that any plan or project likely to have a significant effect on a European site must be subject to an Appropriate Assessment; part of the Habitats Regulations Assessment process is to ensure the plan is not likely to have a significant effect on a European site.
- 2.3 The Planning and Compulsory Purchase Act 2004 (as amended) requires a Sustainability Appraisal, incorporating SEA, to be carried out for Local Plans. The National Planning Practice Guidance (NPPG) explains that there is no legal requirement for supplementary planning guidance to have a sustainability appraisal⁴, but may in exceptional circumstances require a SEA if they are likely to have significant environmental effects that have not already been assessed during the preparation of the Local Plan. This Screening Opinion is intended to take account of

¹ European Directive 2001/42/EC1

² <https://www.gov.uk/government/publications/strategic-environmental-assessment-directive-guidance>

³ GOV.UK Strategic environmental assessment and sustainability appraisal 2015

⁴ [Strategic environmental assessment and sustainability appraisal - GOV.UK](#) Paragraph: 008
ID:11-008-20140306

Schedule 1 of the 2004 Regulations to decide whether significant environmental effects are likely.

- 2.4 Whether a plan requires a strategic environmental assessment, and (if so) the level of detail needed, will depend on what is proposed in the draft plan. A strategic environmental assessment may be required, for example, where:
- the plan allocates sites for development;
 - the area contains sensitive natural or heritage assets that may be affected by the proposals in the plan;
 - the plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.
- 2.5 To decide whether an emerging plan might have significant environmental effects, its potential scope should be screened at an early stage against the criteria set out in Schedule 1 of the Regulations⁵.

3. The draft supplementary planning document for Rural Worker and Succession Farm Dwelling Guidance

- 3.1 The draft SPD intends to assist those who are seeking to provide a rural worker or succession farm worker's dwelling. It expands on the provisions of the adopted Local Plan Policies HC-D9 (Rural Workers) and HC-D10 (Succession Farming – Second Dwellings on Established Farms). These Policies require development of this nature to meet certain functional and financial tests and the guidance explains in more detail how these issues should be addressed. It also explains size requirements and provides advice on considerations of location, siting and design.
- 3.2 The starting point of this guidance are the Exmoor National Park Local Plan policies, which along with any neighbourhood plans, forms the development plan for the Exmoor National Park. Planning law requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise
- 3.3 Planning applications for rural workers' or succession farm workers' dwellings will be assessed against the Exmoor National Park Local Plan policies, which are set out in full in the Exmoor National Park Local Plan⁶.
- 3.4 National policy⁷ is that in rural areas, housing should be located where it will enhance or maintain rural settlements, and that new isolated homes in the open countryside should be avoided unless there are special circumstances, including for

⁵ http://www.legislation.gov.uk/ukxi/2004/1633/pdfs/ukxi_20041633_en.pdf

⁶ <http://www.exmoor-nationalpark.gov.uk/planning/planning-policy>

⁷ Ibid

the essential needs of rural workers to live permanently at or near their place of work in the countryside.

- 3.5 It is important to emphasise that housing in the open countryside for rural workers is an exception to national policies of restraint for new development outside settlements. This is particularly the case in National Parks, which have the highest status of protection for landscape.⁸
- 3.6 The Rural Worker and Succession Farm Dwelling Guidance sits within the framework set by the Adopted Local Plan Policies which focus new build development in settlements identified in Policy GP3⁹. However, recognising that the housing needs of the farming community may arise outside of settlements, Local Plan policies make provision for rural workers' and succession farm workers' dwellings¹⁰ where they are essential for the needs of the farm business and where the need cannot be met through existing or planned development; through:
- the extension or subdivision of an existing home;
 - the conversion of an existing building in accordance with HC-D7 Conversions to Dwellings in the Open Countryside or HC-D5 for an Extended Family Dwelling;
 - the provision of a temporary residential caravan in accordance with HC-D11¹¹ of the Local Plan.
 - Through the provision of a new dwelling in accordance with policy HC-D9 for a rural worker or HC-D10 for a succession farm worker.

4 Assessment of need for SEA

- 4.1 Table 1 assesses whether the draft supplementary planning document for Rural Worker and Succession Farm Dwelling Guidance will require a full SEA.

5. Statutory Consultees

- 5.1 Responses from Natural England and the Environment Agency are appended. They have no comments to make. No response has been received to date from Historic England.

⁸ NPPF 2018 Paragraph 172

⁹ GP3 SPATIAL STRATEGY

¹⁰ The Exmoor National Park Local Plan has introduced a policy for Succession Farm Dwellings – an additional dwelling on a farm holding. The intention of the policy is to enable the older generation to reduce work through working part time (minimum of 0.5 equivalent), and the younger generation to assume responsibility for the full-time role on the farm.

¹¹ HC-D11 Residential Caravans

Table 1 - Assessment of need for SEA

<p>CRITERIA (Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004)</p>	<p>EXMOOR NATIONAL PARK AUTHORITY RESPONSE</p>	<p>Likely Significant Environmental effect</p>
<p>The characteristics of the plan having regard to -</p>		
<p>(a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.</p>	<p>The draft SPD seeks to guide the development of additional farm dwellings to ensure the future economic viability of holdings and to seek to contribute to the conservation of the National Park. Guidance is provided in the SPD to ensure that the location, siting and design of buildings are appropriate and in accordance with other Local Plan policies. The Local Plan contains a range of policies, which must be read as a whole. The draft SPD sets out practical guidance on the implementation of the Local Plan, which has been subject to SEA/HRA. As a National Park, there is a suite of detailed policies to ensure development is consistent with National Park Purposes, including the conservation and enhancement of the area.</p>	<p>No</p>
<p>(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy.</p>	<p>The draft SPD augments policies within the adopted Local Plan, itself in accordance with the NPPF. The SPD also has regard to National Park Purposes.</p>	<p>No</p>
<p>(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.</p>	<p>Policy GP1 of the adopted Local Plan seeks to ensure that all development should achieve National Park Purposes and sustainable development; the draft SPD does not alter this requirement.</p>	<p>No</p>
<p>(d) environmental problems relevant to the plan or programme.</p>	<p>As long as the guidance is followed and planning applications meet the required functional and financial tests; and other policies in the Local Plan are complied with, the environmental effects are likely to be minimal. The draft SPD sets out practical guidance on the implementation of the Local Plan, which has been subject to SEA/HRA.</p>	<p>No</p>

<p>(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).</p>	<p>The Guidance has to be in general conformity with the Local Plan, which itself complies with European legislation. It does not relate directly to other environmental programmes.</p>	<p>No</p>
<p>Characteristics of the effects and of the area likely to be affected, having regard, in particular to -</p>		
<p>(a) the probability, duration, frequency and reversibility of the effects.</p>	<p>The draft SPD allows for relatively small scale development throughout the National Park; therefore some element of environmental change will take place. However the overall impacts will be in accordance with the adopted Local Plan and unlikely to have a significant effect. The draft SPD sets out practical guidance on the implementation of the Local Plan, which has been subject to SEA/HRA.</p>	<p>No</p>
<p>(b) the cumulative nature of the effects.</p>	<p>The relatively small scale developments permitted by the draft SPD will be sparsely distributed throughout the National Park, so their cumulative impact is likely to be low.</p>	<p>No</p>
<p>(c) the transboundary nature of the effects.</p>	<p>The guidance contained within the draft SPD applies only to areas within the National Park, so there will be no transboundary effects.</p>	<p>No</p>
<p>(d) the risks to human health or the environment (for example, due to accidents).</p>	<p>There is limited risk to human health or environment as a result of the guidance within the draft SPD.</p>	<p>No</p>
<p>(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).</p>	<p>The draft SPD relates to the whole of the National Park, but the numbers of households that require additional dwellings on farms is likely to be relatively low. Such accommodation would also need to be justified in terms of functional and financial tests.</p>	<p>No</p>

<p>(f) the value and vulnerability of the area likely to be affected due to</p> <ul style="list-style-type: none"> i. special natural characteristics or cultural heritage; ii. exceeded environmental quality standards or limit values; or iii. intensive land-use. 	<p>The National Park includes a National Nature Reserve; SSSIs; Special Areas of Conservation; County/ Local Wildlife Sites; an International Dark Sky Reserve; Heritage Coast; National Priority Habitats and Species; Ancient Woodland; and Listed Buildings and Conservation Areas. However, the draft SPD does not alter the protection that the adopted Local Plan gives to these environmental, cultural and historic areas and features, so the direct environmental effects of the draft SPD are likely to be limited. The draft SPD sets out practical guidance on the implementation of the Local Plan, which has been subject to SEA/HRA.</p>	<p>No</p>
<p>(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>The National Park, (itself an International landscape designation) includes a National Nature Reserve; Special Areas of Conservation; International Dark Sky Reserve and Heritage Coast. However, the draft SPD does not alter the protection that the adopted Local Plan gives to these environmental features, so the direct effects of the draft SPD are likely to be limited.</p>	<p>No</p>
<p>Conclusion</p> <p>The Draft Supplementary Planning Document for Rural Worker and Succession Farm Dwelling Guidance is unlikely to have a significant effect on the environment.</p>		

Date: 09 April 2019
Our ref: 277245
Your ref: Draft Farm Dwellings SPD



FAO David Clews
Planner
Exmoor National park Authority

dclews@exmoor-nationalpark.gov.uk

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Mr Clews

Planning consultation: Draft farm dwellings supplementary planning document and associated strategic environmental assessment.

Thank you for your consultation on the above dated 13 March 2019.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

We have no comments to make on the draft farm dwellings supplementary planning document.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Carol Reeder on 0208 225 6245 / 07721 108902 or carol.reeder@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Carol Reeder
Lead Adviser
Devon Cornwall and Isles of Scilly Area Team
Natural England
Polwhele
Truro
TR4 9AD

David Clews

From: SPDC <SPDC@environment-agency.gov.uk>
Sent: 29 March 2019 14:03
To: David Clews
Subject: RE: Draft Farm Dwellings Supplementary Planning Document

Dear David,

Thank you for consulting us on this supplementary planning document. We are happy that the existing local plan policy and national policy will cover matters of interest within the Environment Agency's remit.

Kind regards,

Harriet

Harriet Fuller

Sustainable Places | Devon, Cornwall and the Isles of Scilly

✉ Email: SPDC@environment-agency.gov.uk

📍 Manley House, Kestrel Way, Sowton Ind Est, EX2 7LQ

Does Your Proposal Have Environmental Issues or Opportunities? Yes? Don't know? Speak To Us Early!

If you are planning a new project or development, we want to work with you to make the process as smooth as possible. Early engagement can improve subsequent planning applications to you and your clients' benefit and deliver environmental outcomes. We will provide you with a project manager who will coordinate all meetings and reviews in order to give you detailed specialist advice with guaranteed delivery dates. More information on what we can do, along with our charges, can be found on our website [here](#).

From: David Clews [mailto:dclews@exmoor-nationalpark.gov.uk]
Sent: 13 March 2019 13:00
To: Salmon, Marcus <marcus.salmon@environment-agency.gov.uk>
Subject: Draft Farm Dwellings Supplementary Planning Document

Dear Marcus

The Exmoor National Park Authority has prepared a draft Supplementary Planning Document (SPD) for Rural Worker and Succession Farm Dwelling Guidance; and this has been approved by the Authority for formal consultation. As required by the Environmental Assessment of Plans and Programmes Regulations 2004, it has produced a draft Strategic Environmental Assessment and Habitats Regulations Screening Report and I have attached this, together with the SPD itself. In accordance with the Regulations, the Authority is notifying you of the draft SPD so that you may comment prior to the Authority commencing wider consultation.

I would therefore welcome any comments you have and would be grateful if you could respond if at all possible by Friday 12th April 2019.

I look forward to hearing from you.

Many thanks.

Kind regards

David

David Clews
Planner
Exmoor National Park Authority
Exmoor House, Dulverton, Somerset TA22 9HL

Tel: 01398 323665

Working together for Exmoor

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