

Lanteglos by Fowey NDP (August 2019)

**Strategic Environmental Assessment
Habitats Regulations Assessment**

Screening Report

August 2019

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SEA and HRA Screening Report**

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1. Introduction

1.1 This screening report is designed to determine whether or not the Lanteglos by Fowey requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004. The report also considers whether Habitats Regulations Assessment is required under Article 6 or 7 of the Habitats Directive.

1.2 The objectives of the Lanteglos by Fowey Neighbourhood Development Plan are:-

a) **Environment and Heritage Objective.**

To sustain the high quality of our natural and man-made environment, and to ensure its accessibility for the enjoyment of all;

b) **Economy and Employment Objective.**

To support job creation through encouragement of appropriate development;

c) **Housing Objective.**

To promote provision of housing suited to the needs of our community;

In order to achieve this the NDP has 11 policies. The Parish is located mainly in the AONB, with no settlements of any scale outside of this. There are no new dwellings identified in the Cornwall Local Plan to be delivered by the Parish. The NDP strategy will facilitate the delivery of new dwellings through the policies of 'in fill' or 'rounding off' or proposals which are affordable led exception sites where they are adjacent to the settlement boundaries of Polruan or Bodinnick.

1.3 The legislative background set out below outlines the regulations that require the need for this screening exercise. Section 4, provides a screening assessment of the likely significant environmental effects of the Neighbourhood Plan and the need for a full SEA or HRA.

2. Legislative Background

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Strategic environmental assessment

2.1 The basis for Strategic Environmental Assessments legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations. Detailed Guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005)

2.2 The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce Sustainability Appraisals (SA) for all local development documents to meet the requirement of the EU Directive on SEA. It is considered best practice to incorporate requirements of the SEA Directive into an SA.

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2.3 However, Neighbourhood Plans are not Local Development Documents and are not required to be subject to sustainability appraisal by legislation (although it is advisable to carry out some form of sustainability assessment.) Neighbourhood plans are produced under the Localism Act 2011. In SEA terms, neighbourhood plans are treated as components of Local Plans. National Planning Policy Guidance (NPPG) advises that in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a strategic environmental assessment. The Localism Act 2011 also requires neighbourhood plans to be compatible with EU and Human rights legislation, therefore, depending on their content, neighbourhood plans may trigger the Strategic Environmental Assessment Directive and Habitats Directive

2.4 ~~Figure 2.1 shows the SEA screening process, and Box 2.1 shows the criteria to be used for the main test that applies to neighbourhood plans, namely whether the plan is likely to have a significant environmental effect.~~

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2.5 National Planning Policy Guidance (NPPG) advises that in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a strategic environmental assessment. Potential triggers may be:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan is likely to have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan

Habitats Regulation Assessment

2.6 Habitats Regulation Assessment (HRA) is a separate process which is required for all plans and projects which are not wholly directly connected with or necessary to the conservation management of a European site's qualifying features. This process also requires screening as a first step to ascertain whether a plan is likely to have significant adverse effects on the integrity of 'European' sites. European sites in Cornwall include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs.).

2.7 HRA focuses on maintaining the 'integrity' of the European Sites, namely their conservation objectives. Table 5.1 lists the European Sites within 10km of the neighbourhood plan; their designated features/habitats; conservation objectives; and vulnerabilities.

Sustainability appraisal

2.8 The NPPG explains that there is no legal requirement for a neighbourhood plan to have a sustainability appraisal as set out in section 19 of the Planning and Compulsory Purchase Act 2004. However, a qualifying body must demonstrate how its plan or order will contribute to achieving sustainable development. A sustainability appraisal may be a useful approach for doing this.

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2.9 This report therefore includes screening for HRA and SEA. Section 3 sets out the HRA screening, and provides that Appropriate Assessment if required. Section 4 shows the SEA screening process (fig 2.1), and Box 2.1 shows the criteria to be used for the main test that applies to neighbourhood plans, namely whether the plan is likely to have a significant environmental effect.

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3. Habitats Regulation Assessment

Habitats Regulation Assessment (HRA) is a separate process which is required for all plans and projects which are not wholly directly connected with or necessary to the conservation management of a European site's qualifying features. This also requires screening as a first step to ascertain whether a plan is likely to have significant adverse effects on the integrity of 'European' sites. European sites in Cornwall include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs.).

3.1 HRA focuses on maintaining the 'integrity' of the European Sites, namely their conservation objectives. Table 3.3 lists the European Sites within 10km of the neighbourhood plan; their designated features/habitats; conservation objectives; and vulnerabilities.

3.2 HRA screening: Is the Plan, either alone or in combination with other relevant projects and plans, likely to result in a significant effect upon European sites? The table(s) below appraises the effect of allocations or policies within the NDP which have the potential to significantly affect European sites within or with a pathway of impact from the NDP. The precautionary principle must be used when assessing whether adverse effects are significant.

NDP Allocation or Policy: 9 and 10

Table 3.3

European Site	Designated features	Threats/pressures	Pathways of Impact	Likely significant effects (including in combination)	Screen in or out
Polruan to Polperro SAC	H1230 Vegetated sea cliffs of the Atlantic and Baltic coasts. H4030 European dry heaths S1441 <i>Rumex rupestris</i> ; Shore	<ul style="list-style-type: none"> • Impediment to management • Inappropriate scrub control • Undergrazing • Water pollution • Invasive species 	None arising from Lanteglos NDP. Housing will be delivered through 'infill, windfall and rounding off' (Policy 9 of NDP) or rural exception sites (Policy 10) and will therefore be focussed within or adjacent to the existing settlements of	None.	Out

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	dock	<ul style="list-style-type: none"> • Condition unknown • Air pollution 	<p>Polruan and Bodinnick</p> <p>The Polruan to Polperro SAC will be managed jointly by NE, The NT and landowners in terms of habitat management and ongoing conservation.</p>		
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The HRA of the Cornwall Local Plan screened out the Polruan to Polperro SAC, see p.60 [https://www.cornwall.gov.uk/media/9430187/HRA - Final October 2014.pdf](https://www.cornwall.gov.uk/media/9430187/HRA_-_Final_October_2014.pdf), where it states, “Looe, Pelynt, Polruan, Downderry and Duloe are the only settlements in this CNA that are within relatively close proximity (10km) to the SAC. All five are small villages (a total population of approximately 9,000) and will probably receive approximately 400 dwellings between them (since the 732 dwellings to be delivered in the CAN outside of Liskeard, discounting for those with planning permission, will be split between at least nine villages). Since the population is small and dispersed, the change in actual number of residents would be small. Visitors are likely to remain dominated by tourists given the large number of campsites nearby. It is therefore considered that adverse effects on the integrity of the SAC will not result from Local Plan development.”

As the Lanteglos NDP does not contain any additional allocations or policies which would allow housing in addition to that which would already be permitted through policies 3, 7 and 9 of the CLP, it is therefore possible to conclude that there will be no residual impact on the habitats or species of the European sites as a result of the Lanteglos NDP.

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4. SEA screening

4.1 Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:

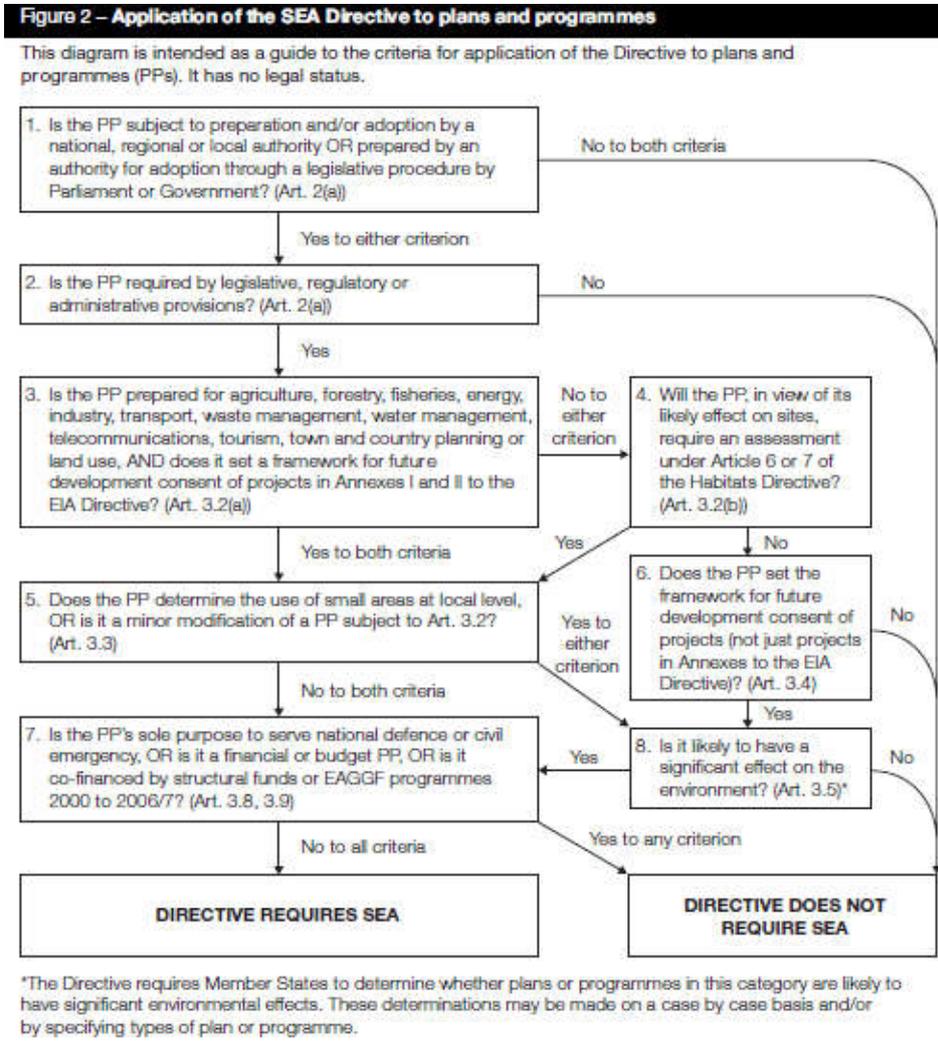
SCHEDULE 1 Regulations 9(2)(a) and 10(4)(a) CRITERIA FOR DETERMINING THE LIKELY SIGNIFICANCE OF EFFECTS ON THE ENVIRONMENT
<p>1. The characteristics of plans and programmes, having regard, in particular, to</p> <ul style="list-style-type: none">- the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,- the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,- the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,- environmental problems relevant to the plan or programme,- the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).
<p>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to</p> <ul style="list-style-type: none">- the probability, duration, frequency and reversibility of the effects,- the cumulative nature of the effects,- the transboundary nature of the effects,- the risks to human health or the environment (e.g. due to accidents),- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),- the value and vulnerability of the area likely to be affected due to:<ul style="list-style-type: none">- special natural characteristics or cultural heritage,- exceeded environmental quality standards or limit values,- intensive land-use,- the effects on areas or landscapes which have a recognised national, Community or international protection status.

Source: Annex II of SEA Directive 2001/42/EC

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Figure 2 SEA screening flowchart

The diagram below illustrates the process for screening a planning document to ascertain whether a full SEA is required¹.



¹ Source: A Practical Guide to the Strategic Environmental Assessment Directive

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Table 4.2 Establishing the Need for SEA		
Stage	Y/N	Reason
1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	Will be 'made' by Cornwall Council and used in decision making as part of the development plan.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	Localism Act 2011
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	N	Annex I and II projects are (typically) large scale industrial and commercial processes – the plan does not deal with this scale of development.
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b)) (See para 4.2 above)	N	See Section 3 on Habitats Regulations Assessment
5. Does the PP Determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Y	The Plan contains land use planning policies to guide development within the parish
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	Y	The NDP will be 'made' and used as part of the development plan for determining planning applications in the Plan area
7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	N	
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	N	

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Table 4.2 Likely significant effects on the environment	
SEA requirement	Comments
The characteristics of plans and programmes, having regard, in particular, to:	
1. 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	The Plan provides local criteria based policies to control the quality of development within the parish.
2. the degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The neighbourhood plan must be in general conformity with the National Planning Policy Framework and the Local Plan. It does not influence other plans.
3. the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,	The neighbourhood plan must be in general conformity with the National Planning Policy Framework and the Local Plan which promote sustainable development. It will be examined against four basic conditions, one of which is whether the plan contributes to sustainable development. A sustainability checklist has been completed, which concludes that the Lanteglos NDP demonstrates compatibility with 19 sustainability checklist themes and objectives and is therefore supportive of sustainable development.
4. environmental problems relevant to the plan or programme,	The following environmental problems have been identified in the neighbourhood plan area: Areas prone to flooding – zone 3 along the Fowey Estuary
5. the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).	N/A
Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:	

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6. the probability, duration, frequency and reversibility of the effects,	The plan period runs to 2030, in line with the Cornwall Local Plan, and contains policies to manage development for that period.
7. the cumulative nature of the effects,	With the majority of growth for the Liskeard & Looe community network area directed towards Liskeard (1,500) and with most of the Parish of Lanteglos by Fowey located within the South Coast Eastern AONB, there is no housing allocated for the NDP area and therefore the cumulative effects are assessed as nil.
8. the transboundary nature of the effects,	N/A
9. the risks to human health or the environment (e.g. due to accidents)	N/A
10. the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),	<p>The neighbourhood plan does not need to deliver any new housing or employment land within the plan period, above and beyond that which would be considered background growth. It therefore falls below the thresholds for project environmental impact assessment, i.e.</p> <ul style="list-style-type: none"> • Development includes no more than 1 hectare of urban development which is not dwelling house development • Development includes more than 10 dwellings • Overall area of development exceeds 5 hectares <p>See Locality (2018) Screening Neighbourhood Plans for Strategic Environmental Assessment)</p>
<p>11. the value and vulnerability of the area likely to be affected due to:</p> <ul style="list-style-type: none"> -special natural characteristics or cultural heritage, - exceeded environmental quality standards or limit values, - intensive land-use, 	<p>The parish contains the Polperro to Polperro SAC which has been screened out, see table 3.3 above.</p> <p>County wildlife sites</p> <ul style="list-style-type: none"> • Pont Pill & Hall Walk • Colvithick Wood & Penpoll Creek <p>SSSI</p> <ul style="list-style-type: none"> • Polruan to Polperros <p>Marine Conservation zones</p> <ul style="list-style-type: none"> • Upper Fowey and Pont Pill <p>AONB</p> <ul style="list-style-type: none"> • South Coast Eastern
12. the effects on areas or landscapes which have a	

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<p>recognised national, Community or international protection status.</p>	<p>Policy 6 of the NDP aims to protect and enhance the biodiversity of the local wildlife species and habitats requiring that new proposals demonstrate how net gain will be achieved. There is no development allocated within the NDP and any new development will be directed towards the settlement areas of Polruan and Bodinnick, under policy 9, which supports the strategic policy outlined in policy 3 of the CLP.</p> <p>The Pont Pill & Hall Walk county wildlife site follows along the line of the Fowey River and includes the steep northern & southern banks. This site is owned by the NT, and whilst it is located close to Bodinnick, and runs up to Polruan along the estuary, would not be land considered suitable for development.</p> <p>Colvithick Wood & Penpoll Creek county wildlife site is located to the north of the parish and is remote from any settlement areas.</p> <p>The Polruan to Polperro SSSI extends along the coastal fringe of the parish and although it does connect to some of the settlement allocated to the south of Polruan, this designated land would be protected under policy 6 of the NDP and policy 23 3 (b) of the CLP.</p> <p>Policy 9 of the NDP requires proposed development in or adjacent to the AONB to conserve and enhance the 'settlement's special historic, architectural and landscape character'.</p> <p>Heritage Coast</p> <ul style="list-style-type: none"> • Gribbin Head – Polperro <p>Conservation areas</p> <ul style="list-style-type: none"> • Polruan • Bodinnick <p>Policy 5: Marine Heritage aims to preserve the historic character of the conservation areas of Polruan and Bodinnick. This policy supports Policy 24 of the CLP in its intention to ensure there is no adverse impact on the conservation area by requiring that any proposed development demonstrates how it protects the character and appearance of the Polruan and Bodinnick conservation areas.</p> <p>Listed buildings – identified in the main settlement areas of Polruan and Bodinnick</p> <p><u>Polruan</u></p> <p>Grade II listed buildings</p> <ul style="list-style-type: none"> • Ferryside & Quay walls • The Blue Cottage • Hall Farmhouse
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Scheduled ancient monuments

- Polruan block house
- St Saviour's Chapel
- Medieval wayside cross on Fore Street

Bodinnick

Grade II listed buildings

- Polruan Castle
- Methodist Chapel
- Lugger Inn and adjoining house
- Quayside Hotel & Reading rooms
- Harbour View & Pentewen
- K6 Telephone Kiosk
- General stores
- Holly House
- 25, 27 & 29 Fore Street
- 38, 39 & 42 Fore Street
- Cross standing at south junction of Fore Street & trough adjoining Fore Street

Scheduled ancient monuments

- Chapel at hall

Policy 5 (iii) of the NDP requires that development should not harm listed structures or their setting through 'inappropriate scale, appearance or use'.

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5. SEA Screening Outcome

5.1 As a result of the assessment in Table 4.2, it is unlikely there will be any significant environmental effects on European Sites arising from the Lanteglos by Fowey NDP and HRA is therefore not required.

5.2 The assessment in Table 4.2 does not reveal any significant effects to the environment resulting from the Lanteglos by Fowey NDP. The plan is of a small scale with no allocated sites for development proposed. The environmentally sensitive areas identified in Table 4.2 (11) will not be affected by the policies of the NDP as there is sufficient policy protection both within the NDP and within policies 23 and 24 of the CLP. Habitats Regulations Assessment appropriate assessment is not required. SEA is therefore not required.

The maps and other information accompanying this screening report should help to provide the evidence base for the SEA screening.