

**Tywardreath and Par Parish NDP
(SEA version December 2019)**

**Strategic Environmental Assessment
Habitats Regulations Assessment**

Screening Report

10 December 2019

Tywardreath and Par Parish Neighbourhood Plan SEA and HRA Screening Report

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1. Introduction

- 1.1 This screening report is designed to determine whether or not the Tywardreath and Par Parish Neighbourhood Development Plan (the NDP) 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 purpose of the NDP is to provide local planning policies which will operate in the plan area, Tywardreath and Par parish, in conjunction with and adding extra detail to strategic level policies.
- 1.3 The vision for the NDP is: “By 2030, Tywardreath and Par Parish will be a thriving, welcoming and inclusive community, allowing local people to lead secure, sustainable, productive and rewarding lives while protecting a distinctive landscape and coastline, environment and heritage.” The NDP specifies 5 key objective, relating to Flood Risk Management, Business, Tourism and Transport, Community, Health and Wellbeing, Environment and Heritage and Housing and Development. A diagram on page 13 shows how the NDP policies relate to each objective.
- 1.4 The strategy of the NDP is to use criteria based polices to guide the quality of development. Fairly tight development boundaries are drawn, reflecting the indicative baseline housing requirement figure of zero supplied by Cornwall Council in accordance with NPPF paragraph 69. The NDP does not allocate sites, but safeguards sites for employment, designates local green space and safeguards land required for the implementation of the StARR project.
- 1.5 Health and wellbeing, including blue/green spaces, tranquility and environmental protection and enhancement and an appreciation of cultural distinctiveness and the historic environment are key features of the NDP.
- 1.6 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

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.

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.

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.

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.

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.).

5.2 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.

5.3 HRA screening must address the question: 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: There are no allocations nor policies within the NDP likely to cause significant effects on a SAC or SPA. The nearest European Sites are listed in the table below.

European Site	Designated features	Threats/pressures	Pathways of Impact (arising from development relating to the NDP)	Likely significant effects (including in combination)	Screen in or out
Falmouth Bay to St Austell Bay SPA	Black throated Diver, Slavonian Grebe, Great Northern Diver,	Commercial fishing, fixed/drift net fishery	None arising from the NDP. The SPA was also screened out of the Cornwall Council HRA	None	Out
Polruan to Polperro SAC	Qualifying habitats:	Water Pollution, Air Pollution,	None. Farming practises are outside the remit of an	None	Out

<p>lies approximately 4km (closest point) to the parish</p>	<p><input type="checkbox"/> European dry heaths</p> <p><input type="checkbox"/> Vegetated sea cliffs of the Atlantic and Baltic coasts</p> <p>Qualifying species:</p> <p><input type="checkbox"/> Shore dock <i>Rumex rupestris</i></p>	<p>overgrazing, inappropriate scrub control</p>	<p>NDP. The NDP does not propose development above that of the Cornwall Local plan – and this SAC was screened out in the HRA of the Cornwall Local Plan.</p>		
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4. SEA screening

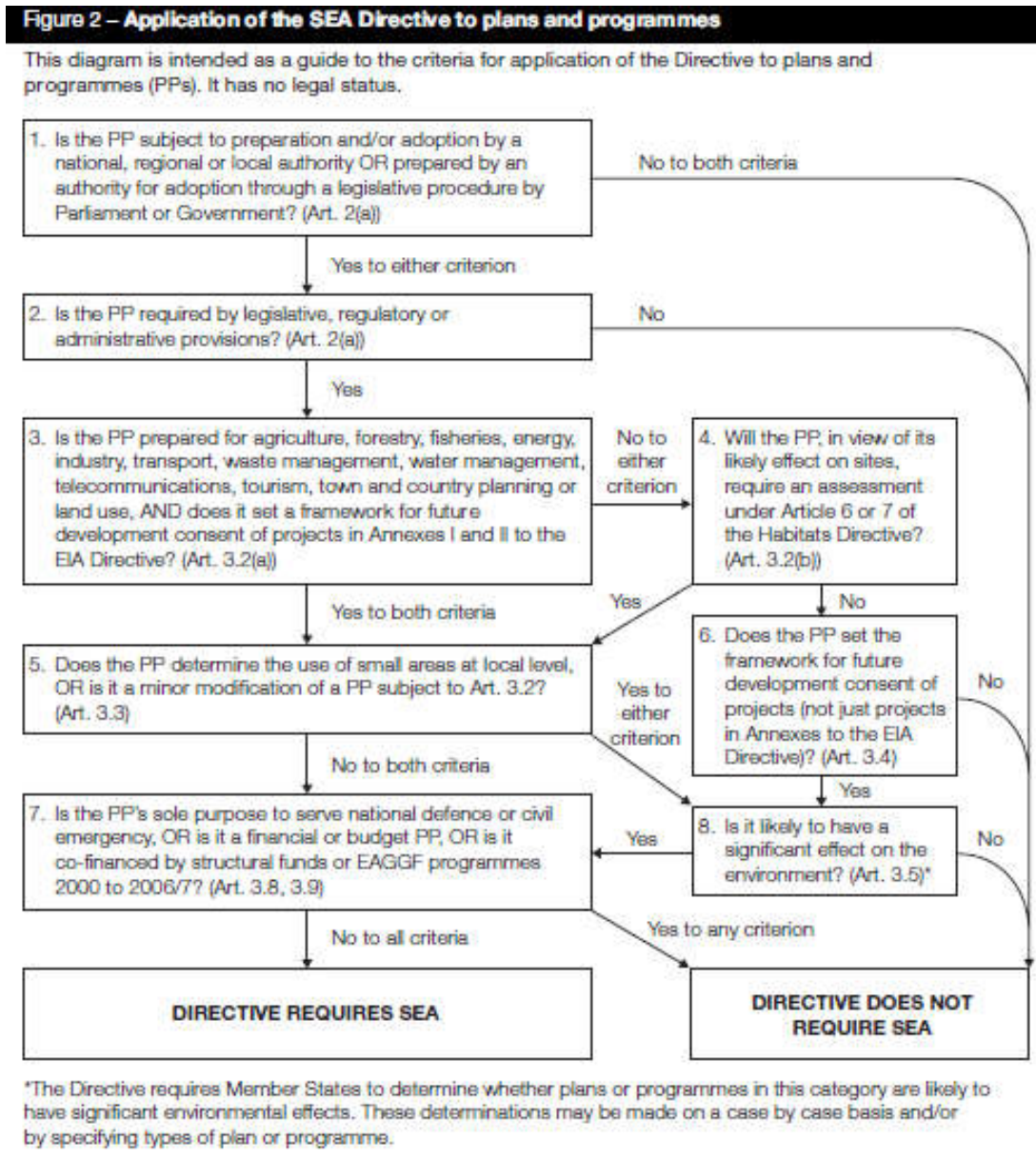
4.1 Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:

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

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

Table 4.1 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	See Table 4.2

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. The Plan does not aim to exceed the Local Plan housing requirement and does not allocate sites. The strategy for delivery of development is through settlement boundary and the safeguarding of existing employment sites. Policies focus on quality of development and delivery of key objectives that protect the environment and promote community well being.
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 and is appended. This uses the 19 topics and objectives used for the sustainability appraisal of the Cornwall Local Plan to test the policies of the draft NDP. The results, presented in a table, have led to the amendment of some policies, to strengthen their performance and this is detailed in the report.
4. environmental problems relevant to the plan or programme,	The following environmental problems have been identified in the neighbourhood plan area : Castle Dore, SAM, in neighbouring St Sampson Parish, is on the Heritage at Risk Register. This is on the boundary of the NDP Area. None specifically within the parish
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:	

6. the probability, duration, frequency and reversibility of the effects,	The plan period is from adoption until 2030, in line with the Cornwall Local Plan.
7. the cumulative nature of the effects,	Tywardreath and Par is a rural parish located to the east of ST Austell, approximately 6km from that town and from the strategic sites associated with it, allocated in the site allocations DPD. The main A390 road, which serves St Austell runs through the northern part of this parish, but the NDP does not propose a level of development which will contribute to cumulative effects.
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 parish covers an area of approx. 1025 hectares . The population, as at 2011 census, was 3268 and the 2016 mid year estimate was 3275 inhabitants.</p> <p>Tywardreath and Par is one of 11 parishes in the Fowey, St Blazey and Lostwithiel community network area. The Local Plan apportions 900 dwellings to this group of parishes and Tywardreath and Par represent 22% of the housing stock of those parishes; pro rata the parish might expect to deliver around 180 units, but the delivery so far during the plan period has been much lower, with 51 completions and 45 commitments. As a whole, the CNA is delivering the housing apportionment, so there is no requirement for Tywardreath and Par to allocate more development and the qualifying body have chosen not to do so.</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 NDP contains a large number of high quality maps showing the location of designated assets and environmental constraints. These include:</p> <p>Figure 12 Cornish Hedges Map page 85 Designated heritage assets map, showing the location of World Heritage Site, Scheduled Ancient Monuments, Conservation Area, listed buildings, Registered Battlefields and Heritage Coast, page 87 Figure 16 Civil War Battlefield Site 1644 Map page 92 Figure 17, Industrial Assets Map page 94</p> <p>A designations map, showing the WHS, SPA and AONB is also appended to this report.</p> <p>The NDP does not allocate sites. The location of housing development is managed through the use of a development boundary, shown on Figure 18, Development Boundary Map, page 98. The boundary is drawn tightly, reflecting the decision not to seek development above the requirement set out in the Cornwall Local Plan.</p>
12. the effects on areas or	Some employment sites are safeguarded. These are existing sites , already developed, with business or

<p>landscapes which have a recognised national, Community or international protection status.</p>	<p>employment development. Policy BTT1 restricts further development for industrial uses to these sites.</p> <p>In conjunction with the development boundary, several policies use criteria to encourage further protection and enhancement of the environment. These include: Policy H2: General Development Principles, p102, a general policy encouraging design quality and standards and protection of the environment.</p> <p>There are a suite of policies(pp22-31) safeguarding land and aiding the implementation of the StARR project, a suite of interventions, led by the EA and delivered in partnership with Cornwall Council, to manage flood water in this area. These policies also encourage a net gain in the biodiversity and green infrastructure.</p> <p>Policy E1 (P54) specifies sites for LGS designation. The evidence base for these sites is robust and the sites are clearly shown in maps within the NDP. Additionally Policy E2 defines 10 tranquil areas, including two areas of ancient woodland. These areas (Fig 10, p75) are in any case outside the development boundary, not proposed for development in the NDP and would be considered as open countryside, with strategic policy protection – but it is useful to note their special qualities to make sure that these are considered and afforded further protection if any of the limited range of development acceptable in the countryside is proposed.</p> <p>Policy E4.1: Development and Biodiversity and E4.2: Trees and Cornish Hedges are criteria based policies to conserve biodiversity, encourage connectivity of habitats and achieve biodiversity net gain.</p> <p>Tywardreath has a relatively large central conservation area. The NDP presents a strong evidence base of the history of the parish and there is a clear interest in this heritage and desire to conserve and where possible enhance this. The suite of Heritage policies, E5 1-7,pp 86 – 94, recognise the designated and non designated assets of the parish and link to evidence base, such as the HER, to seek protection and enhancement of the assets and their setting including Tywardreath Conservation Area, Character and setting of Tywardreath Priory, the 1644 Civil War Battlefield Site, recognition of the WHS, Historic Landscape Character of the Parish and historic industrial features.</p> <p>There is further information in the Appendix to the plan, which includes a landscape character assessment and an industrial heritage section, and in the evidence base links document.</p>
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5. SEA Screening Outcome

- 5.1 As a result of the assessment in section 3, it is unlikely there will be any significant environmental effects on European Sites arising from the NDP and HRA is therefore not required.
- 5.2 The assessment in section 4 does not reveal any significant effects on the environment resulting from the NDP. The NDP is planning for a low level of development, focusing on meeting local needs only and on safeguarding existing employment sites. The criteria based policies of the NDP are based on extensive research into the natural and historic environment of the parish and the plan uses this evidence to conserve and enhance its assets and promote wellbeing for the community.