

Carlyon Parish NDP

**Strategic Environmental Assessment
Habitats Regulations Assessment**

Screening Report

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Carlyon 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 Carlyon 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 achieve the following vision:

‘In 2030 Carlyon Parish will retain the distinctive and tranquil character which has built up over the past decades. Its coastal views and verdant hinterland will be populated by healthy and balanced communities and will maintain and enhance the Parish as a thriving and popular rural community with varied businesses and interests.’

To do this, the NDP contains policies grouped under the objectives of Housing; Landscape and Environment; Recreation and Leisure; Economy; and Infrastructure, providing local policies which will operate in conjunction with Local Plan policies . The housing delivery strategy is to establish development boundaries for Tregrehan Mills, Boscundle and Carlyon Bay settlements (see Appendix 38 for development boundary maps.) **Two existing employment sites are referenced in the employment section. Policy EE2 relates to the existing St Austell Bay business park and supports the improvement of provision on this site. Policy EE3 references a strategic allocation in the Site Allocations Development Plan Document (DPD.)**

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

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

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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

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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 an 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.)

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 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: Development Policy (para 8.2)

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 runs along the southern coastal boundary.	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 practices are outside the remit of an	None	Out

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<p>lies approximately 6km (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

1. The characteristics of plans and programmes, having regard, in particular, to

- 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).

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to

- 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:

- special natural characteristics or cultural heritage,

- exceeded environmental quality standards or limit values,

- intensive land-use,

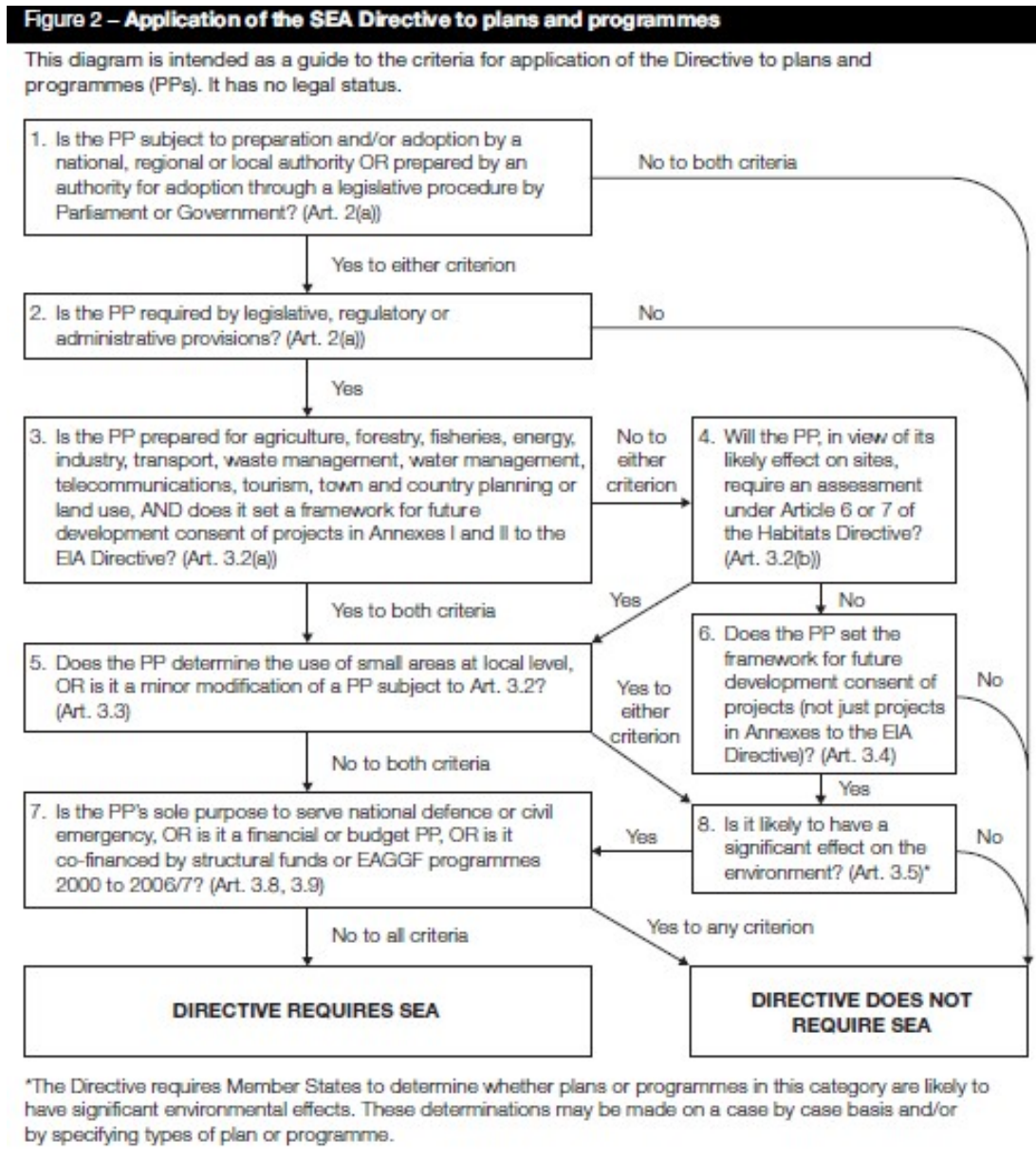
- the effects on areas or landscapes which have a recognised national, Community or international protection status.

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 4.1 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

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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. The Cornwall Local Plan does not apportion a housing figure to the rural areas of Carlyon parish: the western edge of the parish abuts St Austell town and strategic sites already permitted in this area serve the need of the town. In the remaining rural areas of the parish, small scale infill within the development boundaries established by the NDP would be supported and exception sites could be considered if there is demonstrable need. In this respect the NDP relies on higher level policies.
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 identifies an overall positive effect: this is available in the evidence base at Appendix 34.
4. environmental problems relevant to the plan or programme,	The following environmental problems have been identified in the neighbourhood plan area The northern part of the parish is a designated Critical Drainage Area Land alongside Tregrehan Stream and Sandy River is susceptible to surface water flooding and this is also Floodzone 3b
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 until 2030, to align with the Cornwall Local Plan.
7. the cumulative nature of the effects,	There is a large development of 189 housing units at Holmbush, on the western edge of the parish. This contributes to the strategic allocation for St Austell town. There is also an extant permission for over 500 units at Carlyon Beach which has been implemented (started on site with some minor works) although development activity has not progressed for many years and no units have been completed.
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),	The parish and NDP area covers an area of approx. 420 hectares. The population recorded in the 2011 census was 1439 people and the 2016 mid year estimate was 1509. Aside from the existing commitments, the NDP does not plan for any development above that which is supported by strategic policies 3 and 9 – ie small scale infill within development boundaries and exceptions sites beyond if there is a need. The current level of registered need in the parish is very low and this could be expected to be met on the strategic housing sites at St Austell..
11. the value and vulnerability of the area likely to be affected due to: -special natural characteristics or cultural heritage, - exceeded environmental quality standards or limit values, - intensive land-use,	As noted in Section 3, the St Austell Bay SPA abuts the southern boundary of the parish; the NDP has been screened out for significant impacts on the designated features of the SPA, which are overwintering seabirds. There are no SSSIs within the parish boundary and the level of development proposed in the NDP does not exceed any IRZ triggers for the nearest SSSIs: Carn Grey Rock and Quarry which is approx. 300m north of the northern boundary of the parish or St. Austell Clay Pits which is just over 1 km west of the parish. (2.6 and 2.5km from the nearest settlement at Tregrehan respectively.) There are no national or local nature reserves, but there is a large County Wildlife Site, Trethurgy & Garkar Valley, along the northern boundary of the parish. This is the site of former china clay workings comprising a long east-west running pit with associated spoil heaps and represents a good example of recolonisation of abandoned workings. It provides the BAP habitat of Upland Oak and supports various BAP species including bullfinch, songthrush and dunnock as well as greater and lesser horseshoe bats and otter. This is remote from the development boundaries.
12. the effects on areas or landscapes which have a recognised national, Community or international protection status.	There are 5 entries on the National Heritage List for England. This includes 1 scheduled monument, the Longstone, a standing stone in a rural area of farmland in the north of the parish. Boscundle Manor is

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Grade II listed; it is within the settlement boundary of Boscundle as is Gull Rock House, which is within the development boundary of Carlyon, on the seafront. Whilst these two properties are within a development boundary, specific sites are not identified and strategic policy protection, particularly Cornwall Local Plan Policy 24, but also the NPPF, will guide any proposed development and ensure that historic assets are protected, conserved and, where appropriate, enhanced.

Two grade II listed buildings, one a farm building and one unnamed, located at Boscoppa outside any development boundary and the railway bridge at Cypress Avenue, to the east of Carlyon Bay, is also grade II listed, but is remote from any development boundary.

Grade II* registered Tregrehan Park lies in adjacent St Blaise parish, but it borders the eastern boundary of Carlyon parish and its long driveway extends into the NDP area, terminating at the Cypress Avenue Railway Bridge, described as a mid C19 gothic stone arch flanked by turrets which carries the Penzance to Exeter railway line over the road. The extension of the south drive was formed in the mid or late C19 to provide access to the Carlyons' mines at Crinnis. No development is promoted by the NDP in this area; the line of the former driveway runs along what is now Cypress Avenue, a minor road, passing through an extant business park and then open countryside to the west and Carlyon Bay Golf Course to the East which is proposed to be protected as Local Green Space. **Policy EE2 refers to the existing St Austell Business Park, to the west of Cypress Avenue and supports new business development within the existing site. The policy is not specific about the form or scale of new development on the site; proposed NDP Policies E1 and Policy 3, and the existing strategic policy framework, will ensure that any new development does not harm the historic environment.**

The NDP also identifies, in Appendix 37, a list of local historical and cultural assets. This is linked to their Policy 3: Character and Heritage which requires any proposed development to demonstrate how it responds to their Village Design Statements (appendices 20-23) and to respect the identified local assets.

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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 the features of European Sites arising from the Carlyon Parish NDP and HRA is therefore not required.
- 5.2 The assessment in section 4 does not reveal any significant effects in the environment resulting from the NDP. The plan provides for small scale development, which is not judged to affect sensitive receptors. Furthermore, the policy framework exists in Cornwall Local Plan policies 23 and 24 and in the emerging NDP to ensure protection of the environment. SEA is therefore not required.