

Linkinhorne NDP (Dec 2019)

**Strategic Environmental Assessment
Habitats Regulations Assessment**

Screening Report

January 2020

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1. Introduction

- 1.1 This screening report is designed to determine whether or not the Linkinhorne 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 Linkinhorne NDP is to deliver suitable housing in the parish to meet the needs of all age groups whilst maintaining the character of the area. Development boundaries are proposed for 4 settlement areas within the Parish, with criteria based policies for redevelopment of existing buildings, design and integration of new housing, affordable housing and policies to protect the landscape and sustainability of the area. There is no identified housing for the parish in the Local Plan, however there is some affordable housing need as identified in the 2018 Homechoice figures for Linkinhorne which indicates a housing need of 17.
- 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 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.).

3.1 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.

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: GP2 Settlement boundaries for Henwood, Minions, Rilla Mill and Upton Cross

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
Phoenix United Mine & Crow's nest SAC	Calaminarian grasslands of <i>Violetalia calaminariae</i> (grasslands on soils rich in heavy metals)	http://publications.naturalengland.org.uk/category/5755515191689216 inappropriate scrub control, a change in land management or air pollution from atmospheric nitrogen	None arising from NDP	None	Out

Tamar Estuaries Complex SPA	Little Egrets, Pied Avocet	http://publications.naturalengland.org.uk/publication/6010091304124416?category=5374002071601152	Recreation	Yes	In
Plymouth Sound SAC	Habitats: Atlantic salt meadows , Estuaries, Large shallow inlets and bays, Intertidal mudflats and sandflats, Reefs, Subtidal sandbanks Species: Allis Shad, Shore Dock	http://publications.naturalengland.org.uk/publication/5833129793159168?category=5374002071601152	Recreation	Yes	In

Appropriate Assessment:

The NDP does not allocate sites but does identify settlement boundaries in which small scale housing of 1-2 houses could be supported.

There is no CLP allocated housing numbers remaining for the parish to deliver and none are identified in the NDP policies. Any housing which is proposed within the settlement boundaries would be required to meet the appropriate policies identified in the NDP and Cornwall Local Plan namely GP1, GP2 of the Linkinhorne NDP and policies 1, 3 and 21 of the CLP.

The HRA of the Cornwall Local Plan identified likely significant effects, in combination with the level of growth of Plymouth, arising from recreational access to the shore, small craft such as kayaks, paddleboards and illegal bait digging and crab tiling which could cause disturbance to the birds which are the designated features for the SPA. Some of the designated habitats of the SAC, namely the reefs and sandbanks, could be susceptible to potential damage from anchoring and the shore dock which is a feature of the SAC could be susceptible to trampling, from increased recreational impact.

Cornwall's Local Plan, Policy 22, puts in place a strategic solution for mitigation of recreational impacts and therefore a financial contribution is taken from new development to fund mitigation measures including information and education, notices and river wardening. It is

therefore possible to conclude that, in combination with the Local Plan Policy, there will be no impact on the integrity of the Tamar Estuaries Complex SPA or the Plymouth Sound SAC resulting from the Linkinhorne NDP policies.

4. SEA screening

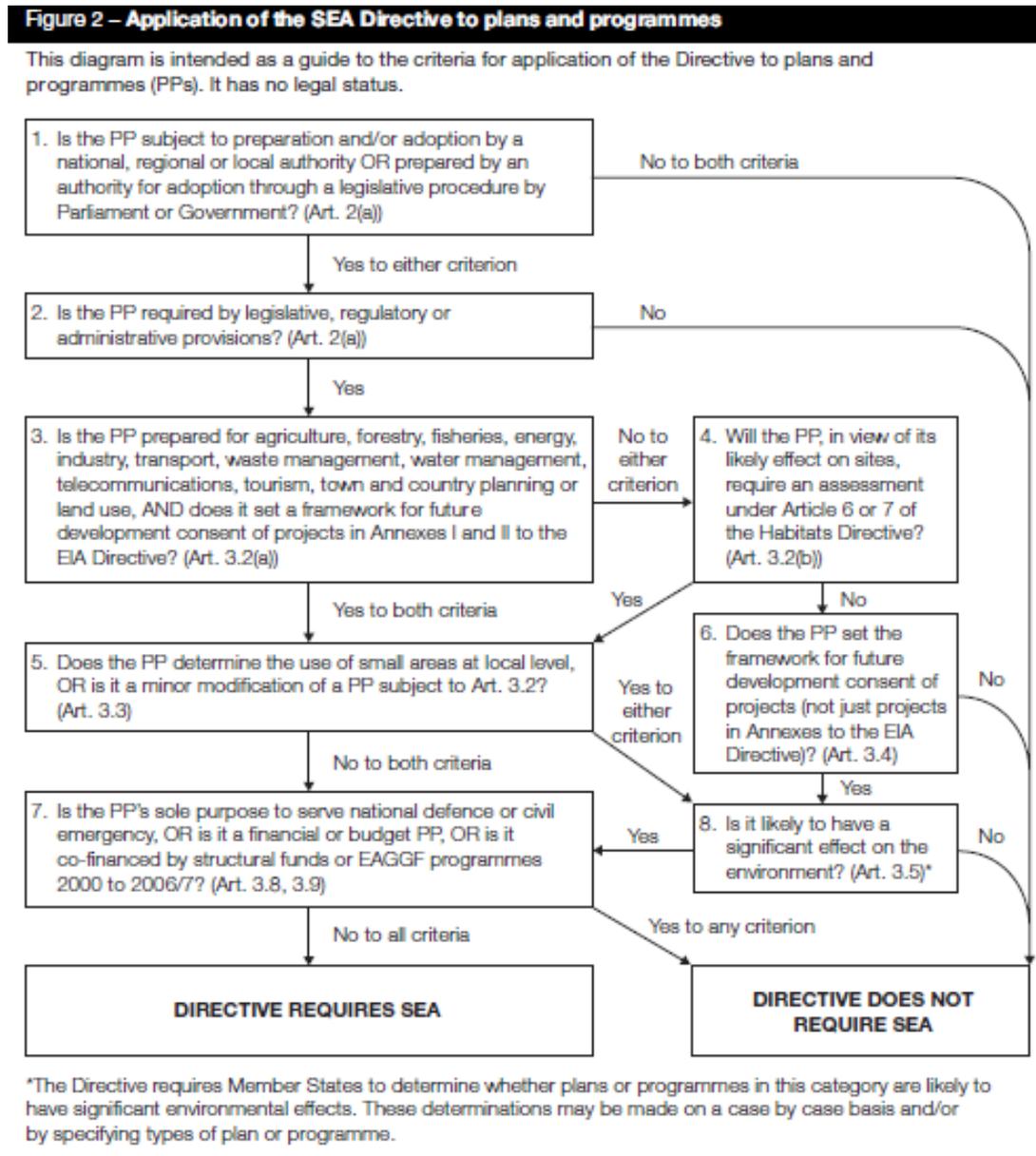
4.1 Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:

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 4.2 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/A	
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. There is no remaining housing allocated for delivery within Linkinhorne Parish in the Cornwall Local Plan (CLP) and the plan does not propose to deliver additional housing. The strategy for the delivery of housing in accordance with policy 3 of the CLP is through the identification of settlement boundaries in 4 settlement areas in the parish. There is a local housing need identified through the Home Choice register for 17 affordable rented dwellings. These will be delivered either through sites located within the settlement boundaries or exception sites (policy H2), which is in accordance with policy 9 of the CLP.
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. Linkinhorne NDP has completed a Sustainability Checklist which concludes that the policies demonstrate that sustainability is achieved through the policies and an assessment is illustrated within the document below:-  sustainability-check -guidance-and-repo
4. environmental problems relevant to the plan or programme,	The following environmental problems have been identified in the neighbourhood plan area. The Phoenix Unite Mine is the only SSSI site identified in the parish. There are some recreational pressures identified as having a potential negative impact, through motorbike scrambling, however there is no direct impact identified resulting from the Linkinhorne NDP policies.
5. the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and	N/A

programmes linked to waste-management or water protection).	
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 runs to 2030, in line with Cornwall Local Plan, and contains policies to manage development for that period.
7. the cumulative nature of the effects,	With the majority of the growth for the Caradon Community Network Area (520) directed elsewhere within the CNA and in view of part of the parish being located within the Bodmin Moor AONB then the parish is not required to deliver any further housing, therefore there is not any cumulative effects of proposed development.
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 is not planning to deliver a specified number of houses. The threshold which is identified for environmental impact assessment (Locality 2018 Screening Neighbourhood Plans for Strategic Environmental Assessment) has therefore not been met.</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>There are no SPA sites within a 10km distance of the parish. There are no AQMAs located within the parish. Flood zones 2 and 3 are located along the line of the River Lynher.</p> <p>SSSIs</p> <ul style="list-style-type: none"> • Crow's Nest SSSI • Phoenix United Mine SSSI <p>SAC</p> <ul style="list-style-type: none"> • Phoenix United Mine & Crow's Nest SAC <p>Biodiversity Action Plan habitats are located throughout the parish</p>

<p>12. the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>Cornwall Wildlife Sites</p> <ul style="list-style-type: none"> • Rillamill to Bathpool • Twelve Mens Moor • Craddock Moor & Witheybrook Marsh • Caradon Moor • Caradon Wood • Long Wood <p>Part of the eastern side of the parish is located within the Bodmin Moor AONB.</p> <p>There are some listed buildings scattered throughout the parish, mainly consisting of listed farm houses and cottages – reflective of the rural nature of the parish.</p> <p>The middle part of the parish is located with the Lynher Valley AGLV and the Cardon Hill AGLV.</p> <p>Conservation areas</p> <ul style="list-style-type: none"> • Rilla Mill • Henwood • Minions • Caradon Mining District <p>There are no allocated sites for development which could have an impact on the environmental or historic characteristics of the parish. However, 4 settlement boundaries (policy GP2) are identified in which very small development of 1-2 dwellings is expected. Minions and Henwood are located within conservations areas however any housing would be small scale and would be assessed against the usual criteria with a requirement to comply with both the local plan policies (policy 24) and NDP policy H1, which requires that the appearance of new development responds to and takes account of the location in which it is proposed.</p> <p>The Phoenix United Mine & Crow's nest SAC has been screened out as there is no impact directly attributable to any of the NDP policies.</p>
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5. SEA Screening Outcome

5.1 HRA screening: As a result of the assessment in section 3, there is a potential impact on the Tamar Estuaries Complex SPA through recreational disturbance. An Appropriate Assessment has been carried out and strategic mitigation is in place through policy 22 of the Cornwall Local Plan. It is therefore possible to conclude that there will be no direct impact on the integrity of the SPA as a result of the Linkinhorne NDP policies. Any impact on the Phoenix United Mine & Crow's nest has been screened out.

5.2 SEA screening: Regulation 5(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 ("the SEA Regulations") provides that an environmental assessment (an SEA) must be carried out in a number of circumstances, including where the plan or programme, in view of the likely effect on sites, has been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive (i.e. appropriate assessment by way of an HRA).

5.3 However, this requirement is subject to an exception contained in Regulation 5(6) which provides that an environmental assessment need not be carried out for a plan or programme "which determines the use of a small area at local level" unless the plan has been determined to be likely to have significant environmental effects. Whether the plan is likely to have significant environmental effects needs to be determined by reference to the criteria in Schedule 1 of the 2004 Regulations. These criteria are set out in a series of questions in section 4.3 of this report.

5.2 The assessment in section 4 does not reveal any significant effects in the environment resulting from the Linkinhorne NDP. The plan is of a small scale – and does not allocate land for housing outside of the settlement boundaries where very small scale housing which fulfils the requirement of infill, re-use of existing buildings or previously developed land will be prioritised. The environmental and historically sensitive areas identified in Table 4.2 will not be directly affected by the policies of the NDP as there is sufficient protection both within the NDP and through policies 23 and 24 of the CLP.