

**Fowey Parish Neighbourhood Development  
Plan (August 2018 draft)**

**Strategic Environmental Assessment  
Habitats Regulations Assessment**

**Screening Report**

**3 September 2018**

**Fowey Parish Neighbourhood Plan  
SEA and HRA Screening Report**

# Fowey Parish Neighbourhood Plan SEA and HRA Screening Report

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# Fowey Parish Neighbourhood Plan SEA and HRA Screening Report

## 1. Introduction

1.1 This screening report is designed to determine whether or not the Fowey Parish Neighbourhood Development Plan (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 Vision for Fowey Parish is “To maintain and enhance Fowey Parish as a sustainable and vibrant community with a unique coastal and rural landscape”  
The NDP has six overarching objectives which are

A. General Development:

- General criteria which any new development proposals will be expected to meet in Fowey Parish.
- Good design to reflect the local identity of Fowey Parish

B. Housing:

- Support small scale, new development to provide affordable housing for local need.
- Accommodate the changing requirements of full time residents in Fowey parish.

C. Natural Environment, Heritage and the Built Environment

- Protect and enhance Fowey Parish’s unique landscape, estuary and coastline; habitats and open spaces from inappropriate future development.
- Protect and enhance buildings and spaces of heritage and community value, ensuring Fowey remains a cultural rich place to live and visit.

D. Business, Employment and Transport

- Provide opportunities for economic growth and employment
- Support the opportunity for sustainable modes of transport including walking and cycling
- Reduce the amount of through traffic in the town during the summer season, leading to a safer, less polluted environment

E. Community facilities, health and well-being:

- Support the development of infrastructure to meet future needs
- Support services and amenities which is provide community health and well being

F. Renewable Energy and Climate change:

- Support appropriate energy reduction/carbon reduction and energy production technologies that are of a scale and design that do not erode the character of the landscape, the estuary and coastline of Fowey parish.
- To prevent flood risk and minimise other impacts arising from climate change

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The strategy of the NDP is to establish a settlement boundary around Fowey and focus on small scale development to meet local need, mindful of the AONB designation of the parish and informed by a settlement edge assessment. There are criteria based policies, requiring design quality, consideration of transport and flooding impacts and protecting the built and natural environment. A Principal Residence policy is also included, restricting new build dwelling to occupation as a permanent home only.

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**

2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal 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. The Localism Act 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 and unless they choose to complete a full SA plans will need to be screened for SEA separately.

2.4 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

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2.5 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.) If the screening identifies likely significant effects Appropriate Assessment of the Plan will be required.

2.6 This report therefore includes screening for SEA and HRA and uses the SEA criteria and the European Site Citations and Conservation Objectives/Site Improvement Plans to establish whether a full assessment is needed.

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## 3. Criteria for Assessing the Effects of the Neighbourhood Plan

3.1 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

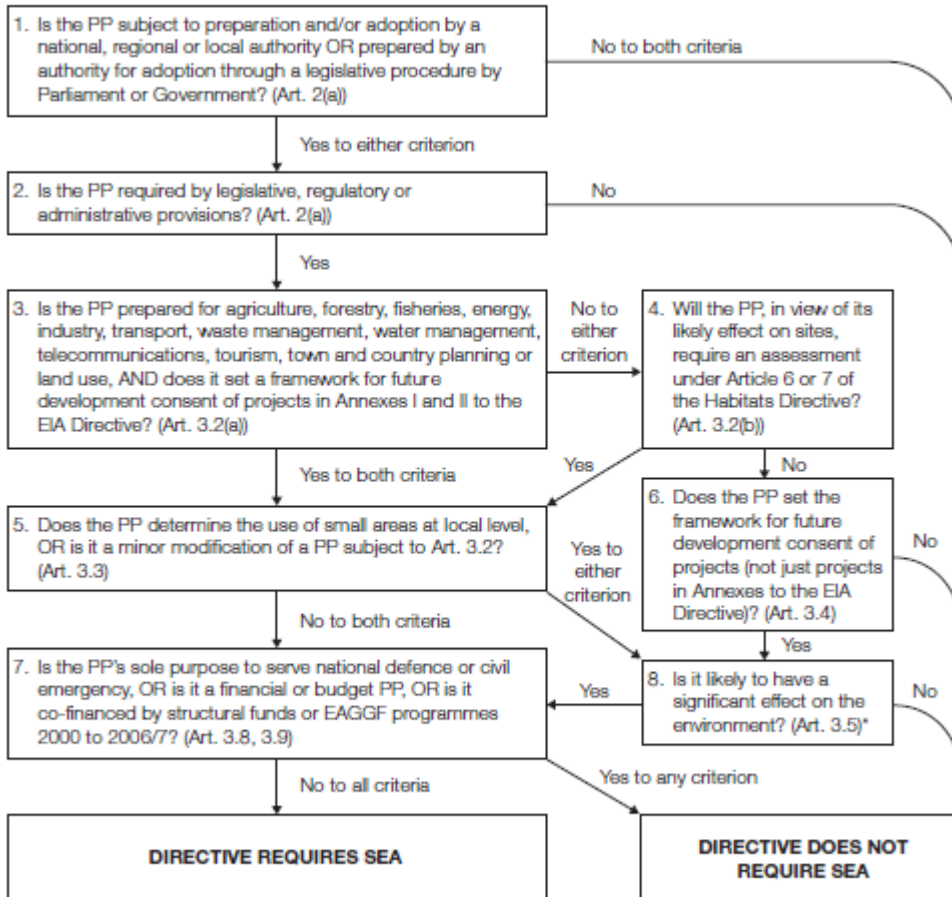
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## 4. Assessment

4.1 The diagram below illustrates the process for screening a planning document to ascertain whether a full SEA is required<sup>1</sup>.

**Figure 2 – Application of the SEA Directive to plans and programmes**

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



\*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

<sup>1</sup> Source: A Practical Guide to the Strategic Environmental Assessment Directive



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4.2 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 : Policy 3 Housing within the Fowey Settlement Boundary

European Site	Designated features/ habitats	Conservation Objectives	Pathways of impact	LSE	Screen in or out?
Falmouth Bay to St Austell Bay SPA	Black Throated Diver Great Northern Diver Slavonian Grebe	<a href="#">Falmouth Bay to St Austell Bay SPA Conservation Objectives</a>	recreation; commercial fishing, shipping; renewables; oil and gas; marine cables; and defence.	No	Out

The Falmouth Bay to St Austell Bay SPA borders the western coast of the parish and includes a coastal strip from Polkerris around Gribbin Head to Polridmouth. The designated species are overwintering seabirds. The SPA was scoped out of the Cornwall Local Plan HRA. The Impact Assessment accompanying the consultation on the SPA designation proposal identified the following categories of activities that occur within or adjacent to the area covered by the SPA: recreation; commercial fishing, shipping; renewables; oil and gas; marine cables; and defence. However, the January 2014 consultation document identified that the only activity within these categories which would potentially require management, and which therefore may conflict with the SPA, was the fixed/drift net fishery. This activity is not associated with Local Plan development. Subsequently Natural England stated that there could be potential for concern if plans proposed an increase in recreational activities. Such development proposals would be subject to Appropriate Assessment.

The NDP does not propose development which increases recreational activities or access to the water. As such it is screened out for Likely significant effects.

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European Site	Designated features/ habitats	Conservation Objectives	Pathways of impact	LSE	Screen in or out?
Polruan to Polperro SAC	European dry heaths  Vegetated sea cliffs of the Atlantic and Baltic coasts  Shore dock	<a href="#">Polperro to Polruan SAC citation and conservation objectives</a>	None	No	Out

This SAC runs along the coastal strip from Polruan to Polperro, in adjoining Lanteglos parish. Appropriate Assessment was carried out for the Cornwall Local Plan and concluded that LSE was unlikely. The SAC is outside Fowey parish and separated from it by the Fowey estuary; access is either by ferry at Bodinnick or Polruan or a considerable detour by road via Lostwithiel. The NDP does not propose development that would increase access to these cliff and coastal areas and is therefore screened out for LSE.

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4.3 SEA screening: The table below shows the assessment of whether the neighbourhood plan will require a full SEA. The questions below are drawn from the diagram above which sets out how the SEA Directive should be applied.

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 4.2 above
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 2

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<b>Table 2 likely significant effects</b>	
<b>SEA requirement</b>	<b>Comments</b>
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 aims to meet the Local Plan target for housing. The strategy for delivery of development is through a settlement boundary for Fowey and criteria based 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 Cornwall Local Plan: Strategic Policies 2016 - 2030.
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 development plan will be examined against four basic conditions, one of which is whether the plan contributes to sustainable development. A Sustainability checklist has been completed. <a href="http://www.foweysfuture.co.uk/data/uploads/541_868695377.pdf">http://www.foweysfuture.co.uk/data/uploads/541_868695377.pdf</a>
4. environmental problems relevant to the plan or programme,	N/A
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

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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,	A plan period of 2018 – 2030 is proposed, to align with the Cornwall Local Plan. As the parish is almost entirely within the AONB and the main settlement is entirely within the AONB, no target for housing is apportioned to the parish from the Cornwall Local Plan.
7. the cumulative nature of the effects,	The NDP strategy is not to exceed the Local Plan distribution targets. The main settlement, Fowey, is wholly within the AONB so the proposed strategy is to draw a fairly tight development boundary in order to prioritise the delivery of affordable housing and to minimise harmful effects on the landscape and natural environment. The NDP does not seek to increase levels of development above local need and supports small scale infill and exception sites in line with Cornwall Local Plan policies. Criteria based policies require proposals to demonstrate how development responds to, for example, the AONB management plan and Conservation Area appraisals.
8. the transboundary nature of the effects,	Minimal transboundary effects. The parish is a coastal and rural area, not a service centre for the wider area.
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 has an area of approx. 12.8 hectares. The 2016 population estimate for Fowey parish was 2325.
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 discussed in the HRA screening in section 4.2, Falmouth Bay to St Austell Bay SPA borders the western boundary of the parish. This is also a designated Marine Site. Polruan to Polperro SAC borders the coast of neighbouring Lanteglos parish; this is also an SSSI. Both sites are screened out for likely significant effects.  Fowey parish is almost entirely bordered by County Wildlife Sites (CWS): Polmear Lake and Par Sands CWS is at the north western extremity, bordering Par Beach, Gribben Head to Southground Cliffs CWS runs along the coastal strip from the west and around Gribben Head. Readymoney Cove CWS runs along the remaining south coast to the boundary with Fowey town. Pont Pill & Hall Walk and Colvithick Wood & Penpoll Creek CWSs run along the Fowey River on the eastern boundary of the parish. These County Wildlife Sites are mapped within the document (fig 7) The development boundary concentrates development around Fowey and away from these coastal areas. Policy 6: The

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	<p>Landscape and Natural Environment could also be strengthened to reference the wildlife sites which are shown in fig 7 but not mentioned in the policy.</p> <p>Polkerris and Fowey have extensive conversation areas, with related conservation area appraisals and management plans. <a href="#">Polkerris CAA</a> <a href="#">Fowey CAA</a></p> <p>Policy 2: Design and Character of Fowey Parish requires development to be sited and designed so as to promote and support the distinctive character of the AONB in Fowey Parish and the Fowey Parish Conservation areas.</p> <p>There are 145 entries in the National Heritage List for England that are located within Fowey Parish <a href="https://www.heritagegateway.org.uk/Gateway/Results.aspx">https://www.heritagegateway.org.uk/Gateway/Results.aspx</a> which include clusters of listed buildings in the centres of Fowey and in Polkerris, Grade II* Menabilly House and its extensive registered garden. There are also several wayside crosses and the Tristan stone, which are scheduled ancient monuments, reminding us that Fowey is the end point of the Saints Way in Cornwall. In Fowey the fortifications of St Catherine’s Castle and the Fowey Blockhouse also indicate the town’s historic strategic position guarding the mouth of the Fowey Estuary.</p> <p>Part of the NDP’s Natural Environment, Heritage and the Built Environment Objective is to ‘Protect and enhance buildings and spaces of heritage and community value, ensuring Fowey remains a cultural rich place to live and visit.’</p> <p>NDP Policy 8:Historic Environment and Cultural Heritage refers to the conservation area appraisals and requires development within the conservation area to be supported by an appropriately detailed assessment of their heritage significance and the impact of the proposals on that conservation area.</p>
<p>12. the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>The majority of the parish lies within the Cornwall AONB <a href="#">South Coast Eastern</a> section. In order to guide development Fowey Town Council commissioned a Settlement Edge Assessment : Local Landscape Character Assessment (LLCA) in order to understand how the landscape around the medieval town of Fowey could accommodate any future housing growth, <a href="http://www.foweysfuture.co.uk/data/uploads/533_1029295635.pdf">http://www.foweysfuture.co.uk/data/uploads/533_1029295635.pdf</a></p> <p>This study informed the line of the development boundary, taking a landscape capacity approach which assessed the character, value and capacity of parcels of land around the edge of the settlement and had reference to the AONB and AONB management plan. Policy. This approach also informed the exception sites policy 4.</p> <p>Policy 2: Design and Character of Fowey Parish requires development to be sited and designed</p>

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	<p>so as to promote and support the distinctive character of the AONB in Fowey Parish</p> <p>Policy 4: Small-scale affordable Housing on Rural Exception Sites reflects Cornwall Local Plan strategic policy 9, which allows rural exception sites, but also requires that sensitive settlement edges identified through LLCA are avoided.</p> <p>As well as the settlement boundary, which directs development to the main settlement of Fowey to avoid impact on open countryside, Policies 6-10 of the NDP relate to the Natural Environment, Heritage and the Built Environment objective to</p> <ul style="list-style-type: none"><li>• Protect and enhance Fowey Parish's unique landscape, estuary and coastline; habitats and open spaces from inappropriate future development.</li></ul> <p>Policy 6: The Landscape and the Natural Environment requires that development, will only be permitted where it meets the objectives of the Cornwall AONB Management plan</p> <p>Policy 7 identifies and protects key views that contribute to the character of the area</p> <p>Policy 9 safeguards the character of the harbour and waterfront and</p> <p>Policy 10 identifies and safeguards open spaces of Heritage and Recreational Value</p>
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### **5. Screening Outcome**

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

5.2 The assessment in section 4.3 shows that Fowey Parish contains sensitive designated landscapes, but the low level of proposed development and the policy framework put forward in the NDP means that there will not be significant effects on the environment arising from the NDP and SEA is therefore not required.