

**Ludgvan NDP - pre-submission version
January 2019**

**Strategic Environmental Assessment
Habitats Regulations Assessment**

Screening Report

14 January 2019

**Ludgvan Neighbourhood Plan
SEA and HRA Screening Report**

Ludgvan 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 contents of the Ludgvan neighbourhood 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 Ludgvan NDP is to add extra detail to the strategic policies of the Cornwall Local Plan, to be used in the determination of applications in the parish. The parish's vision statement is 'A community living in harmony with its environment' And the NDP has a clear table of aims and objectives on page 11, identifying the following key themes:
Natural Environment, Built Environment and Heritage, Housing, Community Services and Facilities, Transport and Travel and Business and Jobs.
- 1.3 The strategy of the NDP is to establish development boundaries for the main settlements of Crowlas, Ludgvan and Longrock (maps 6a and 6b p24) to meet the Local Plan housing requirement through development within these boundaries and through exceptions sites and small scale infill elsewhere within the parish. There are criteria based policies for design quality and protection of the environment. Sports pitches are safeguarded and some small local green spaces are designated. There is also a strategic housing allocation within the parish, at Longrock, which is allocated in the site allocations DPD and reflected in the NDP for conformity.
- 1.4 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

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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. 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

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

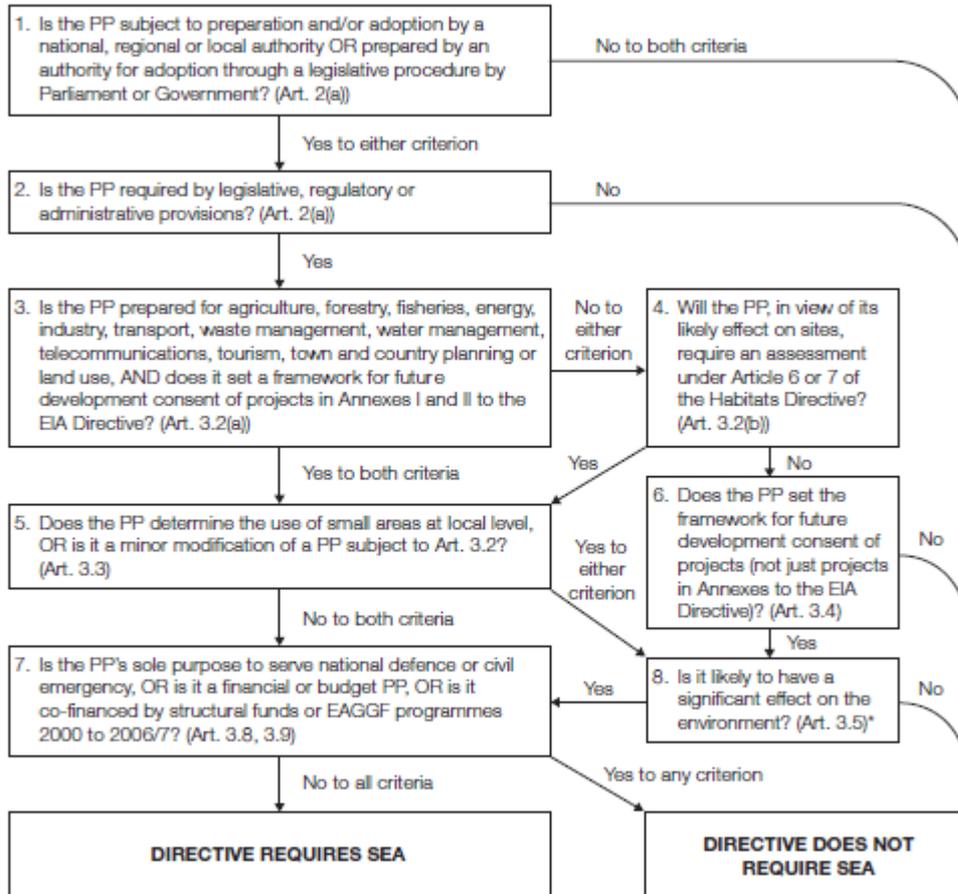
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4. Assessment

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

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.

¹ 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 : LUD6

European Site	Qualifying features	Conservation Objectives	Pathways of impact	LSE	Screen in or out?
Marazion Marsh SPA	Great Bittern Aquatic warbler	http://publications.naturalengland.org.uk/publication/5423819107860480?category=5374002071601152 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring; <ul style="list-style-type: none"> <input type="checkbox"/> The extent and distribution of the habitats of the qualifying features <input type="checkbox"/> The structure and function of the habitats of the qualifying features <input type="checkbox"/> The supporting processes on which the habitats of the qualifying features rely <input type="checkbox"/> The population of each of the qualifying features, and, <input type="checkbox"/> The distribution of the qualifying features within the site. 	Hydrological changes (siltation and drying out of Marsh) Water pollution – agricultural run off Disturbance – kite surfing Invasive species – water fern Climate change – coastal change	None arising from this NDP. There are no areas of land within the development boundary at Longrock which are not covered either by greenspace designations or by the Site Allocations DPD.	out

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The NDP notes the allocations in the Cornwall Local Plan: Site Allocations DPD PZ-H1 Housing allocation at Longrock and PZ-E4 Economic development at Longrock and includes the area of these allocations within the development boundary at Longrock. Appropriate Assessment for these sites has been carried out to accompany the Site Allocations DPD. [HRA](#) Table 5.2f.1.

The allocation policies require a project level HRA for proposals for development in the allocated sites and for certain issues relating to water quality and noise and disturbance during construction phase to be addressed.

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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
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	The level and location of the development supported the NDP will not have a significant impact on the environment.

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Table 2 likely significant effects	
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 aims to meet the Local Plan target for housing. The strategy for delivery of development is through settlement boundaries and limited development in the countryside in accordance with Policy 7 of the Cornwall Local Plan.
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.
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
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,	The Plan period is 2019-2030, to align with the Cornwall Local Plan period. There is scope to review the NDP during this time, if monitoring shows that the NDP is not achieving the desired objectives or if other changes to strategic policy suggest the need for review.
7. the cumulative nature of the effects,	The NDP aims to meet and not exceed Cornwall Local Plan targets. Past delivery rates have historically been approx. 6 per year. The residual rural parish housing figure does not increase this.
8. the transboundary nature of the effects,	None arising from the NDP.
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),	Ludgvan parish is relatively large and covers an area of approximately 10 square miles/ 2651 ha. The population was recorded as 3270 in the 2011 census and the 2016 mid year estimate was 3340.
11. 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, 	<p>Marazion Marsh SPA lies along the coastal boundary of the parish. Its qualifying species are Great Bittern and Aquatic warbler. This area is also an SSSI.</p> <p>The coastal boundary of the parish is also alongside the Mounts Bay Marine Conservation Zone. This MCZ protects a range of habitats including several different types of rock, both on the shoreline and on the seabed. The site also protects intertidal sediment and sand, which are above water at low tide and below water at high tide. The range of habitats support a variety of life, which includes worms and bivalves (with their paired, hinged shells) living in soft sediments and sea snails, anemones, starfish and sea squirts found on rocky shores. This site is also important for protecting stalked jellyfish and giant goby.</p> <p>There are County Wildlife sites at Trenowin Downs Trink Hill Higher and Lower Hill Woods(including Trencrom Hill) Marazion Marsh Tolver Wood and Mount's Bay</p> <p>Ludgvan Churchtown is a designated conservation area. There are 72 entries on the national heritage list in the parish, including 12 SAMs. The SAMs are a mixture of wayside crosses and rounds, scattered throughout the countryside, plus Castle an Dinas, a small multivallate hillfort which has a 18 century folly, the listed 'Roger's Tower' within it.</p> <p>There is a cluster of listed buildings in the conservation area, including the II* listed Hogus</p>

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	<p>House and Church of St Paul. Other listed farmhouses are scattered throughout the parish and are all Grade II listed.</p> <p>The overall aim of the NDP is to meet the Local plan requirement though incremental growth in and around existing settlements, through infill and rounding off</p> <p>The development boundaries identified in LUD 6 and Maps 6a and 6b do not encroach on any of the SSSI/SPA or designated wildlife sites. The Development boundary at Longrock is close to the SPA/SSSI designation; this reflects the Site Allocations DPD designation which the NDP must be in general conformity with. This is a strategic allocation which the NDP cannot override. Appropriate Assessment of these allocations has been carried out for the DPD and the SEA requirement has been covered by the Sustainability Appraisal of the DPD. Protection of the environment relating to these sites is covered by the policies in the DPD.</p> <p>The development boundaries indicate where development should be focused, but that other policies also exist to control the quality of development and some areas within the development boundary are protected as playing fields and open green space. There are no specific allocations for housing or other development identified by the NDP. Any proposals for development will be subject to NDP and strategic policies for the protection of the environment and historic assets.</p> <p>Outside the settlement boundaries limited small scale infill within existing continuous s built up frontages is supported by Policy LUD7. This is in conformity with Policy 3 of the Cornwall Local Plan.</p> <p>This strategy gives flexibility for the housing requirement to be met in appropriate locations. Strategic policies 23 and 24 of the Cornwall Local Plan and the local policies in the NDP including policy LUD8 <i>Sensitive Design and Sustainable Development</i> , LUD1 <i>Protecting the Natural Environment</i> and LUD 4 <i>Heritage Assets</i> will operate to ensure protection of the environment.</p>
<p>12. the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>An area at the northern and north western tip of the parish is part of the West Penwith AONB</p> <p>This parish is part of the Penwith Central Hills landscape character area characterised by rounded hills rising to moorland with rocky outcrops. The development proposed within the parish is remote from this area and will not impact on the AONB or its setting. Policy LUD8 Sensitive Design and Sustainable Development requires specific consideration of landscape, This, together with the strategic policy framework, ensures protection of the landscape.</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 Ludgvan NDP and HRA is therefore not required.

5.2 The assessment in section 4.3 does not identify any significant effects on the environment arising from the Ludgvan NDP. A policy framework exists both in the NDP and in the wider strategic policy framework of the Cornwall Local Plan and NPPF to ensure protection of the environment. SEA is therefore not required.

Update 13 June 2019

Ludgvan parish contacted Cornwall Council with a slightly updated submission version NDP, to check whether SEA and HRA were required. There are minor wording changes in the text, and these do not trigger the need for SEA or HRA. The main change is the inclusion of a Coastal Change Management Policy. The aim of this policy is to designate the coastal boundary of the parish as a Coastal Change Management Area and restrict development within the area. The area is defined in accordance with the Cornwall Coastal Vulnerability map and in accordance with the Shoreline Management Plan (SMP). In accordance with the SMP the policy allows only development to protect Marazion Marsh SPA, coastal management ie protecting the railway line and maintaining the coastal route.

This policy is in line with the SMP and the principles of coastal change management. Individual projects associated with coastal change management may require Appropriate Assessment, but the new policy itself does not trigger the need for SEA or HRA.