

**St Just draft NDP - SEA version
July 2020**

**Strategic Environmental Assessment
Habitats Regulations Assessment**

Screening Report

**01 July 2020
Updated 29.9.20**

St Just Draft Neighbourhood Plan SEA and HRA Screening Report

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St Just Neighbourhood Plan SEA and HRA Screening Report

1. Introduction

- 1.1 This screening report is designed to determine whether or not the contents of the St Just 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 St Just 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 aim in their vision statement is 'To provide a framework for St Just Parish to grow in a way that enhances the economic, environmental and social sustainability of the area without compromising the distinctive character of the landscape and built environment, and of the many communities within the parish boundary.' The NDP has five clear strategic objective – 1. Affordable housing, 2. To promote appropriate development, 3. Building design and outdoor space, 4. Renewable energy and 5. Commercial development.
- 1.3 The strategy of the NDP is to apply criteria-based development policies which focus support for community led housing and the provision of affordable housing both within and adjacent to the main settlement areas which fulfil an identified local need. Open market housing is considered acceptable assuming it is of a scale which is proportionate to the existing settlement and would conform to AONB guidance. There is a strong emphasis in the criteria-based policies for development to protect and enhance the eight conservation areas in the parish and to manage any impact on the heritage of the parish which is rich with 49 scheduled monuments and 87 Listed Buildings with the majority of the parish within the Cornish Mining World Heritage Site (WHS).
- 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.

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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. 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

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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 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.

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3.2 HRA screening requires consideration of the following questions: 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 policies which directly allocate housing or development growth above which would be supported through the CLP strategic policies.

European Site	Qualifying features	Conservation Objectives	Pathways of impact	LSE	Screen in or out?
Lower Bostraze & Leswidden SAC	S1390. <i>Marsupella profunda</i> ; Western rustwort*	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 Favourable Conservation Status of its Qualifying Features, by maintaining or restoring; <ul style="list-style-type: none"> ➤ The extent and distribution of the habitats and habitats of qualifying species ➤ The structure and function of the habitats of qualifying species ➤ The supporting processes on which the habitats of qualifying species rely ➤ The populations of qualifying species, and, ➤ The distribution of qualifying species within the site. 	Sensitive to changes in air quality Vulnerable to shading from other species Climate change – impact is unknown – species favours humid conditions	None arising from this NDP. Due to the nature of the site at Lower Bostraze & Leswidden being inaccessible and distant from any likely development proposals.	out

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Lands End and Cape Bank SAC	H1170. Reefs	<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p> <ul style="list-style-type: none"> ➤ The extent and distribution of qualifying natural habitats ➤ The structure and function (including typical species) of qualifying natural habitats, and ➤ The supporting processes on which the qualifying natural habitats rely 	<p>The coastal reefs are highly sensitive to loss through direct removal, however they are not currently exposed to any activities causing this. The vulnerability of the reef sub-features to physical loss is considered to be low.</p> <p>Physical damage can result in degradation of the reef. Disturbance could be significant if targeted by towed fishing gears such as scallop dredges. Current fishing is small scale and seasonal using handlines and working pots and the impact is assessed to be not vulnerable.</p> <p>Toxic contamination is measured as low.</p> <p>Non toxic contamination is measured as not vulnerable to land based discharge.</p> <p>Biological disturbance is assessed as being low to high.</p>	None arising from this NDP due to the scale and nature of the policy proposals.	out
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Appropriate Assessment

Appropriate assessment is not required.

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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

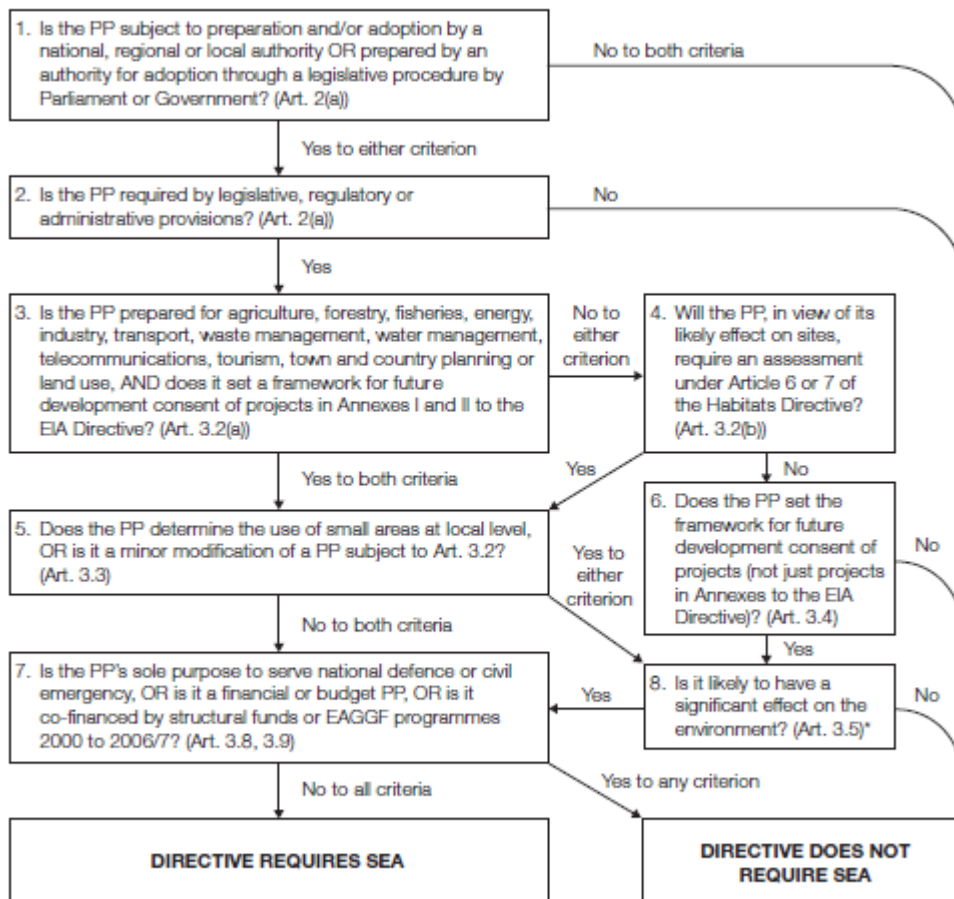
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4.2 SEA screening flowchart

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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Table 4.3 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 criteria based 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. See Table 4.3 below.

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Table 4.3 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 NDP provides strong local criteria-based policies to control the quality of development within the parish which have a strong emphasis on protecting the heritage and natural landscape character. The Plan aims to meet the Local Plan target for housing. The strategy for delivery of development is through promoting and supporting affordable and open market housing of a scale and appearance which is appropriate to the existing settlements and which limits coalescence of the distinctive communities, in accordance with policies 7 and 9 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,	No air quality or water quality issues. There are floodzones identified in the parish – see map.
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 2020-2030, 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 does not identify a target for housing delivery, in accordance with policy 3 of the CLP. Past commitments indicate that 125 permissions were granted between 2010-2018 and of these 16 houses were affordable led housing. Policy RE03 identifies an area potentially suitable for wind turbines. The policy is based on the adopted Cornwall Renewable Energy Planning Advice Annex 1, Appendix 1 Landscape Sensitivity and Strategy Matrices, referring to the landscape strategy for landscape units CA02 and CA03, which cover the parish and has specific reference to assessing and avoiding possible 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>St Just has a population size of 4815 based on the 2011 census. The total number of dwellings is 2,581.</p> <p>The St Just neighbourhood plan area is entirely designated in the West Penwith AONB and therefore Cornwall Local Plan has not directly allocated a specific number of houses or employment to be delivered within St Just parish, in accordance with Policies 2 and 3 of the CLP. The NDP policies support a natural growth in housing which is of a small scale and closely reflects the local demand for housing, both in type of housing and tenure. This is significantly less than the thresholds for project environmental impact assessment, i.e.</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>
11. the value and vulnerability of the area likely to be affected due to: -special natural characteristics or cultural heritage,	<p>See maps for details:-</p> <ul style="list-style-type: none"> • Lower Bostraze & Leswidden SAC • Lands End and Cape Bank SAC • Aire Point to Carrick Du Lower Bostraze & Leswidden SSSI

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<p>- exceeded environmental quality standards or limit values,</p> <p>- intensive land-use,</p>	<p><u>County Wildlife Sites</u> Chun Downs to Boswen Common Carne Eanes and Trewellard Common Carnyorth Common and Bostraze bog Busvargus & Tregeseal Common to Dowran Common & Bosworlas Moor Carn Brea, Tredinney & Bartinney Commons Nanquidno Downs and Valley Sennen Cove to Carn Glouce</p> <p><u>Tree Preservation Orders</u> Penwith District Council (Rear of the The Turnpike Tregeseal St Just) Tree Preservation Order 2003 Penwith District Council (The Vicarage Turnpike Lane St Just) Tree Preservation Order 1976 The Walled Garden St Just Penzance Tree Preservation Order 2012 Penwith District Council (Cot Valley St Just) Tree Preservation Order 1997 Land Adjacent To Leat Road Boscaswell Downs Pendeen Penzance Tree Preservation Order 2014</p> <p>West Penwith Area of Outstanding Natural Beauty – the whole parish is designated</p> <p><u>Landscape character areas</u></p> <ul style="list-style-type: none"> • West Penwith North and West Coastal Strip • Penwith Central Hills • World Heritage Site – St Just Mining District – see map <p><u>Conservation areas</u></p> <ul style="list-style-type: none"> • Pendeen • Boscaswell • Trewellard • Carnyorth • Botallack & Truthwall • Nancherrow & Tregeseal • St Just <p>87 Listed buildings – please refer to map.</p>
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	<p>49 Scheduled Ancient Monuments are dispersed throughout the parish.</p> <p>The parish of St Just is rich in both landscape and heritage designations and this has been understood, recognised and reflected in the evidence based policies which have come forward which are designed to maintain and support this level of protection whilst accommodating a growth in development which supports a sustainable community, both economically and socially. Housing will be supported where it meets an identified local need and is in accordance with Policy 9 of the CLP (AH3), can be delivered as infill (AH1) or within settlements where it meets the requirements set out in Policy 8 of the CLP (AH2) or small scale open market housing which is in accordance with Policy 3 of the CLP. Direct reference to the AONB Management Plan is made in several policies to contain the scale of growth (AD1) and ensure the development does not encroach into the undeveloped spaces.</p> <p>The NDP directly supports the integrity and character of the eight Conservation Areas. Policy AD2 requires an approach to development which is informed by a heritage statement or HIA and which demonstrates it would preserve or enhance the CAs as outlined in the Conservation Appraisals. The Heritage Impact of development is managed in policies AD3 and AD4 where proposals are required to demonstrate accordance with the WHS Management Plan and that they do not negatively impact on the Outstanding Universal Value features which are identified in the management plan. Policy AD3 provides protection for the SAMs and Listed Buildings which form a significant part of the rich historic fabric of the parish. Policy AD3 requires developers to employ professional historic environment advice to assess any potential impact on the heritage assets and their setting and to document this is a Heritage Statement or Assessment.</p> <p>The coalescence of the settlement areas is guarded against in policy AD6 which aims to manage the impact of development which could visually encroach into the undeveloped space. The importance of preserving and enhancing biodiversity is reinforced in policies AD9 and AD10 which requires long term biodiversity net gain to be achieved, replanting of the unavoidable loss of mature woodland or hedges, wildlife surveys of sites prior to development and new areas of tree planting will be supported in appropriate areas.</p> <p>There is no allocated land designated in the NDP for development, 'green gaps' are identified where the group would not expect to see development proposals coming forward and these are based on existing green gaps identified in the parish. So there is not expected to be any additional detrimental impact on the county wildlife sites as a result of the development as a result of additional land allocated for development.</p>
<p>12. the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>St Just is entirely designated under the West Penwith AONB. The NDP criteria based strategies have been informed by the relevant AONB Management Plan policies (see listed in the Index to evidence base document) and aim to strengthen the objectives of the management plan</p>

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	<p>policies. AD1 in the NDP requires that development is 'proportionate to the size and character of the existing settlement in which they are to be sited'. This policy goes so far as to propose a cap on the number of houses which would be supported in any single application.</p> <p>Conservation Area Appraisals are provided in the evidence base for all of the Conservation Areas within the parish and have directly fed into the heritage policies – AD2, AD3 and AD4.</p> <p>Policy AD4 deals directly with development proposals in the WHS and requires any development to demonstrate conformity with the WHS Management Plan and SPD.</p> <p>Policy RE03 identifies an area potentially suitable for wind turbines, as required by footnote 49 to para 154b. of the NPPF. In developing this policy, the group have been cognisant of the very special qualities of the parish and made full reference to the adopted Cornwall Renewable Energy Planning Advice Annex 1, Appendix 1 Landscape Sensitivity and Strategy Matrices, referring to the landscape strategy for landscape units CA02: West Penwith North and West Coastal Strip and CA03: Penwith Central Hills Area. This is for 'a landscape without wind energy development (except for occasional Band A scale single turbines linked to existing buildings e.g. farm buildings)' and for the Penwith Central Hills Area additionally 'no turbines in the unenclosed moorland.' For this reason the undeveloped coast and open moorland have been excluded, since these are specifically named in the landscapes strategy as being unsuitable areas. The policy wording makes clear that the identified area is an area of search which is <i>potentially</i> suitable, but that in each individual case proposals will be tested against a number of criteria including residential amenity, safety, protection of ecology, landscape impact and heritage impact and has specific reference to assessing and avoiding possible cumulative impacts, using the established adopted methodology of the Renewable Energy Planning Advice. The policy also draws from and requires adherence to the WHS and AONB management plans.</p> <p>This, together with the strategic policy framework, ensures protection of the landscape.</p>
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5. Screening Outcome

5.1 HRA screening: The assessment in section 3 shows that there is no potential for significant effects on the European sites, Lower Bostraze & Leswidden SAC and the Lands End and Cape Bank SAC, arising from the NDP.

5.2 SEA screening: 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 of this report.

5.4 The assessment in section 4 does not reveal any significant effects to the environment resulting from the St Just NDP. The plan promotes development of a small scale and supports the heritage and environmental, policies 23 and 24 of the CLP through its criteria based policies. SEA is therefore not required.