

**St Hilary Neighbourhood Plan
SEA and HRA Screening Report**

**St Hilary Neighbourhood Plan
SEA Draft, September 2022**

**Strategic Environmental Assessment
Habitats Regulations Assessment**

Screening Report

November 2022

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1. Introduction

- 1.1 This screening report is designed to determine whether or not the St Hilary Neighbourhood Development Plan (the NDP) requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004. The report also considers whether Habitats Regulations Assessment is required under Article 6 or 7 of the Habitats Directive.
- 1.2 The purpose of the NDP is to set out planning policies to be used as part of the development plan, for determining applications in St Hilary parish. The Vision for the NDP is: *In 2030 the natural environment, tranquil landscape and Cornwall's heritage will continue to define St Hilary Parish. The parish will be richer in biodiversity, retaining its strong rural and coastal character.*
- 1.3 The Plan identifies seven key settlements within the parish and draws development boundaries to illustrate where very small-scale infill and rounding off may be acceptable. The Parish has already exceeded the minimum housing target and so this low-level growth is consistent with the Local Plan and with the very rural nature of the parish.
- 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

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

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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.

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3. Habitats Regulation Assessment

Habitats Regulation Assessment (HRA) is a separate process which is required for all plans and projects which are not wholly directly connected with or necessary to the conservation management of a European site's qualifying features. This also requires screening as a first step to ascertain whether a plan is likely to have significant adverse effects on the integrity of 'European' sites. European sites in Cornwall include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs.).

3.2 HRA focuses on maintaining the 'integrity' of the European Sites, namely their conservation objectives. Table 5.1 lists the European Sites within 10km of the neighbourhood plan; their designated features/habitats; conservation objectives; and vulnerabilities.

3.3 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 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.

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
Tregonning Hill SAC	Western rustwort	<ul style="list-style-type: none"> • Inappropriate scrub control • Overgrazing 	None	No	Out
Marazion Marsh SPA	Marazion Marsh is designated for its populations of aquatic warbler and wintering bittern.	<ul style="list-style-type: none"> • Hydrological changes • Water pollution • Public access/disturbance • Invasive species • Climate change 	None	No	Out

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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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Table 4.1 Establishing the Need for SEA		
Stage	Y/N	Reason
1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	Will be 'made' by Cornwall Council and used in decision making as part of the development plan.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	Localism Act 2011
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	N	Annex I and II projects are (typically) large scale industrial and commercial processes – the plan does not deal with this scale of development.
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b)) (See para 4.2 above)	N	See Section 3 on Habitats Regulations Assessment
5. Does the PP Determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Y	The Plan contains land use planning policies to guide development within the parish
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	Y	The NDP will be 'made' and used as part of the development plan for determining planning applications in the Plan area
7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	N	
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	N	See Table 4.2

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Table 4.2 Likely significant effects on the environment	
SEA requirement	Comments
The characteristics of plans and programmes, having regard, in particular, to:	
1. the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	The Plan provides local criteria-based policies to control the quality of development within the parish. The Plan notes that the minimum target for housing development in the parish has been exceeded. There have been 22 completions since 2010 and the minimum housing growth figure was 14. As such the plan proposes very small-scale infill and rounding off in the identified seven settlements in the parish.
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
4. environmental problems relevant to the plan or programme,	<p>The following environmental problems/sensitivities have been identified in the neighbourhood plan area:</p> <ul style="list-style-type: none"> • Marazion Marsh SPA/SSSI adjacent to parish boundary • Tregonning Hill SAC within 10km • Cudden Point to Prussia Cove SSSI • Penberthy Croft Mine SSSI • 4 County Wildlife Sites • Areas of BAP habitat • South of parish is AONB • Large part of parish WHS • 2 conservation areas – Relubbas and St Hilary Churchtown
5. the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).	N/A
Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:	

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6. the probability, duration, frequency and reversibility of the effects,	The plan period runs until 2030, to align with the Cornwall Local Plan. The plan draws development boundaries to indicate where very small-scale infill development is acceptable.
7. the cumulative nature of the effects,	<p>The plan area itself is a rural parish which is not a target for strategic development. Nearby Penzance is one of the main towns identified in the Cornwall Local Plan and has strategic allocations to deliver housing and safeguard employment land are included in the site allocations DPD.</p> <p>The plan highlights the fact that the minimum housing target (14) for the area has been exceeded (22 completions from 2010 to date). As such, the plan proposes very small-scale infill and rounding off within seven defined settlements in the parish.</p>
8. the transboundary nature of the effects,	N/A
9. the risks to human health or the environment (e.g. due to accidents)	N/A
10. the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),	The population of St Hilary was 821 and there are 369 dwellings (ONS, 2011). The Plan notes that the minimum target for housing development in the parish has been exceeded. There have been 22 completions since 2010 and the minimum housing growth figure was 14. As such the plan proposes very small-scale infill and rounding off in the identified seven settlements in the parish.
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><i>Please see Appendix 1 for the full baseline review.</i></p> <p>Special Areas of Conservation</p> <p>There are no SACs within the plan area. However, Tregonning Hill SAC is within 10km of the parish, to the east. This former mining site is designated for western rustwort. The HRA screening has indicated that there are no potential pathways of impact as a result of the plan policies.</p> <p>Special Protection Areas</p> <p>There are no SPAs within the plan area. However, Marazion Marsh is in a neighbouring Parish to the west. The HRA screening has indicated that there are no potential pathways of impact as a result of the plan policies.</p>
12. the effects on areas or landscapes which have a	Sites of Special Scientific Interest

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<p>recognised national, Community or international protection status.</p>	<p>Cudden Point to Prussia Cove in the southern, coastal part of the Parish. The site is designated for geological reasons and is in a favourable condition.</p> <p>Penberthy Croft Mine (2 sites) in the northern part of the Parish. The site is designated for geological reasons and is in a favourable condition.</p> <p>The impact risk zones of Marazion Marsh SSSIs cover parts of the parish. It is designated predominantly as a habitat for breeding, passage and wintering birds as well as a number of plants and dragonfly species. The site is a mixture of recovering and favourable condition.</p> <p>There are no impacts identified on the features of the 3 SSSIs due to the very small scale of development proposed in the plan.</p> <p>County Wildlife Sites</p> <p>The parish has parts of four areas designated as CWS. These are along watercourses that flow northward to St Erth and southward to Marazion, Cudden Point / Prussia Cove and at Tregembo. These are mapped and shown in the plan appendices.</p> <p>There are no impacts identified on the features of the 4 CWS due to the very small scale of development proposed in the plan. In addition, there are a number of Natural Environment Policies in the plan, specifically 1b Biodiversity and Green Infrastructure which references the protection of the CWS.</p> <p>Biodiversity Action Plan Habitat</p> <p>BAP woodland, lowland heath and maritime cliffs and slopes can be found in the plan area.</p> <p>There are no impacts identified on BAP Habitat due to the very small scale of development proposed in the plan. Additionally, there are a number of Natural Environment Policies in the plan, specifically 1b Biodiversity and Green Infrastructure which references Cornwall Biodiversity Supplementary Planning Guidance.</p> <p>Area of Outstanding Natural Beauty</p>
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	<p>The southern part of the parish is designated as AONB.</p> <p>There are no impacts identified on the AONB due to the very small scale of development proposed in the plan. In addition, there are two Landscape Policies in the plan, specifically 2b which references the protection of the AONB and undeveloped coast.</p> <p>World Heritage Site</p> <p>A large area of the middle of the parish is designated as WHS</p> <p>There are no impacts identified on the WHS due to the very small scale of development proposed in the plan. Additionally, policy 3d references the WHS Management Plan and guidance.</p> <p>Conservation Area</p> <p>There are 2 conservation areas within the plan area: Relubbas and St Hilary Churchtown.</p> <p>St Hilary Churchtown and Relubbas have development boundaries drawn in the plan to indicate where small scale infill and rounding off may be acceptable. However, the small scale of development proposed along with policy 3c which protects the conservation areas, means that there are no significant impacts identified.</p> <p>Scheduled Monuments</p> <p>There are two scheduled monument sites - Tregurtha Downs Mining Complex and two wayside crosses in the St Hilary churchyard.</p> <p>There are no impacts identified on the Scheduled Monuments due to the very small scale of development proposed in the plan. Additionally, policies 3a and 3b protect the historic character and heritage assets of the parish.</p> <p>Agricultural Land</p> <p>The majority of the parish is Grade 3 agricultural land. The majority of the parish is classified as 'over 60% likely to be best and most versatile agricultural land'. No impacts anticipated.</p>
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5. SEA Screening Outcome

- 5.1 As a result of the assessment in section 3, it is unlikely there will be any significant environmental effects on European Sites arising from the St Hilary NDP and Appropriate (HRA) is therefore not required.
- 5.2 The assessment in section 4 does not reveal any significant effects on the environment resulting from the St Hilary NDP. There are environmentally sensitive areas as detailed in section 4, however they will not be affected because of the very small scale of development proposed in the plan. Furthermore, the policy framework exists in Cornwall Local Plan policies 23 and 24 and in the emerging NDP to ensure protection of the environment. SEA is therefore not required.