

**Hayle Draft Neighbourhood Development Plan
Strategic Environmental Assessment
Habitats Regulations Assessment
Screening Report**

15th November 2016

Hayle Neighbourhood Development Plan Strategic Environmental Assessment Screening Report

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1. Introduction

1.1 This screening report is designed to determine whether or not the contents of the Hayle Neighbourhood Development Plan 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 Hayle Neighbourhood Development Plan is to set out the criteria by which all relevant development will be judged within the plan period.

The plan has the following headline objectives, which have then informed the content of policies:

Objective 1 – Employment

Support new employment schemes both in the towns and in the rural areas. Emphasis should be given to quality, permanent work opportunities which break the cycle of seasonal labour. High speed broadband should be encouraged in all areas to meet modern working requirements. This should ensure prosperous town centres in Hayle particularly supporting flexible workspace and providing a continued delivery of the regeneration of Hayle through waterfront development associated with Marine Renewables and development of employment land to the south of Hayle.

Objective 2 – Housing

To deliver a mix of housing, of the size, type and tenure required to meet current and future housing needs, prioritising affordable and specialist accommodation.

Objective 3 – Community Infrastructure

Encourage investment in healthcare and GP coverage, education, neighbourhood centres, leisure facilities and open space provision and protect current levels of provision. Create better linkages between Hayle and its surrounding beaches.

Objective 4 –Environment

Ensure development is sensitive to the outstanding natural, built and historic environment of the area, particularly sensitive to the World Heritage Site status of Hayle, giving careful consideration to the location, scale and design of all new development.

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.

2. Legislative Background

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- 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 need for Appropriate Assessment is set out within Article 6 of the EC Habitats Directive 1992, and interpreted into British law by the Conservation of Habitats and Species Regulations 2010. The ultimate aim of the Directive is to “maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest” (Habitats Directive, Article 2(2)).
- 2.3. 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.
- 2.4 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.
- 2.5 This report focuses on screening for SEA and HRA and the criteria for establishing 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:

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,

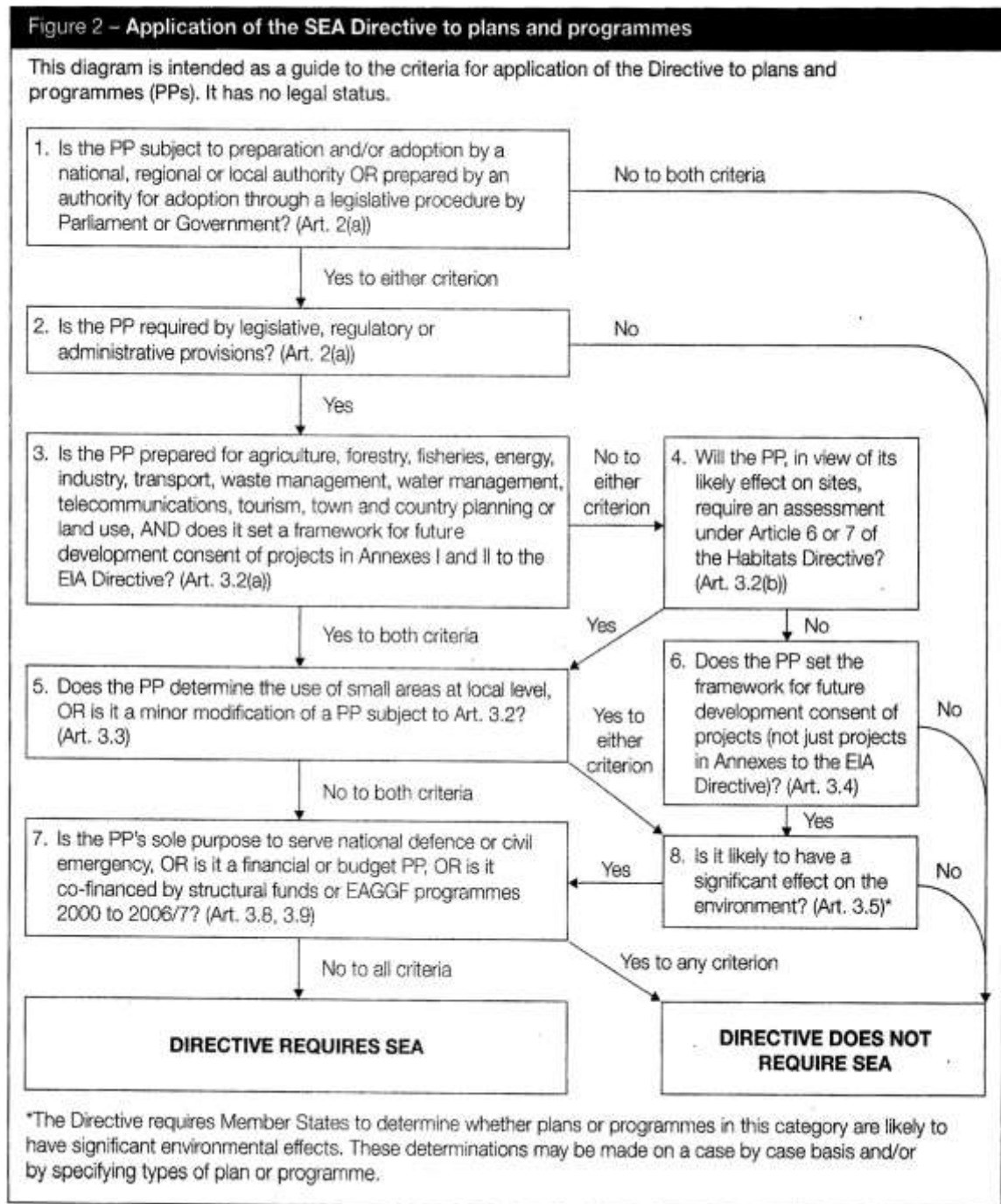
- the effects on areas or landscapes which have a recognised national, Community or international protection status.

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.



¹ Source: A Practical Guide to the Strategic Environmental Assessment Directive

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4.2 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 adopted ('made') by the Local Planning Authority 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))	N	No. There is no evidence of a direct pathway to protected habitat from development proposals. The nearest SPA is Marazion Marsh.
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 Plan contains policies to help meet requirements for housing and employment land and sets a policy framework which prioritises protection of the environment. Policy NE4 provides support for existing accesses to the beach, some of which run through existing designated SSSI. There is potential for some effect from this policy as no criteria are

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	<p>proposed to measure this policy against.</p> <p>Policy NE6 relates to the provision of development (within parameters described in the policy) within an area designated as SSSI. This will need to be assessed against alternative options.</p> <p>Policy EX1 provides a policy support for 'exceptional development' outside of statutory environmental, ecological and geological designations. This does not appear to prevent development within the WHS and implies support for development in the open countryside where it would not normally be justified. The effects of this policy are difficult to screen as it could apply to a number of different development forms.</p>
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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.
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 (currently the saved policies of the Penwith Local Plan, but likely to be the Cornwall Local Plan by the time the plan is examined.
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,	The plan area contains designated SSSI as well as World Heritage Site and numerous designated heritage assets. Proposals in NE2, NE4 and NE6 potentially allow for

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	development within the SSSI.
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:	
6. the probability, duration, frequency and reversibility of the effects,	Development within allocated areas will lead to permanent change but the size of allocations and their overall effect on the area is very small.
7. the cumulative nature of the effects,	The plan proposes only windfall in the form of infill development. This was tested alongside the 1600 allocation for Hayle in the Cornwall Local Plan SA and HRA.
8. the transboundary nature of the effects,	The plan covers the urban area and parish of Hayle, impacts beyond the boundaries are limited as the plan does not propose development beyond the parish boundary. There may be some transboundary effects as a result of employment and retail uses within the plan 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 total population (2011 census) of usual residents is 9400 and the area of the parish is approximately 1,442 hectares.
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,	<p>The plan area contains four areas of SSSI, the Hayle Estuary and Carrack Gladden SSSI, and Gwithian Towans could potentially be impacted by proposals of the plan in relation to the redevelopment of sites in the SSSI or support for improvements (unspecified) to paths within the SSSI. Development in the plan is not considered to have direct pathways to either Loggans Moor or the Wheal Alfred SSSIs.</p> <p>There are multiple Scheduled Monuments in Hayle although it is not considered that any of the policies of the plan directly impact the assets. Hayle is a Conservation Area. There are clusters of listed buildings within the town centre, however policies are protective of listed buildings and the World Heritage Site designation. Policy HB1 relates specifically to protection for heritage assets.</p>

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	<p>Development is directed to existing built up areas of Hayle and the smaller settlements, with most provision to be infill or on small sites immediately adjoining the existing settlements, and with policies to protect the Conservation Area and heritage assets.</p> <p>The parish lies outside of the Marazion Marshes SAC Zone of Influence.</p>
<p>12. the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>There are no designated landscapes in the parish. The plan seeks to ensure that the natural environment is protected through measures in policy relating to protection of wildlife, open spaces and the setting of the settlement areas. There are areas covered by the Cornwall and West Devon Mining Landscape World Heritage Site within the plan area, but the proposals are protective towards these areas, particularly the Copperhouse Pool.</p>

5. Screening Outcome

5.1 National Planning Policy Guidance says that a neighbourhood plan may require SEA where:

- 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 Hayle NDP area contains sensitive natural and heritage assets, however the majority of proposals in the plan are focussed away from these areas, and there are no obvious pathways to the assets. In general the plan is protective and the level of proposed development is not significant; however policies potentially allow for development within the SSSI and it is therefore not possible to conclude that there will be any significant environmental effects arising from the Neighbourhood Development Plan.

As a consequence it is concluded that SEA is required, but that HRA is not required.

Conclusion:

The Hayle NDP area does contain sensitive natural and heritage assets, however the proposals in the plan are generally focussed away from these areas, and there are no obvious pathways to the assets in these cases. In general the plan is protective and the level of proposed development is not significant; however the plan does contain 3 policies that relate to land within the Gwithian to Mexico Sands SSSI (NE2, 4 and 6, the alternatives to which should be considered. An additional policy (EX1) proposes exceptions to policy within the plan, although it does require proposals to

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be outside of statutory environmental, ecological and geological designations. It is not possible to discount the possibility of any significant environmental effects arising from the Neighbourhood Development Plan.

As a consequence it is concluded that SEA is required, but that HRA is not required.