

Calstock Parish Draft NDP (Autumn 2018)

**Strategic Environmental Assessment (SEA)
& Habitats Regulations Assessment (HRA)
Screening Report (including a HRA
Appropriate Assessment)**

November 2018

**Calstock Parish Draft NDP (Autumn 2018)
SEA and HRA Screening Report**

DRAFT

**Calstock Parish Draft NDP (Autumn 2018)
SEA and HRA Screening Report**

Contents

1.	Introduction	4
2.	Legislative Background	4
3.	Criteria for Assessing the Effects of the Neighbourhood Plan	6
4.	Assessment	7
5.	Screening Outcome	13

DRAFT

Calstock Parish Draft NDP (Autumn 2018) SEA and HRA Screening Report

1. Introduction

- 1.1 This screening report is designed to determine whether or not the contents of the Calstock Parish Draft 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 Calstock Parish NDP is to guide development within the parish. The vision of the parish is: 'By 2030, Calstock Parish will be a community with an excellent quality of life: living in decent homes in settlements which have retained their quiet rural character; supported by a thriving economy; benefiting from adequate social, transport and physical infrastructure; respecting and protecting the distinctive landscape, environment and heritage of the area; and, which is actively involved in planning for a sustainable and resilient future that meets the needs of generations to come.' (p26). There are objectives for Settlements Development; the Local Economy; Social, Transport and Physical Infrastructure; and, Landscape, Environment and Heritage (Para 13.4, pgs. 26-27) and thirty two policies to deliver these objectives.
- 1.3 The strategy for housing delivery is to provide some small-scale allocated sites to meet priority needs and market demands, allow for continued organic growth and permit rural exception sites in the least sensitive locations (Para 18.20, pg. 53).

NDP Policy HP1 (Pg. 50) proposes 11 development boundaries for the following settlements:

1. Albaston;
2. Calstock;
3. Drakewalls;
4. Chilsworthy;
5. Gunnislake;
6. Harrowbarrow;
7. Latchley;
8. Metherell;
9. Norris Green;
10. Rising Sun; and,
11. St Ann's Chapel.

NDP Policy H4 (Pg. 55) proposes two site allocations at:

1. St Annes Chapel (1.0 Ha site for approximately 35 dwellings); and,
2. Rising Sun (0.29 Ha site for approximately 10 dwellings).

NDP Policy HP6 (Pg.56) sets out general support for development of Rural Exception Sites and the supporting text explains that these should be outside of and adjacent to

Calstock Parish Draft NDP (Autumn 2018) SEA and HRA Screening Report

the development boundaries set out in NDP Policy H1. The policy also sets out where Rural Exception Sites would not be supported, e.g. in the 'rural gaps' set out under NDP Policy HP2.

- 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 Draft NDP 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 SA by legislation (although it is advisable to carry out some form of SA.) 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 SEA. 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 Regulations 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

Calstock Parish Draft NDP (Autumn 2018) SEA and HRA Screening Report

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).

- 2.6 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.

DRAFT

**Calstock Parish Draft NDP (Autumn 2018)
SEA and HRA Screening Report**

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

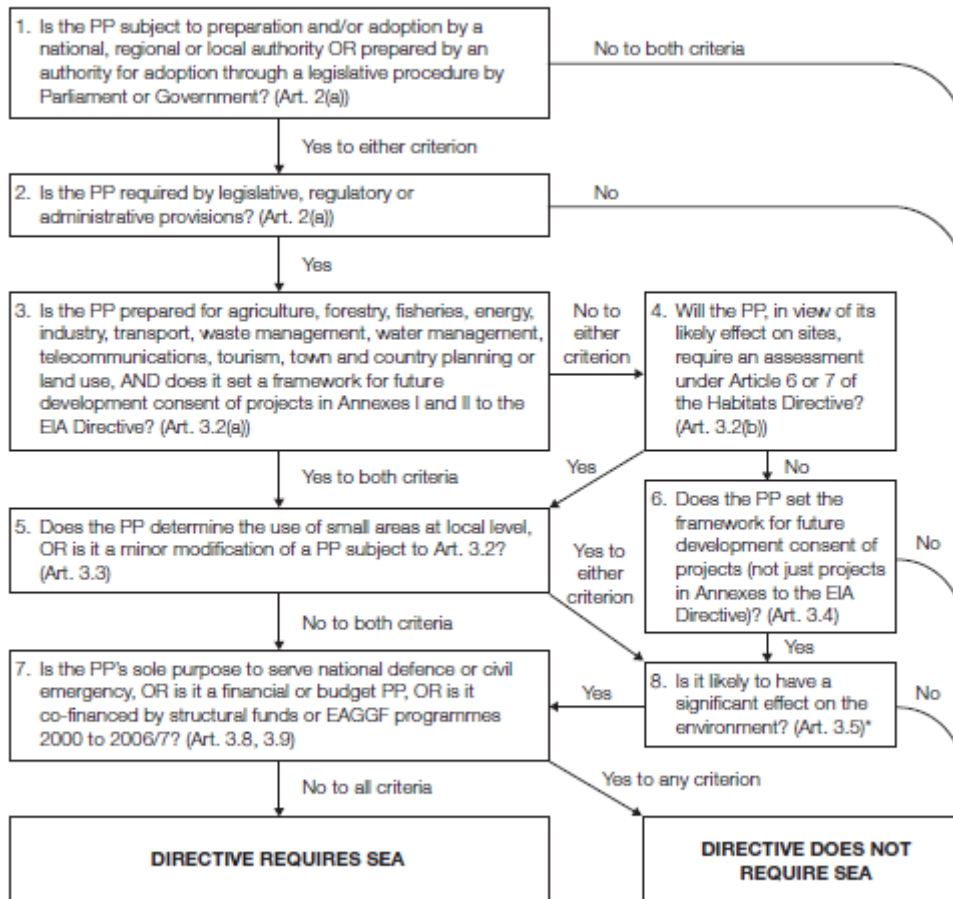
Calstock Parish Draft NDP (Autumn 2018) SEA and HRA Screening Report

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

Calstock Parish Draft NDP (Autumn 2018) SEA and HRA Screening Report

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 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 Policy HP1: Development Boundaries

NDP Policy HP4: New Housing Sites

European Site	Designated features/habitats	Conservation Objectives	Pathways of impact	LSE	Screen in or out?
Tamar Estuaries Complex SPA	Little Egrets, Avocet, Overwintering shelduck, black tailed godwit, whimbrel, dunlin, curlew and redshank (SPA)	Tamar Estuaries Complex SPA	Recreation	Potential	In
Plymouth Sound and Estuaries SAC	Atlantic salt meadows , Estuaries, Large shallow inlets and bays, Intertidal mudflats and sandflats, Reefs, Subtidal sandbanks	Plymouth Sound and Estuaries SAC			

4.3 Appropriate Assessment

Screening of the Cornwall Local Plan revealed the potential for Likely Significant Effects (LSE) on the features of these sites due to a possible increase in recreation. The Plymouth Sound and Estuaries SAC borders the parish of Calstock to the south and to the south-east; the parish is entirely within the Zone of Influence for this site and also the Zone of Influence of Tamar Estuaries Complex SPA.

Calstock Parish Draft NDP (Autumn 2018) SEA and HRA Screening Report

The level of proposed development within the NDP is planned to be accommodated predominantly through infill within the proposed development boundaries proposed under NDP Policy H1 (which include the two identified site allocations, which are proposed under NDP Policy H4 at St Anne's Chapel and Rising Sun).

Cornwall's Local Plan, Policy 22, puts in place a strategic solution for mitigation of recreational impacts influence and therefore a financial contribution is taken from new development to fund mitigation measures e.g. dog wardening, dog bins, information and education, notices and parking restrictions. Therefore in combination with the Cornwall Local Plan the NDP is unlikely to cause significant impacts on the features of Plymouth Sound and Estuaries SAC (and/or Tamar Estuaries Complex SPA).

DRAFT

**Calstock Parish Draft NDP (Autumn 2018)
SEA and HRA Screening Report**

4.4 **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)	Y	See section 4.2: An appropriate assessment has been carried out. The findings are that a strategic solution is in place to mitigate against recreational impacts.
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)	Y	See Table 2

**Calstock Parish Draft NDP (Autumn 2018)
SEA and HRA Screening Report**

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 and provides for approximately 60 dwellings in total (this being for housing through small scale windfall development within defined development boundaries at ten settlements within the parish (NDP Policy HP1); and at two site allocations (NDP Policy HP4)).
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

**Calstock Parish Draft NDP (Autumn 2018)
SEA and HRA Screening Report**

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 NDP provides for around 60 new dwellings over the plan period, up to 2030. This plans for development in excess of what is forecast to be needed to meet the requirements of Cornwall Local Plan: Strategic policies 2010-2030.
7. the cumulative nature of the effects,	Although the plan provides for increased development rates above what is needed to be in general conformity with Cornwall's Local Plan, the figure of approximately 60 dwellings is not considered to pose a risk of negative cumulative impacts as development will be phased over the plan period and subject to policy provision set out both in the NDP and higher level policies of the Cornwall Local Plan and NPPF.
8. the transboundary nature of the effects,	Calstock is a rural parish and the level of development will not give rise to transboundary effects.
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),	Calstock Parish covers an area of approximately 2,370 hectares. The 2011 census recorded 2,954 households, with a population of around 6,200.
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 River Tamar forms the eastern boundary of the parish and is a designated Plymouth Sound and Estuaries SAC http://jncc.defra.gov.uk/protectedsites/sacselection/sac.asp?EUCode=UK0013111 and Tamar Estuaries Complex SPA.(Also Tamar/Tavy Estuary SSSI) http://jncc.defra.gov.uk/default.aspx?page=2033</p> <p>There are three further SSSI's: Sylvia's Meadow SSSI – https://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=S1006453</p> <p>Hingston Down Quarry & Consols SSSI – https://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=S2000098&SiteName=G&countyCode=6&responsiblePerson=&SeaArea=&IFCAAra= Greenscombe Wood, Lockett SSSI – https://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=S1003365&SiteName=G&countyCode=6&responsiblePerson=&SeaArea=&IFCAAra=</p>

**Calstock Parish Draft NDP (Autumn 2018)
SEA and HRA Screening Report**

	<p>Tamar Estuary Sites MCZ http://publications.naturalengland.org.uk/publication/6037040860758016</p> <p>Approximately over half of the parish is designated as part of the Tamar Valley AONB: http://www.tamarvalley.org.uk/care/aonb-management-plan/</p> <p>Wood County Wildlife sites: Cotehele Woods, Okeltor, Roundbarrow Cottage Meadow and Clitters</p> <p>Ancient Woodlands: Hare Wood, Cotehele Wood, Comfort Wood, Greenscombe Wood and Clitters Wood</p> <p>There are areas of Floodzone 2, 3 and 3b along the Tamar and its main tributaries.</p> <p>Calstock (Church Street) is a Conservation Area</p> <p>There are 201 listed buildings and sites in Calstock Parish; (Including 13 Grade 1 and 4 Grade 2*): http://www.heritagegateway.org.uk/Gateway/Results_Application.aspx?resourceID=5</p> <p>Calstock is part of the Tamar Valley WHS http://www.cornish-mining.org.uk/areas-places-activities/tamar-valley-tavistock</p>
<p>12. the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>NDP Policy HP1 (Pg. 50) proposes 11 development boundaries for the following settlements:</p> <ol style="list-style-type: none"> 1. Albaston; 2. Calstock; 3. Drakewalls; 4. Chilsworthy; 5. Gunnislake; 6. Harrowbarrow; 7. Latchley; 8. Metherell;

**Calstock Parish Draft NDP (Autumn 2018)
SEA and HRA Screening Report**

9. Norris Green;
10. Rising Sun; and,
11. St Ann's Chapel.

NDP Policy H4 (Pg. 55) proposes two site allocations at:

1. St Annes Chapel (1.0 Ha site for approximately 35 dwellings); and,
2. Rising Sun (0.29 Ha site for approximately 10 dwellings).

The Draft NDP is supported by a variety of evidence base documents (see <http://plan4calstockparish.uk/category/evidence-base/>). The document titled 'Village Development Boundary Assessment' (VDBA) sets out the methodology applied in establishing the proposed development boundaries for each of the eleven settlements.

There is no specific evidence base to support the new housing sites proposed under NDP Policy H4; the supporting text to this policy indicates that these sites were identified as part of the development boundary assessments.

Most of the development boundaries proposed offer scope for development and, whilst much of this is small in scale, there appears to be some potentially larger pockets of land which could be developed/redeveloped within these (e.g. Calstock Primary School, in the village of Calstock (which is entirely designated as being in the AONB and WHS)). The VDBA documents why the development boundaries have excluded particular areas of land but fails to consider any potential impacts on these designations and the lack of negative effects can't be assumed.

Similar applies to the site allocations; whilst it may be unlikely that the proposed housing allocations will have a negative impact on heritage assets, the AONB and/or the setting of these, this hasn't been set out in the evidence base and therefore it can't be assumed.

NDP Policy HP6 sets out general support for development of Rural Exception Sites and the supporting text explains that these should be outside of and adjacent to the development boundaries set out in NDP Policy H1. The policy also sets out where Rural Exception Sites would not be supported. Whilst the intention of this policy is understood, as currently presented it can be interpreted as positively encouraging

**Calstock Parish Draft NDP (Autumn 2018)
SEA and HRA Screening Report**

	<p>development on the edge of settlements in the AONB and WHS (e.g. at Chilsworthy), with little evidence setting out how the impacts on these designations have been assessed and have thereafter informed policy. It can't therefore be assumed, based on the evidence provided, that this proposal will not have any negative effects.</p> <p>As a precautionary approach needs to be applied when carrying out the SEA Screening, it is not possible to determine that there will not be any significant effects on the AONB or heritage assets (or the setting of these) based on the evidence provided.at this stage, particularly in relation to NDP Policies H1, H4 and H6.</p>
--	---

DRAFT

**Calstock Parish Draft NDP (Autumn 2018)
SEA and HRA Screening Report**

5. Screening Outcome SEA & HRA Screening Outcome (including HRA Appropriate Assessment)

- 5.1 The screening assessment in section 4.2, identifies that there will be likely significant environmental effects on European Sites arising from the Calstock Parish NDP in combination with other development in the area.

An Appropriate Assessment (section 4.3) was therefore undertaken which concluded that as there is a strategic mitigation solution in place, underlined by Policy 22 of the Cornwall Local Plan, no Likely Significant Effects from the Neighbourhood Plan on European sites will occur. No further HRA is required.

- 5.2 The assessment in section 4.4 does not rule out that significant environmental effects may arise from the NDP, in particular in relation to NDP Policies H1, H4 and H6. Furthermore, the initial results of the HRA Screening (section 4.2) triggers the requirement for SEA. Given this and that SEA Screening needs to adopt a cautionary approach, the conclusion is that Calstock NDP should be subject to SEA.