

Falmouth NDP (July 2019)

**Strategic Environmental Assessment
Habitats Regulations Assessment**

**Screening Report
Including Appropriate Assessment**

**13 May 2019
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Falmouth 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 Falmouth 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 vision of the NDP is stated as:

‘ In 2030, Falmouth will be a distinctive, vibrant, resilient, inclusive and well-balanced, attractive sea-port town. It will form the sustainable social and economic heart of the wider Falmouth/ Penryn Community Network, serving an important strategic role in enabling Cornwall’s economy to reach its full potential, and responding effectively to climate change.’

The broad aims of the NDP are:

- To enhance the town and maintain its excellent qualities up to 2030 and beyond.
- To balance the competing needs for growth and development with protection and enhancement.
- To promote development that is sustainable socially, economically and environmentally.

To achieve these aims the housing strategy of the NDP is to identify urban capacity opportunities, (strategic housing allocation is dealt with by Cornwall Council’s site allocation DPD and those sites are outside the NDP area) and to manage the demand for student housing. (Policies HR4-7, TC1-4 and HMO1 &2)

The town centre strategy is to encourage the quality of development on urban capacity sites, improve public realm, revitalise the town centre by encouraging the use of upper floors, and support business, tourism and the docks.(Policies BE1-12)

A suite of environment policies protect green spaces, corridors (Policies FOS 1-7) and Policies CUL1-4 protect cultural facilities. There is also a suite of design and heritage policies (DG1-12) which encourage a high standard of design,

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 or HRA.

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 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. 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.).
- 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

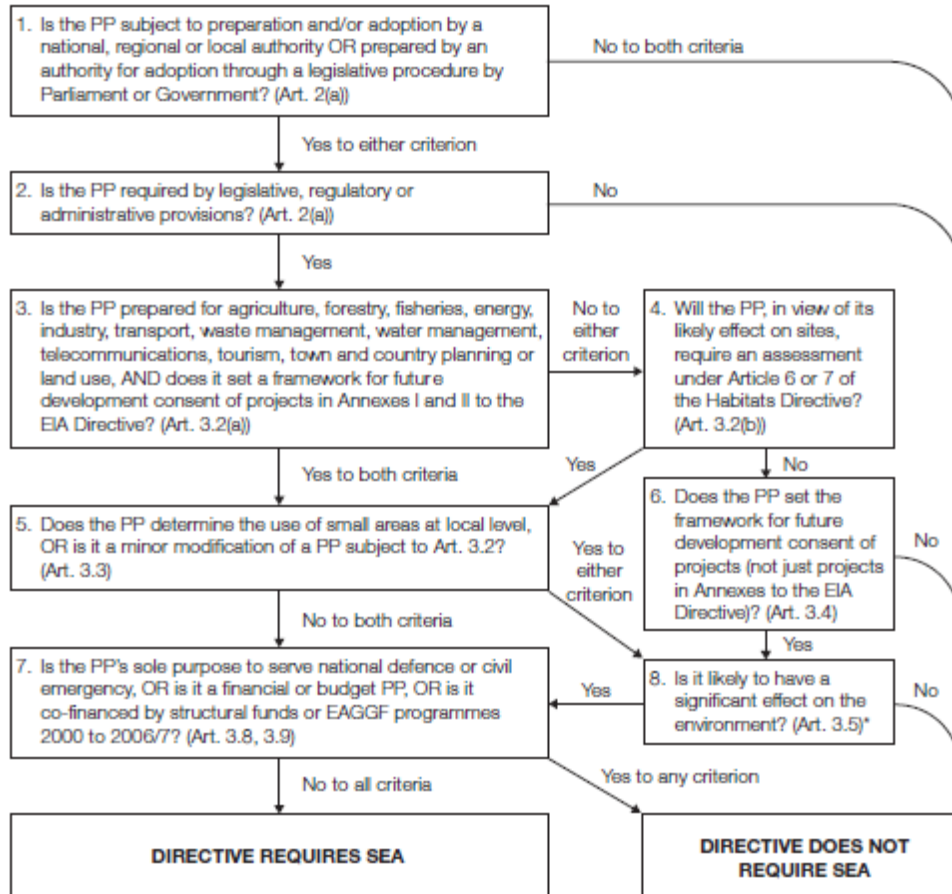
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4. Assessment

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 tables below appraise 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, either alone or in combination with other plans or projects. The precautionary principle must be used when assessing whether adverse effects are significant. Appropriate assessment has been carried out where policies have been screened in.

Introduction:

The recent European Union judgment (People over Wind & Sweetman v Coillte Teoranta Case C-323/17) ruled that Article 6(3) of the Habitats Directive must be interpreted as meaning that mitigation measures (referred to in the judgment as measures which are intended to avoid or reduce effects) should be assessed within the framework of an appropriate assessment and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site at the screening stage. Consequential changes to relevant regulations through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 came into force on 28 December 2018. The regulations allow neighbourhood plans and development orders in areas where there could be likely significant effects on a European protected site to be subject to an 'Appropriate Assessment' to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or planning application.

As potential for recreational disturbance was identified by the HRA of the Cornwall Local Plan, multiple surveys in all four seasons were carried out to collect evidence of the pattern of recreational activity in various sites in Cornwall. From this evidence a zone of influence (ZOI), from which residents might reasonably be expected to travel to carry out leisure activities on the SAC has been identified. Falmouth parish is entirely within the ZOI for the Fal and Helford and therefore the urban capacity sites fall within this zone. Strategic mitigation is in place through Policy 22 of the Cornwall Local Plan. This is by means of a financial contribution taken from new residential development and the contributions will be used for mitigation measures agreed with the conservation bodies, such as signs, notices, education and awareness raising

In combination effects:

The Falmouth NDP has been considered in combination with the Cornwall Local Plan: Strategic Policies (CLP:SP) and Cornwall Local Plan: Site Allocations DPD (DPD) so that the impact of development on specific sites within the NDP has been considered in combination with the levels of growth in the CLP and the site specific allocations of the DPD.

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European Sites screened out for all NDP policies:

European Site	Designated features	Threats/pressures	Pathways of Impact Arising from Development related to NDP	Likely significant effects (including in combination)	Screen in or out
Falmouth to St Austell Bay SPA	Qualifying species: Black throated diver Great northern diver Slavonian Grebe.	Fixed/drift net fishery	None. Screened out through HRA of CLP para 3.4.1	None	Out

The Falmouth Bay to St Austell Bay SPA borders the coast of the parish. The designated species are overwintering seabirds. The SPA was scoped out of the Cornwall Local Plan HRA. The Impact Assessment accompanying the consultation on the SPA designation proposal identified the following categories of activities that occur within or adjacent to the area covered by the SPA: recreation; commercial fishing, shipping; renewables; oil and gas; marine cables; and defence. However, the January 2014 consultation document identified that the only activity within these categories which would potentially require management, and which therefore may conflict with the SPA, was the fixed/drift net fishery. This activity is not associated with Local Plan development, nor with the development policies of the NDP.

The following policies have been screened in.

NDP Policy HR5 Urban Capacity Sites and HR6 Criteria for Urban Capacity sites

European Site	Designated features/ habitats	Conservation Objectives	Pathways of impact	LSE	Screen in or out?
Fal and Helford SAC	Qualifying habitats:	European Site Conservation Objectives for Fal & Helford SAC	Recreation Water quality	Yes Yes	In In

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	<ul style="list-style-type: none"> • Atlantic salt meadows • Estuaries • Large shallow inlets and bays • Intertidal mudflats& sandflats • Reefs • Subtidal sandbanks <p>Qualifying species: Shore dock</p>				
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Appropriate Assessment:

Recreational disturbance:

HRA screening of the Cornwall Local Plan (Section 3.3) concluded that there was potential for impact on the features of the Fal and Helford SAC arising from increased recreational activity associated with the level of growth proposed by the Cornwall Local Plan. Specific impacts are the effect of anchor drag on qualifying habitats, reefs and subtidal sandbanks and disturbance to those habitats caused by ad hoc launching of small craft such as kayaks.

The Falmouth NDP does not propose development over and above the growth set out in the Cornwall Local Plan: Strategic Policies. Further detail specifying the strategic sites required to deliver this growth is given by the Cornwall Local Plan: Site Allocations DPD. Those sites are on the periphery of Falmouth and Penryn and are not within the NDP area.

The Falmouth NDP does identify the potential for town centre sites to provide opportunities for redevelopment in policy HR5 and sets some criteria for the redevelopment of these sites in policy HR6. As a precautionary measure, these policies have been screened in, for potential recreational disturbance in combination with the growth level identified in the CLP:SP and the site allocations in the DPD.

The Urban capacity sites envisaged by Policy HR5 are within the zone of influence for recreational disturbance of the feature of the SAC and as noted above, strategic mitigation is in place through Policy 22 of the Cornwall Local Plan. This is by means of a financial contribution taken from new residential development and the contributions will be used for mitigation measures agreed with the conservation bodies, such as signs,

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notices, education and awareness raising. Policy HR6 which sets out criteria for the development of infill sites, makes specific reference to this strategic mitigation in point 3. It is therefore possible to conclude that there will be no impact on the integrity of the SAC resulting from recreational disturbance.

Water Quality:

Avoiding an adverse effect is largely in the hands of the water companies (through their investment in future sewage treatment infrastructure) and Environment Agency (through their role in consenting effluent discharges). However, local authorities can also contribute through ensuring that sufficient wastewater treatment infrastructure is in place prior to development being delivered through the Local Plan.

Cornwall Council has confirmed that with South West Water that the levels of development envisaged within the catchments of Carnon Downs STW, Falmouth STW, Lanner St. Day STW, Mylor Bridge STW, can be accommodated without a requirement to increase the discharge consent volumes at these STWs, or that if an increase in consented discharge volumes is required this can be achieved without a deterioration in downstream water quality. The Local Plan makes it clear that this need will be determined and delivered through interaction with other authorities including South West Water and the Environment Agency.

This has been confirmed through the HRA of the Cornwall Local Plan: Strategic Policies which concludes that there will be no significant effects on water quality in the Fal and Helford as a result of the levels of development proposed by the Cornwall Local Plan. (Cornwall Local plan HRA, para 5.4.1) The NDP does not propose to raise development levels above the level of the Cornwall Local Plan. A further criterion has been added to Policy HR 6: Development shall ensure there is sufficient consented sewage treatment capacity to ensure no adverse impact on the Fal & Helford SAC

In addition the Site Allocations DPD, also a part of the Cornwall local Plan suite of documents, has been subject to HRA. The DPD allocates strategic sites in and around Falmouth and table 5.2.i (in the August 2018 update report to the HRA report, required following the Sweetman judgement) carries out Appropriate Assessment for water quality issues that may arise during construction phase, since mitigation can no longer be taken into account at screening stage. This finds that LSE at construction stage can be mitigated through a Construction Environmental management Plan (CEMP) and it is therefore considered unlikely that significant effects as a result of air or water quality impacts or noise/vibration/visual disturbance will arise at > 150 m within the already highly-urbanised environment these allocations are located within. For those urban capacity sites closer to the Fal and Helford SAC any potential construction-related impacts arising from minor development within this location would be managed through the implementation of a CEMP, which is required explicitly in policy wording. The policy wording has been updated, following interim comments from NE on 6.6.19, to require the CEMP to be agreed prior to commencement. Surface water run-off is managed by SUDs and through the Building Regulations and will

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not increase as a result of development. A further criterion has been added to the policy: Proposals should ensure that surface water drainage is designed and managed to ensure no adverse effect on the Fal and Helford SAC, again in response to NE comments on 6.6.19.

Therefore it is possible to conclude that there will be no impact on the integrity of the SAC resulting from water quality impacts.

NDP Policy:TC2 Church Street Carpark

European Site	Designated features/ habitats	Conservation Objectives	Pathways of impact	LSE	Screen in or out?
Fal and Helford SAC	Qualifying habitats: <ul style="list-style-type: none"> • Atlantic salt meadows • Estuaries • Large shallow inlets and bays • Intertidal mudflats& sandflats • Reefs • Subtidal sandbanks Qualifying species: Shore dock	European Site Conservation Objectives for Fal & Helford SAC	Recreation Water quality	Yes Yes	In In

Appropriate Assessment:

Recreational disturbance.

This site is on the waterfront adjacent to the Fal and Helford SAC. It is therefore clearly within the zone of influence for recreational disturbance of the feature of the SAC and as noted above, strategic mitigation is in place through Policy 22 of the Cornwall Local Plan. This is by means of a financial contribution taken from new residential development and the contributions will be used for mitigation

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measures agreed with the conservation bodies, such as signs, notices, education and awareness raising. Policy TC2 does not specifically support residential development, but if any residential accommodation is included as part of any proposals on site it will be subject to the requirement of contributions towards strategic mitigation, as required by the Cornwall Local Plan.

Previous iterations of the policy included reference to the creation of a slipway access at this site. Following comments from Natural England this reference has been removed and the policy supports the provision of public open space and land based facilities.

Water Quality:

This is a waterfront site, adjacent to the SAC. Part of the site was formerly a gasworks and there is a record of the determination of land as contaminated land in accordance with Part 2A of the Environmental Protection Act 1990, dating from 14 September 2010. This document (attached) identifies 14 Significant Pollutants and two pathways: direct discharge of contaminants through the harbour wall and surface water drainage and potential leaching from soils and migration through groundwater. The document details the desk top study, assessment and further intrusive investigation that was carried out.

Using this report, advice has been sought from the Public Protection team of the Environment Service at Cornwall Council. They advised that whilst policy TC2 as drafted rightly directed the reader to the need for the production of remediation strategy it should be noted that the contaminated land assessment undertaken under Part 2A of the Environmental Protection Act 1990 is based on the current use as a car park. Redevelopment of the site would require assessment for the 'proposed use' which will influence the nature of remediation required. Whilst the previous investigation work is relevant, the phased process of assessment will need to start at the beginning (i.e. with a phase 1 risk assessment) and the appropriate stages will follow and that this information will need to be submitted with any planning application. Although planning conditions could be applied, given the nature of the contamination on site it would be preferable to require phase 2 investigation information and potentially a remediation strategy upfront with any planning application to ensure redevelopment is viable. It will not be a straightforward site to remediate and there is the potential for pollutant pathways to be opened up through redevelopment work.

This advice has been used to amend policy TC2, incorporating the technical advice into part 2 of the policy and requiring the investigation information and remediation strategy upfront as recommended. Two further criteria has been added to the policy: Development shall ensure there is sufficient consented sewage treatment capacity to ensure no adverse impact on the Fal & Helford SAC and Proposals should ensure that surface water drainage is designed and managed to ensure no adverse effect on the Fal and Helford SAC. A detailed project stage HRA would be required in any case.

With the amendments to the policy it is possible to conclude that there will be no adverse impact on the integrity of the SAC arising from this policy.

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NDP Policy: TC3 Quarry Car Park

European Site	Designated features/ habitats	Conservation Objectives	Pathways of impact	LSE	Screen in or out?
Fal and Helford SAC	Qualifying habitats: <ul style="list-style-type: none"> • Atlantic salt meadows • Estuaries • Large shallow inlets and bays • Intertidal mudflats& sandflats • Reefs • Subtidal sandbanks Qualifying species: Shore dock	European Site Conservation Objectives for Fal & Helford SAC	Recreation Water quality	Yes Yes	In In

Appropriate Assessment:

Recreational Impact

As with policies BE5 and TR2, the Quarry Car Park site is within the zone of influence for recreational disturbance of the feature of the SAC and as noted above, strategic mitigation is in place through Policy 22 of the Cornwall Local Plan. This is by means of a financial contribution taken from new residential development and the contributions will be used for mitigation measures agreed with the conservation bodies, such as signs, notices, education and awareness raising. Policy TR3 notes this requirement in clause 10.

Therefore it is possible to conclude that the policy will not give rise to impacts on the integrity of the SAC through recreational impact

Water Quality:

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As for all sites, the HRA of the Cornwall Local Plan: Strategic Policies which concludes that there will be no significant effects on water quality in the Fal and Helford as a result of the levels of development proposed by the Cornwall Local Plan. The NDP does not propose to raise development levels above the level of the Cornwall Local Plan. Following interim advice from NE on 6.6.19 a further criterion has been added to the policy: Development shall ensure there is sufficient consented sewage treatment capacity to ensure no adverse impact on the Fal & Helford SAC.

For this site in particular, a former quarry, desk top studies including the Richard Thomas Map 1827, the 1841 Tithe Map, the 1880 and 1935 OS 25" maps, and RAF aerial photos from 1946 do not reveal any polluting uses of this site and no likely contaminants have been identified.

At its closest point, the Quarry Car Park site is 263 metres from the SAC, outside the distance established in the HRA of the Site Allocations DPD as being likely to give rise to impacts during the construction phase.. The HRA of the Site Allocations DPD finds that LSE can be mitigated through a CEMP and it is therefore considered unlikely that significant effects as a result of air or water quality impacts or noise/vibration/visual disturbance will arise at > 150 m within the already highly-urbanised environment these allocations are located within.

The policy wording has been amended to require a CEMP as a precautionary measure. Further wording has been added to cause 7 of the policy to ensure that the SUDS schemes are designed to ensure no adverse impact on the Fal and Helford SAC. Therefore it is possible to conclude that the policy will not give rise to impacts on the integrity of the SAC through impact on water quality.

NDP Policy: TC4 former TA centre

European Site	Designated features/ habitats	Conservation Objectives	Pathways of impact	LSE	Screen in or out?
Fal and Helford SAC	Qualifying habitats: <ul style="list-style-type: none"> • Atlantic salt meadows • Estuaries • Large shallow inlets and bays • Intertidal mudflats& 	European Site Conservation Objectives for Fal & Helford SAC	Recreation Water quality	Yes Yes	In In

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	sandflats • Reefs • Subtidal sandbanks Qualifying species: Shore dock				
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Appropriate Assessment:

Recreational Impacts

As with policies BE5, TR2 and TR3, the former TA centre site is within the zone of influence for recreational disturbance of the features of the SAC and as noted above, strategic mitigation is in place through Policy 22 of the Cornwall Local Plan. This is by means of a financial contribution taken from new residential development and the contributions will be used for mitigation measures agreed with the conservation bodies, such as signs, notices, education and awareness raising. Policy TR4 notes this requirement in clause 7. Therefore it is possible to conclude that the policy will not give rise to impacts on the integrity of the SAC.

Water Quality

As for all sites, the HRA of the Cornwall Local Plan: Strategic Policies which concludes that there will be no significant effects arising from wastewater treatment on water quality in the Fal and Helford as a result of the levels of development proposed by the Cornwall Local Plan. The NDP does not propose to raise development levels above the level of the Cornwall Local Plan. Following interim advice from NE on 6.6.19 a further criterion has been added to the policy: Development shall ensure there is sufficient consented sewage treatment capacity to ensure no adverse impact on the Fal & Helford SAC.

Currently a car park, this site was formerly a shipwrights yard and a TA centre. Desk top studies of information including the 'Burghley Map, c.1590, the 1773 map of Falmouth, reconstructed by Peter Gilson, the Richard Thomas Map 1827, the 1841 Tithe Map, the 1880 and 1935 OS 25" maps, and RAF aerial photos from 1946) reveal that the shipwright use was in the first half of the 19th Century when mostly wooden ships were constructed, and about a third of the site was a log pond (in common with many other developed sites in this area of Falmouth). The subsequent military use was mainly as a drill hall and 'square-bashing' area. No likely contaminants have been identified.

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At its closest point the site is 102 metres from the SAC. This is within the distance identified (150m) in the HRA of the site allocations DPD where construction activities have the potential to cause impact on water quality. Therefore the policy has been amended to require a CEMP and a clause stating 'Proposals should ensure that surface water drainage is designed and managed to ensure no adverse effect on the Fal and Helford SAC' has been added following interim advice from NE on 6.6.19. A project level HRA will be required in any case at application stage It is therefore possible to conclude that there will be no significant impacts on the integrity of the SAC through water quality arising from this policy.

NDP Policy BE1: Supporting the harbour, port and docks

BE5: Facilities for small boat moorings

Policy BE6: Prince of Wales Pier

European Site	Designated features/ habitats	Conservation Objectives	Pathways of impact	LSE	Screen in or out?
Fal and Helford SAC	Qualifying habitats: <ul style="list-style-type: none"> • Atlantic salt meadows • Estuaries • Large shallow inlets and bays • Intertidal mudflats& sandflats • Reefs • Subtidal sandbanks Qualifying species: Shore dock	European Site Conservation Objectives for Fal & Helford SAC	Recreation Water quality	? ?	In In

Appropriate Assessment

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These policies have been screened in on the advice of Natural England. No specific impacts on the SAC have been identified at this stage.

Policy BE1 gives general support to the function of the docks at Falmouth. It does not propose specific development, although mention of improvements to disabled access is made. Following advice from NE, the wording of the supporting text has been amended, removing a reference to dredging in the supporting text and removing reference to 'the approach' to the docks in the supporting text and in the policy wording. Any such proposals will need to be assessed at application stage with a project level HRA and it is likely that a CEMP will be required. Additional wording has been added to the Plan text to highlight that a project level HRA will be required to accompany future applications within the dock complex and that a CEMP is also likely to be required. Therefore it is possible to conclude that the policy will not give rise to impacts on the integrity of the SAC.

The title of policy BE5 has been amended, in line with advice from Natural England, to make clear that the policy sets criteria for development on land – not the creation of additional moorings, which is controlled through a separate licensing process regulated by the harbourmaster. The policy requires an assessment of any contribution that development will make to an increase in recreation and requires mitigation for this, to be agreed prior to any development. This is a criteria based policy; impacts on recreational activity and water quality will need to be assessed at application stage, with a project level HRA to establish the effects of any proposal. Additional wording has been added so that the need to address water quality is also referred to in the policy. Therefore it is possible to conclude that the policy will not give rise to impacts on the integrity of the SAC.

Policy BE 6 supports the 'revival' of the Prince of Wales Pier and encourages enhancement of the public realm, including provision of seating, shelters, performance spaces and disabled access. Some of these operations may not be classed as development and will not require planning permission. Where they do, a project level HRA will be required to assess specific proposals for potential impact on the SAC. Therefore it is possible to conclude that the policy will not give rise to impacts on the integrity of the SAC

Overall HRA Conclusions:

The Falmouth NDP can rely in part on the HRA screening and Appropriate Assessments carried out for the Cornwall Local Plan Strategic Policies <https://www.cornwall.gov.uk/media/17689865/cornwall-further-significant-changes-hra-feb-2016-update.pdf>

and the Site Allocations DPD <https://www.cornwall.gov.uk/media/34460734/final-hra-addendum-section-5-aug-18.pdf> and <https://www.cornwall.gov.uk/media/26855223/appendix-2-cemp-contents.pdf>

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The HRA of the Cornwall Local Plan: Strategic Policies concludes that there will be no significant effects on water quality in the Fal and Helford, arising from wastewater treatment, as a result of the levels of development proposed by the Cornwall Local Plan, para 5.4.1. The NDP does not propose to raise development levels above the level of the Cornwall Local Plan and extra wording has been inserted into the site specific policies, as described above, to ensure that individual proposals ensure that sufficient consented sewage treatment capacity exists to safeguard the water quality of the SAC. .

The HRA of the Site Allocations DPD establishes when the proximity of sites may give rise to impacts on the features of the SAC table 5.2.i. It carries out appropriate assessment for the strategic sites required to deliver the growth identified for the Falmouth area in the Local Plan; these strategic sites are outside the NDP area, but informed by the appropriate assessment of the DPD the sites shown in the NDP which are in proximity to the SAC have been assessed.

The Appropriate Assessment of the Falmouth NDP looks in more detail at the sites and policies in the NDP and finds that it is reasonable to conclude that the mitigation measures included in the Falmouth NDP policies will be sufficient to avoid and/or mitigate effects. However, this conclusion does not remove the need for HRA of any other plans, projects, or permissions associated with the Falmouth NDP. Project level HRA would be expected for the detailed proposals for development of the sites described in the NDP.

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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.

Table 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)	Y	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	See table 3.2

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Table 2 likely significant effects: Establishing the Need for SEA	
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 local criteria based policies to control the quality of development within the parish. The NDP does not deal with the provision of the housing allocation for Falmouth but contains policies regarding the type of development, control of student housing and town centre regeneration.
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 development must be in general conformity National Planning Policy Framework and the Local Plan which promote sustainable development.
4. environmental problems relevant to the plan or programme,	Determination of contaminated land, Church Street Car Park
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 proposed NDP plan period runs from the making of the NDP until 2030, commensurate with the current adopted Cornwall Local Plan. The plan will influence the determination of applications for built development (usually permanent) during this period.
7. the cumulative nature of the effects,	The Local Plan apportions 2800 dwellings for Falmouth and Penryn during the plan period 2010-2030 and estimates that approx. 270 of these will be delivered through windfall – ie on sites not allocated in the Site Allocations Development Plan Document (DPD). The DPD allocates the strategic sites around the edges of the main towns of Falmouth and Penryn, which is outside the NDP area. Some windfall sites may be expected within the Falmouth NDP area as infill sites within the built up area – others will be outside the Falmouth NDP area. Falmouth is the service centre for the rural parishes around it. It is also affected by the University, which is in adjoining Mabe Parish. Strategic development for the university is also dealt with in the DPD.
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 2011 census records a population for Falmouth parish of 21833 and the 2016 mid year estimate was 22744. The parish covers an area of approx 815 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 Fal and Helford SAC forms the eastern and southern (coastal) boundaries of the parish. This is a marine SAC designated for atlantic salt meadows, estuaries, large shallow inlets and bays, intertidal mudflats& sandflats, reefs and for shore dock. Possible impacts on the qualifying features (habitats and species) of the SAC have been considered in detail in section 3.2 with appropriate assessment of those policies that have been screened in, in response to advice from Natural England.</p> <p>Swanpool Beach to Maenporth County Wildlife Site runs along the coast in the southern, rural part of the parish. This covers an area of 29 hectares and is described as a zone of semi-natural coastal vegetation, cliffs and rocky shores. It contains the BAP priority habitats Maritime Cliff and Slopes.</p> <p>Maenporth Valley County Wildlife Site covers an area of 28 hectares, approximately 20 of which are within the south western corner of the parish. This is a low-lying valley system and comprises a range of wetland and woodland habitats, including the BAP priority habitats Wet Woodland, Lowland Fens, Upland Oakwood and Saline Lagoon.</p>

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	<p>The NDP does not propose any development in these areas, which are remote from the built up area of the town.</p> <p>Swanpool SSSI lies on the southeastern edge of the built up area of Falmouth, close to Swanpool Beach. It is a brackish lagoon, important as a rare habitat – and also the only place where the trembling sea mat is found in Britain. It is recorded as being in 100% favourable condition – last assessment in 2010. It is a local nature reserve with a management forum. The NDP does not include policies or sites for development in proximity to the SSSI, but does identify it as part of the green corridor for Falmouth. Policy FOS 4 protects the green corridor and resists any development within or close to it which could harm biodiversity.</p> <p>Falmouth has an extensive conservation area which covers over one third of the built up area of the parish and has an adopted conservation area Appraisal</p> <p>The Historic Environment Record records 218 results on the national heritage list for England, which includes scheduled ancient monuments at Pendennis point (castle and fortifications) and a registered park at Falmouth General Cemetary</p> <p>The NDP recognises that Falmouth is nationally important based on its historical maritime role and historic character. Detailed evidence base work has been carried out with the support of CC conservation officer and advice from Historic England, to ensure that the policy framework of the NDP, especially in respect of the town centre regeneration sites, protect and enhance the historic environment and the character, fabric and setting of assets with the potential to be affected by the NDP. Heritage Impact Assessments (HIA) have been carried out for policies HR4, HR5, HR5 and TC2,3 and 4. These HIA have been reviewed by the CC conservation officer and additional work assessing the significance of the assets has been incorporated on the advice of Historic England. The recommendations arising from the HIA have been incorporated into the policies, and this is documented in the attached 'Doc B Heritage Assessments (revised final.) On the basis of this assessment work and the revisions to policy wording, the CC conservation officer is satisfied that there will be no significant adverse impacts on the historic environment arising from the NDP site policies.</p> <p>The NDP also contains a good framework of general design and heritage polices, POLICY DG3: Design and local distinctiveness in the historic core, POLICY DG 5: Shop front design and signage, POLICY DG 6: Design and the historic environment, POLICY DG 7: Design in Conservation Areas, POLICY DG 8: Development within the setting of a Conservation Area, POLICY DG 9: Historic Parks and Gardens and POLICY DG 12 - Local Listing of Non-Designated Heritage Assets. These contain appropriate references to local character and distinctiveness, to add value to the strategic policy framework for heritage protection.</p>
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<p>12. the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>The southern extremity of the parish is within the Cornwall AONB South Coast Western area. This is outside the built up area of Falmouth and the NDP does not propose development which encroaches on this area, not development of a scale which would affect the setting of the AONB.</p> <p>The NDP also contains policies POLICY DG3: Design and local distinctiveness in the historic core and DG10 Impact on Views and Vistas, which require a landscape character assessment approach to new development, to ensure that the landscape setting of the town is protected.</p>
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5. Screening Outcome

- 5.1 HRA screening and appropriate assessment: The assessment in section 4.2 shows that there is a potential for significant effects on a European site, the Fal and Helford SAC, through the pathways of recreational disturbance. An Appropriate Assessment has been carried out. Strategic mitigation is in place through Policy 22 of the Cornwall Local Plan and it is therefore possible to conclude that, in combination with the Local Plan Policy, there will be no impact on the integrity of the European site from an increase in recreational impacts.
- 5.2 Site specific policies have also been subject to Appropriate Assessment where potential for impacts on the water quality of the SAC have been identified. Amendments have been made to policy wording and mitigation measures built in to those policies, to ensure that adverse impacts on the integrity of the European site are avoided.
- 5.3 SEA screening: Regulation 5(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 (“the SEA Regulations”) provides that an environmental assessment (an SEA) must be carried out in a number of circumstances, including where the plan or programme, in view of the likely effect on sites, has been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive (i.e. appropriate assessment by way of an HRA).
- 5.4 However, this requirement is subject to an exception contained in Regulation 5(6) which provides that an environmental assessment need not be carried out for a plan or programme “which determines the use of a small area at local level” unless the plan has been determined to be likely to have significant environmental effects. 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 4.3 of this report.
- 5.4 The Falmouth NDP determines the use of land within the NDP area – the parish of Falmouth. The assessment in section 4.3 does not reveal any significant effects in the environment resulting from the policies of the Falmouth NDP. 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.