

**Padstow Parish Neighbourhood Plan  
SEA and HRA Screening Report**

**Padstow Parish NDP  
(Pre-Submission Version 3.2)**

**Strategic Environmental Assessment  
Habitats Regulations Assessment**

**Screening Report**

**29 September 2020**

# Padstow Parish Neighbourhood Plan SEA and HRA Screening Report

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# Padstow Parish Neighbourhood Plan SEA and HRA Screening Report

## 1. Introduction

- 1.1 This screening report is designed to determine whether or not the Padstow Parish 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 NDP addresses 16 'Aims' under the thematic headings of Natural Environment, Built Environment and Heritage, Housing, Transport, Traffic and Parking, Local Economy and Tourism and Community Wellbeing.
- 1.3 The strategy for housing growth is to draw tight settlement boundaries which have minimal space for infill and rounding off and to rely on strategic policies for the provision of housing through exception sites adjacent to the settlement boundaries but avoiding the AONB. The principal residence restriction is required on all new (not replacement) housing. Treceus Industrial Estate is protected as employment land, retail and business uses within the town centre are protected and community facilities are retained. A number of Local Green Spaces are designated. Other policies repeat and reinforce the general themes of strategic policy such as protection of the environment with special regard for the AONB, adequate parking provision and encouragement of energy efficiency.
- 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

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the requirement of the EU Directive on SEA. It is considered best practice to incorporate requirements of the SEA Directive into an SA.

2.3 However, Neighbourhood Plans are not Local Development Documents and are not required to be subject to sustainability appraisal by legislation (although it is advisable to carry out some form of sustainability assessment.) Neighbourhood plans are produced under the Localism Act 2011. In SEA terms, neighbourhood plans are treated as components of Local Plans. National Planning Policy Guidance (NPPG) advises that in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a strategic environmental assessment. The Localism Act 2011 also requires neighbourhood plans to be compatible with EU and Human rights legislation, therefore, depending on their content, neighbourhood plans may trigger the Strategic Environmental Assessment Directive and Habitats Directive

2.4 Figure 2.1 shows the SEA screening process, and Box 2.1 shows the criteria to be used for the main test that applies to neighbourhood plans, namely whether the plan is likely to have a significant environmental effect.

2.5 National Planning Policy Guidance (NPPG) advises that in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a strategic environmental assessment. Potential triggers may be:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan is likely to have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan

### 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

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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.).

5.2 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.

5.3 HRA screening must address the question: 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 policies which have a spatial element are:

PAD 6: Settlement area boundaries

PAD17: Treceus Industrial Estate

PAD18: Padstow Town Centre

However there is no allocation or additional growth associated with these sites – they identify and safeguard areas that are already developed.

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
River Camel SAC	Qualifying Habitats Alluvial Forests European Dry Heaths Old Sessile Oak Woods	Water Pollution Invasive Species Woodland management Water Abstraction Deer	None  The NDP area is downstream of the SAC. Woodland management, water abstraction and deer control are not within the remit of the NDP, nor does the development within it add to these	None	Out

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	<p>Qualifying Species:</p> <p>Atlantic Salmon Bullhead Otter</p>		<p>pressures. The distance between the NDP Area and the Sac (minimum 8.5 km and downstream) rules out the threat of invasive species.</p> <p>Water pollution was considered in the HRA of the Cornwall Local Plan, specifically from sewage treatment. The areas identified as pressures to the SAC were Bodmin and Camelford CNAs, not Wadebridge and Padstow. The Padstow NDP does not propose additional development to the Local Plan apportionment and is therefore screened out.</p>		
Bristol Channel Approaches SAC	Harbour porpoise	<p>Disturbance from underwater noise Collision with recreational boats Commercial Shipping Tidal installations</p>	None arising from the NDP. The Bristol Channel Approaches SAC was screened out at Local Plan level.	None	Out

The Bristol Channel Approaches SAC was screened out at Local Plan level for the following reasons:

'The Draft Conservation Objectives and Advice on Activities document for the Bristol Channel Approaches SAC notes that 'Disturbance of harbour porpoise generally, but not exclusively, originates from activities that cause underwater noise' (which won't be associated with the Cornwall Plan) and that 'Any disturbance should not lead to the exclusion of harbour porpoise from a significant portion of the site for a significant period of time'. So in other words any disturbance would have to be substantial for it to potentially affect the population.

Collision with recreational boats (and shipping and tidal energy installations etc.) is mentioned as an activity that may have an impact but this is also noted as being 'medium/low' risk. The Draft Conservation Objectives and Advice on Activities document adds that 'Post-mortem evidence indicates that few collisions between harbour porpoise and vessels occur and is not a significant pressure for this species'. Based on this

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information, the above noted pressures upon the newly proposed Bristol Channel Approaches SAC designated for harbour porpoises can be screened out from further consideration.'

The Padstow Parish NDP does not propose any additional development over and above the Local Plan quantum, nor are any activities proposed by the plan which could cause underwater noise and trigger disturbance. The NDP is therefore screened 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:

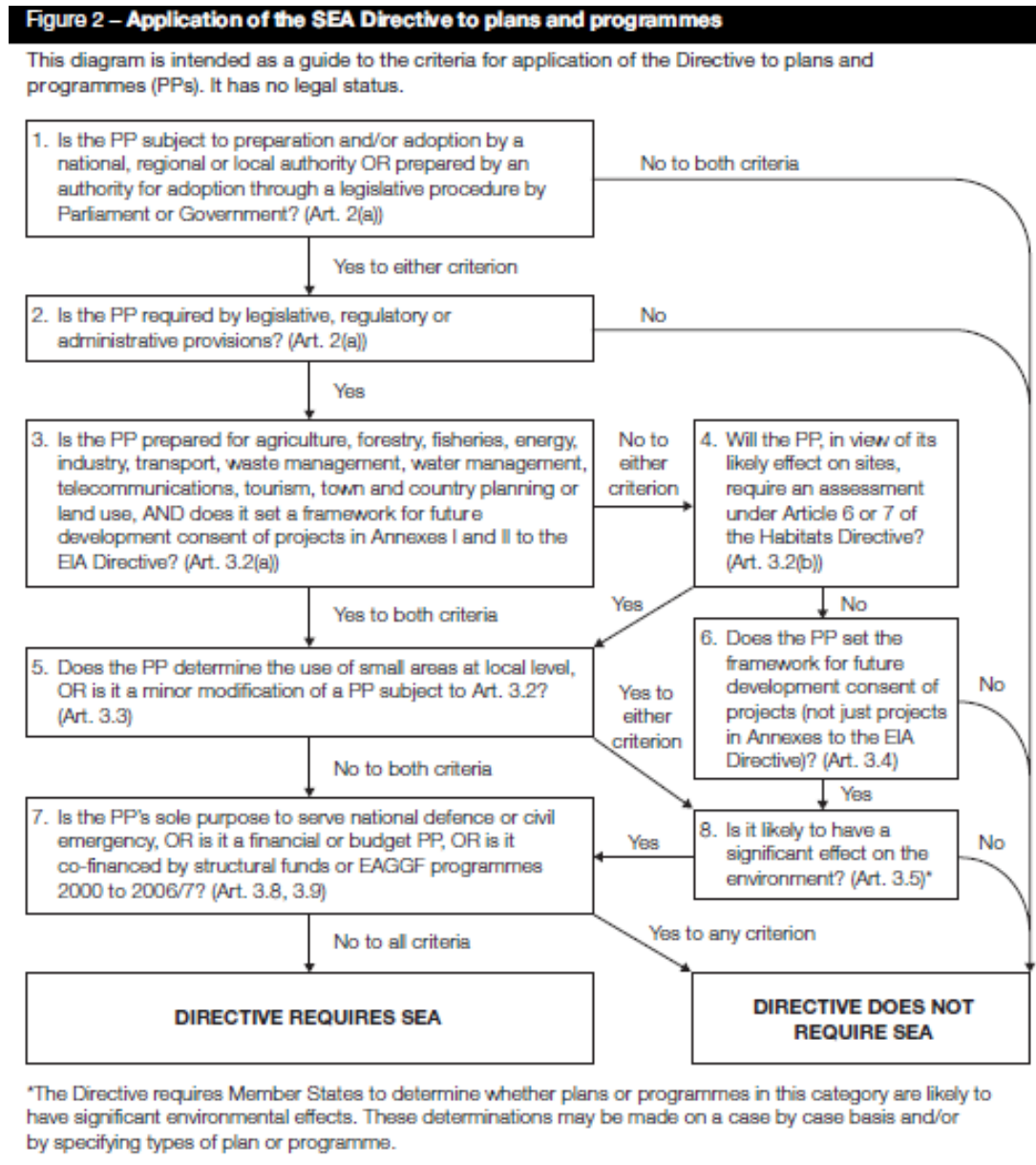
SCHEDULE 1 Regulations 9(2)(a) and 10(4)(a) CRITERIA FOR DETERMINING THE LIKELY SIGNIFICANCE OF EFFECTS ON THE ENVIRONMENT
<p>1. The characteristics of plans and programmes, having regard, in particular, to</p> <ul style="list-style-type: none"> <li>- the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,</li> <li>- the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,</li> <li>- the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,</li> <li>- environmental problems relevant to the plan or programme,</li> <li>- 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).</li> </ul> <p>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to</p> <ul style="list-style-type: none"> <li>- the probability, duration, frequency and reversibility of the effects,</li> <li>- the cumulative nature of the effects,</li> <li>- the transboundary nature of the effects,</li> <li>- the risks to human health or the environment (e.g. due to accidents),</li> <li>- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),</li> <li>- the value and vulnerability of the area likely to be affected due to:               <ul style="list-style-type: none"> <li>- special natural characteristics or cultural heritage,</li> <li>- exceeded environmental quality standards or limit values,</li> <li>- intensive land-use,</li> <li>- the effects on areas or landscapes which have a recognised national, Community or international protection status.</li> </ul> </li> </ul>

Source: Annex II of SEA Directive 2001/42/EC

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**Figure 2 SEA screening flowchart**

The diagram below illustrates the process for screening a planning document to ascertain whether a full SEA is required<sup>1</sup>.



<sup>1</sup> Source: A Practical Guide to the Strategic Environmental Assessment Directive

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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	<b>See Table 4.2</b>

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<b>Table 4.2 Likely significant effects on the environment</b>	
<b>SEA requirement</b>	<b>Comments</b>
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. Settlement boundaries are drawn to indicated existing built up areas: the NDP relies on strategic policies to enable local needs housing. The minimum strategic housing target for the area has been met and no further allocation is given to Padstow Parish because of the extent of the AONB.
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,	The following environmental problems have been identified in the neighbourhood plan area Trenearne, Padstow (Grade II*) and Entrance Gate and Flanking Walls Forming Mock Fortifications to east of Prideaux Place, Padstow (Grade I) are on the Heritage at Risk Register although repair projects have been identified and part funded.
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 to 2030 to align with the Cornwall Local Plan.
7. the cumulative nature of the effects,	The parish lies within the rural area of the Wadebridge and Padstow Community Network Area. There is a strategic allocation of 1000 dwellings for the rural parishes that make up this area, which includes Padstow and this minimum target has been met. The draft NDP does not allocate further development.
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 parish covers an area of approximately 1480 hectares. The population was recorded as 2828 and 1960 households in the 2011 census and the 2016 mid year population estimate is 2738.
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,	<ul style="list-style-type: none"> <li>• <b>SAC/SPA/Ramsar</b> The coastal boundary of the parish abuts the Bristol Channel Approaches SAC. This has been screened out for significant effects – please see section 3.</li> <li>• <b>Marine Conservation Zone</b> The north coast of the parish abuts the Padstow Bay and Surrounds MCZ which covers a range of seabed types including intertidal habitats found on the shoreline to circalittoral habitats at a depth of up to 50 metres. Very little development is proposed in the parish area adjacent to this, since the development boundary for Trevone is tightly drawn and exceptions sites are not supported in the AONB and no development is proposed along the shoreline. Most of the MCZ (excepting the intertidal zone between MHW and MLW) is beyond the remit of planning powers, which extend to MLW and activities within the marine environment are regulated through marine licences, controlled by the MMO.</li> <li>• <b>National Nature Reserves</b> None</li> </ul>
12. the effects on areas or landscapes which have a recognised national, Community or international protection status.	<ul style="list-style-type: none"> <li>• <b>SSSI</b> <b>Harbour Cove, Trevone Bay and Stepper Point</b> – all in favourable condition</li> <li>• <b>County Wildlife Sites</b> Along the north coast boundary, <b>Trevone Bay to Stepper Point</b> CWS forms an important part of the North Cornwall coast and comprises a series of headlands and bays between Harlyn Bay and Stepper Point. Trevone Bay geological SSSI and three County Geology Sites (NC/29, NC/1 and NC/9) also lie within the site. The site hosts the BAP Priority Habitats: <a href="#">Maritime Cliff and Slopes</a>, <a href="#">Lowland Fens</a> and the</li> </ul>

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	<p>BAP Priority Species: divided sedge; small heath and wall; common lizard and slow-worm; skylark, linnet, song thrush and herring gull.</p> <p>Along its eastern estuarine boundary the parish includes a small area of the <b>Camel Estuary CSW</b>, although this lies mainly within St Issey and St Minver Lowlands parishes. Active conservation management is being achieved on this site. The site supports BAP Priority Habitats: Intertidal Mudflats, Coastal Saltmarsh, Coastal Sand Dunes, Maritime Cliff and Slopes and BAP Priority Species: bryophytes; several butterfly and moth records including small heath, grayling, grey dagger and white ermine; bird records include dunnoek, linnet, skylark, song thrush, curlew and otter.</p> <p>These are coastal and estuarine sites and the majority of the land area of these sites is remote from the settlement boundaries at Trevone and Padstow. Where these sites do abut the settlements, no additional development is proposed.</p> <p><b>Policy No. PAD1 Protecting the Natural Environment Development</b> (p18) <i>proposals will be expected to have no adverse effect on the integrity or continuity of landscape features and habitats of local and national importance for wild flora and fauna. Development which is likely to have an unacceptably adverse impact on wildlife corridors and stepping-stones will not be supported.</i></p> <ul style="list-style-type: none"> <li>• <b>World Heritage Site</b> None</li> <li>• <b>Conservation area</b> Padstow has a large conservation area covering the historic core of the town and the harbour. There is a <a href="#">Conservation Area Statement</a> describing the special character and features of the area. This is mapped in the NDP (Map 6, p23) and the plan references the conservation area statement. It is difficult to add extra protection to heritage assets, as the strategic policy framework for their preservation and enhancement where possible, is strong, but the NDP includes a general policy <b>PAD4 Heritage Assets</b> <i>Development proposals affecting designated and non-designated heritage assets will only be supported where they retain and enhance the built character and heritage value of the asset and its setting and acknowledge the role the asset has played in the history of the area.</i> (P24) Information from the Conservation Area Statement has also informed the selection and justification of Local Green Spaces designated in Policy PAD5.</li> <li>• <b>Listed buildings</b> There are 162 entries on the National Heritage List for England located within the parish. Many of these are clustered within the conservation area, including the Grade I listed Prideaux Place and Church of St Petroc. As noted in table 4.2, the entrance gates and flanking walls to the east of Prideaux Place are on</li> </ul>
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the Heritage at Risk Register, but advice and a suggested way forward has been given by HE.

The Town Council also intends to establish a Schedule of Local Heritage Value, using Guidance<sup>19</sup> from Historic England, that provides names and details of heritage assets regarded by the community as having significant heritage value, despite not being statutorily listed and protected. The entries on the Schedule of Local Heritage Value will be subject to Policy PAD4.

- **AONB**

The majority of the parish, except for a small tranche around and to the south west of Padstow town itself, is designated as AONB. The northern part of the parish is part of [Carnewas to Stepper Point](#) section and to the south of Padstow it's the [Camel Estuary](#) section.

The NDP policies show awareness of the AONB, the management plan policies and the need to protect this very special landscape, which is clearly also valued by the local community. It is one of the key objectives identified under the natural environment topic and protection of the AONB is referenced in many policies. For Example PAD 3, which supports farm diversification, requires any such development to protect or enhance the AONB, Policy PAD7, which supports exception sites development excludes land in the AONB or sites which affect its setting, and PAD19 which supports tourism development also caveats this support with a requirement not to have adverse impacts on the AONB. Of course this protection would exist whether or not it was referenced in these policies.

Most policies within the NDP are general criteria based policies. These which do have a specific spatial element are:

PAD 6: Settlement area boundaries (Map 8, p 31 and Map 9 p32)

The impacts of the settlement boundaries policy on special environmental qualities are discussed above.

PAD17: Treceus Industrial Estate (Map 10, p47)

Treceus is located outside the AONB and the policy safeguards existing industrial land, rather than allocating sites for new development.

PAD18: Padstow Town Centre (Map 11, p49)

This policy is concerned mainly with the retention of community facilities. There is a requirement to retain the character of traditional shop fronts. Conservation area policy would in any case cover this area – and extend well beyond it.

Policy PAD21: Community Initiatives states support for renewable energy installations. The supporting text refers to wind turbines (when referencing the CC Renewable Energy Strategy and associated

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	adopted landscape sensitivity and siting advice) but since the NDP does not indicate an area of search for wind turbines none will, in fact, be considered or allowed.
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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 Padstow Parish NDP and HRA is therefore not required.
- 5.2 The assessment in section 4 does not reveal any significant effects in the environment resulting from the Padstow Parish NDP. The plan does not propose a housing target, nor allocate sites for new development. 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.