

# **St Erme Neighbourhood Development Plan (2018-2030)**

## **Basic Conditions Statement**



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## Introduction

Only a neighbourhood plan that meets each of the 'basic conditions' and other legal tests can be put to a referendum and, if successful, be used as the basis for determining planning applications.

This document shows how the St Erme Neighbourhood Plan meets the requirements of each legal test.

There are five basic conditions that are relevant to a neighbourhood plan. These are:

1. The plan must have regard to **national policies** and **guidance** issued by the Secretary of State; this includes the NPPF, Ministerial Statements and other government guidance and legislation
2. the 'making' of the neighbourhood plan **contributes to the achievement of sustainable development**
3. the 'making' of the neighbourhood plan is in **general conformity with the strategic policies** contained in the Cornwall Local Plan Strategic Policies and its supporting documents
4. the 'making' of the neighbourhood plan does not breach , and is otherwise **compatible with EU obligations**
5. **prescribed conditions are met** in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

## Statement of General legal Compliance

This draft Plan is submitted by St Erme Parish Council, which, as a qualifying body, is entitled to submit a Neighbourhood Plan for its own parish. The Plan has been prepared by the St Erme Neighbourhood Development Plan (NDP) Steering Group, with the support of St Erme Parish Council.

The whole parish of St Erme has been formally designated as a Neighbourhood Area through an application made on 23<sup>rd</sup> March 2016 under the Neighbourhood Planning Regulations 2012 (part2 S6) and approved by Cornwall Council on 31<sup>st</sup> May 2016. A copy of the formal notice of designation is included at Appendix 1.

The draft Plan contains policies relating to the development and use of land within the neighbourhood area. Proposals relating to planning matters (the use and development of land) have been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011), the Neighbourhood Planning Regulations 2012 and the Neighbourhood Planning Act 2017.

The draft Plan identifies the period to which it relates as 2018 to 2030. The draft Plan does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

The draft Plan relates only to the parish of St Erme as shown on the map in Appendix 2. It does not relate to more than one neighbourhood area. There are no other neighbourhood development plans in place within the neighbourhood area.

## **Contribution to the Achievement of Sustainable Development**

There are three elements to sustainable development: economic, social and environmental. These require the planning system to ensure that development performs a number of roles:

- an economic role - contributing to building a strong responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

The St Erme Neighbourhood Development Plan aims to maintain and enhance St Erme's distinct rural feel, identity and vibrant community; by ensuring that appropriate development is in keeping with and of benefit to the community and its natural environment.

The strategic goals of the St Erme Neighbourhood Plan are to:

- Deliver local need housing for the parish, including sufficient affordable housing, to promote a sustainable and diverse community; whilst maintaining and enhancing the character of the natural and built environment
- Ensure that the utilities infrastructure in the parish is improved and taken into account; with any development.

- Ensure that the highways, by-ways and PROWS are adequate, with good cycle and pedestrian links. Adequate parking and good vehicle access without causing further congestion in the parish.
- Promote a healthy community by sustaining and improving recreation and open spaces valued by the community, and by promoting the development of local services and community facilities.
- Ensure that historical features within the parish are preserved including those with local significance and that future development does not spoil the visual and distinct rural landscape of the parish and to protect the parish's biodiversity and environment.
- Encourage commerce that fits into the rural agricultural environment to help keep business and the community sustainable.
- Encourage renewable energy systems to be incorporated in the build, so not to detract from the landscape character or historic environment.
- Encourage the appropriate provision of retail, health, transport and social wellbeing facilities for the parish.

To meet these strategic goals, 9 key policy areas have been identified.

1. **Housing:-***Sensitive development of the wider built environment that is in keeping with the rural feel of the parish; this incorporates the provision of local needs housing including affordable housing for local people*
2. **Infrastructure:-** *To ensure that appropriate infrastructure is in place to continue to provide adequate services for a sustainable community*
3. **Highways, Transport and PROWS:-***To protect and enhance safe parking, cycle and pedestrian links to prevent further pressure on the rural roads. The preservation of PROW's is key to encourage recreational use for the health and wellbeing of the community*
4. **Community, Leisure and Amenities:-***To protect and enhance recreation, open spaces and community facilities/buildings for social interaction, health and wellbeing of residents*
5. **Historical:-***To protect and enhance the original historical features, so that any development does not detract from the historical elements and is appropriate for the area*
6. **Landscape:-***To protect the landscapes and local environment to keep the visual rural setting of the parish.*
7. **Business and Commerce:-***To make sure that any business and commerce enterprises fit into the rural environment to help support existing businesses and enhance agricultural activities to sustain the*

*essential character for the residents of the Parish to maintain and improve economic well-being*

8. **Renewable Energy:-***To encourage renewable energy systems to be incorporated in the build, where possible using energy efficient design as not to detract from the landscape or historical environment of the parish*
9. **Health and Social Wellbeing:-***To encourage the appropriate access to health care provision*

*The intention of the Plan and the policies within is to ensure that St Erme continues to thrive as a place to live and as a place to work.*

This plan promotes sustainable development as detailed below.

### **An Economic Role**

The St Erme Neighbourhood Development plan (NDP) supports the local economy through the building of new housing appropriate to local need, improving the infrastructure, supporting small retail outlets and the diversification of small business for sustainability of agriculture and by protecting the environment and rural character of the area.

Policy 1- 'New Housing within the Settlement Boundary' seeks to identify suitable locations for local led housing including affordable housing for the future needs in terms of provision of housing up to 2030.

Policy 4 – 'Infrastructure' seeks to ensure that there are adequate telephone and internet connections to assist rural businesses for economic and sustainability.

Policy 10 – 'Business and Commerce' – seeks to make sure that business and commerce enterprises fit into the rural environment to help keep existing businesses sustainable and to encourage new small business.

### **A Social Role**

The St Erme NDP supports and encourages social integration by supporting community facilities and amenities for the wellbeing of the community.

Policy 1- 'New Housing within the Settlement Boundary' seeks to identify local need housing, whether that's affordable housing, housing for identified needs or self builds to suit the requirements of the community

Policy 6 & 7 - looks to protect and enhance community recreational facilities, open spaces and community amenities for the social interaction, health and wellbeing of the community of St Erme.

Policy 8 – ‘Communities Amenities’ - looks to support the retention or the same/similar type of development of key amenities for the community, whether commercial or community use; to help promote and improve amenity services and integration of the parish.

Policy 12 Health & Social Wellbeing – encourages appropriate access to health care provision in the parish.

### **An Environmental Role**

The St Erme NDP seeks to preserve the local landscape and environment by safeguarding the areas important to the community and ensure that development is designed to ensure that the built environment respects the existing character and rural feel of the village settlement. The plan encourages walking and cycling where possible and to protect and enhance the local open spaces and recreational areas to keep the environmental balance of the area.

Policy 1 & 2 New Housing -looks to protect the landscape by encouraging future development in appropriate areas; to avoid landscape and setting impacts evidenced in the St Erme Local Character Assessment.

Policy 3 New Housing ‘Design’ – Encourages new developments to recognise where the existing village settlement is situated, to ensure that design and style fits with the area, landscape and historical setting of the village being in the countryside.

Policy 5 Highways, Transport and Public Rights of Way (PROWS) – Aims to provide safe footpaths and cycle links around the village and to protect and preserve the PROWS to encourage cycling and pedestrian use around the parish.

Policy 7 Open Spaces – seeks to safeguard and further enhance where possible all the open spaces within the parish, especially those in areas that already have a high density of housing.

Policy 9 Landscape, Heritage and Local Environment – is intended to protect and enhance the natural rural setting of the village, the landscape, environmental and heritage assets in the parish, including those with local significance

Policy 11 Renewable Energy – To encourage renewable energy systems to be incorporated in the build, where possible using energy efficient design and not detract from the landscape character or historic environment of the parish.

### **Achieving Sustainability**

This plan contributes to the achievement of sustainable development by:-

- *Planning positively for local need and affordable housing growth required to meet the local housing needs up to 2030;*

- *Planning for good settlement area design and the creation of safe and well connected places;*
- *Protecting locally important open spaces and landscape features;*
- *Protecting and enhancing the natural, built and historic environment of St Erme Parish.*
- *Ensuring that infrastructure requirements are identified*

The table below indicates how each of the policies in the Plan help to achieve sustainable development.

<b>Policy</b>	<b>Economic implications</b>	<b>Social implications</b>	<b>Environmental implications</b>
1) New Housing – ‘Within the Settlement Boundary’	Defines the settlement boundary to take into account proposed development to meet local need housing	Seeks to identify local need housing, whether that’s affordable housing, housing for identified needs or self builds to suit the requirements of the community	Looks to protect the landscape by encouraging future development in appropriate areas; to avoid landscape and setting impacts.
2) New Housing – ‘Outside the Settlement Boundary’			Looks to protect the landscape by encouraging future development in appropriate areas; to avoid landscape and setting impacts
3) New Housing – ‘Design’		Considers the need to design out crime, disorder and anti-social behaviour to ensure ongoing community safety and cohesion.	Encourages new developments to recognise where the existing village settlement is situated, to ensure that design and style fits with the area, landscape and historical setting of the village being in the countryside.



4) Infrastructure	Seeks to ensure that there are adequate telephone and internet connections to assist rural businesses for economic and sustainability.	Ensure reliable and sufficient utilities though out the parish.	
5) Highways, Transport and Public Rights of Way (PROWS)	Seeks to prevent further pressure on the roads with good access around the village and to promote a safe commuter cycle link into Truro	To encourage walkers and cyclists	Aims to provide safe footpaths and cycle links around the village to encourage cycling and pedestrian use reducing carbon emissions
6) Community and Recreation Facilities		Looks to protect and enhance community recreational facilities and community amenities for the social interaction, health and wellbeing of the community	Protects local character
7) Open Spaces		Open spaces enhances the health & social wellbeing of the community for pleasant place to live and socialise.	Seeks to safeguard and further enhance where possible all the open spaces with in the parish, especially those in areas that already have a high density of housing Protection for valued landscapes and local spaces

8) Community Services and Facilities	Helps for a vibrant community with employment opportunities	looks to support the retention or the same/similar type of development of key amenities for the community, whether commercial or community use; to help promote and improve amenity services and integration of the parish	
9) Landscape, Heritage and Local Environment	As a largely rural parish the landscape provides a mix of agricultural employment and recreational opportunities to residents, which brings a clear economic benefit to the area.		is intended to protect and enhance the natural rural setting of the village, the landscape, environmental and heritage assets in the parish, including those with local significance
10) Business and Commerce	Supports the retention of employment within the Parish and allows potential for new income generation with employment opportunities	Convenience of reliable and valued services within the parish and new job opportunities within the Parish thus reducing travel	Potentially reducing carbon emissions
11) Renewable Energy	Potentially lower energy costs		Reduction in carbon pollution with minimal impact on the landscape character
12) Health and Social Wellbeing		Looks to support the improvement of local services for the health and wellbeing of the community	Community health and wellbeing is helped by a safe and healthy environment

### **Having regard to national policies and guidance**

All of the policies in this neighbourhood plan have been drafted with consideration of the national planning policies set out in the NPPF and associated guidance.

The detailed consideration of the St Erme Neighbourhood Plan policies in Appendix 4 demonstrates how each is in conformity with National Planning Policy and guidance.

### **General conformity with the strategic policies of the development plan for the area**

All of the policies in this neighbourhood plan have been drafted with consideration of the local planning policies set out in the Cornwall Local Plan and associated guidance.

The detailed consideration of all policies in the St Erme Neighbourhood Plan demonstrates how each is in conformity with Local Planning Policy and guidance.

### **Compatibility with EU Regulations**

The St Erme NDP Steering Group requested that Cornwall Council screen the Neighbourhood Plan for Strategic Environmental Assessment and Habitat Regulations Assessment on 18<sup>th</sup> June 2018. Natural England, the Environment Agency and Historic England were consulted as part of the screening process.

The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(3)' The neighbourhood plan meets the new basic condition'. The NDP was re-screened by Cornwall Council and an appropriate assessment was carried out and concluded that there will be no impact on the European Sites. A letter confirming this was sent on 31<sup>st</sup> December 2018.

The screening opinion concluded a Strategic Environmental Assessment is not required. A copy of the screening opinion and the re-screening letter is included at Appendix 3.

### **Prescribed conditions and prescribed matters.**

There are no relevant prescribed matters that this Plan needs to take into account.

### **Comprehensive Impact Assessment Implications**

The Equality Act 2010 places a duty on all public authorities to have regard to the need to eliminate discrimination, to advance equality of opportunity, and to foster good relations between persons with a "protected characteristic" and those who do not. The protected characteristics are Age, Disability, Gender Re-assignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race,

Religion and Belief, Sex, Sexual Orientation and in Cornwall an additional characteristic, Cornish Status.

This NDP has been developed to be in general conformity with the Cornwall Local Plan, which was subject to Examination in Public and found to be sound. The Cornwall Local Plan provides for objectively assessed need, to meet the needs of all groups in the community.

The Cornwall Local Plan has been subject to Comprehensive Impact Assessment. This concluded that the current and future businesses and residents of, and visitors to, Cornwall will be affected by the land use policies in terms of provision of jobs, homes, infrastructure, access to services and the protection of the environment. The strategic policy objectives to 2030 are to plan for the needs of the whole community now and in the future. In addition, where evidence demonstrates a need, a number of protected characteristic groups are positively planned for with specific provision made for older people and the disabled.

In particular the economic strategy, overall housing target and affordable housing targets aim to ensure appropriate jobs and housing is available to meet local needs. Failing to provide sufficient housing will impact most on disadvantaged groups.

Include a paragraph specific to your NDP,  
*The NDP provides a strategy for the development of St Erme Parish, and a range of policies, which will result in positive benefits for the local community. The key positive impacts are promoting sustainable development, protecting the built and natural environment, supporting employment and housing to meet local need and promoting community engagement and involvement in planning. The policies contained within the plan do not disadvantage any minority group or group with protected characteristics.*

## **Conclusion**

The St Erme Neighbourhood Development Plan has regard to National Planning Policy and is in general conformity with the strategic policies of the Cornwall Local Plan. This Plan is compatible with EU obligations and promotes sustainable development.

It is considered that the Basic Conditions as set out in Schedule 4B to the Town and County Planning Act 1990 (as amended) have been met. The Plan complies with Paragraph 8(1)(a) of Schedule 4B to the Act and should proceed to Referendum.

## Appendix 1 – Designation of Neighbourhood Area

### Cornwall Council

Circuit House St Clement Street Truro Cornwall TR1 1DT

Email: [planning@cornwall.gov.uk](mailto:planning@cornwall.gov.uk)

Tel: 0300 1234151

Web: [www.cornwall.gov.uk](http://www.cornwall.gov.uk)



**Application number:** PA16/00004/NDP

**Applicant:**

Ms Sally Trethewey  
St Erme Parish Council  
1 Forestry House  
St Erme  
TR4 9BW

**Town And Country Planning Act 1990 (As Amended)  
The Neighbourhood Planning (General) Regulations 2012**

### Designation of a Neighbourhood Area

**CORNWALL COUNCIL**, being the Local Planning Authority, **HEREBY APPROVES**, the designation of a Neighbourhood Area to be used for the creation of a Neighbourhood Development Plan as set out in the following application received on 23rd March 2016 and accompanying plan(s):

**Proposal:** The designation of the Parish of St Erme as a Neighbourhood Area

**Relevant Body:** St Erme Parish Council

**YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.**

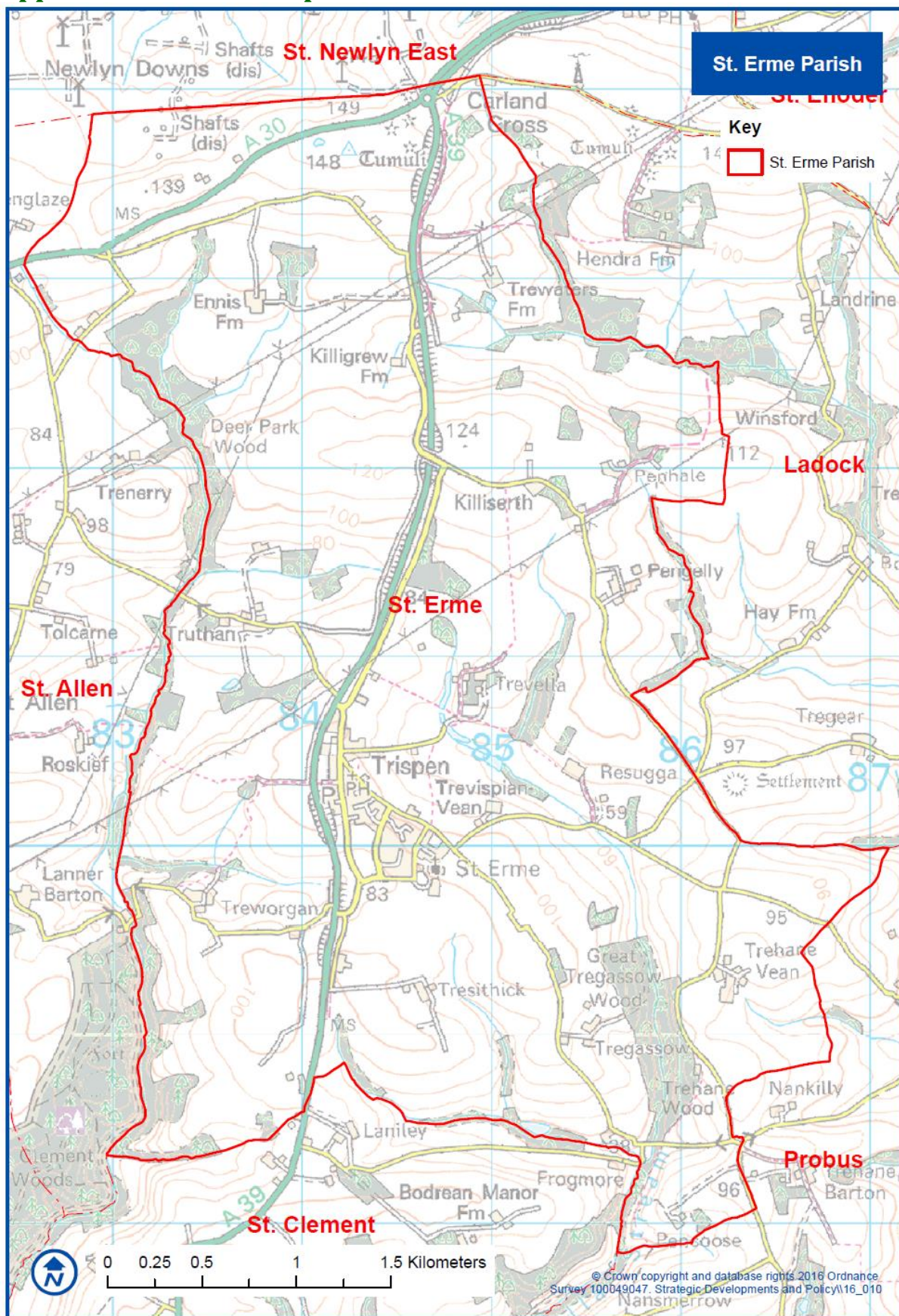


**DATED: 31<sup>st</sup> May 2016**

**Phil Mason  
Head of Planning, Housing and  
Regeneration**



## Appendix 2 - Parish Map



## Appendix 3 – Screening Opinion

Mrs S. Trethewey,  
Clerk to St Erme Parish Council,  
1 Forestry Houses,  
St Erme,  
Truro,  
TR4 9BW.

[clerk@stermeparishcouncil.org.uk](mailto:clerk@stermeparishcouncil.org.uk)



3 August 2018

by email

Dear Mrs Trethewey,

### **St Erme Parish Neighbourhood Development Plan – SEA and HRA Screening**

As requested I have screened the St Erme Parish Neighbourhood Development Plan (NDP) to see whether the plan requires Strategic Environmental Assessment (SEA) or Habitats Regulations Assessment (HRA.)

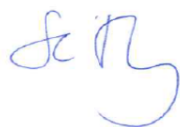
As required by the SEA regulations I produced a screening opinion report for the St Erme NDP (draft 2) and consulted the statutory bodies: Natural England, Historic England and the Environment Agency. I also asked Natural England to confirm whether or not HRA was required under the HRA directive.

Based on the scale and location of development proposed in the draft plan and the sensitivity of the parish environment, Cornwall Council is of the opinion that the St Erme Parish NDP is unlikely to have significant effects on the environment or on European Sites and that SEA and HRA is therefore not required.

This view is now confirmed by the consultation bodies and the full screening opinion and the responses from Natural England and Historic England are attached.

If significant changes or additions are made to your plan I would advise you to have it rescreened.

Yours sincerely,



Sarah Furley  
Group Leader  
**Neighbourhood Plans**  
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Email: [sarah.furley@cornwall.gov.uk](mailto:sarah.furley@cornwall.gov.uk)

Mrs S. Trethewey,  
Clerk to St Erme Parish Council,  
1 Forestry Houses,  
St Erme,  
Truro,  
TR4 9BW.



[clerk@stermeparishcouncil.org.uk](mailto:clerk@stermeparishcouncil.org.uk)

31 December 2018

by email

Dear Mrs Trethewey,

**St Erme Parish Neighbourhood Development Plan – SEA and HRA Screening**

Further to the screening decision issued to you on 3<sup>rd</sup> August I'm writing to confirm that I have updated the screening report in the light of a legal judgement which has implications for the way Habitats Regulations Assessment (HRA) screening is carried out.

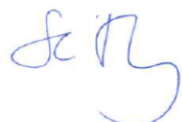
On 12 April 2018, in *People Over Wind v Coillte Teoranta C-323/17*, the CJEU ruled that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive.

I have therefore taken legal advice and have agreed the approach with Natural England. I have rescreened the NDP and carried out appropriate assessment in respect of the NDP's potential impacts on two European Sites – the Fal and Helford SAC and Penhale Dunes SAC. The appropriate assessments conclude that there will be no impact on the European Sites.

Based on the scale of development proposed by the NDP, which determines the use of a small area at local level, Cornwall Council is of the opinion that SEA is not required. I attach the updated HRA and SEA screening report.

If significant changes or additions are made to your plan I would advise you to have it rescreened.

Yours sincerely,



Sarah Furley  
Group Leader  
**Neighbourhood Plans**  
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Email: [sarah.furley@cornwall.gov.uk](mailto:sarah.furley@cornwall.gov.uk)



**St Erme Parish  
Neighbourhood Development Plan  
2017 – 2030 (Pre-submission Draft 2)**

**Strategic Environmental Assessment  
Habitats Regulations Assessment**

**Screening Report**

**18 June 2018  
Updated 31.12.18**

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

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## **St Erme Neighbourhood Plan SEA and HRA Screening Report**

### **1. Introduction**

1.1 This screening report is designed to determine whether or not the contents of the St Erme neighbourhood Development plan (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 St Erme NDP is 'To maintain and enhance St Erme's distinct rural feel, identity and vibrant community; by ensuring that appropriate development is in keeping with and of benefit to the community, its local environment and economy.'

The key objectives are:

a) Housing Objective

To deliver local need led housing for the parish, including sufficient affordable housing, to promote a sustainable and diverse community whilst maintaining and enhancing the character of the natural and built environment

b) Infrastructure Objective

To ensure that the utilities infrastructure in the parish is improved and taken into account; when any development is proposed.

c) Highways, Transport and Public Rights of Way (PROWS) Objective

To ensure that the highways, by-ways and PROWS are adequate, with good cycle and pedestrian links. New development will be required to have adequate parking and good vehicle access without causing further congestion in the parish.

d) Community, Leisure and Amenities Objective

To promote a healthy community by sustaining and improving recreation and open spaces valued by the community, and by promoting the development of local services and community facilities.

e) Historical Objective

To ensure all historical features within the parish are preserved including those with local significance.

f) Landscape Objective

To ensure that development does not spoil the visual and distinct rural aspect of the parish and that the biodiversity and environment are preserved.

g) Business and Commerce

Commerce that fits into the rural environment should be encouraged to help keep business and the community sustainable

h) Renewable Energy

To encourage renewable energy systems to be incorporated in the build, and not to detract from the landscape character or historic environment.

i) Health & Social Wellbeing

To encourage the appropriate provision of retail, health, transport and social

## **St Erme Neighbourhood Plan SEA and HRA Screening Report**

wellbeing facilities for the parish.

The NDP contains 8 policies linked to these objectives and manages the provision of development to meet Local Plan targets through a settlement boundary and criteria based policies. The policy framework has been informed by Local Landscape Character Assessment.

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**

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

## **St Erme Neighbourhood Plan SEA and HRA Screening Report**

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.) If the screening identifies likely significant effects Appropriate Assessment of the Plan will be required.

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.

2.7 NB this screening report has been updated in the light of the People Over Wind v Coillte Teoranta Judgement 12.4.18

|

## St Erme Neighbourhood Plan 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

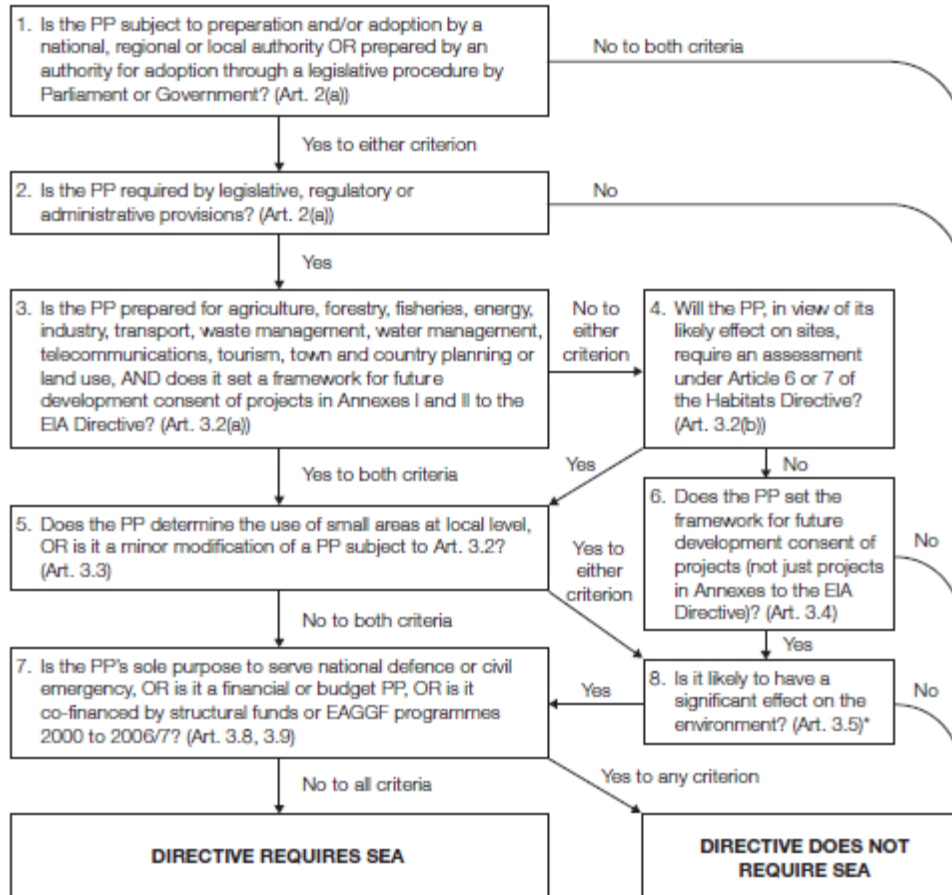
# St Erme Neighbourhood Plan SEA and HRA Screening Report

## 4. Assessment

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

**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.

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

**St Erme Neighbourhood Plan  
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(s) 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 Allocation or Policy : Policy 1: New Housing –within Settlement Boundary

European Site	Designated features/ habitats	Conservation Objectives	Pathways of impact	Mitigation	LSE	Screen in or out?
Newlyn Downs SAC	H4020. Temperate Atlantic wet heaths with <i>Erica ciliaris</i> and <i>Erica tetralix</i> ; Wet heathland with Dorset heath and cross-leaved heath* H4030. European dry heaths	<a href="#">European Site Conservation Objectives for Newlyn Downs SAC</a> Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring; <input type="checkbox"/> The extent and distribution of qualifying natural habitats <input type="checkbox"/> The structure and function (including typical species) of qualifying natural habitats, and <input type="checkbox"/> The supporting processes on which qualifying natural habitats rely	[Invasive Species] Air Pollution Public Access/ Disturbance		No	Out

A small area of Newlyn Downs SAC extends over the northern boundary of St Erme Parish. Newlyn Downs SAC was screened out of the Local Plan HRA as follows:

'Newlyn Downs SAC is designated for its heathland .... a habitat that can be adversely affected by recreational pressure. However, Newlyn Downs is a fairly isolated site being approximately 5km from the nearest sizeable settlement (Newquay); all other settlements closer to the SAC are small villages and are very sparsely distributed. It is unlikely to be a significant



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tourist attraction (unlike, for example, Penhale Dunes SAC). It is therefore unlikely to currently be subject to much recreational activity.'

The St Erme NDP does not raise development levels above that set out in the Cornwall Local Plan. The SAC is also remote from the settlement of Trispen/St Erme where the settlement boundary focuses development. Although the SIP does identify recreational dog walking as a potential issue on the SAC, access from Trispen is difficult – being across the A39 and A30. More attractive local footpaths exist for dogwalking that can be accessed on foot straight from the village and Idless Woods, which has a dedicated free carpark, is also in close proximity to the village and more likely to draw visits than Newlyn Downs.

The invasive species affecting the site is Buddleia – this is not affected by the NDP.

Air Quality – the HRA of the Cornwall Local Plan concluded that Cornwall Local Plan development will not lead to likely significant effects on European sites through changes in air quality.

European Site	Designated features/habitats	Conservation Objectives	Pathways of impact	LSE	Screen in or out?
Fal and Helford SAC	Qualifying habitats: <input type="checkbox"/> Atlantic salt meadows <input type="checkbox"/> Estuaries <input type="checkbox"/> Large shallow inlets and bays <input type="checkbox"/> Intertidal mudflats and sandflats <input type="checkbox"/> Reefs <input type="checkbox"/> Subtidal sandbanks Qualifying	<a href="#">European Site Conservation Objectives for Fal &amp; Helford SAC</a>  Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;  <input type="checkbox"/> The extent and distribution of qualifying natural habitats and habitats of qualifying species <input type="checkbox"/> The structure and function (including typical species) of qualifying natural habitats <input type="checkbox"/> The structure and function of the habitats of qualifying species <input type="checkbox"/> The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely	Recreation/disturbance	potential	In

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	species: <input type="checkbox"/> Shore dock	<input type="checkbox"/> The populations of qualifying species, and, <input type="checkbox"/> The distribution of qualifying species within the site.			
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**Appropriate Assessment:**

The HRA of the Cornwall Local Plan concluded that there was potential for Likely Significant Effects (LSE) on the designated features of some of the European Sites in Cornwall, arising from recreational impact from an increased population. Further research was carried out and concluded that there was potential for LSE at Penhale Dunes SAC, Fal and Helford SAC, Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA; the research also established a zone of influence (ZOI) around each of these European Sites. The ZOI represents an area from within which people might reasonably be expected to travel to the site for recreational purposes and within which a charge would be levied on new development to provide strategic mitigation measures. This is secured through Policy 22 of the Cornwall Local Plan. Trispen/St Erme is within the zone of influence for the Fal and Helford SAC. The NDP does not increase development above the CLP target. A strategic solution is in place for mitigation measures to counteract possible increases in recreation use on the SAC. It is therefore possible to conclude that there will be no impact on the integrity of the SAC.

European Site	Designated features/habitats	Conservation Objectives	Pathways of impact	LSE	Screen in or out?
Penhale Dunes SAC	<a href="#">Penhale Dunes SAC Citation</a> Habitats: Dunes, Humid Dunes Slacks, Fixed dunes with herbaceous vegetation', Shifting	<a href="#">Penhale Dunes Conservation Objectives</a> Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring; <input type="checkbox"/> The extent and distribution of qualifying natural habitats and habitats of qualifying species <input type="checkbox"/> The structure and function (including typical species) of qualifying natural habitats <input type="checkbox"/> The structure and function of the habitats	Recreational impact	Potential	In

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	dunes along the shoreline with Marram  Species:  Early gentian, Petalwort, Shore dock.	of qualifying species <input type="checkbox"/> The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely <input type="checkbox"/> The populations of qualifying species, and, <input type="checkbox"/> The distribution of qualifying species within the site.			
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**Appropriate Assessment:** Screening of the Cornwall Local plan revealed the potential for Likely Significant Effects (LSE) on the features of this site due to a possible increase in recreation. Surveys were carried out over the period of a year to establish the Zone of Influence for recreational impact – ie the distance that people are likely to travel to access Penhale Dunes for recreation. St Erme Parish, lies within this zone of influence as Penhale Dunes SAC lies approximately 9 km to the north of the NDP area. The main purpose for visiting Penhale Dunes was dog walking, particularly in the winter months when Penhale Dunes remains dry and is a secure area for dogs to exercise away from roads.

There are areas within St Erme parish that are more easily accessible for dog walking and for visits to the coast, so the immediate pressure for day to day dog exercise is likely to be met locally, with special visits to Penhale occurring less frequently. The level of proposed development within the NDP is commensurate with and does not exceed that of the Cornwall Local Plan, with a focus on meeting local need. Policy 22 of the Cornwall Local plan puts in place a strategic solution for mitigation of recreational impacts and therefore a financial contribution is taken from new development to fund mitigation measures which include 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 Penhale Dunes SAC.

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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.

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 2

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<b>Table 2 likely significant effects</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. The Plan aims to meet the Local Plan target for housing. The strategy for delivery of development is through a settlement boundary, to focus development on infill and rounding around the main settlement of Trispen.
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. A sustainability check has been carried out based on the Cornwall Council sustainability criteria and this is supplied as part of the evidence base.
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

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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 plan period runs from adoption to 2030, to tie in with the Cornwall Local Plan period.
7. the cumulative nature of the effects,	There is already sufficient development committed within the parish to meet the Local Plan minimum target. The NDP therefore draws a fairly conservative development boundary and future rates of delivery are likely to be lower than the early CLP plan period.
8. the transboundary nature of the effects,	The settlement of Trispen/St Erme is in the centre of the parish and limited development only is proposed around this village. Transboundary effects are minimal.
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),	St Erme is a parish of 16.5 km in area and 1363 residents were recorded in the 2011 census.
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 southern edge of Newlyn Downs SSSI encroaches over the northern boundary of the parish and the western edge of the Carrick Heath SSSI lies on the eastern boundary. The settlement boundary lies within the ZOI for these SSSIs where notification is required for development of over 100 residential units, well above the quantum of development proposed by the NDP. Newlyn Downs is also a SAC and possible effects on the SAC are examined in section 4.2. Bishop's Wood and Trenerry Wood County Wildlife Sites run along the western boundary of the parish and Great Tregassow Wood is largely contained within the boundary to the south east of the parish. These locations are all remote from the settlement boundary and from any possible area of search for exception sites. Their value has been recorded in the LLCA and this has informed the NDP strategy.</p> <p>There is a cluster of round barrows and bowl barrows in the north eastern corner of the parish, around Carland's Cross , with one further barrow at the north western corner – all Scheduled Monuments.</p> <p>There are also 22 listed buildings; a couple clustered around St Erme's St Hermes Church, which itself is grade II* listed – and others scattered around the parish, mainly milestones and farm buildings. The NDP group also note the historic field boundary patterns to the north of Trispen, exclude this area from the settlement boundary and from the area of search of exception sites.</p> <p>The settlement boundary is drawn to include areas for rounding off but does not allocate sites so there is flexibility to accommodate housing to meet local need and the strategic framework</p>

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	<p>for the protection of the historic and natural environment can operate. Policy 9 of the NDP also requires development to avoid adverse impact on listed buildings, scheduled monuments and locally valued historical assets. This is evidenced by the LLCA Stage 1 and settlement edge assessment and Policy 9 requires development proposals to demonstrate that they respond to the LLCA and do not detract from assets or characteristics that it identifies included locally important historic assets which are not listed, such as the Methodist church, public house, Old School House and railings.. This evidential approach has proved successful in ensuring the protection and enhancement of the environment in other plans.</p>
<p>12. the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>None of the parish is within the AONB. An area to the south west corner is designated AGLV – this includes the Bishop’s Wood County Wildlife Site and is a steep valley. The NDP group have carried out a full LLCA of the whole parish and a settlement edge assessment to inform the settlement boundary (Policy 1) and to identify an area of search of exception sites (Policy 2) The key vision and objectives of the LLCA have informed the NDP – especially Policy 9. This provides a robust protection of landscape character.</p>



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### **5. Screening Outcome**

- 5.1 **HRA screening:** The assessment in section 4.2 shows that there is a potential for significant effects on European sites, Penhale Dunes SAC and Fal and Helford SAC, through recreational disturbance. An Appropriate Assessment has been carried out for each site and strategic mitigation is in place through Policy 22 of the Cornwall Local Plan. 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.
- 5.2 **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).
- 5.3 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 assessment in section 4.3 does not reveal any significant effects on the environment arising from the NDP. The NDP presents a strong evidence base in the LLCA and Policies 2, 3, 9 and 10 provide local detail which, in conjunction with local and national strategic policies, provide a framework to ensure protection of the environment. SEA is therefore not required.

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## Appendix 4 – Policy analysis

### DETAILED CONSIDERATION OF ST ERME NEIGHBOURHOOD DEVELOPMENT PLAN POLICIES

This table sets out how each policy reflects the aims of local and national policy and supports the achievement of sustainable development.

Policy	Promoting Sustainable Development			NPPF	Cornwall Local Plan
	Social	Economic	Environmental		
Policy 1 New Housing- 'Within the Settlement Boundary'	++	-	++	<p>Section 5: Delivering a sufficient supply of homes</p> <p>Section 15: Conserving and Enhancing the Natural Environment</p>	<p>Policy 6: Housing Mix</p> <p>Policy 7: Housing in the Countryside</p> <p>Policy 8: Affordable Housing</p> <p>Policy 23: Natural Environment</p> <p>Policy 24: Historic Environment</p>
Policy 2 New Housing- 'Outside the Settlement Boundary'	+	-	++	<p>Section 5: Delivering a sufficient supply of homes</p> <p>Section 15: Conserving and Enhancing the Natural Environment</p>	<p>Policy 8: Affordable Housing</p> <p>Policy 9: Rural Exception Sites</p> <p>Policy 23: Natural Environment</p> <p>Policy 24: Historic Environment</p>

Policy 3 New Housing – 'Design'	++	++	++	Section 8: Promoting healthy and Safe Communities  Section 12: Achieving Well-Designed Places  Section 15: Conserving and Enhancing the Natural Environment  Section 16: Conserves and Enhances the Historic Environment	Policy 12: Design  Policy 13: Development Standards  Policy 23: Natural Environment  Policy 24: Historic Environment
Policy 4 Infrastructure	++	++	+	Section 12: Achieving Well-Designed Places	Policy 28: Infrastructure
Policy 5 Highways, Transport and Public Rights of Way	++	++	+	Section 8: Promoting healthy and Safe Communities  Section 9: Promoting Sustainable Transport  Section 12: Achieving Well-Designed Places	Policy 13: Development Standards  Policy 16: Health and Wellbeing  Policy 27: Transport and Accessibility
Policy 6 Community and Recreation Facilities	++	+	++	Section 8: Promoting healthy and Safe Communities	Policy 16: Health and Wellbeing

Policy 7 Open Spaces	++	+	++	Section 8: Promoting healthy and Safe Communities  Section 15: Conserving and Enhancing the Natural Environment	Policy 16: Health and Wellbeing  Policy 12: Development Standards  Policy 23: Natural Environment
Policy 8 Community Services and Facilities	++	+	+	Section 2: Achieving Sustainable Development  Section 8: Promoting healthy and Safe Communities	Policy 2- Spatial Strategy  Policy 16: Health and Wellbeing
Policy 9 Landscape, Heritage and Local Environment	++	+	++	Section 8: Promoting healthy and Safe Communities  Section 15: Conserving and Enhancing the Natural Environment  Section 16: Conserves and Enhances the Historic Environment	Policy 16: Health and Wellbeing  Policy 23: Natural Environment  Policy 24: Historic Environment
Policy 10 Business and Commerce	+	++	+	Section 6: Building a Strong, competitive economy	Policy 2- Spatial Strategy  Policy 5: Business & Tourism

Policy 11 Renewable Energy	++	++	++	Section 14: Meeting the Challenge of Climate Change  Section 15: Conserving and Enhancing the Natural Environment	Policy 14: Renewable and Low Carbon Energy
Policy 12 Health and Social Wellbeing	++	+	+	Section 8: Promoting healthy and Safe Communities	Policy 2- Spatial Strategy  Policy 16: Health and Wellbeing