

Lanlivery Neighbourhood Development Plan

**Strategic Environmental Assessment
Habitats Regulations Assessment**

Screening Report

7th March 2017

**Lanlivery Neighbourhood Plan
Strategic Environmental Assessment Screening Report**

Lanlivery Neighbourhood Plan Strategic Environmental Assessment Screening Report

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Lanlivery Neighbourhood Plan Strategic Environmental Assessment Screening Report

1. Introduction

- 1.1 This screening report is designed to determine whether or not the contents of the Lanlivery Neighbourhood Development Plan requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004. The report also considers whether Habitats Regulations Assessment is required under Article 6 or 7 of the Habitats Directive.
- 1.2 The purpose of the Lanlivery Neighbourhood Development Plan is to provide limited housing development to meet local need, enable economic development which will benefit the local community, but not affect the landscape or special environment of the parish and maintain the special quality of Lanlivery Parish through a series of criteria based policies to control development..
- 1.3 The legislative background set out below outlines the regulations that require the need for this screening exercise. Section 4, provides a screening assessment of the likely significant environmental effects of the Neighbourhood Plan and the need for a full SEA.

2. Legislative Background

- 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.

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2.4 This report focuses on screening for SEA and HRA and the criteria for establishing whether a full assessment is needed.

3. Criteria for Assessing the Effects of the Neighbourhood Plan

3.1 Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:

1. The characteristics of plans and programmes, having regard, in particular, to

- the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,
- the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
- the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
- environmental problems relevant to the plan or programme,
- the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to

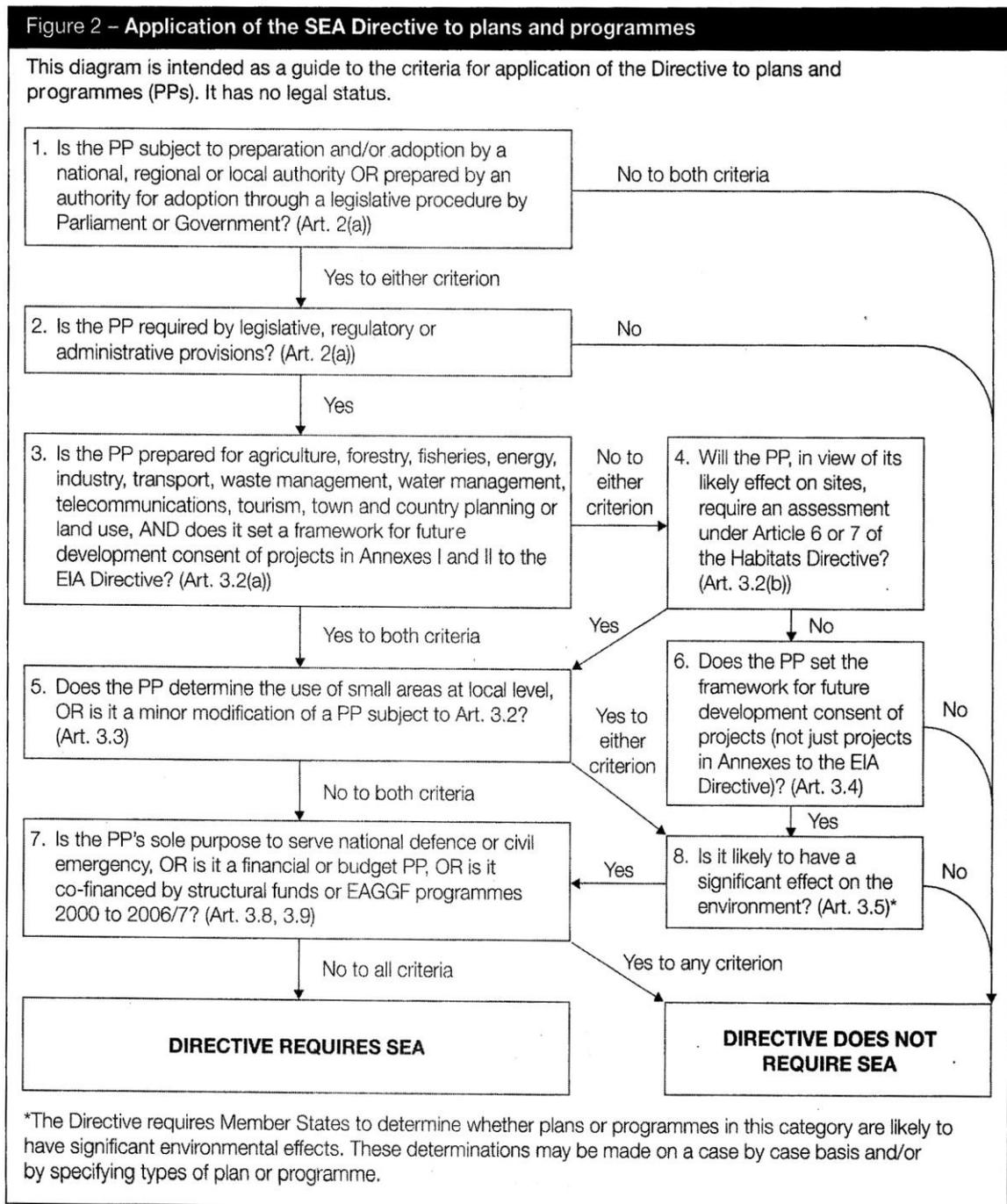
- the probability, duration, frequency and reversibility of the effects,
- the cumulative nature of the effects,
- the transboundary nature of the effects,
- the risks to human health or the environment (e.g. due to accidents),
- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
- the value and vulnerability of the area likely to be affected due to:
 - special natural characteristics or cultural heritage,
 - exceeded environmental quality standards or limit values,
 - intensive land-use,
 - the effects on areas or landscapes which have a recognised national, Community or international protection status.

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

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4. Assessment

4.1 The diagram below illustrates the process for screening a planning document to ascertain whether a full SEA is required¹.



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

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4.2 The table below shows the assessment of whether the neighbourhood plan will require a full SEA. The questions below are drawn from the diagram above which sets out how the SEA Directive should be applied.

Stage	Y/N	Reason
1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	Will be adopted ('made') by the Local Planning Authority and used in decision making as part of the development plan.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	Localism Act 2011
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	N	Annex I and II projects are (typically) large scale industrial and commercial processes – the plan does not deal with this scale of development.
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	N	Part of Breney Common SAC lies within the northern boundary of the NDP area. There is a current consultation on the extension of the Mid Cornwall moors SAC. However the features of the SAC are unlikely to be adversely impacted by the NDP. The SIP identifies undergrazing, inappropriate scrub control, hydrological changes and drainage as pressures and arson and air pollution as a pressure/threat. The majority of these issues are controlled by site management and the SIP identifies appropriate actions, funding and delivery partners. Recreational pressures are not currently an issue on the site. Footpaths and tracks are underused and overgrown. The plan has a policy to prevent any development on or affecting SSSIs.
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.	Y	The NDP has criteria based policies that control the quality and location of

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3.3)		development within Lanlivery parish. Housing development is to be provided on brownfield and infill sites in or closely related to existing settlements. Conversion of agricultural buildings for economic use may be allowed, subject to controlling criteria. Additional dwellings on farms, well related to existing buildings, may be allowed for family members, local people or agricultural workers.
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	Y	The NDP will be 'made' and used as part of the development plan for determining planning applications in the Plan area
7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)		N/A
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	N	The quantum of development (up to 20 dwellings in the plan period up to 2031) and the criteria based policies will avoid significant effects on the environment.

Table 2 likely significant effects	
SEA requirement	Comments
The characteristics of plans and programmes, having regard, in particular, to:	
1. the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	The Plan provides local criteria based policies to control the quality of development within the NDP area, which is the parish of Lanlivery.
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. The plan demonstrates this hierarchy throughout by listing the national and local strategic policies that each of its own policies gives local detail to.
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.

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	The first policy of the plan explains how it contributes to sustainable development and how that should be assessed when determining an application.
4. environmental problems relevant to the plan or programme,	Environmental designations in the parish are: Brenay Common SAC and Mid Cornwall Moors SAC is located in the northern area of the parish. Luxulyan Quarry SSSI is on the western boundary – these areas will not be affected by development. The whole parish is designated AGLV. The NDP recognises this and a primary objective is to protect landscape character.(Policy LLNE1) There are 3 extensive County Wildlife sites; North Hill Wood along the south western parish boundary, Roseney Valley Wood along part of the western parish boundary and Red Moor arcing across the top of the parish. Policy LLNE2 explicitly protects County Wildlife sites and development is not proposed which affects these areas.
5. the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).	N/A
Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:	
6. the probability, duration, frequency and reversibility of the effects,	The NDP plans to meet objectively assessed need set out in the Cornwall local plan until 2030. In this rural parish the quantum of development is low and the plan does not proposed to exceed this.
7. the cumulative nature of the effects,	Minimal effects, due to low delivery rate and location of development in and around settlements.
8. the transboundary nature of the effects,	It is unlikely that the plan and level of development will cause transboundary effects. Policy aims to manage development within the parish through criteria-based policies.
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),	A population of 555 and 218 dwellings is recorded in the 2011 census. The parish area is approx. 2029 hectares.
11. the value and vulnerability of the area likely to be affected due to:	Helman Tor is a Scheduled Ancient Monument and very important

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<ul style="list-style-type: none"> -special natural characteristics or cultural heritage, - exceeded environmental quality standards or limit values, - intensive land-use, 	<p>geologically and in the landscape. Appendix 1 of the plan provides a list of heritage assets within the parish, but the plan does not allocate sites and so individual appraisal of the setting of these features is not included at this stage, although Helman Tor, the grade 1 listed Church of St Brevita are specifically protected and heritage sites generally protected with reference to the Appendix, in Policy LGEN2, Design and Character. Policies LPCH1 and 2 provide protection for heritage assets and archaeological assets as does the national and local strategic framework.</p> <p>Intensive land use is not proposed and the overall quantum of the development proposed y the plan is small (up to 20 dwellings over the plan period, up to 2030)</p>
<p>12. the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>The whole parish is designated as AGLV and landscape consideration and protection is a key part of the policy framework.(Policy LLNE1)</p>

5. Screening Outcome

5.1 As a result of the assessment in section 4, it is unlikely there will be any significant environmental effects arising from the Lanlivery Neighbourhood Development Plan. The NDP does not require a full SEA to be undertaken and HRA is not required.