

**Madron Neighbourhood Plan
SEA and HRA Screening Report**

Madron NDP (June 2021 version)

**Strategic Environmental Assessment
Habitats Regulations Assessment**

Screening Report

July 2021

Madron Neighbourhood Plan SEA and HRA Screening Report

Contents

1. Introduction	4
2. Legislative Background	4
3. Habitats Regulation Assessment	6
4. Strategic Environmental Assessment Screening	7
5. Screening Outcome	15

Madron Neighbourhood Plan SEA and HRA Screening Report

1. Introduction

1.1 This screening report is designed to determine whether or not the Madron Neighbourhood Development Plan (the NDP) requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004. The report also considers whether Habitats Regulations Assessment is required under Article 6 or 7 of the Habitats Directive.

1.2 The purpose of the NDP is to achieve the vision:

In 2030, Madron Parish will remain a beautiful rural Parish with a strong community spirit, proud of its special landscape, natural environment, and historic village. The community will enjoy the levels of housing, employment and infrastructure that maintain a cohesive and happy life.

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

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 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

Madron Neighbourhood Plan SEA and HRA Screening Report

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 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

Madron Neighbourhood Plan SEA and HRA Screening Report

applies to neighbourhood plans, namely whether the plan is likely to have a significant environmental effect.

Madron Neighbourhood Plan SEA and HRA Screening Report

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: 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 Allocation or Policy: A development boundary for Madron is drafted (Figure 4) which includes adequate opportunity for development within the boundary, predominantly on two sites, with infill and rounding off supported by Policy 1.

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
Lands End and Cape Bank SAC	Habitats: Reefs	Fisheries: Commercial marine and estuarine	None	No	Out
Lower Bostraze and Leswidden SAC	Species: Western Rustwort	Change to site conditions Impediment to management	None	No	Out

Madron Neighbourhood Plan SEA and HRA Screening Report

Marazion Marsh SPA	Species: Bittern Aquatic Warbler	Hydrological Changes Water Pollution Public Access/ Disturbance Invasive Species Climate Change	Public Access/ Disturbance Water Pollution	Yes	In
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Appropriate Assessment

Marazion Marsh SPA

The NDP does not allocate sites for development but it does identify development boundaries within which, infill and rounding off is supported. There are two sites within the development boundary which, in combination with windfall sites, have the capacity to deliver 72 homes, subject to planning permission. The minimum housing requirement for the parish is 7 units in order to be compliant with the Cornwall Local Plan. Policy H1 of the NDP supports the development of two sites within the development boundary of Madron, which could deliver approximately 72 units to meet identified local needs. The inclusion of these sites within the development boundary will allow the NDP policies to operate with greater effect to achieve sustainable development. In combination with the development proposed in the Cornwall Local Plan: Strategic Policies and Site Allocations DPD, there is potential for the development identified in the NDP to increase recreational disturbance of Marazion Marsh SPA.

The closest access point to the Marazion Marsh SPA is approx. 1 mile from the parish. As potential for recreational disturbance was identified by the HRA of the Cornwall Local Plan, multiple surveys in all four seasons were carried out to collect evidence of the pattern of recreational activity in various sites in Cornwall. From this evidence, no zone of influence was identified for Marazion Marsh SPA. It can therefore be concluded that residents are not expected to travel to the Marazion Marsh to carry out leisure facilities because it is not accessible to the public. Furthermore, in line with the Town and Country Planning EIA Regulations, the proposed development is less than the trigger of 150 units which would require the need for EIA. It is therefore possible to conclude that, in combination with the Cornwall Local Plan, there will be no impact on the integrity of the SPA.

Madron Neighbourhood Plan SEA and HRA Screening Report

Madron Neighbourhood Plan SEA and HRA Screening Report

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"> - 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). <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"> - 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: <ul style="list-style-type: none"> - 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

Madron Neighbourhood Plan SEA and HRA Screening Report

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	See Table 4.2

Madron Neighbourhood Plan SEA and HRA Screening Report

Table 4.2 Likely significant effects on the environment	
SEA requirement	Comments
The characteristics of plans and programmes, having regard, in particular, to:	
1. the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	The Plan provides local criteria based policies to control the quality of development within the parish. The Plan aims to exceed the Local Plan target for housing which is 7 units by 2030 because the local housing needs survey suggests a higher local need. It is anticipated that housing will be delivered within the defined development boundary at two sites.
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. A sustainability checklist has been completed and identifies chances to mitigate against any potential negative impacts and to enhance the positive outcomes for Madron parish.
4. environmental problems relevant to the plan or programme,	<p>The following environmental problems have been identified in the neighbourhood plan area:</p> <ul style="list-style-type: none"> • There are some Flood Zone 3a and 3b areas in the parish along the local river banks. The most notable of which is to the north east of the development boundary and approximately 100m east. Development will be focussed within the development boundary which will guide development away from this flood zone. If any rural exceptions sites come forward they will be tested against the Cornwall Local Plan policy 26. • There are eight scheduled monuments that are on the Heritage at Risk Register. Two of which are within the development boundary at the Madron Churchyard. Any development which could affect these scheduled monuments will be considered in consideration of CLP Policy 24 and Madron NDP Policy BEH2. • Madron is ranked 8170th out of 32844 LSOAs with 1 being the most deprived. • There have been 4 recorded road traffic collisions at Tremethick Cross, with 10 slight casualties and 4 serious casualties.
5. the relevance of the plan or programme for the implementation of	N/A

**Madron Neighbourhood Plan
SEA and HRA Screening Report**

Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).	
Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:	

Madron Neighbourhood Plan SEA and HRA Screening Report

6. the probability, duration, frequency and reversibility of the effects,	The plan provides local criteria based policies to influence the quality and type of development within the parish of Madron for the plan period which is 2021-2030. The plan aims to exceed the local plan minimum housing figure due to identified local housing needs from the Homechoice register. The strategy for delivery of housing is through drafted development boundaries which hold sufficient capacity to deliver development within the built area.
7. the cumulative nature of the effects,	The plan does not seek to increase development significantly over the identified local need. Cumulative impacts will be phased over the plan period and are subject to all NDP policies to avoid and mitigate any adverse effects.
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),	<p>The Neighbourhood Area is the parish of Madron, which has an estimated population of 1616 (2019 estimate). The area is approximately 3,250 Hectares.</p> <p>The neighbourhood plan is expected to plan for no more than 72 homes. This is significantly less than the thresholds for project environmental impact assessment.</p>
<p>11. the value and vulnerability of the area likely to be affected due to:</p> <ul style="list-style-type: none"> -special natural characteristics or cultural heritage, - exceeded environmental quality standards or limit values, - intensive land-use, 	<ul style="list-style-type: none"> • Marazion Marsh SPA is approximately 1 mile from Madron parish boundary. • There are Biodiversity Action Plan Woodland sites dispersed throughout the neighbourhood area. One area of woodland is adjacent to the east side of the Madron development boundary. There are also some smaller sites of Purple moor grass and rush pastures. • Drift Reservoir County Wildlife Site • Tremethick Moor County Wildlife Site • Trewern and Lower Bodinnar Moors County Wildlife Site • Trengwainton Woods and Carn County Wildlife Site • Boswarva Carn County Wildlife Site • Chun Downs to Boswens Common County Wildlife Site • Carn Downs County Wildlife Site • Central Moors County Wildlife Site • Newmill Quarry County Wildlife Site • Trevaylor Stream Woods County Wildlife Site • Rosemorran Stream Valley and Boscreege Moor County Wildlife Site • Churchtown Common to Trendrine Hill County Wildlife Site
12. the effects on areas or landscapes which have a recognised national, Community or international protection status.	<ul style="list-style-type: none"> • Churchtown Common to Trendrine Hill County Wildlife Site

Madron Neighbourhood Plan SEA and HRA Screening Report

- Trenowin Downs County Wildlife Site
- There are multiple listed buildings in the parish, most are Grade II or Grade II*. The only Grade I Listed Building is the Church of St Maddern, which is sited to the south of the development boundary for Madron. Developments affecting the setting of this site will be required to comply with Policy 24 of the Cornwall Local Plan.
- Part of the development boundary for Madron encompasses a Conservation Area. All development will be assessed against Policy 24 of the Cornwall Local Plan and Policy X of the Madron NDP to protect and enhance the Conservation Area.
- Part of the St Just Mining District World Heritage Site sits within the north of the neighbourhood area.
- The majority of the parish is designated as AONB.
- The South west of the parish is designated as AGLV
- The majority of the parish is Grade 3 Agricultural Land. There are some areas of Grade 4 and 5 Agricultural Land.
- The proposed development boundary does not extend beyond built up areas in proximity to the AONB, County Wildlife Sites, World Heritage Site or AGLV.

Madron Neighbourhood Plan SEA and HRA Screening Report

5. SEA Screening Outcome

- 5.1 HRA screening: The assessment in section 3 shows that there is a potential for significant effects on a European site, Marazion Marsh SPA, through recreational disturbance. An Appropriate Assessment has been carried out and due to Marazion Marsh being inaccessible to the public, it is not considered that recreational disturbance would cause any adverse impacts on the site. 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 does not reveal any significant effects in the environment resulting from the Madron NDP. The plan is of a small scale – less than 150 homes. The only environmentally sensitive areas are the AONB, County Wildlife Sites and the St Just Mining District World Heritage Site and they will not be affected because the development boundary does not extend into the AONB and the other designated sites are remote from the built up area. Habitats Regulations Assessment appropriate assessment is not required. 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.