

## Appendix 3

**From:** [Stuart, David](#)  
**To:** [Arden Sarah](#)  
**Subject:** RE: Gwinear-Gwithian SEA screening request  
**Date:** 07 December 2015 16:02:33

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Dear Sarah

Many thanks for your consultation on the Gwinear-Gwithian Neighbourhood Plan SEA Screening. I can confirm that we have no objection to the determination that an SEA is not required.

This is our first opportunity to engage meaningfully in the preparation of this Plan. We are pleased by its emphasis on the value of the area's historic environment and how proposals have been formulated to ensure its preservation and enhancement.

We have the following few observations:

1. We note that the Plan has been informed by a Design Study and Character Appraisal which is no doubt a useful evidence base. We were not able to access this (and do not need to) but it will be important to ensure that if this draws upon an understanding of the area's heritage significance to inform proposals for change that it is sufficiently robust and authoritative in its methodology.
2. Ditto wrt the Character Area Appraisals referred to for the main settlement areas.
3. Reference is made in a number of policies to a "Development Proposal" supplementary document. It is not clear what this alludes to but if it is a source of development guidance it too needs to be sufficiently underpinned by an understanding of the heritage significance of relevant assets.
4. GGP Policy 9 – Demolition and Reconstruction. We note that a criterion to be met in the application of this policy is that the importance of historic fabric must be recorded before any demolition takes place and that such loss will need to be outweighed by public benefits in accordance with the statutory provisions of the National Planning Policy Framework (NPPF). The Plan highlights the value placed on designated heritage assets but seems to play down the positive role played by non-designated assets in defining the distinctive character of the area and we wonder whether the community might wish to place greater emphasis on the preservation and enhancement of all heritage assets, perhaps even committing itself through the Plan to a programme of identifying where those non-designated heritage assets might be.
5. According to our records, the area has 1 Grade I, 3 Grade II\* and 48 Grade II Listed Buildings, 14 Scheduled Ancient Monuments (4 of which are on the national Heritage At Risk Register), 1 Conservation Area, and lies within the World Heritage Site. While we are pleased to see that the existence and importance of the area's Listed Buildings is picked up in the Plan we wonder whether there is an opportunity to reflect more upon the existence of the other heritage asset types in terms of defining the character of the area and informing proposals for change.

Kind regards

David

David Stuart | Historic Places Adviser South West  
Direct Line: 0117 975 0680 | Mobile: 0797 924 0316

Historic England | 29 Queen Square | Bristol | BS1 4ND

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**Sent:** 18 November 2015 12:10

**Subject:** Gwinear-Gwithian SEA screening request

Dear Consultee,

Gwinear-Gwithian neighbourhood plan steering group have requested a screening opinion for their draft neighbourhood development plan. I am consulting you as consultation bodies under the SEA regulations. I attach the draft neighbourhood plan and screening report and would be grateful for a response within 21 days.

You will see that in the draft screening opinion I have also given the opinion that an assessment under Article 6/7 of the Habitats Directive will not be required and I would ask Natural England for your comments on this aspect also.

Regards  
Sarah

Sarah Arden  
Principal Planning Policy Officer  
Strategic Policy Team  
Cornwall Council  
Tel: 01872 224294  
Top Floor, Circuit House, St Clement Street, Truro, TR1 1DT.

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Ms Sarah Arden - Principal Planning  
Policy Officer  
Cornwall Council  
Planning and Enterprise Service  
Carrick House Pydar Street  
Truro  
Cornwall  
TR1 1EB

**Our ref:** DC/2010/106917/SE-  
07/SC1-L01  
**Your ref:**  
**Date:** 07 December 2015

Dear Ms Arden

**SEA & HRA SCREENING GWINEAR GWITHIAN PARISH NEIGHBOURHOOD  
DEVELOPMENT PLAN**

Thank you for your consultation of the 18 November 2015 in respect of the above.

We concur with your opinion that an SEA and HRA will not be required for this Plan.

Please notify us of the commencement of the next consultation stage in order that we can comment on the draft policies.

Yours sincerely

**Mrs Emma Whereat**  
**Sustainable Places Planning Advisor**

Direct dial 01208 265048

Direct fax 01208 78321

Direct e-mail [emma.whereat@environment-agency.gov.uk](mailto:emma.whereat@environment-agency.gov.uk)

Date: 08 December 2015  
Our ref: 171916  
Your ref:



Sarah Arden  
Principal Planning Policy Officer  
Cornwall Council  
Circuit House  
St Clement Street  
Truro  
TR1 1DT

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

**BY EMAIL ONLY**

T 0300 060 3900

Dear Sarah

**Planning consultation: Gwinear-Gwithian Parish Neighbourhood Development Plan - SEA and HRA screening**

**Location:** Gwinear-Gwithian, Cornwall

Thank you for your consultation on the above dated 18 November 2015 which was received by Natural England on that day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England agrees with the conclusion of the SEA screening report that a Strategic Environmental Assessment would not be required. We consider that, based on the material supplied with the consultation, in so far as our strategic environmental interests are concerned, significant environmental effects resulting from the neighbourhood plan are unlikely. This view is based on the assumption that the

We also agree with the report's conclusions that the Gwinear-Gwithian Neighbourhood Plan would not be likely to result in a significant effect on any European site either alone or in combination and therefore no further assessment work under the Habitats Regulations would be required.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA screening stage, should the responsible authority seek our views on the scoping or environmental report stages.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Corine Dyke on 01872 479570 or [corine.dyke@naturalengland.org.uk](mailto:corine.dyke@naturalengland.org.uk). For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Corine Dyke  
Lead Adviser  
Devon, Cornwall and Isles of Scilly Team



Mrs Vida Perrin  
Clerk to the Council  
Gwinear-Gwithian Parish Council,  
Unit 3 Bosprowal Farm,  
Penhale Rd  
Carnhell Green,  
Camborne,  
TR14 0LU.

**Date:** 21<sup>st</sup> December 2015

Dear Mrs Perrin,

### **Gwinear-Gwithian Neighbourhood Plan – SEA and HRA Screening**

As requested I have screened the Gwinear-Gwithian Neighbourhood Development Plan (version 1.2, November 2015) 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 for the Gwinear-Gwithian neighbourhood plan 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, Cornwall Council is of the opinion that the Gwinear –Gwithian neighbourhood plan 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 confirmed by the consultation bodies and the full screening opinion and the responses from the consultation bodies are attached. If significant changes or additions are made to your plan I would advise you to have it rescreened.

Yours sincerely,

Sarah Arden  
Principal Development Officer  
**Strategic Planning Policy**  
Tel: 01872 224294

**Gwinear-Gwithian Parish Neighbourhood  
Development Plan**

**Strategic Environmental Assessment  
Habitats Regulations Assessment**

**Screening Report**

**18<sup>th</sup> November 2015**

**Gwinear-Gwithian Parish Neighbourhood Development Plan  
Strategic Environmental Assessment Screening Report**

# **Gwinear-Gwithian Parish Neighbourhood Development Plan Strategic Environmental Assessment Screening Report**

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# **Gwinear-Gwithian Parish Neighbourhood Development Plan Strategic Environmental Assessment Screening Report**

## **1. Introduction**

- 1.1 This screening report is designed to determine whether or not the contents of the Gwinear-Gwithian 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 Gwinear-Gwithian Neighbourhood Plan is to represent the community's views and provide planning policies to guide development in the plan area, which is the parish of Gwinear-Gwithian.
- 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.
- 2.4 This report focuses on screening for HRA and SEA and the criteria for establishing whether a full assessment is needed.

# Gwinear-Gwithian Parish Neighbourhood Development Plan Strategic Environmental Assessment 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:

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,

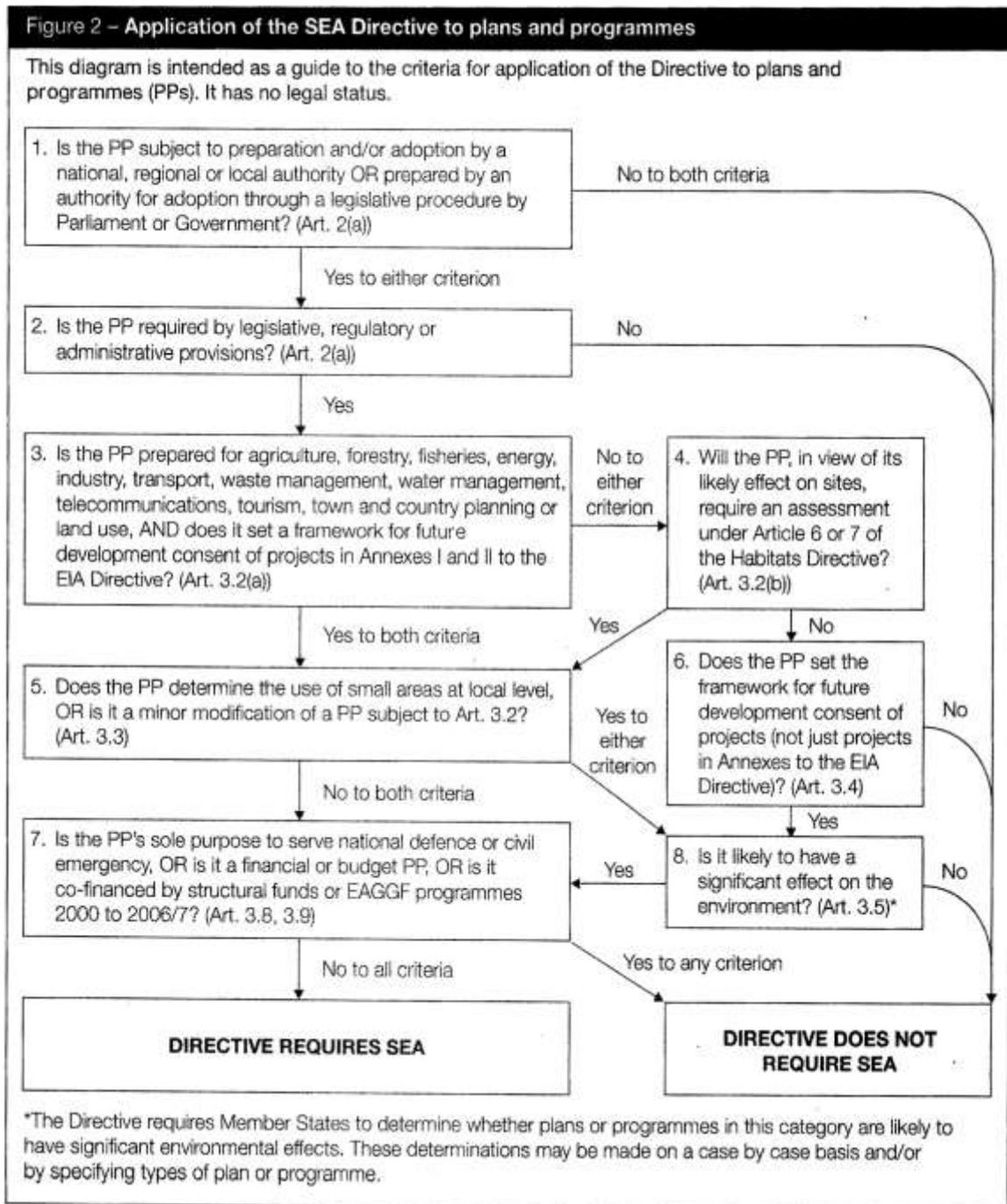
- the effects on areas or landscapes which have a recognised national, Community or international protection status.

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

# Gwinear-Gwithian Parish Neighbourhood Development Plan Strategic Environmental Assessment 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>.



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

## Gwinear-Gwithian Parish Neighbourhood Development Plan Strategic Environmental Assessment Screening Report

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   | The closest European sites are Marazion Marsh SPA and Godrevy Head to St Agnes SAC. The Plan area does not fall within the recreational zones of influence for these sites.                                                                                                                       |
| 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. It does not allocate sites or a housing target, but draws settlement boundaries for all settlements within the parish and supports development to meet identified local need, through infill where possible. |
| 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 Plan proposes small scale development to meet local need, and sets a policy framework based on local                                                                                                                                                                                          |

**Gwinear-Gwithian Parish Neighbourhood Development Plan  
Strategic Environmental Assessment Screening Report**

|  |  |                                                                                                                                           |
|--|--|-------------------------------------------------------------------------------------------------------------------------------------------|
|  |  | character assessments with criteria based policies which require consideration of environmental issues and protection of the environment. |
|--|--|-------------------------------------------------------------------------------------------------------------------------------------------|

| <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.                                                                                                                                                                                                                                                                                                                                                       |
| 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 (currently the saved policies of the Penwith District 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.                                                                                                                                                                                                                                                                                                    |
| 4. environmental problems relevant to the plan or programme,                                                                                                                                          | The extreme northern corner of the parish is within the AONB and a short section of the parish boundary runs along the AONB boundary. A small part of Godrevy Head to St Agnes SSSI and approx. half of Gwithian to Mexico Towans SSSI lie within the Plan area. Godrevy Head is cited for the rock, raised beach and cliff formations and nesting birds. Both sites contain dune systems which support a number of rare native plants, butterflies and moths. |
| 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                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

## Gwinear-Gwithian Parish Neighbourhood Development Plan Strategic Environmental Assessment Screening Report

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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 is 2010 – 2030, reflecting the plan period of the emerging Local Plan and aims to provide for development demand within that period.                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 7. the cumulative nature of the effects,                                                                                                                                                                                                | The plan does not seek to increase development rates above local need, or the requirements of the Cornwall Local Plan so cumulative impacts will be small.                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 8. the transboundary nature of the effects,                                                                                                                                                                                             | The plan supports development to meet local need, within the parish.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 9. the risks to human health or the environment (e.g. due to accidents),                                                                                                                                                                | n/a                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 10. the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),                                                                                                               | The size of the parish is 2977 hectares. The population is 3177 (2011 census). The housing need register currently shows a need for 11 units. Past delivery rate has been approx. 16 per year and this is not likely to increase through the infill policy and exception sites and the aim to meet local need.                                                                                                                                                                                                                                                                                                    |
| 11. the value and vulnerability of the area likely to be affected due to:<br><br>-special natural characteristics or cultural heritage,<br><br>- exceeded environmental quality standards or limit values,<br><br>- intensive land-use, | The plans policies are based on character area appraisals for each settlement. Heritage assets, including the Grade I listed church of St Gwinear are identified and policy requires their features and significance to be protected. The importance of<br>The settlement boundary policy will keep development away from protected areas, such as the undeveloped coast which is largely designated as SSSI – in addition there is a specific policy (13) to safeguard the wildlife sites, nature reserves and SSSIs, their features and ecological importance.<br>The Plan does not propose intensive land use. |
| 12. the effects on areas or landscapes which have a recognised national, Community or international protection status.                                                                                                                  | The extreme northern corner of the parish is within the AONB and a short section of the parish boundary runs along the AONB boundary. This is not adjacent to any of the settlements so policy would discourage development within or in the setting of the AONB. Policy which supports renewable energy installations references the landscape capacity assessments and specifically requires protection of the landscape.                                                                                                                                                                                       |

### 5. Screening Outcome

## **Gwinear-Gwithian Parish Neighbourhood Development Plan Strategic Environmental Assessment Screening Report**

5.1 The Plan area contains small areas of sensitive landscapes and environmental designations but the scale and location of development is unlikely to impact on these. The Plan does not allocate sites and contains policies designed to protect the special features and qualities of the environment. As a result of the assessment in section 4, it is unlikely there will be any significant environmental effects arising from the Gwinear-Gwithian Parish Neighbourhood Development Plan. As such, SEA and HRA are not required.