

**Landrake with St Erney Neighbourhood  
Development Plan 2016-2030**

**Strategic Environmental Assessment  
Habitats Regulations Assessment**

**Screening Report**

**November 2017**

**Landrake with St Erney Neighbourhood Plan  
Strategic Environmental Assessment Screening Report**

# Landrake with St Erney Neighbourhood Plan Strategic Environmental Assessment Screening Report

## Contents

1. Introduction	4
2. Legislative Background	4
3. Criteria for Assessing the Effects of the Neighbourhood Plan	5
4. Assessment	6
5. Screening Outcome	8

# Landrake with St Erney 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 Landrake with St Erney 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 Landrake with St Erney NDP is to:

- Objective 1: Retain and enhance the highly valued natural environment, habitat and landscape of the Parish
- Objective 2: To retain the valued quiet village setting and local heritage features
- Objective 3: To accommodate growth in order to meet the identified needs of those who live and work in the community
- Objective 4: To ensure that community facilities and infrastructure are retained, enhanced or improved to meet the identified needs of the Parish, especially parking provision

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

## **Landrake with St Erney Neighbourhood Plan Strategic Environmental Assessment Screening Report**

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 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:

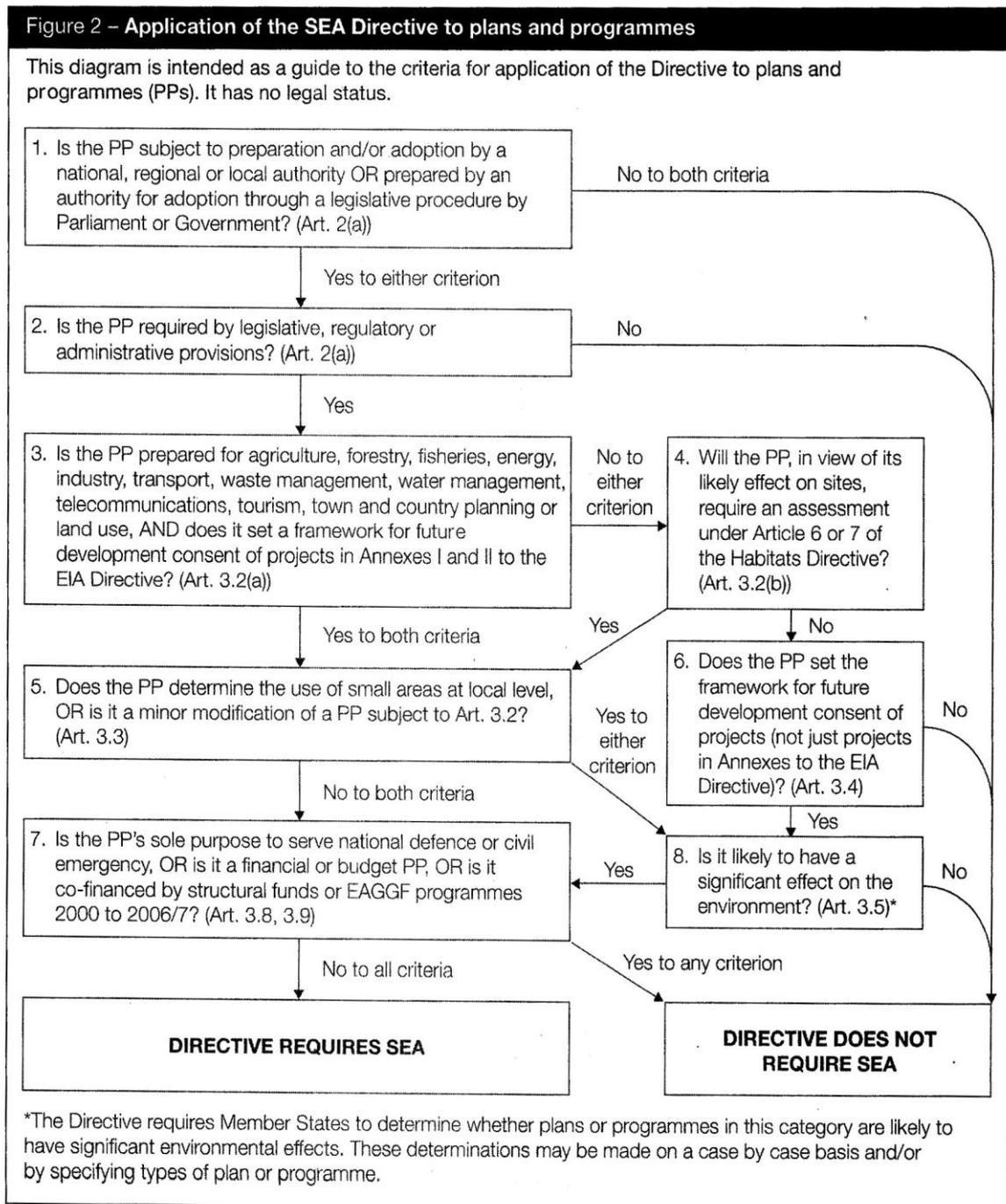
1. The characteristics of plans and programmes, having regard, in particular, to
  - the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,
  - the degree to which 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

# Landrake with St Erney Neighbourhood 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

**Landrake with St Erney Neighbourhood 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 parish is within the precautionary ZOI for Tamar Estuaries SPA and Plymouth Sound SAC. The Local Plan sets out policy requiring mitigation within these zones. The Tamar Estuary /Plymouth Sound study is well advanced and the 'Mitigation Strategy for European Sites: Recreational Pressure from Residential Development SPD' will be in place prior to the making of the NDP.
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)		The scale of development proposed and the policies designed to protect the

**Landrake with St Erney Neighbourhood Plan  
Strategic Environmental Assessment Screening Report**

	Landscape, Wildlife and the Heritage will avoid significant impacts on 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.
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,	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
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 2016 – 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 proposes 52 homes for the 2010-30 Cornwall Local Plan period. 25 homes have already been delivered between 2010 and 2016, therefore approximately 25-30 further dwellings are proposed up to 2030.
8. the transboundary nature of the effects,	Proposed development will be located within or on the edge of the settlement of Landrake which will not be in a location or of a scale to affect neighbouring parishes. There will be little to no transboundary effects
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),	Landrake with St Erney is a rural parish in south east Cornwall, which covers approx. 1450 hectares and

**Landrake with St Erney Neighbourhood Plan  
Strategic Environmental Assessment Screening Report**

	has a population of 1,115 people and 414 households (2011 census data)
<p>11. the value and vulnerability of the area likely to be affected due to:</p> <ul style="list-style-type: none"> <li>-special natural characteristics or cultural heritage,</li> <li>- exceeded environmental quality standards or limit values,</li> <li>- intensive land-use,</li> </ul>	<p>The Plymouth Sound and Estuaries SAC forms the SE and SW boundary of the parish along the River Lynher and River Tiddy. This area is susceptible to damage from bait digging, crab tiling, shore access and angling debris.</p> <p>The Tamar Estuaries Complex SPA extends to the southern part of this boundary. This area is susceptible to recreational activity causing disturbance to birds.</p> <p>A strategic scheme will be in place to protect the integrity of these sites.</p> <p>Historic Assets: Within Landrake Grade I Listed Church of St Michael in Landrake II* Lowerton House Grade II former school house Grade II Penwyn and Rose House Grade II Home Park House All bar one of the listed buildings are within Landrake Conservation Area. Development of up to 30 houses is envisaged within or around the settlement boundary of Landrake.</p> <p>Policy 11 requires proposals which could affect heritage assets to respect the feature and its setting.</p> <p>Outside Landrake assets are scattered in more isolated locations: Grade II* Church of St Terminus in St Erney with grade II monument in churchyard Wotton House Landrake House Lantallack Farmhouse Trelluggan Manor Cutlinwith Farmhouse Poldrissick Farmhouse 2 viaducts over the River Tiddy Wisewandra farmhouse Barn at Cuttivet</p> <p>No development is proposed in the rural areas which could affect these assets. Any development that does occur will be controlled by compliance with Policy 11, which requires development to respect designated and undesignated heritage assets, their intrinsic value and setting.</p>

**Landrake with St Erney Neighbourhood Plan  
Strategic Environmental Assessment Screening Report**

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

The southern part of the parish is designated AONB. This is remote from the areas around Landrake where growth is anticipated around the settlement boundary. Policy 10 is specifically designed to safeguard the landscape. It refers to the AONB Management Plan and requires any development affecting the setting of the AONB to comply with it.

**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 Landrake and St Erney NDP. As such, SEA and HRA are not required.