

**Mawnan Parish Neighbourhood Development Plan  
SEA and HRA Screening Report**

**Mawnan Parish NDP  
(SEA/HRA version August 2019)**

**Strategic Environmental Assessment  
Habitats Regulations Assessment**

**Screening Report  
Including Appropriate Assessment**

**9 August 2019**

# Mawnan Parish Neighbourhood Development Plan SEA and HRA Screening Report

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# Mawnan Parish Neighbourhood Development Plan SEA and HRA Screening Report

## 1. Introduction

1.1 This screening report is designed to determine whether or not the Mawnan Parish 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 set local planning policies, adding local detail to strategic policies, for determining planning applications in Mawnan Parish.

The vision of the NDP is:

“Over the lifetime of the Neighbourhood Plan and as a precedent thereafter, our vision is to conserve and enhance the coastal and estuarine setting, and rural landscape, that together with the strong sense of community form the unique character of Mawnan Parish, whilst allowing limited small-scale development of housing to meet identified local need and supporting the growth of local businesses in accordance with policies defined within this Neighbourhood Plan.”

The objectives of the NDP are

*a) Housing Objective - To permit housing development in accordance with the Local Plan by means of infill or rounding-off and, to support the provision of homes that provide low-cost living to meet local housing need in perpetuity.*

*b) Heritage Objective - To protect, enhance and celebrate the important heritage of the Parish, including Listed Buildings, ancient monuments, Registered Parks and Gardens, locally important buildings, WWII sites and features and ancient field patterns and features.*

*c) Natural Environment Objective - To protect and enhance the unique landscape character of the Parish, including the AONB, ecology, biodiversity, and native trees and hedges*

*d) Design and Built Environment Objective - To support development that is high quality, respectful of, and responds appropriately to, the landscape and village-scapes of the Parish and the form and character of its natural and built environment.*

*e) Social Infrastructure (amenities) Objective - To support and safeguard social infrastructure by providing a high quality of life in our Parish with community facilities, open spaces and services to meet changing needs. To safeguard those facilities and local green spaces that are special to the local community.*

*f) Infrastructure Objective - To provide the infrastructure and facilities that are key to the ongoing sustainability of our settlements particularly for families and elderly residents*

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*g) Supporting Local Jobs and Tourism Objective - To support and encourage local businesses particularly in tourism, leisure and light industry, ensuring that people have good opportunities for and access to full-time local employment.*

*h) Renewable Energy Objective- To encourage any development to utilise minimum use of energy and to permit carbon-free energy production.*

*i) Transport Objective - To permit schemes that seek to overcome traffic congestion within the main settlement area.*

And the NDP's strategy is to guide development through criteria based policies.

There are no site allocations nor is a development boundary drawn. The level of development envisaged by the NDP is very small scale, with a focus on meeting local need. The plan contains 14 policies:

### **Housing Policies**

Policy 1: The Locations and Scale for New Housing Development

Policy 2: Small Scale Rural Exception Sites

Policy 3: Replacement Dwellings

Policy 4: Housing Mix, Size and Layout

### **Built Environment Policies**

Policy 5 Design Principles

### **Natural Environment Policies**

Policy 6 Safeguarding and Enhancing Valued Landscapes and Seascapes

Policy 7 Conserving and Enhancing

### **Historic Environment Policy**

Policy 8 Identified Non-designated Heritage Assets

### **Economic and Tourism Policy**

Policy 9: Supporting a Prosperous Rural Economy in the Parish

### **Community Policies**

Policy 10 Local Green Space Designations (to be named)

Policy 11: Footpaths and Access

Policy 12: Safeguarding and Supporting Community Services, Facilities and Social Infrastructure

### **Infrastructure Policies**

Policy 13 Community Infrastructure Levy (CIL) Local Element

### **Renewable Energy and Sustainability**

Policy 14: Renewable Energy and Sustainability

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

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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 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.).

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

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### 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(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 Policy 1: Location and scale for new development. The policy supports infill development of maximum 2 dwellings in Mawnan Smith and definable hamlets and the principle of exception sites of up to 6 units around the main settlement of Mawnan.

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
Falmouth Bay to St Austell Bay SPA  <a href="https://magic.defra.gov.uk/Meta">https://magic.defra.gov.uk/Meta</a>	<a href="http://publications.naturalengland.org.uk/category/5374002071601152">http://publications.naturalengland.org.uk/category/5374002071601152</a>  Black-throated diver	<a href="http://publications.naturalengland.org.uk/category/5755515191689216">http://publications.naturalengland.org.uk/category/5755515191689216</a>  Fixed/dry net fishery	None arising from the NDP.	None. The SPA was screened out of the Cornwall Local Plan HRA,  <a href="https://www.cornwall.gov.uk/media/94301">https://www.cornwall.gov.uk/media/94301</a>	Out

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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
The Lizard SAC	<a href="http://publications.naturalengland.org.uk/catalogue/5374002071601152">http://publications.naturalengland.org.uk/catalogue/5374002071601152</a>  Dry Atlantic coastal heaths with <i>Erica vagans</i> . (Dry coastal heaths with Cornish heath)*  European dry heaths  Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. Mediterranean temporary ponds*  Northern Atlantic wet heaths with <i>Erica tetralix</i> . (Wet heathland with cross-leaved heath)  Vegetated sea cliffs of the Atlantic and Baltic coasts	<a href="#">The Lizard SAC SIP</a>  Invasive Species  Change in land management  Inappropriate Coastal Management  Habitat fragmentation	None arising from the NDP	None – the SAC was also screened out of the <a href="#">Cornwall Local Plan HRA</a>	Out

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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
Fal and Helford SAC	<p>Qualifying Habitats:</p> <ul style="list-style-type: none"> <li>• Atlantic Salt Meadows</li> <li>• Estuaries</li> <li>• Large Shallow inlets and bays</li> <li>• Intertidal mudflats and sandflats</li> <li>• Reefs</li> <li>• Subtidal sandbanks</li> </ul> <p>Qualifying Species:</p> <ul style="list-style-type: none"> <li>• Rumex Rupestra</li> </ul>	<p>Commercial marine and fisheries</p> <p>Siltation</p> <p>Invasive Species</p> <p>Water Pollution</p> <p>Public Access and disturbance</p> <p>Air pollution</p> <p><a href="#">Fal and Helford SIP</a></p>	Recreational impact	Y (in combination with Cornwall Local Plan)	In

### Appropriate Assessment

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 use of the Fal and Helford SAC. The closest access points are to the

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Helford at Durgan and Helford Passage, which are approximately 2 and 2.5 km from Mawnan Smith, the main village in the parish. As potential for recreational disturbance to the features of the SAC 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 a zone of influence (ZOI), from which residents might reasonably be expected to travel to carry out leisure activities on the SAC has been identified and Mawnan parish is entirely within the ZOI for the Fal and Helford. Potential impacts identified were anchor drag and disturbance to qualifying habitats (reefs, maerl beds), and through the ad hoc launching of small craft impacting intertidal mudflats and sandflats.

Strategic mitigation is in place through Policy 22 of the Cornwall Local Plan. This is by means of a financial contribution taken from new residential development within the identified zone. All additional residential development within the parish will be liable to contribute and the contributions will be used for mitigation measures agreed with the conservation bodies, such as signs, notices, education and awareness raising. It is therefore possible to conclude that there will be no impact on the integrity of the SAC

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### 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:

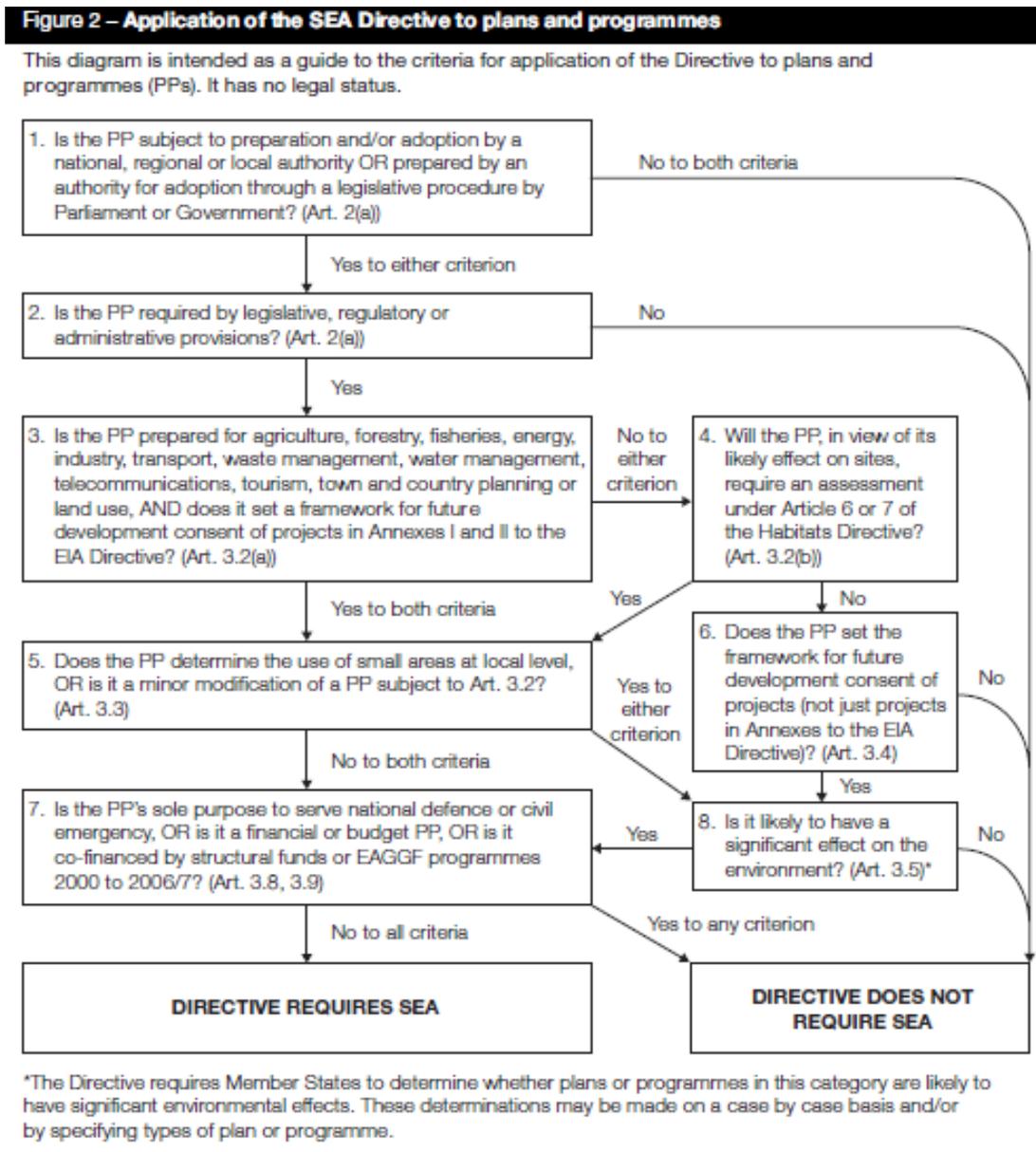
SCHEDULE 1 Regulations 9(2)(a) and 10(4)(a) CRITERIA FOR DETERMINING THE LIKELY SIGNIFICANCE OF EFFECTS ON THE ENVIRONMENT
<p>1. The characteristics of plans and programmes, having regard, in particular, to</p> <ul style="list-style-type: none"> <li>- the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,</li> <li>- the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,</li> <li>- the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,</li> <li>- environmental problems relevant to the plan or programme,</li> <li>- 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).</li> </ul> <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"> <li>- the probability, duration, frequency and reversibility of the effects,</li> <li>- the cumulative nature of the effects,</li> <li>- the transboundary nature of the effects,</li> <li>- the risks to human health or the environment (e.g. due to accidents),</li> <li>- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),</li> <li>- the value and vulnerability of the area likely to be affected due to: <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> <li>- the effects on areas or landscapes which have a recognised national, Community or international protection status.</li> </ul> </li> </ul>

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

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**Figure 2 SEA screening flowchart**

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

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<b>Table 4.1 Establishing the Need for SEA</b>		
<b>Stage</b>	<b>Y/N</b>	<b>Reason</b>
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 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	<b>See Table 4.2</b>

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<b>Table 4.2 Likely significant effects on the environment</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 does not set a development target and no housing requirement is set through the Cornwall Local Plan, as the parish is almost entirely within the AONB. The strategy for development is to rely on the Local Plan 'Role and Function of places' approach, supporting very small scale infill and exception sites. The main focus for this development will be the main settlement of Mawnan Smith, where the school and other community facilities are, but no development boundary is drawn and no target set. The NDP recognises that there may be limited opportunities for very small scale infill (1-2 units as supported in Cornwall Local Plan Policy 3) in outlying hamlets, but does not name or promote any hamlets for development. Exceptions sites will be supported, where required by local need and at very small scale, around the main settlement of Mawnan Smith. Criteria based policies set requirements for protection of landscape, biodiversity, design quality and protection of community facilities.
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
4. environmental problems relevant to the plan or programme,	The following environmental problems have been identified in the neighbourhood plan area:  None
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:	

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6. the probability, duration, frequency and reversibility of the effects,	The NDP plan period aligns with that of the Cornwall Local Plan, i.e. to 2030, and provides for the anticipated local need within that timeframe. Current local registered need is for 10 dwellings.
7. the cumulative nature of the effects,	There are no strategic allocations or major Local Transport Plan works in the immediate area. The closest strategic development associated with the Local Plan is at Falmouth.
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),	The population recorded in the 2011 census was 1477 and the mid year 2016 estimate was 1517 people. The parish area is approximately 1058 hectares. The Local Plan does not apportion a housing requirement to Mawnan parish, as this is a rural area within the AONB, but past delivery rates have been 92 during the plan period up to March 31 2019.
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,	See also attached 'Mawnan Environmental Constraints' map and Mawnan Historic Environment Map.  <b>Biodiversity</b> The Fal and Helford SAC extends along the southern and eastern coastal boundaries of the parish, comprising the Helford River and Falmouth Bay. The SAC is designated for qualifying species and habitats as described in section 3. Recreational pressure has been identified as a potential in combination impact arising from the NDP and strategic mitigation is in place. The Falmouth Bay to St Austell Bay SPA extends along the southern and eastern coastal boundaries of the parish. This is designated for overwintering bird species. No impacts arising from the NDP have been identified. The Lizard SAC lies approximately 9km to the southwest of the parish, on the other side of the Helford River. This is designated for heathland and coastal habitats. No impacts have been identified arising from the NDP.
12. the effects on areas or landscapes which have a recognised national, Community or international protection status.	The Rosemullion SSSI is designated along the south eastern coast and the Lower Fal and Helford Intertidal Zone along the south coast, alongside the Helford River. These are the building blocks of the SAC and potential impact on their features has been assessed in the Appropriate Assessment at section 3.  There are no National or Local nature Reserves within the parish. There are County Wildlife sites: Along the western boundary at <a href="#">Porthnavas Creek</a> and <a href="#">Treneere Wood</a>

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Along the south eastern coastal boundary is [Rosemullion Head to Porthnavas Creek](#) and along the eastern coastal boundary [Gatamala Cove to Maenporth](#) and [Maenporth Valley](#). These sites support a variety of BAP habitats: mudflats, Upland Oakwood, Wet Woodland, Purple Moor Grass and Rush Pastures, Lowland Fen, maritime Cliff and Slopes and Saline Lagoon/ And BAP species: songthrush, horseshoe bat, brown longeared bat, otter, bastard balm, grayling, marsh fritillary, linnet, skylark, adder, common lizard, shore dock, herring gull and bullfinch. None of the sites is in close proximity to Mawnan Smith or any hamlet where there NDP supports potential rounding off or infill development.

### **Landscape**

The majority of the parish, apart from the north western corner, lies within the [South Coast Western](#) area of the AONB. Because the main settlements of the parish lie within the AONB the parish is not given a housing requirement target, to contribute towards the whole Local Plan housing growth target, but development should focus on meeting local need. The NDP does not seek to impose a target for growth, but Policy 1: The Locations and Scale for New Housing Development supports very small scale infill and rounding off, and small affordable housing exception sites where the proposed development meets a local need.

### **Flooding**

There are very small areas of flood zone 2 and 3 at Porthnavas Creeks and at the foot of Maenporth Valley – but no development is proposed in or in proximity to these areas.

### **Historic Assets**

There are two registered gardens within the parish: [Glendurgan](#) and [Trebah](#). These are two of four subtropical gardens within the parish, which the NDP recognises and values as an asset. The gardens are privately owned and are outside any settlement or hamlet where infill or rounding off could occur. Additionally Policy 8 of the plan seeks to preserve or enhance historic assets (designated or undesignated.)

There are 80 further entries on the [National Heritage List](#) for Mawnan parish. These include the Grade II\* houses Heyle, Bareppa House, Penwarne house and the Church of St Mawnan. Other entries are grade II listed and are scattered around the parish. There is no concentration of historic assets, not a designated conservation area at Mawnan Smith.

There are two scheduled ancient monuments a [Round](#) north east of Mawnan Smith and a [Cliff Castle](#) at Rosemullion head.

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	<p>As described above, the NDP does not allocate sites, nor propose development of any great scale. The focus of housing development within and around Mawnan Smith does not raise the prospect of impacts on historic assets. The strategic policy framework exists, should a particular proposal affect a historic asset or its setting, which will be evaluated on a case by case basis.</p>
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### 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, the Fal and Helford SAC, through recreational disturbance in combination with the growth associated with the Cornwall Local Plan. An Appropriate Assessment has been carried out 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 does not reveal any significant effects in the environment resulting from the Mawnan Parish NDP. The plan proposes very small scale development, appropriate to meet local needs in a rural area which is also designated AONB. 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.