

**Dobwalls and Trewidland Neighbourhood Plan  
SEA and HRA Screening Report**

**Dobwalls and Trewidland Parish NDP  
(SEA version, draft 11, dated 27 February 2030)**

**Strategic Environmental Assessment  
Habitats Regulations Assessment**

**Screening Report**

**28 February 2020**

# Dobwalls and Trewidland 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	9
5. Screening Outcome	15

# Dobwalls and Trewidland Neighbourhood Plan SEA and HRA Screening Report

## 1. Introduction

1.1 This screening report is designed to determine whether or not Dobwalls and Trewidland 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 provide planning policies giving local detail to the strategic policies of the Cornwall Local Plan.

Section 7 of the NDP sets out the following vision: 'In 2030 Dobwalls and Trewidland Parish will be a resilient community where residents of all ages have appropriate and affordable homes, full and equitably-paid employment, access to suitable education, health and social care facilities and recreation and live in a sustainable, safe and protected environment, with suitable and affordable local, regional and national transport links.' (p13)

The NDP sets out to achieve this vision with 6 objectives and figure 2 on page 13 shows how the thirteen policies of the NDP aim to deliver the objectives which relate to Community Health; Housing; Business and Employment; Community Facilities and Open Space; Roads, Parking and Broadband; and Landscape, Biodiversity and Climate Change.

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.

## **Dobwalls and Trewidland Neighbourhood Plan SEA and HRA Screening Report**

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.).

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

## **Dobwalls and Trewidland Neighbourhood Plan SEA and HRA Screening Report**

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.

## Dobwalls and Trewidland 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 requires consideration of the following questions: 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 Allocation or Policy: The NDP does not allocate sites but Policy HO1 establishes settlement boundaries for Dobwalls, Trewidland and Doublebois. Of these, Trewidland is within the Zone of influence for possible impacts on the Tamar Estuaries Complex SPA and the Plymouth Sound SAC, through increased recreation.

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
Tamar Estuaries Complex SPA	Little Egrets, Pied Avocet	<a href="http://publications.naturalengland.org.uk/publication/6010091304124416?category=5374002071601152">http://publications.naturalengland.org.uk/publication/6010091304124416?category=5374002071601152</a>	Recreation	Yes	In
Plymouth Sound SAC	Habitats: Atlantic salt meadows ,	<a href="http://publications.naturalengland.org.uk/publication/5833129793159168?cate">http://publications.naturalengland.org.uk/publication/5833129793159168?cate</a>	Recreation	Yes	In

**Dobwalls and Trewidland Neighbourhood Plan  
SEA and HRA Screening Report**

	Estuaries, Large shallow inlets and bays, Intertidal mudflats and sandflats, Reefs, Subtidal sandbanks  Species: Allis Shad, Shore Dock	<a href="http://publications.naturalengland.org.uk/publication/5812344097603584?category=5374002071601152">gory=5374002071601152</a>			
Phoenix United Mine and Crows Nest SAC	Qualifying habitats:  H6130 Calaminarian grasslands of the <i>Violetalia calaminariae</i> (grasslands on soils rich in heavy metals)	<a href="http://publications.naturalengland.org.uk/publication/5812344097603584?category=5374002071601152">http://publications.naturalengland.org.uk/publication/5812344097603584?category=5374002071601152</a>	<ul style="list-style-type: none"> <li>• Inappropriate scrub control</li> <li>• Overgrazing</li> <li>• Air pollution</li> </ul> <p>None arising from the NDP. The SAC is in St Cleer Parish, approx. 6km north east of the NDP area. The management regime requires low intensity grazing and strict control of tipping, landscaping and motorbike scrambling. This is currently achieved through close liaison with landowners.</p>	No	out

## **Dobwalls and Trewidland Neighbourhood Plan SEA and HRA Screening Report**

### **Appropriate Assessment**

As the Plymouth Sound SAC and Tamar Estuaries Complex SPA are screened in, appropriate assessment for these two designated sites is included.

The HRA of the Cornwall Local Plan identified likely significant effects, in combination with the level of growth of Plymouth, arising from recreational access to the shore, small craft such as kayaks, paddleboards and illegal bait digging and crab tiling which could cause disturbance to the birds which are the designated features for the SPA. Some of the designated habitats of the SAC, namely the reefs and sandbanks, could be susceptible to potential damage from anchoring and the shoredock which is a feature of the SAC could be susceptible to trampling, from increased recreational impact.

Cornwall's Local Plan, Policy 22, puts in place a strategic solution for mitigation of recreational impacts and therefore a financial contribution is taken from new development to fund mitigation measures including information and education, notices and river wardening. It is therefore possible to conclude that, in combination with the Local Plan Policy, there will be no impact on the integrity of the Plymouth Sound and Estuaries SAC or Tamar Estuaries Complex SPA.



## Dobwalls and Trewidland 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:

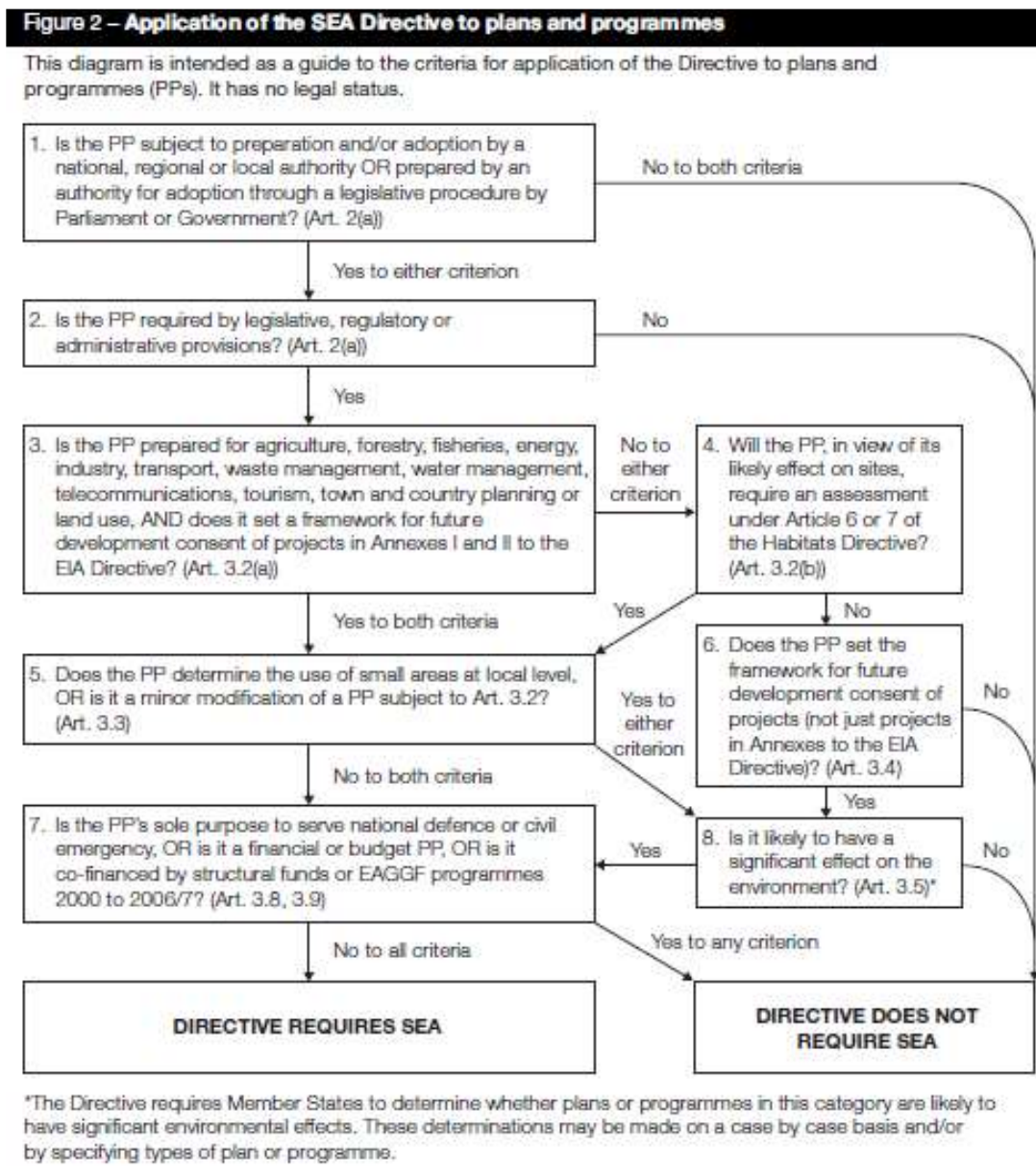
SCHEDULE 1 Regulations 9(2)(a) and 10(4)(a) CRITERIA FOR DETERMINING THE LIKELY SIGNIFICANCE OF EFFECTS ON THE ENVIRONMENT
<p>1. The characteristics of plans and programmes, having regard, in particular, to</p> <ul style="list-style-type: none"> <li>- the degree to which the plan or programme sets a 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

## Dobwalls and Trewidland Neighbourhood Plan SEA and HRA Screening Report

**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

## Dobwalls and Trewidland Neighbourhood Plan SEA and HRA Screening Report

<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)	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	<b>See Table 4.2</b>

## Dobwalls and Trewidland Neighbourhood Plan SEA and HRA Screening Report

<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 aims to meet the Local Plan housing apportionment for the parish. The strategy for delivery of development is through settlement boundaries for the main villages.
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:	

## Dobwalls and Trewidland Neighbourhood Plan SEA and HRA Screening Report

6. the probability, duration, frequency and reversibility of the effects,	The Plan Period runs to 2030, to align with the adopted Cornwall Local Plan.
7. the cumulative nature of the effects,	The NDP plans to meet the Cornwall Local plan housing apportionment, which, estimated as a prorata division of the 1500 dwellings apportioned to the Liskeard and Looe rural CNA has essentially been met by commitments and completions in those parishes since 2010. The NDP therefore focuses on small scale development within settlement boundaries and on local need. Larger scale and strategic development to serve the area, would be provided at Liskeard.
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 neighbourhood plan area covers the parish of Dobwalls and Trewidland. The parish population as at the 2011 census was 2091 people; the 2016 mid year population estimate was 2112 people. The parish covers an area of approx.. 2213 hectares.
<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>There are no European sites within the NDP area but, as discussed in the HRA screening and Appropriate Assessment in section 2.3, the southern part of the parish, which includes the small settlement of Trewidland, lies within the zone of influence with possible pathway of impact to the Plymouth Sound SAC and Tamar Estuaries Complex SPA.</p> <p>The parish lies outside the AONB, but the southern area of the parish and a small area at the western boundary lies within the Area of Great Landscape Value. This lies adjacent to the settlement boundary of Doublebois.</p> <p>There are 19 entries on the National Heritage List for England: 1 Scheduled ancient monument which is Bosent Cross, on the parish boundary with Pelynt, and 18 listed structures. The most notable of these is the grade II* listed viaduct at Moorswater. Other entries include milestones, a lime kiln, a war memorial and several farmhouses. These historic assets are scattered across this rural parish and there is no particular identifiable historic cluster or settlement. There is one listed building within Dobwalls settlement boundary (the Church of St Peter) and one within Trewidland (Lower Town farmhouse) and in neither of these cases is the boundary drawn in a way to promote development .</p>
12. the effects on areas or landscapes which have a recognised national, Community or international protection status.	The Glynn Valley Woods County Wildlife site lies partially within the north western boundary of the parish.

## Dobwalls and Trewidland Neighbourhood Plan SEA and HRA Screening Report

This is a small part of a very extensive woodland which runs the length of the Glynn valley, either side of the River Fowey for a distance of approximately 6.5 miles, from Lanhydrock in the west to Doublebois in the east. Several tributary valleys join the main river and include the Warleggan and St Neot Rivers. This is considered the largest continuous area of woodland in Cornwall and supports the BAP Priority Habitats: Upland Oakwood, Upland Mixed Ashwoods, Wet Woodland, Lowland Heathland.

Lean and Tampellow woods County Wildlife Site lies to the west of Horningtops in the southern area of the parish and is listed as ancient woodland, with the BAP Priority Habitat: Upland Mixed Ashwoods

Housing Policy Ho1 (page 17 of the NDP) establishes settlement boundaries for Dobwalls, Trewidland and Doublebois and only proposals for small scale housing development of infill, rounding off within the settlement boundaries will be supported. The settlement boundary maps are on pages 18 and 19. The Doublebois boundary includes a large employment site which is safeguarded in the Cornwall Council site allocations DPD. The Doublebois boundary runs adjacent to the AGLV boundary and Trewidland is within the AGLV. Both these boundaries are relatively tightly drawn, including the existing built up area and extant planning consents, but not extending to identify other sites.

Dobwalls and Trewidland have carried out Local Landscape Character Assessment and a number of the policies require proposals to demonstrate how they respond to and protect landscape character, principally the Landscape Character policies LC1, LC2 and LC3 on page 32, but the following policies also refer to this requirement: HO2: Exceptions sites; HS1: Housing, Site and Building Design, BE2 Business and Employment Development RP2: Parkin and BB1: Broadband

Biodiversity policies BIO1-5 also require the protection of existing species and habitats in new development and promote and require biodiversity net gain.

## Dobwalls and Trewidland 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 the European sites, Plymouth Sound SAC and Tamar Estuaries Complex SPA, through recreational disturbance. An Appropriate Assessment has been carried out and strategic mitigation is in place through Policy 22 of the Cornwall Local Plan/ amendments to policies ensure that there will be no significant effects on the features of the SAC/SPA. 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 Dobwalls and Trewidland NDP. The plan promotes only development of a small scale and the limited number of environmentally sensitive areas will not be affected because they are not allocated for development and criteria based policies in the NDP require their conservation. Furthermore, the policy framework exists in Cornwall Local Plan policies 23 and 24. SEA is therefore not required.