

## List of Appendices

Appendix A: Cornwall Council Designation Letter

Appendix B: Designation letter and map which identifies the area to which the proposed Neighbourhood Development Plan relates

Appendix C: Decision letter from Cornwall Council in response to the screening request to determine if the Plan requires a SEA or an HRA.

Appendix D: SEA & HRA Screening opinion decision Porthleven Updated July 2020

Appendix E: SEA & HRA Screening Report Updated July 2020

# Cornwall Council

**Dolcoath Avenue Camborne Cornwall TR14 8SX**

Email: [planning@cornwall.gov.uk](mailto:planning@cornwall.gov.uk)

Tel: 0300 1234151

Web: [www.cornwall.gov.uk](http://www.cornwall.gov.uk)



**Application number:** PA14/00012/NDP

**Applicant:**

Corrie Thompson  
The Institute  
Cliff Road  
Porthleven  
Cornwall

**Town And Country Planning Act 1990 (As Amended)  
The Neighbourhood Planning (General) Regulations 2012**

## **Designation of a Neighbourhood Area**

**CORNWALL COUNCIL**, being the Local Planning Authority, **HEREBY APPROVES**, the designation of a Neighbourhood Area to be used for the creation of a Neighbourhood Development Plan as set out in the following application received on 18<sup>th</sup> June 2014 and accompanying plan(s):

**Proposal:** The designation of the Parish of Porthleven as a Neighbourhood Area

**Relevant Body:** Porthleven Town Council

**YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.**

**DATED: 19 August 2014**

**Phil Mason**  
**Head of Planning, Housing and**  
**Regeneration**

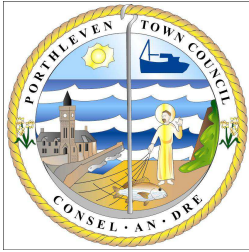
**REFERRED TO IN CONSIDERATION OF THIS APPLICATION:**

The Cornwall Council has considered the proposed Designation of the Neighbourhood Area and finds that:

- The area proposed is appropriate to be designated as a Neighbourhood Area;
- The Parish Council is a relevant body for the purposes of Section 61G of the 1990 Act; and
- No substantive objection has been made to the designation of the area under Regulation 6

It is therefore considered that the Designation of the Neighbourhood Area should be approved.

## Appendix B Designation Letter & Map



Porthleven Town Council  
The Institute  
Cliff Road  
Porthleven  
Cornwall TR13

Our ref: LND/Porthleven Neighbourhood Plan Designated Area

Your ref:

Ask For: Corrie Thompson

email: porthleventc@tiscali.co.uk

Website: in process

Date: 18th June 2014

Mr Andrew Kerr  
Chief Executive  
Cornwall Council  
New County Hall  
Treyew Road  
Truro TR1 3AY

**Porthleven Town Council hereby applies to Cornwall Council to designate the parish area of Porthleven as a Neighbourhood Area, in accordance with part 2(5)(1) of the Neighbourhood Planning Regulations 2012. Please see map attached.**

The area for the Neighbourhood Plan will be the parish of Porthleven, altogether a population of approximately 3,800.

Porthleven Town Council serves the whole parish of Porthleven and is well placed to oversee the Neighbourhood Planning process.

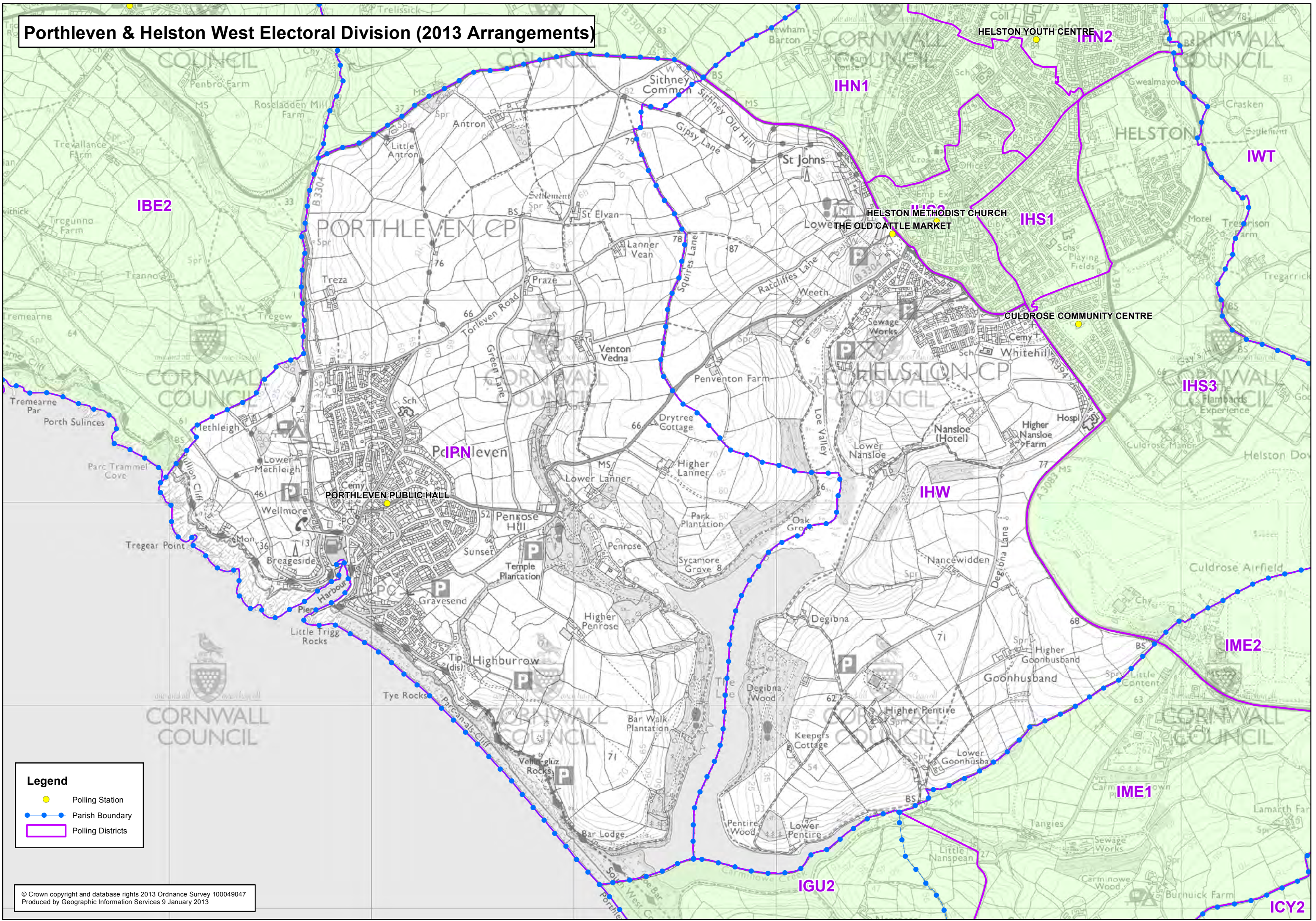
Porthleven Town Council is a fully elected council and the relevant body designated with the responsibility for the future development within this area for the purposes of section 61G of the 1990 Act.

Yours sincerely

Corrie Thompson  
Town Clerk



# Porthleven & Helston West Electoral Division (2013 Arrangements)



**Legend**

- Polling Station
- Parish Boundary
- ▭ Polling Districts



Mr Alan Jorgensen,  
Porthleven Town Council  
Chair Porthleven Neighbourhood Plan  
Email: [cllr.jorgensen@gmail.com](mailto:cllr.jorgensen@gmail.com)

---

**Date:** 13<sup>th</sup> July 2017

Dear Mr Jorgensen,

**Porthleven Neighbourhood Plan – SEA and HRA Screening**

As requested I have screened the Porthleven Neighbourhood Development Plan 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 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 Porthleven 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; I have attached the full screening opinion report and the responses from Natural England and Historic England. Both these consultees commended your landscape character assessment work. Natural England said in a covering email: 'Their efforts in relation to carrying out a local landscape character assessment are impressive and give them some very useful baseline evidence for their plan.'

As this is a draft plan, if significant changes or additions are made to your plan I would advise you to have it rescreened. David Stuart from Historic England has also given some advice in his response (attached.)

Yours sincerely,

Sarah Furley  
**Strategic Planning Policy**  
Tel: 01872 224294  
Email: [sarah.furley@cornwall.gov.uk](mailto:sarah.furley@cornwall.gov.uk)

Cc: [porthleventc@tiscali.co.uk](mailto:porthleventc@tiscali.co.uk)

Appendix D  
Mr Alan Jorgensen,  
Porthleven Town Council  
Chair Porthleven Neighbourhood Plan  
Email: [cllr.jorgensen@gmail.com](mailto:cllr.jorgensen@gmail.com)

---

**Date:** 27 July 2020

Dear Mr Jorgensen,

**Porthleven Neighbourhood Plan – SEA and HRA Screening – Update July 2020**

Following your submission of the Porthleven Neighbourhood Plan, in carrying out the Legal Compliance Check I noticed that the draft NDP was initially screened in 2017. Since then, in April 2018, in the case *People Over Wind & Sweetman v Coillte Teoranta* ("People over Wind"), the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European Protected Habitats under the Habitats Directive. In practice this means if a likely significant effect is identified at the screening stage of a Habitats Assessment, an 'Appropriate Assessment' of those effects must be undertaken.

Porthleven parish is within the recreational disturbance Zone of Influence for the Fal and Helford SAC and under the new procedures we cannot rely on the strategic mitigation, which is in place through the Cornwall Local Plan, at screening stage. I have therefore updated the screening report to include appropriate assessment of 'in combination' recreational impacts on the Fal and Helford SAC.

I have notified the consultation bodies of the update to the screening report, for their records and I attach a copy of the updated report for your records.

The update is necessitated by a procedural matter and is not due to changes in the neighbourhood plan itself. In the original screening, based on the scale and location of development proposed, Cornwall Council was of the opinion that the Porthleven Neighbourhood Plan was unlikely to have significant effects on the environment or on European Sites and that SEA and HRA was therefore not required. This view was confirmed at the time by the consultation bodies.

As significant changes have not been made to the neighbourhood plan or its policies, I can confirm that, whilst appropriate assessment has been carried out, Cornwall Council is of the opinion that the Porthleven Neighbourhood Plan will not have significant effects on the environment and SEA is not required.

Yours sincerely,



Sarah Furley  
**Group Leader Neighbourhood Planning**  
Tel: 01872 224294  
Email: [sarah.furley@cornwall.gov.uk](mailto:sarah.furley@cornwall.gov.uk)

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

**Porthleven NDP (June 2020)**

**Strategic Environmental Assessment  
Habitats Regulations Assessment**

**Screening Report**

**23 July 2020**



## **Porthleven Neighbourhood Plan SEA and HRA Screening Report**

### **Contents**

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

## **Porthleven Neighbourhood Plan SEA and HRA Screening Report**

### **1. Introduction**

- 1.1 This is an update to the screening report for Porthleven NDP. The NDP was initially screened in July 2017 and the screening report was updated in October 2017, in response to changes to policies. Since then, in April 2018, in the case *People Over Wind & Sweetman v Coillte Teoranta* ("People over Wind"), the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European Protected Habitats under the Habitats Directive. In practice this means if a likely significant effect is identified at the screening stage of a Habitats Assessment, an 'Appropriate Assessment' of those effects must be undertaken. This update of the Screening report therefore contains Appropriate Assessment. The Ministry of Housing, Communities and Local Government made consequential changes to relevant regulations through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018. These came into force on 28 December 2018. The regulations allow neighbourhood plans and development orders in areas where there could be likely significant effects on a European protected site to be subject to an 'Appropriate Assessment' to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or planning application.
- 1.2 The screening report is designed to determine whether or not the Porthleven NDP (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.
- 1.3 The purpose of the NDP is to guide housing and commercial development within the parish to preferred locations and ensure a high standard of design which respects and enhances local character. It has 15 policies under the key objectives of Housing, Heritage, Natural Environment, Design and Built Environment, Community Facilities, Infrastructure and Economy. The NDP aims to meet the housing apportionment of the Cornwall Local Plan using a development boundary to focus housing development at the key settlement of Porthleven and this includes capacity for 85 new dwellings. There are general criteria-based policies requiring high quality design and protection of the built, natural and historic environment and these are underpinned by extensive landscape character assessment work. Specific local policies support protection of the character and purpose of the harbour, the retention of key community facilities and the provision of a footpath linking the town to the Penrose Estate.

## **Porthleven Neighbourhood Plan SEA and HRA Screening Report**

1.4 The legislative background set out below outlines the regulations that require the need for this screening exercise. Section 4, provides a screening assessment of the likely significant environmental effects of the Neighbourhood Plan and the need for a full SEA or HRA.

## **2. Legislative Background**

### Strategic Environmental Assessment

2.1 The basis for Strategic Environmental Assessments legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations. Detailed Guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005)

2.2 .The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce Sustainability Appraisals (SA) for all local development documents to meet the requirement of the EU Directive on SEA. It is considered best practice to incorporate requirements of the SEA Directive into an SA.

2.3 However, Neighbourhood Plans are not Local Development Documents and are not required to be subject to sustainability appraisal by legislation (although it is advisable to carry out some form of sustainability assessment.) Neighbourhood plans are produced under the Localism Act 2011. In SEA terms, neighbourhood plans are treated as components of Local Plans. National Planning Policy Guidance (NPPG) advises that in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a strategic environmental assessment. The Localism Act 2011 also requires neighbourhood plans to be 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



## **Porthleven Neighbourhood Plan SEA and HRA Screening Report**

### Local Plan

#### Habitats Regulation Assessment

2.6 Habitats Regulation Assessment (HRA) is a separate process which is required for all plans and projects which are not wholly directly connected with or necessary to the conservation management of a European site's qualifying features. This process also requires screening as a first step to ascertain whether a plan is likely to have significant adverse effects on the integrity of 'European' sites. European sites in Cornwall include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs.).

2.7 HRA focuses on maintaining the 'integrity' of the European Sites, namely their conservation objectives. Table 5.1 lists the European Sites within 10km of the neighbourhood plan; their designated features/habitats; conservation objectives; and vulnerabilities.

#### Sustainability Appraisal

2.8 The NPPG explains that there is no legal requirement for a neighbourhood plan to have a sustainability appraisal as set out in section 19 of the Planning and Compulsory Purchase Act 2004. However, a qualifying body must demonstrate how its plan or order will contribute to achieving sustainable development. A sustainability appraisal may be a useful approach for doing this.

2.9 This report therefore includes screening for HRA and SEA . Section 3 sets out the HRA screening, and provides 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.

## Porthleven Neighbourhood Plan SEA and HRA Screening Report

### 3. Habitats Regulation Assessment

3.1 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.).

3.2 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.

3.3 HRA screening must address the question: Is the Plan, either alone or in combination with other relevant projects and plans, likely to result in a significant effect upon European sites? The table below appraises the effect of allocations or policies within the NDP which have the potential to significantly affect European sites within or with a pathway of impact from the NDP. The precautionary principle must be used when assessing whether adverse effects are significant.

NDP Allocation or Policy: Policy HO1: Location of Housing

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	Qualifying Habitats: <ul style="list-style-type: none"> <li>• Atlantic Salt Meadows</li> <li>• Estuaries</li> <li>• Large Shallow inlets and bays</li> <li>• Intertidal</li> </ul>	Marine Shipping Consents Invasive Species Water Pollution Siltation Fisheries	Recreational impact (in combination with Cornwall Local Plan)	Y	In

### Porthleven Neighbourhood Plan SEA and HRA Screening Report

	mudflats and sandflats <ul style="list-style-type: none"> <li>• Reefs</li> <li>• Subtidal sandbanks</li> </ul> Qualifying Species: <ul style="list-style-type: none"> <li>• Rumex Rupestra</li> </ul>	Public access/disturbance Air Pollution <a href="#">Fal and Helford SIP</a>			
--	---	---	--	--	--

#### **3.4 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 point to the Fal is approx. 12 miles and to the Helford approx. 6 miles from the parish. As potential for recreational disturbance was identified by the HRA of the Cornwall Local Plan, multiple surveys in all four seasons were carried out to collect evidence of the pattern of recreational activity in various sites in Cornwall. From this evidence 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 Porthleven parish is within the ZOI for the Fal and Helford. Potential impacts identified were anchor drag and disturbance to qualifying habitats through the ad hoc launching of small craft. 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 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, in combination with the Cornwall Local Plan, there will be no impact on the integrity of the SAC.



## Porthleven Neighbourhood Plan SEA and HRA Screening Report

### 4. SEA screening

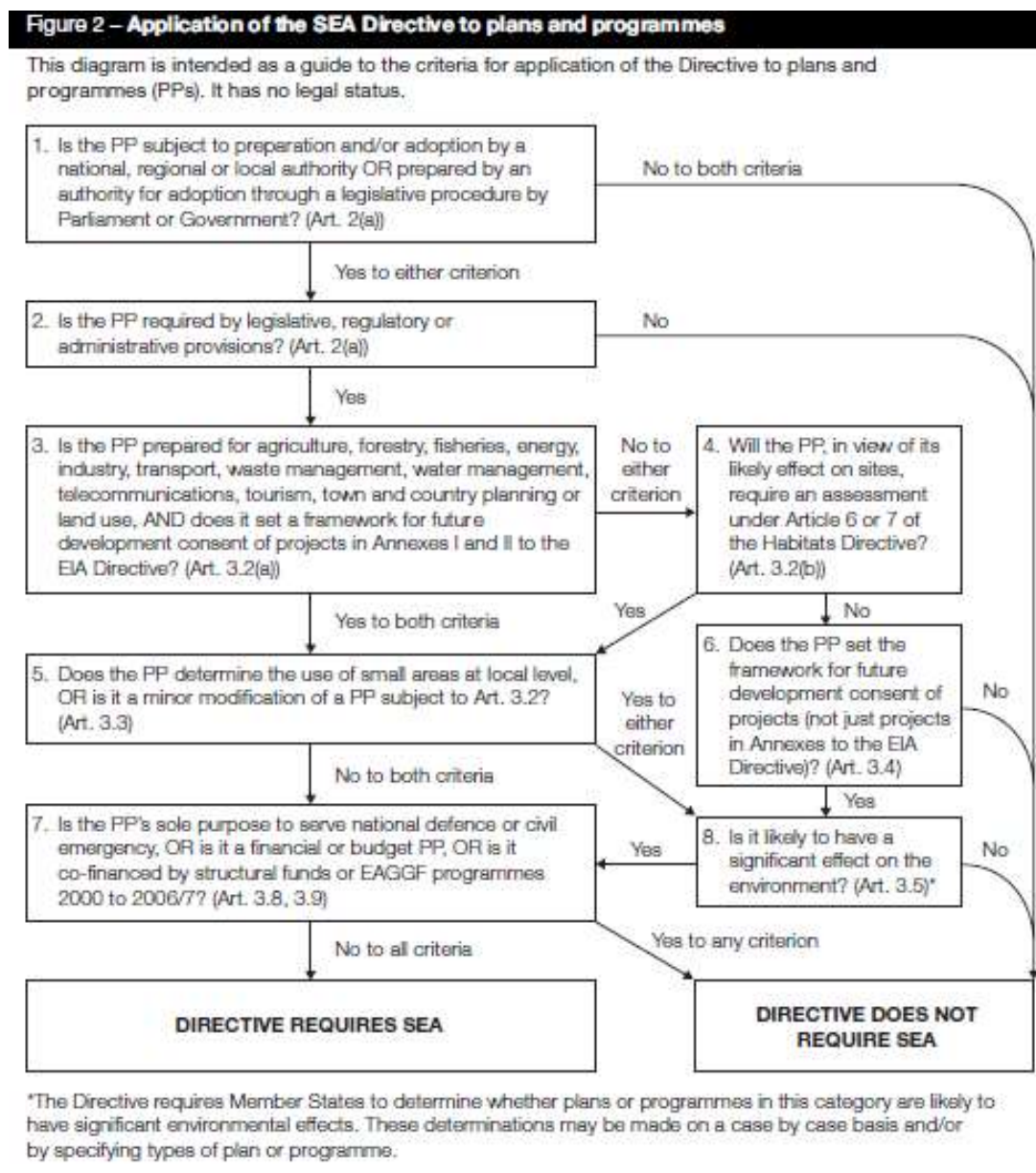
4.1 Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:

<p>SCHEDULE 1 Regulations 9(2)(a) and 10(4)(a)</p> <p>CRITERIA FOR DETERMINING THE LIKELY SIGNIFICANCE OF EFFECTS ON THE ENVIRONMENT</p>
<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

### 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

## Porthleven 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)	Y	See Section 3: Habitats Regulations Assessment and the Appropriate Assessment in Section 3.4
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>



## Porthleven 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 target for housing which. The strategy for delivery of development is through a settlement boundary and the inclusion of a site for up to 85 dwellings.
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 area around the Porthleven River/ Methleigh Stream is Flood Zone 3: land assessed as having a 1 in 100 or greater annual probability of river flooding
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:	

## Porthleven Neighbourhood Plan SEA and HRA Screening Report

6. the probability, duration, frequency and reversibility of the effects,	The plan period is up to 2030, reflecting the plan period of the emerging Local Plan and aims to provide for development demand within that period. This requires the delivery of around 85 further dwellings up to 2030 to demonstrate general conformity with the Local Plan.
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. Cumulative impacts will be phased over the plan period and are subject to design and natural environment policies to control, avoid and mitigate adverse effects.
8. the transboundary nature of the effects,	N/A
9. the risks to human health or the environment (e.g. due to accidents)	N/A
10. the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),	The neighbourhood plan area is Porthleven Parish, which covers approx. 730 hectares. The population according to the 2011 census was 3059, with 1753 households.
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,	<p>European Sites There are no SACs or SPAs within the parish, but Porthleven is within the Zone of Influence for the Fal and Helford SAC, as discussed in section 3.</p> <p>SSSI Porthleven Cliffs East SSSI – designated for geology and coastal morphology <a href="https://necmsi.esdm.co.uk/PDFsForWeb/Citation/1005924.pdf">https://necmsi.esdm.co.uk/PDFsForWeb/Citation/1005924.pdf</a> Porthleven Cliffs SSSI – designated for geological interest, notably a large erratic ‘Giant’s Rock’ <a href="https://necmsi.esdm.co.uk/PDFsForWeb/Citation/1004228.pdf">https://necmsi.esdm.co.uk/PDFsForWeb/Citation/1004228.pdf</a> Wheal Penrose SSSI – a disused lead mine, designated for geological interest <a href="https://necmsi.esdm.co.uk/PDFsForWeb/Citation/1003664.pdf">https://necmsi.esdm.co.uk/PDFsForWeb/Citation/1003664.pdf</a> Loe Pool SSSI – the largest freshwater lagoon in Cornwall. Important for a number of rare plants and habitat for insects and overwintering birds. Also designated for geological interest. <a href="https://necmsi.esdm.co.uk/PDFsForWeb/Citation/1003319.pdf">https://necmsi.esdm.co.uk/PDFsForWeb/Citation/1003319.pdf</a></p>
12. the effects on areas or landscapes which have a recognised national, Community or international protection status.	<p>The development boundary doesn’t extend beyond existing built up areas in proximity to any SSSI. Porthleven Cliffs and Wheal Penrose SSSI are adjacent to the development boundary, but the IRZ show that small scale residential development is not a risk to these areas. Loe Pool would be more sensitive, even to smaller scale development, but is remote from the town and not impacted by the development proposed in the NDP.</p> <p>County Wildlife Sites Loe Pool <a href="#">County Wildlife Site</a> This site extends beyond the SSSI, along streams flowing into the lake, but as stated above, is remote from the development boundary.</p>

## Porthleven Neighbourhood Plan SEA and HRA Screening Report

	<p>Porthleven to Lesceave Cliff <a href="#">County Wildlife Site</a> partially overlaps with the SSSI, in the western tip of the coastal boundary of the parish, away from the development boundary. Active conservation management is being achieved on this site which supports the BAP habitats Maritime Cliff and Slopes, Lowland Heathland and BAP Priority Species <i>Tortula wilsonii</i>, pale dog-violet, black oil beetle, marsh fritillary, silver-studded blue, small heath, small pearl-bordered fritillary, common lizard, herring gull, linnet, skylark, dunnoek and greater horseshoe bat.</p> <p>The NDP does not propose development that will affect these sites and includes a Natural Environment Objective to protect and enhance the unique landscape character, including the AONB, biodiversity and other environmental designations and safeguarded places. Policy BE1: Design Standards encourages development to meet Building with Nature standards and requires adherence to CC Biodiversity Guidance, which provides guidance on meeting the requirement for Biodiversity Net Gain.</p> <p><b>AONB</b> The coast and south eastern half of the parish is within the Cornwall AONB <a href="http://www.cornwall-aonb.gov.uk/southcoastwestern/">http://www.cornwall-aonb.gov.uk/southcoastwestern/</a> Local Landscape Character Assessment has been carried out and is included in the evidence base. Stage 1 is an assessment of the whole parish, Stage 2 is a more detailed settlement edge assessment and this includes a detailed appraisal of Capacity for Change of Settlement Edge Land Parcels, which has informed the development boundary and site selection (3.4 Appendix C.) Policy NE2: Development within, or in the setting of the South Coast Western Section of the Cornwall AONB requires any new development to respond to the AONB management plan.</p> <p><b>Conservation Area and Historic Assets</b></p> <p>Porthleven Conservation Area is designated around the historic core, harbour area and extends along the coast, characterised as 'Harbour', 'Village' and 'Seaside' in the conservation area appraisal. <a href="http://www.cornwall.gov.uk/media/3638255/Porthleven-CAA-and-MS-March-2010.pdf">http://www.cornwall.gov.uk/media/3638255/Porthleven-CAA-and-MS-March-2010.pdf</a> The conservation area includes a key area of open space on the western side, behind the harbour.</p> <p>Porthleven Methodist Church and Penrose Manor House are Grade II* listed There are 60 other Grade II listed buildings and structures in the Parish, including Porthleven Harbour Walls, east and west jetties, inner jetty and main pier and other buildings within the Conservation Area, properties that form part of the Penrose Estate as well as more isolated farms and milestones. <a href="http://www.heritagegateway.org.uk/Gateway/Results_Application.aspx?resourceID=5">http://www.heritagegateway.org.uk/Gateway/Results_Application.aspx?resourceID=5</a></p> <p>The NDP's Heritage Objective is 'To protect, enhance and strengthen the important heritage of Porthleven Parish, including Listed Buildings, the conservation area and scheduled ancient monuments.'</p> <p>Policy HE1: Designated and Non-designated Heritage Assets requires all development within or within the setting of the Conservation Area to respond to the Conservation Area Appraisal. The policy also identified local undesignated assets (these are currently listed in an appendix, but could usefully be moved into the document, for ease of use.)</p>
--	--

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

	<p>Strategic policy protection for historic assets is already strong and it is hard to add strength to this, but this policy draws attention to useful local detail.</p> <p>The LLCA has carried out detailed appraisal of the settlement edge and provides evidence for the site for 85 houses. This is remote from the main clusters of heritage assets around the harbour and on the Penrose Estate. Additionally the landowner has supplied Heritage Impact Assessment for the site, which has been reviewed by the CC conservation officer and is in the evidence base documents.</p>
--	--

## **Porthleven Neighbourhood Plan SEA and HRA Screening Report**

### **5. SEA Screening Outcome**

- 5.1 HRA screening: The assessment in section 3 shows that there is a potential for significant effects on a European site, the Fal and Helford SAC, 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. 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 Porthleven NDP. The plan is of a small providing for up to 85 dwellings, in line with the strategic apportionment of the Cornwall Local Plan. The development boundary and locations for development within it are selected based on appropriate evidence and are chosen to avoid environmental effects. As well as criteria-based policies in the NDP, 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.