Habitats Regulations Assessment

St. Newlyn East & Mitchell Neighbourhood Plan

St. Newlyn East Neighbourhood Plan Steering Group

Project number: 60571087

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Quality information

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1. Introduction

Background to the Project

1.1 AECOM has been appointed by St Newlyn East Neighbourhood Plan Forum to assist in producing a report to inform the Local Planning Authority's (Cornwall Council) Habitats Regulations Assessment (HRA) of the potential effects of the Neighbourhood Plan for St. Newlyn & Mitchell Parish on internationally designated wildlife sites. The objectives of the assessment are to:

- Identify any aspects of the Neighbourhood Plan that would cause an adverse effect on the integrity of international sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs)) including, as a matter of Government policy, Ramsar sites, either in isolation or in combination with other plans and projects, and
- To advise on appropriate policy mechanisms for delivering mitigation where such effects were identified.
- The HRA of the St Newlyn & Mitchell Neighbourhood Plan is required to determine if there are any realistic linking pathways present between an international site and the Neighbourhood Plan and where Likely Significant Effects (LSEs) cannot be screened out, an analysis to inform Appropriate Assessment (AA) to be undertaken to determine if adverse effects on the integrity of the international sites will occur as a result of the Neighbourhood Plan alone or in combination.

Legislation

1.2 The need for HRA is set out in the Conservation of Habitats & Species Regulations 2017[1] . Its ultimate aim is to "*maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest*". This aim relates to habitats and species, not the European sites themselves, although the sites have a significant role in delivering favourable conservation status. European sites are defined as actual or proposed/candidate Special Areas of Conservation (SAC) or Special Protection Areas (SPA). It is also Government policy for sites designated under the Convention on Wetlands of International Importance (Ramsar sites) to be treated as having equivalent status to European sites.

Box 1: The legislative basis for Appropriate Assessment

> **Conservation of Habitats and Species Regulations 2017 (as amended)**
>
> With specific reference to Neighbourhood Plans, Regulation 106(1) states that:
>
> "*A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority* [the Local Planning Authority] *may reasonably require for the purpose of the assessment under regulation 105…* [which sets out the formal process for determination of 'likely significant effects' and the appropriate assessment']*."*

1.3 Therefore, it is important to note that this report has two purposes:

- To assist the Qualifying Body (the Neighbourhood Plan Group) in preparing their plan by recommending (where necessary) any adjustments required to protect European sites, thus making it more likely their plan will be deemed compliant with the Conservation of Habitats and Species Regulations 2017 (as amended); and
- On behalf of the Qualifying Body, to assist the Local Planning Authority to discharge their duty under Regulation 105 (in their role as 'plan-making authority' within the meaning of that regulation) and Regulation 106 (in their role as 'competent authority').

1.4 As 'competent authority', the legal responsibility for ensuring that a decision of 'likely significant effects' is made, for ensuring an 'appropriate assessment' (where required) is undertaken, and for ensuring Natural England are consulted, falls on the local planning authority. However, they are entitled to request from the Qualifying Body the necessary information on which to base their judgment and that is a key purpose of this report.

[1] The Conservation of Habitats and Species Regulations 2017 (legislation.gov.uk) Accessed 03/11/2022

1.5 The Habitats Regulations applies the precautionary principle to European sites (SACs and SPAs). As a matter of UK Government policy, Ramsar sites are given equivalent status. For the purposes of this assessment candidate SACs (cSACs), proposed SPAs (pSPAs) and proposed Ramsar (pRamsar) sites are all treated as fully designated sites. In this report we use the term 'European sites' to refer collectively to the sites listed in this paragraph.

1.6 Plans and projects can only be permitted having ascertained that there will be no adverse effect on the integrity of the site(s) in question. This contrasts with the SEA Directive which does not prescribe how plan or programme proponents should respond to the findings of an environmental assessment; merely that the assessment findings (as documented in the 'environmental report') should be 'taken into account' during preparation of the plan or programme. Under the Habitats Regulations, plans and projects may still be permitted if there are no alternatives to them and there are Imperative Reasons of Overriding Public Interest (IROPI) as to why they should go ahead. In such cases, compensation would be necessary to ensure the overall integrity of the site network.

1.7 In 2018, the 'People Over Wind' European Court of Justice (ECJ) ruling determined that 'mitigation' (i.e. measures that are specifically introduced to avoid or reduce the harmful effects of a plan or project on European sites) should not be taken into account when forming a view on likely significant effects. Mitigation should instead only be considered at the appropriate assessment stage. Appropriate assessment is not a technical term: it simply means 'an assessment that is appropriate' for the plan or project in question. As such, the law purposely does not prescribe what it should consist of or how it should be presented; these are decisions to be made on a case by case basis by the competent authority. An amendment was made to the Neighbourhood Planning Regulations in late 2018 which permitted Neighbourhood Plans to be made if they required appropriate assessment.

1.8 Over the years the phrase 'Habitats Regulations Assessment' has come into wide currency to describe the overall process set out in the Conservation of Habitats and Species Regulations from screening through to Imperative Reasons of Overriding Public Interest (IROPI). This has arisen in order to distinguish the process from the individual stage described in the law as an 'Appropriate Assessment'. Throughout this report we use the term Habitats Regulations Assessment for the overall process.

Report Layout

1.9 **Chapter 2** of this report explains the process by which the HRA has been carried out. **Chapter 3** explores the relevant pathways of impact. **Chapter 4** summarises the Test of Likely Significant Effects of the policies and site allocations of the Plan considered 'alone' and 'in-combination. (The Test of Likely Significant Effects itself is undertaken in Appendix B). **Chapter 5** contains the Appropriate Assessment for any linking impact pathways that could not be screened out from potentially resulting in a Likely Significant Effect. **Chapter 6** contains the conclusion and a summary of recommendations.

2. Methodology

Introduction

2.1 This section sets out the approach and methodology for undertaking the Habitats Regulations Assessment (HRA). HRA itself operates independently from the Planning Policy system, being a legal requirement of a discrete Statutory Instrument. Therefore, there is no direct relationship to the National Planning Policy Framework (NPPF) and the 'Tests of Soundness'.

A Proportionate Assessment

2.2 Project-related HRA often requires bespoke survey work and novel data generation in order to accurately determine the significance of effects. In other words, to look beyond the risk of an effect to a justified prediction of the actual likely effect and to the development of avoidance or mitigation measures.

2.3 However, the draft DLUHC guidance[2] (described in greater detail later in this chapter) makes it clear that when implementing HRA of land-use plans, the Appropriate Assessment (AA) should be undertaken at a level of detail that is appropriate and proportional to the level of detail provided within the plan itself:

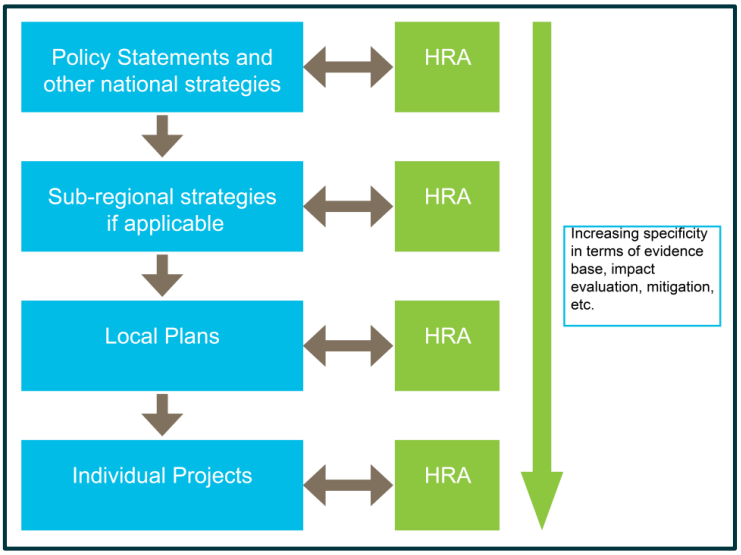
2.4 *"The comprehensiveness of the [Appropriate] assessment work undertaken should be proportionate to the geographical scope of the option and the nature and extent of any effects identified. An AA need not be done in any more detail, or using more resources, than is useful for its purpose. It would be inappropriate and impracticable to assess the effects [of a strategic land use plan] in the degree of detail that would normally be required for the Environmental Impact Assessment (EIA) of a project."*

2.5 More recently, the Court of Appeal[3] ruled that providing the Council (competent authority) was duly satisfied that proposed mitigation could be "*achieved in practice"* then this would suffice to meet the requirements of the Habitat Regulations. This ruling has since been applied to a planning permission (rather than a Plan document)[4]. In this case the High Court ruled that for "*a multistage process, so long as there is sufficient information at any particular stage to enable the authority to be satisfied that the proposed mitigation can be achieved in practice it is not necessary for all matters concerning mitigation to be fully resolved before a decision maker is able to conclude that a development will satisfy the requirements of reg 61 of the Habitats Regulations"*.

2.6 In other words, there is a tacit acceptance that AA can be tiered and that all impacts are not necessarily appropriate for consideration to the same degree of detail at all tiers as illustrated in **Box 2**.

[2] DLUHC (2006) Planning for the Protection of European Sites, Consultation Paper
[3] No Adastral New Town Ltd (NANT) v Suffolk Coastal District Council Court of Appeal, 17th February 2015
[4] High Court case of R (Devon Wildlife Trust) v Teignbridge District Council, 28 July 2015

Box 2: Tiering in HRA of Land Use Plans



2.8 For a plan the level of detail concerning the developments that will be delivered is usually insufficient to make a highly detailed assessment of significance of effects. For example, precise and full determination of the impacts and significant effects of a new settlement will require extensive details concerning the design of the new housing sites, including layout of greenspace and type of development to be delivered in particular locations, yet these data will not be decided until subsequent stages.

2.9 The most robust and defensible approach to the absence of fine grain detail at this level is to make use of the precautionary principle. In other words, the plan is never given the benefit of the doubt (within the limits of reasonableness); it must be assumed that a policy/measure is likely to have an impact leading to a significant adverse effect upon an internationally designated site unless it can be clearly established otherwise.

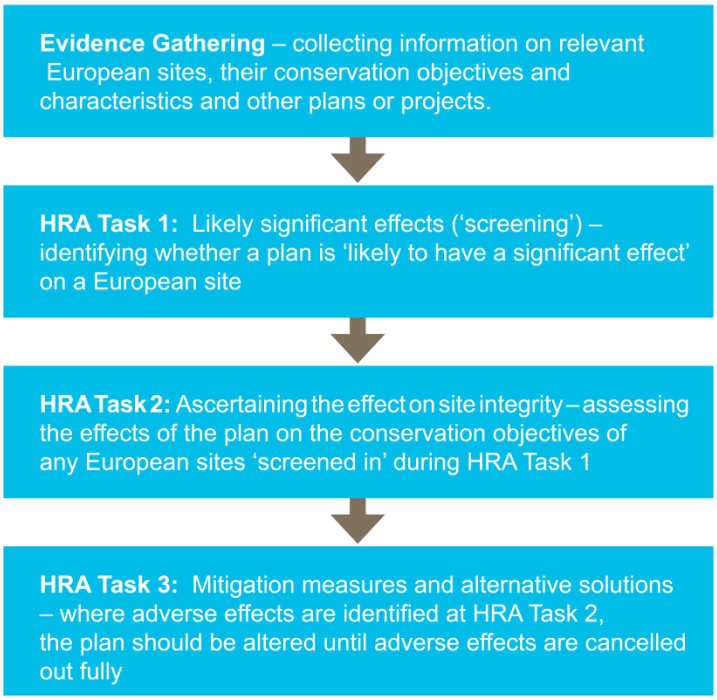
The Process of HRA

2.10 The HRA is being carried out in the continuing absence of formal central Government guidance. The former DCLG (now DLUHC) released a consultation paper on AA of Plans in 2006[5]. As yet, no further formal guidance has emerged on the assessment of plans. However, Natural England has produced its own informal internal guidance and central government have released general guidance on appropriate assessment[6].

2.11 **Box 3** outlines the stages of HRA according to the draft DLUHC guidance (which, as government guidance applicable to English authorities is considered to take precedence over other sources of guidance). The stages are essentially iterative, being revisited as necessary in response to more detailed information, recommendations and any relevant changes to the plan until no likely significant effects remain.

[5] DLUHC (2006) Planning for the Protection of European Sites, Consultation Paper
[6] https://www.gov.uk/guidance/appropriate-assessment

Box 3: Four-Stage Approach to Habitats Regulations Assessment



2.13 The following process has been adopted for carrying out the subsequent stages of the HRA.

Task One: Test of Likely Significant Effect (LSEs)

2.14 The first stage of any Habitats Regulations Assessment is a test of Likely Significant Effect - essentially a high-level assessment to decide whether the full subsequent stage known as Appropriate Assessment is required. The essential question is:

2.15 *"Is the Plan, either alone or in combination with other relevant projects and plans, likely to result in a significant effect upon European sites?"*

2.16 In evaluating significance, AECOM have relied on professional judgment and experience of working with other local authorities on similar issues. The level of detail concerning developments that will be permitted under land use plans is rarely sufficient to make a detailed quantification of effects. Therefore, a precautionary approach has been taken (in the absence of more precise data) assuming as the default position that if a likely significant effect (LSE) cannot be confidently ruled out, then the assessment must be taken the next level of assessment Task Two: Appropriate Assessment. This is in line with the April 2018 court ruling relating to 'People Over Wind' where mitigation and avoidance measures are to be included at the next stage of assessment.

Task Two: Appropriate Assessment

2.17 European Site(s) which have been 'screened in' during the previous Task have a detailed assessment undertaken on the effect of the policies on the European site(s) site integrity. Avoidance and mitigation measures to avoid adverse significant effects are taken into account or recommended where necessary.

2.18 As established by case law, 'appropriate assessment' is not a technical term; it simply means whatever further assessment is necessary to confirm whether there would be adverse effects on the integrity of any European sites that have not been dismissed at screening. Since it is not a technical term it has no firmly established methodology except that it essentially involves repeating the analysis for the likely significant effects stage, but to a greater level of detail on a smaller number of policies and sites, this time with a view to determining if there would be adverse effects on integrity.

2.19 One of the key considerations during Appropriate Assessment is whether there is available mitigation that would entirely address the potential effect. In practice, the Appropriate Assessment takes any policies or allocations that could not be dismissed following the high-level Screening analysis and analyse the potential

for an effect in more detail, with a view to concluding whether there would actually be an adverse effect on integrity (in other words, disruption of the coherent structure and function of the European site(s)).

The Scope

2.20 There is no guidance that dictates the physical scope of an HRA of a plan. Therefore, in considering the physical scope of the assessment we were guided primarily by the identified impact pathways rather than by arbitrary "zones", i.e. a source-pathway-receptor approach. Current guidance suggests that the following European sites be included in the scope of assessment:

- All sites within the Neighbourhood Plan area boundary; and
- Other sites shown to be linked to development within the Neighbourhood Plan boundary through a known "pathway" (discussed below).

2.21 Briefly defined, pathways are routes by which a change in activity within the plan area can lead to an effect upon a European site. In terms of the second category of European site listed above, DLUHC guidance states that the AA should be "*proportionate to the geographical scope of the* [plan policy]" and that "*an AA need not be done in any more detail, or using more resources, than is useful for its purpose*" (DLUHC, 2006, p.6).

2.22 Full details of all European designated sites discussed in this document can be found in **Appendix A**. specifying their qualifying features, conservation objectives and threats to integrity. Table 1 below lists all those European designated sites included in this HRA. It is to be noted that the inclusion of a European sites or pathway below does not indicate that an effect is expected but rather that these are pathways that will be investigated.

Table 1. Physical Scope of the HRA

European Designated Site	Location	Reason for inclusion (pressures/ threats[7] associated with the European site that could link to the Plan.)	Other site vulnerabilities
Newlyn Downs SAC	Within Neighbourhood Plan Area	• Air pollution: risk of atmospheric nitrogen deposition • Public access / disturbance	• Invasive species
Penhale Dunes SAC	At its closest point 1.6km west of the Neighbourhood Plan Area	• Public access / disturbance • Air pollution: risk of atmospheric nitrogen deposition • Hydrological changes	• Inappropriate coastal management • Invasive species • Change in land management •
Breney Common and Goss and Tregoss Moors SAC	At its closest point 5km east of the Neighbourhood Plan Area	• Water pollution • Air pollution: risk of atmospheric nitrogen deposition • Hydrological changes	• Undergrazing • Inappropriate scrub control • Drainage • Wildfire/arson • Habitat fragmentation
Fal and Helford SAC	At its closest point 8km south of the Neighbourhood Plan Area	• Water pollution • Public access / disturbance • Air pollution: risk of atmospheric nitrogen deposition	• Marine consents and permits: shipping • Invasive species • Siltation • Marine consents and permits: channel maintenance • Fisheries: recreational marine and estuarine • Fisheries: commercial marine and estuarine

[7] As identified in the Site Improvement Plans or RAMS for European sites.

European Designated Site	Location	Reason for inclusion (pressures/ threats[7] associated with the European site that could link to the Plan.)	Other site vulnerabilities
			• Fisheries: private
Carrine Common SAC	At its closest point 9.8km South of the Neighbourhood Plan Area	• Air pollution: risk of atmospheric nitrogen deposition • Public access / disturbance	• Inappropriate scrub control • Direct impact from 3rd party
River Camel SAC	At its closest point 10.5km north east of the Neighbourhood Plan Area	• Water pollution • Water abstraction	• Inappropriate weirs dams and other structures • Invasive species • Forestry and woodland management • Deer
St Austell Clay Pits SAC	At its closest point 7.3km east of the Neighbourhood Plan Area (NE of Trethosa)	• Atmospheric pollution: risk of atmospheric nitrogen deposition	• Inappropriate scrub control • Invasive species • Changes to site conditions • Habitat fragmentation
Bristol Channel Approaches SAC	At its closest point 2.5km north west of the Neighbourhood Plan Area	• Water pollution • Anthropogenic underwater activities causing noise disturbance – recreational boating • Killing or injury by recreational boating	• Commercial fishing – removal of prey species, entanglement as by-catch • Other anthropogenic underwater activities such as pile driving, military activity, underwater explosions etc.

The 'In Combination' Scope

2.23 It is a requirement of the Regulations that the impacts and effects of any land use plan being assessed are not considered in isolation but in combination with other plans and projects that may also be affecting the European designated site(s) in question.

2.24 When undertaking this part of the assessment it is essential to bear in mind the principal intention behind the legislation i.e. to ensure that those projects or plans which in themselves have minor impacts are not simply dismissed on that basis but are evaluated for any cumulative contribution they may make to an overall significant effect. In practice, in combination assessment is therefore of greatest relevance when the plan would otherwise be screened out because its individual contribution is inconsequential. The overall approach is to exclude the risk of there being unassessed likely significant effects in accordance with the precautionary principle. This was first established in the seminal Waddenzee[8] case.

2.25 For the purposes of this HRA, we have determined that the key other documents with a potential for in-combination effects are the Adopted Cornwall Local Plan (2016) and its associated Site Allocations Development Plan Document (DPD)[9]. As outlined in the introduction, this Plan sets out the broad spatial development targets for the County of Cornwall in the period of 2010 – 2030. Cornwall does not have individual districts and unitary authorities and the Plan therefore covers a broad geographical area including 213 parishes.

2.26 While individual planning applications have been submitted and in some cases permitted since the Cornwall Local Plan was adopted, examination of planning applications only provides a snapshot in time. In contrast, a review of the Local Plan and its allocations provides the fullest overall picture of the most significant housing and employment development that will be delivered between 2010 and 2030. Overall, the (previously modified) and adopted Local Plan provides for a minimum of 52,500 homes at an average of

[8] Waddenzee case (Case C-127/02, [2004] ECR-I 7405)
[9] Cornwall Site Allocations Development Plan Document. Adopted November 2019. Available at: https://www.cornwall.gov.uk/media/38344158/allocations-dpd-full-doc-web.pdf [Accessed on the 09/10/2019].

2,625 homes delivered per year, 318 permanent gypsy and traveller pitches and 704,000 m^2 of employment floorspace. Within the Plan, the residential and employment growth is partitioned into various Community Network Areas (CNAs). For example, the Truro and Roseland CNA provides for 5,100 additional residential dwellings and 69,583 m^2 of employment space. The growth provided in other CNAs Is provided in Table 2.

2.27 The Cornwall Local Plan is associated with the following impact pathways: recreational pressure, water quality and atmospheric pollution, and as such the same impact pathways that link the St Newlyn East Neighbourhood Plan to nearby European sites. Given the extent of development, both in terms of its volume and geographical distribution, that it proposes, the Cornwall Local Plan and the Site Allocations DPD (and its HRAs) are the most important documents to consider in assessing the in-combination effect of the St. Newlyn & Mitchell Neighbourhood Plan.

2.28 As shown in the table, residential growth in the St. Agnes, Perranporth and Newquay CNA (at the top of the table) only accounts for 9.1% of the total residential growth in Cornwall, while its employment growth only accounts for 8.2% of the overall employment growth in Cornwall. Nevertheless, the potential for St. Newlyn & Mitchell's contribution – however small – to an in-combination effect arising from increased development throughout Cornwall, must be considered.

Table 2. Summary of the development (residential and employment growth) allocated in parishes within the Adopted Cornwall Local Plan (2016).

Location (CNA)	Residential Growth (dwellings)	Employment growth (m^2 of floorspace)
St. Agnes, Perranporth and Newquay	**4,800**	**58,000**
Truro and Roseland	5,100	69,583
Hayle and St. Ives	3,180	38,166
Helston	2,300	29,417
Csmborne, Pool, Illogan and Redruth	6,200	122,250
Falmouth and Penryn	3,400	47,417
Penzance and West Penwith	3,150	32,166
Eco-Communities and St. Austell	3,200	22,250
St. Blazey, Fowey, and Lostwithiel	900	25,333
China Clay	1,800	26,250
Wadebridge and Padstow	2,100	13,334
Bodmin	3,200	47,500
Camelford	1,000	7,834
Bude, Stratton, Flexbury and Poughill	1,800	21,166
Lanceston	2,300	42,250
Liskeard	2,900	44,334
Callington and Caradon	1,000	14,750
Saltash, Torpoint and Cornwall Gateway	1,900	17,500
All CNAs	**52,500**	**704,000**

2.29 It should be noted that, while the broad potential impacts of the Cornwall Local Plan will be considered as part of the 'in combination' assessment, this document does not carry out a full HRA of that Plan. Instead, it draws upon existing HRAs that have been carried out on the Plan and the Site Allocations DPD between 2014 and its adoption in 2016.

3. Pathways of Impact

3.1 The following pathways of impact are considered relevant to the HRA of the Plan:

- Recreational Pressure
- Water Quality and Water Resources
- Air pollution (Atmospheric Nitrogen Deposition)

Recreational Pressure

3.2 Recreational use of a European site has the potential to:

- Cause disturbance to sensitive species, particularly ground-nesting birds and (where relevant) wintering wildfowl.
- Cause damage through erosion and fragmentation;
- Cause eutrophication as a result of dog fouling; and
- Prevent appropriate management or exacerbate existing management difficulties;

3.3 Different types of European sites are subject to different types of recreational pressures and have different vulnerabilities. Studies across a range of species have shown that the effects from recreation can be complex.

3.4 It should be emphasised that recreational use is not inevitably a problem. Many European sites also contain nature reserves managed for conservation and public appreciation of nature.

3.5 HRAs of Local Plans tend to focus on recreational sources of disturbance as a result of new residents[10].

Activities causing disturbance

3.6 Disturbing activities are on a continuum. The most disturbing activities are likely to be those that involve irregular, infrequent, unpredictable loud noise events, movement or vibration of long duration. The presence of people and dogs generate a substantial disturbance effects because of the areas accessed and the impact of a potential predator on bird behaviour. Birds are least likely to be disturbed by activities that involve regular, frequent, predictable, quiet patterns of sound or movement or minimal vibration. The further any activity is from the birds, the less likely it is to result in disturbance.

3.7 The factors that influence a species response to a disturbance are numerous, but the three key factors are species sensitivity, proximity of disturbance sources and timing/duration of the potentially disturbing activity.

3.8 The distance at which a species takes flight when approached by a disturbing stimulus is known as the 'tolerance distance' (also called the 'escape flight distance') and differs between species to the same stimulus and within a species to different stimuli.

3.9 The potential for apparent disturbance may be less in winter than in summer, in that there are often a smaller number of recreational users. In addition, the consequences of disturbance at a population level may be reduced because birds are not breeding. However, activity outside of the summer months can still cause important disturbance, especially as birds are particularly vulnerable at this time of year due to food shortages. Disturbance which results in abandonment of suitable feeding areas can have severe consequences for those birds involved and their ability to find alternative feeding areas. Several empirical studies have, through correlative analysis, demonstrated that out-of-season (October-March) recreational activity can result in quantifiable disturbance:

[10] The RTPI report 'Planning for an Ageing Population'(2004) which states that 'From being a marginalised group in society, the elderly are now a force to be reckoned with and increasingly seen as a market to be wooed by the leisure and tourist industries. There are more of them and generally they have more time and more money.' It also states that 'Participation in most physical activities shows a significant decline after the age of 50. The exceptions to this are walking, golf, bowls and sailing, where participation rates hold up well into the 70s'.

- Tuite et al[11] found that during periods of high recreational activity, bird numbers at Llangorse Lake decreased by 30% as the morning progressed, matching the increase in recreational activity towards midday. During periods of low recreational activity, however, no change in numbers was observed as the morning progressed. In addition, all species were found to spend less time in their 'preferred zones' (the areas of the lake used most in the absence of recreational activity) as recreational intensity increased;
- Underhill et al[12] counted waterfowl and all disturbance events on 54 water bodies within the South West London Water Bodies Special Protection Area and clearly correlated disturbance with a decrease in bird numbers at weekends in smaller sites and with the movement of birds within larger sites from disturbed to less disturbed areas.

3.10 Human activity can affect birds either directly (e.g. through causing them to flee) or indirectly (e.g. through damaging their habitat). The most obvious direct effect is that of immediate mortality such as death by shooting, but human activity can also lead to behavioural changes (e.g. alterations in feeding behaviour, avoidance of certain areas *etc.*) and physiological changes (e.g. an increase in heart rate) that, although less noticeable, may ultimately result in major population-level effects by altering the balance between immigration/birth and emigration/death[13]. The impact of disturbance on birds changes during the seasons in relation to a number of very specific factors, for example the winter below freezing temperature, the birds fat resource levels and the need to remain watchful for predators rather than feeding. These considerations lead to birds apparently showing different behavioural responses at different times of the year.

3.11 The degree of impact that varying levels of noise will have on different species of bird is poorly understood except that a number of studies have found that an increase in traffic levels on roads does lead to a reduction in the bird abundance within adjacent hedgerows - Reijnen et al (1995) examined the distribution of 43 passerine species (i.e. 'songbirds'), of which 60% had a lower density closer to the roadside than further away. By controlling vehicle usage, they also found that the density generally was lower along busier roads than quieter roads[14].

Mechanical/abrasive damage and nutrient enrichment

3.12 Most types of aquatic or terrestrial European site can be affected by trampling, which in turn causes soil compaction and erosion:

- Wilson & Seney (1994)[15] examined the degree of track erosion caused by hikers, motorcycles, horses and cyclists from 108 plots along tracks in the Gallatin National Forest, Montana. Although the results proved difficult to interpret, it was concluded that horses and hikers disturbed more sediment on wet tracks, and therefore caused more erosion, than motorcycles and bicycles.
- Cole et al (1995a, b)[16] conducted experimental off-track trampling in 18 closed forest, dwarf scrub and meadow & grassland communities (each tramped between 0 – 500 times) over five mountain regions in the US. Vegetation cover was assessed two weeks and one year after trampling, and an inverse relationship with trampling intensity was discovered, although this relationship was weaker after one year than two weeks indicating some recovery of the vegetation. Differences in plant morphological characteristics were found to explain more variation in response between different vegetation types than soil and topographic factors. Low-growing, mat-forming grasses regained their cover best after two weeks and were considered most resistant to trampling, while tall forbs (non-woody vascular plants other than grasses, sedges, rushes and ferns) were considered least resistant. Cover of hemicryptophytes and geophytes (plants with buds below the soil surface) was heavily reduced after two weeks but had recovered well after one year and as such these were considered most resilient to

[11] Tuite, C. H., Owen, M. & Paynter, D. 1983. Interaction between wildfowl and recreation at Llangorse Lake and Talybont Reservoir, South Wales. *Wildfowl* 34: 48-63
[12] Underhill, M.C. et al. 1993. Use of Waterbodies in South West London by Waterfowl. An Investigation of the Factors Affecting Distribution, Abundance and Community Structure. Report to Thames Water Utilities Ltd. and English Nature. Wetlands Advisory Service, Slimbridge
[13] Riley, J. 2003. Review of Recreational Disturbance Research on Selected Wildlife in Scotland. Scottish Natural Heritage.
[14] Reijnen, R. et al. 1995. The effects of car traffic on breeding bird populations in woodland. III. Reduction of density in relation to the proximity of main roads. Journal of Applied Ecology 32: 187-202
[15] Wilson, J.P. & J.P. Seney. 1994. Erosional impact of hikers, horses, motorcycles and off road bicycles on mountain trails in Montana. Mountain Research and Development 14:77-88
[16] Cole, D.N. 1995a. Experimental trampling of vegetation. I. Relationship between trampling intensity and vegetation response. Journal of Applied Ecology 32: 203-214
Cole, D.N. 1995b. Experimental trampling of vegetation. II. Predictors of resistance and resilience. Journal of Applied Ecology 32: 215-224

trampling. Chamaephytes (plants with buds above the soil surface) were least resilient to trampling. It was concluded that these would be the least tolerant of a regular cycle of disturbance.

- Cole (1995c)[17] conducted a follow-up study (in 4 vegetation types) in which shoe type (trainers or walking boots) and trampler weight were varied. Although immediate damage was greater with walking boots, there was no significant difference after one year. Heavier tramplers caused a greater reduction in vegetation height than lighter tramplers, but there was no difference in effect on cover.
- Cole & Spildie (1998)[18] experimentally compared the effects of off-track trampling by hiker and horse (at two intensities – 25 and 150 passes) in two woodland vegetation types (one with an erect forb understorey and one with a low shrub understorey). Horse traffic was found to cause the largest reduction in vegetation cover. The forb-dominated vegetation suffered greatest disturbance but recovered rapidly. Higher trampling intensities caused more disturbance.

3.13 Walkers with dogs contribute to pressure on sites through nutrient enrichment via dog fouling and also cause greater disturbance to fauna as dogs are less likely to keep to marked footpaths and also tend to move in a more erratic manner. Sites being managed by nature conservation bodies and local authorities frequently resort to hardening eroded paths to restrict erosion but at the same time they are losing the habitats formerly used by sand lizards and burrowing invertebrates. Motorcycle scrambling and off-road vehicle use can cause more serious erosion, as well as disturbance to sensitive species. Boats can also cause some mechanical damage to intertidal habitats through grounding as well as anchor and anchor line damage.

Water Quality and Water Resources

3.14 Increased amounts of housing or business development can lead to reduced water quality of rivers and estuarine environments. Sewage and industrial effluent discharges can contribute to increased nutrients on European sites leading to unfavourable conditions. In addition, diffuse pollution, partly from urban run-off has been identified during an Environment Agency Review of Consents process and a joint Environment Agency and Natural England evidence review, as being a major factor in causing unfavourable condition of European sites.

3.15 The quality of the water that feeds European sites is an important determinant of the nature of their habitats and the species they support. Poor water quality can have a range of environmental impacts:

- At high levels, toxic chemicals and metals can result in immediate death of aquatic life, and can have detrimental effects even at lower levels, including increased vulnerability to disease and changes in wildlife behaviour. Eutrophication, the enrichment of plant nutrients in water, increases plant growth and consequently results in oxygen depletion. Algal blooms, which commonly result from eutrophication, increase turbidity and decrease light penetration. The decomposition of organic wastes that often accompanies eutrophication deoxygenates water further, augmenting the oxygen depleting effects of eutrophication. In the marine environment, nitrogen is the limiting plant nutrient and so eutrophication is associated with discharges containing available nitrogen;
- Some pesticides, industrial chemicals, and components of sewage effluent are suspected to interfere with the functioning of the endocrine system, possibly having negative effects on the reproduction and development of aquatic life; and
- Increased discharge of treated sewage effluent can result both in high levels of macroalgal growth, which can smother the mudflats of value to SPA birds and in greater scour (as a result of greater flow volumes).

3.16 At sewage treatment works, additional residential development increases the risk of effluent escape into aquatic environments in addition to consented discharges to the catchment. In many urban areas, sewage treatment and surface water drainage systems are combined, and therefore a predicted increase in flood and storm events could increase pollution risk.

3.17 With regards to water resources, increased residential and employment development can lead to increased demand for water provisions. Increased demand for water can lead to changes in hydrology and increase risk of drought conditions, reduced water flow in rivers and reduced water table in groundwater dependent terrestrial systems. Developers are usually required to ensure that development is not built without ensuring

[17] Cole, D.N. 1995c. Recreational trampling experiments: effects of trampler weight and shoe type. Research Note INT-RN-425. U.S. Forest Service, Intermountain Research Station, Utah.
[18] Cole, D.N., Spildie, D.R. 1998. Hiker, horse and llama trampling effects on native vegetation in Montana, USA. Journal of Environmental Management 53: 61-71

adequate supply capacity and are required to work with the water supplier. The St. Newlyn Parish sits within the South West Water (SSW) supply area and within the Colliford Water Resource Zone (WRZ). The water supply within the Colliford WRZ comes from the Colliford Reservoir which is the second largest impounding reservoir within the SSW supply area and also by two groundwater fed lakes and river intakes. These sources are supplemented by transfer of water from the Roadford WRZ to the east and through pumping from the River Fowey.

3.18 Water can also be released from these reservoirs in times of high supply to either directly supply Wastewater Treatment Works (WwTW) or into local river systems to support abstractions further downstream. The Environment Agency (EA) control the issuing and changing of abstraction licences which is reviewed periodically.

Atmospheric Pollution (Atmospheric Nitrogen Deposition)

3.19 The main pollutants of concern for European sites are oxides of nitrogen (NO_x), ammonia (NH_3) and sulphur dioxide (SO_2). NO_x can have a directly toxic effect upon vegetation. In addition, greater NO_x or ammonia concentrations within the atmosphere will lead to greater rates of nitrogen deposition to soils. An increase in the deposition of nitrogen from the atmosphere to soils is generally regarded to lead to an increase in soil fertility, which can have a serious deleterious effect on the quality of semi-natural, nitrogen-limited terrestrial habitats.

Table 3: Main sources and effects of air pollutants on habitats and species

Pollutant	Source	Effects on habitats and species
Acid deposition	SO_2, NO_x and ammonia all contribute to acid deposition. Although future trends in S emissions and subsequent deposition to terrestrial and aquatic ecosystems will continue to decline, it is likely that increased nitrogen emissions may cancel out any gains produced by reduced sulphur levels.	Can affect habitats and species through both wet (acid rain) and dry deposition. Some sites will be more at risk than others depending on soil type, bed rock geology, weathering rate and buffering capacity.
Ammonia (NH_3)	Ammonia is released following decomposition and volatilisation of animal wastes. It is a naturally occurring trace gas, but levels have increased considerably with expansion in numbers of agricultural livestock. Ammonia reacts with acid pollutants such as the products of SO_2 and NO_X emissions to produce fine ammonium (NH_4^+) containing aerosol which may be transferred much longer distances (can therefore be a significant trans-boundary issue.)	Adverse effects are as a result of nitrogen deposition leading to eutrophication. As emissions mostly occur at ground level in the rural environment and NH_3 is rapidly deposited, some of the most acute problems of NH_3 deposition are for small relict nature reserves located in intensive agricultural landscapes.
Nitrogen oxides NO_x	Nitrogen oxides are mostly produced in combustion processes. About one quarter of the UK's emissions are from power stations.	Deposition of nitrogen compounds (nitrates (NO_3), nitrogen dioxide (NO_2) and nitric acid (HNO_3)) can lead to both soil and freshwater acidification. In addition, NO_x can cause eutrophication of soils and water. This alters the species composition of plant communities and can eliminate sensitive species.
Nitrogen (N) deposition	The pollutants that contribute to nitrogen deposition derive mainly from NO_X and NH_3 emissions. These pollutants cause acidification (see also acid deposition) as well as eutrophication.	Species-rich plant communities with relatively high proportions of slow-growing perennial species and bryophytes are most at risk from N eutrophication, due to its promotion of competitive and invasive species which can respond readily to elevated levels of N. N deposition can also increase the risk of damage from abiotic factors, e.g. drought and frost.
Ozone (O_3)	A secondary pollutant generated by photochemical reactions from NO_x and volatile organic compounds (VOCs). These are mainly released by the combustion of fossil fuels. The increase in combustion of fossil fuels in the UK has led to a large increase in background ozone concentration, leading to an increased number of days when levels across the region are above 40ppb. Reducing ozone pollution is believed to require	Concentrations of O_3 above 40 ppb can be toxic to humans and wildlife and can affect buildings. Increased ozone concentrations may lead to a reduction in growth of agricultural crops, decreased forest production and altered species composition in semi-natural plant communities.

	action at international level to reduce levels of the precursors that form ozone.	
Sulphur Dioxide SO_2	Main sources of SO_2 emissions are electricity generation, industry and domestic fuel combustion. May also arise from shipping and increased atmospheric concentrations in busy ports. Total SO_2 emissions have decreased substantially in the UK since the 1980s.	Wet and dry deposition of SO_2 acidifies soils and freshwater, and alters the species composition of plant and associated animal communities. The significance of impacts depends on levels of deposition and the buffering capacity of soils.

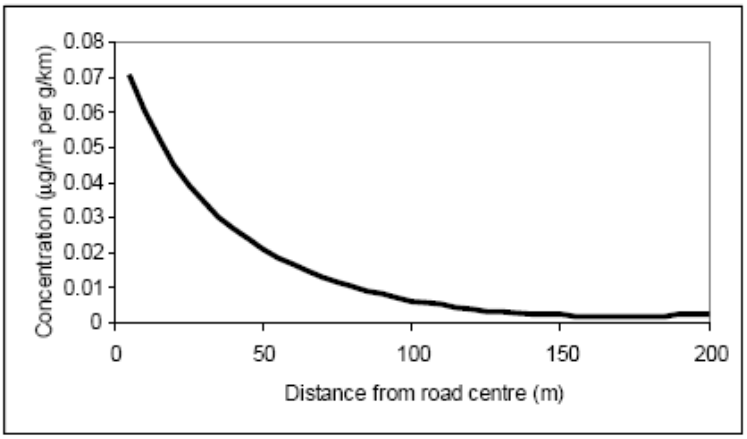
3.20 Sulphur dioxide emissions are overwhelmingly influenced by the output of power stations and industrial processes that require the combustion of coal and oil. Ammonia emissions are dominated by agriculture, with some chemical processes and some traffic (such as petrol cars) also making notable contributions. It is therefore unlikely that material increases in SO_2 emissions will be associated with Local Plans or Neighbourhood Plans. NO_x emissions, however, are dominated by the output of vehicle exhausts. Within a 'typical' housing development, by far the largest contribution to NO_x (92%) will be made by the associated road traffic. Other sources, although relevant, are of minor importance (8%) in comparison[19]. Emissions of NO_x could therefore be reasonably expected to increase as a result of greater vehicle use as an indirect effect of the Neighbourhood Plan.

3.21 According to the World Health Organisation, the critical NO_x concentration (critical threshold) for the protection of vegetation is 30 μgm^{-3}; the threshold for sulphur dioxide is 20 μgm^{-3}. In addition, ecological studies have determined 'Critical Loads'[20] of atmospheric nitrogen deposition (that is, NO_x combined with ammonia NH_3) for key habitats within European sites.

Local Air Pollution

3.22 According to the Department of Transport's Transport Analysis Guidance, "*Beyond 200 m, the contribution of vehicle emissions from the roadside to local pollution levels is not significant*"[21].

Plate 1. Traffic contribution to concentrations of pollutants at different distances from a road (Source: DfT)



3.23 This is therefore the distance that is used throughout the HRA process in order to determine whether a European site is likely to be significantly affected by development under a Plan.

[19] Proportions calculated based upon data presented in Dore CJ et al. 2005. UK Emissions of Air Pollutants 1970 – 2003. UK National Atmospheric Emissions Inventory. http://www.airquality.co.uk/archive/index.php

[20] The Critical Load is the rate of deposition beyond which research indicates that adverse effects can reasonably be expected to occur

[21] www.webtag.org.uk/archive/feb04/pdf/feb04-333.pdf

4. Test of Likely Significant Effects (LSEs)

4.1 The initial scoping of European designated sites illustrated in Table 1 identifies that some sites are potentially vulnerable to:

- Recreational pressure
- Water quality and Water resources
- Air Quality

4.2 The full test of LSEs for the St. Newlyn East Neighbourhood Plan policies is presented in Appendix B. The assessment took into consideration the above potential vulnerabilities of the European sites included in Table 1.

Summary of LSEs

4.3 Of the 29 Neighbourhood Plan policies, five policies, were considered to pose likely significant effects in combination with other plans and projects, including the existing Local Plan policies and allocations:

- Policy No. NEM14 Land off Halt Road, St Newlyn East – residential development up to 120 dwellings.
- Policy No. NEM15 Redevelopment of Land at Chapel Terrace, Mitchell – Provision for new dwellings.
- Policy No. NEM17 Land rear of Metha Row, St Newlyn East – Provision for creative workshop spaces for micro-businesses, and a public car park.
- Policy No. NEM26 New Community Facilities at Mitchell - Land at Four Winds, Mitchell provision for new community facilities.
- Policy No. NEM18 Land off the A3076, Mitchell – Provision for employment development.

4.4 The above policy provides for the following realistic potential linking impact pathways that could result in LSEs on European sites in combination:

- Recreational pressure: as a result of new residential dwellings, business development and tourist facilities. (Policies: NEM14, NEM15)
- Water quality and resources: increased demand for water and increased effluent as a result of increased accommodation and business uses. (Policies: NEM14, NEM15, NEM17, NEM18, NEM26)
- Air quality: increase in nitrogen deposition rates within SPA designated habitats located within 200m of major journey-to-work routes. (Policies: NEM14, NEM15, NEM17, NEM18)

4.5 All remaining policies are development management policies that do not provide impact pathways that link to European sites. The impact pathways screened in for these policies are discussed further below, to determine whether a likely significant effect can in fact be dismissed.

Recreational Pressure

Newlyn Downs SAC

4.6 Newlyn Downs SAC is a relatively isolated site, which is designated for European dry heathland and wet heathland with Dorset heath and cross leaved heath. The Site Improvement Plan (SIP)[22] highlights public access and disturbance as a pressure for the site and details that "t*he site is well used by dog walkers and there is evidence of dog fouling*" but that it needs further investigation to determine an impact. The more up to date Supplementary Advice on Conservation Objectives (SACO)[23], however, does not highlight recreational pressure as a current issue at the site.

[22] http://publications.naturalengland.org.uk/publication/4660079634677760 Accessed 03/11/2022
[23] http://publications.naturalengland.org.uk/file/5388395685871616 Accessed 03/11/2022

4.7 Recreation pressure at Newlyn Downs SAC was screened out of the Cornwall Local Plan HRA[24]. The HRA detailed that "*Newlyn Downs SAC is a relatively isolated site. This site lies within the St Agnes and Perranporth CNA. Since there are no large settlements in this CNA the amount of housing planned until 2030 is relatively small, at 610 dwellings ... This represents an increase of 7% on the existing and committed housing stock of 8,933 dwellings. St Newlyn East is the only settlement within the CNA identified to receive additional housing and which is relatively close to the SAC (approximately 1km to the north). However, this is a small settlement with a population of less than 2,000 people. As such it is unlikely to receive more than 100 new dwellings over the Local Plan period and its population is therefore unlikely to significantly change … Given the low present and future population density around Newlyn Downs SAC (particularly within 5km) it is considered that an adverse effect on the integrity of this SAC will not result from Local Plan development*". The Cornwall Local Plan does not make specific reference to total numbers of dwelling expected to be allocated within the Parish over the Plan period, however a total of 1,100 dwellings are allocated within the CNA which the Parish is part of. The Neighbourhood Plan itself details two sites for residential development, one site with up to 120 dwellings. The second site, at the time of writing did not have a quantum of development associated with it. Although these numbers are slightly higher for the Parish than was postulated within the Cornwall Local Plan HRA, the HRA did conclude that the number of dwellings allocated within the County and the St. Agnes and Perranporth CNA would not adversely affect the SAC with regards to recreation. Additionally, given that the SACO does not detail any current recreational impacts on the SAC. it is confirmed the Neighbourhood Plan does not pose a likely significant effect for Newlyn Downs SAC with regards to recreational pressure and can be screened out from further assessment.

Penhale Dunes SAC

4.8 Penhale Dunes SAC is an extensive and exposed calcareous dune system forming the largest dune system in Cornwall. The majority of the dunes are fixed grey dunes colonised with marram (*Ammophila sp.*) and red fescue (*Festuca rubra*) grasses but the SAC also supports humid dune slacks and dunes with creeping willow (*Salix repens*). The SIP[25] highlights that "*nutrient enrichment to dune habitats and rare plants caused by dog fouling is a concern. Moreover, due to the increasing use of the southern (non-MOD) part of the site by the public and horse-riders, (motorbike use of the site has been a problem in the past), there is potential for adverse impacts on sensitive species as a result of excessive trampling by horses, walkers, and cyclists*".

4.9 Although recreational pressure was screened out within the Cornwall Local Plan HRA (2013). A visitor survey has since been commissioned by Cornwall Council which highlighted that an increase in recreational pressure would cause a likely significant effect without mitigation. This will therefore be discussed further within the Appropriate Assessment.

Fal and Helford SAC

4.10 Fal and Helford SAC is designated for coastal and estuarine habitats the majority of which are not vulnerable to trampling from walkers, the main habitat susceptible to trampling is salt marsh which is generally isolated from recreational areas. Some of the habitats are however vulnerable to abrasion from boating and disturbance from bait digging.

4.11 Although recreational pressure was screened out within the Cornwall Local Plan HRA (2013). A visitor survey has since been commissioned by Cornwall council which highlighted that an increase in recreational pressure would cause a likely significant effect without mitigation. This will therefore be discussed further within the Appropriate Assessment.

4.12

Carrine Common SAC

4.13 Carrine Common SAC consists of the second largest area of Dorset heath in Cornwall and the site represents both dry and wet vegetation types. The majority of the Dorset heath occurs within lowland dry heath. The occurrence here of Dorset heath in dry heath on soils that are more free-draining is not typical and is thought to reflect Cornwall's highly oceanic climate.

4.14 Carrine Common SAC was discussed with regards to recreational pressure within the 2013 HRA detailing *"Although this SAC is common land, opinion from the Council is that this area is not extensively used for*

[24] Cornwall Local Plan Habitat Regulations Assessment (HRA) - DocsLib Accessed 03/11/2022
[25] http://publications.naturalengland.org.uk/publication/5642089547169792 Accessed 03/11/2022

recreation and the population increase expected due to Local Plan housing levels (not including dwellings that already have planning permission and therefore constitute future baseline) is small.". The 2016 HRA went further to say that "*the 2015 visitor survey did not encounter a single visitor to the site, notwithstanding its close proximity to Truro. These sentiments have been mirrored by Natural England who agree… that there is no basis currently to conclude that any adverse effect is expected.*"

4.15 The SAC is approximately 9.8km from the Neighbourhood Plan area at its closes point and given that the close proximity of the SAC to Truro does not increase the recreational pressure on the site, it can be concluded that the Neighbourhood Plan would not increase recreational pressure at the SAC and that the contribution of the St. Newlyn & Mitchell Neighbourhood Plan would also not cause a likely significant effect on the SAC.

Bristol Channel Approaches SAC

4.16 The Bristol Channel Approaches SAC spans the Bristol Channel between the northern coast of Cornwall into Carmarthen Bay in Wales. The site has been identified for the protection of harbour porpoise and is within the Celtic and Irish Seas (CIS) Management Unit, additionally encompassing the Lundy Marine Conservation Zone.

4.17 This SAC covers an area of 5,850 km2, which is over six times the size of the Dartmoor National Park, and supports a diversity of habitat types, from reefs to mudflats. Water depth ranges from Mean Low Water (MLW) down to 70 m along the western boundary. Harbour porpoise presence varies seasonally within this site. Porpoises occur within the site year round but during the winter, persistently higher densities of harbour porpoise occur compared to other parts of the Management Unit. The Neighbourhood Plan area lies approximately 3km south east inland of the SAC.

4.18 Porpoises are vulnerable to underwater noise created by a range of activities including recreational boating and injury and mortality by collision with recreational boats. The JNCC Conservation Objectives and Advice on Operations[26] (2019) states that there are "*cruising routes throughout the site. Some pockets of higher sailing and racing activity around Tenby (Wales) and Padstow (Cornwall) and between Barnstaple (Devon) and Lundy Island. Wildlife watching organisations also operate in the SAC*". Recreation that will affect the porpoise e.g., recreational boating is likely to occur at a much lower rate than on land recreation (e.g., dog walking) and may not be as significantly affected by an increase in residential dwellings in close proximity to the site. This is because it is likely that a significant proportion of recreational boating activity, such as wildlife watching is likely to be a tourist related activity.

4.19 The SAC was discussed within the Cornwall Local Plan HRA 2016 where it notes that *The Draft Conservation Objectives and Advice on Operations document for the Bristol Channel Approaches pSAC notes that 'Disturbance of harbour porpoise generally, but not exclusively, originates from activities that cause underwater noise' (which won't be associated with the Cornwall Plan) and that 'Any disturbance should not lead to the exclusion of harbour porpoise from a significant portion of the site for a significant period of time'. So, in other words any disturbance would have to be substantial for it to potentially affect the population. Collision with recreational boats (and shipping and tidal energy installations etc.) is mentioned as an activity that may have an impact but this is also noted as being 'medium/low' risk. The Draft Conservation Objectives and Advice on Operations document adds that 'Post-mortem evidence indicates that few collisions between harbour porpoise and vessels occur and is not a significant pressure for this species'. Based on this information, the above noted pressures upon the newly proposed Bristol Channel Approaches pSAC designated for harbour porpoises can be screened out from further consideration*".

4.20 Given that the Cornwall Local Plan HRA 2016 was able to dismiss significant effects from the plan, it can also be concluded that increase in residential dwellings within the St. Newlyn & Mitchell Neighbourhood Plan, which is just a small portion of the Cornwall allocation, would not have a likely significant effect either alone or in combination with other plan and projects.

Water Quality and Resources

Water Resources

4.21 The St. Newlyn Parish sits within the South West Water (SSW) supply area and within the Colliford Water Resource Zone (WRZ). The water supply within the Colliford WRZ comes from the Colliford Reservoir which

[26] Bristol Channel Approaches MPA: Conservation Objectives and Advice on Operations (jncc.gov.uk) Accessed 03/11/2022

is the second largest impounding reservoir within the SSW supply area and also by two groundwater fed lakes and river intakes. These sources are supplemented by transfer of water from the Roadford WRZ to the east and through pumping from the River Fowey.

4.22 Water can also be released from these reservoirs in times of high supply to either directly supply Wastewater Treatment Works (WwTW) or into local river systems to support abstractions further downstream. The Environment Agency (EA) control the issuing and changing of abstraction licences which is reviewed periodically.

4.23 Europeans sites which are listed as vulnerable within the SIP to changes in hydrology within 10km of the Neighbourhood Plan area include:

- Penhale Dunes SAC – the SIP details that the lowering of the water table can be damaging to petalwort and shore dock, which are sensitive to drying out and reside within the qualifying interest humid dune slacks.
- Breney Common and Goss and Tregoss Moors SAC – although the site is vulnerable to hydrological change, the SIP states that the hydrological regime is not properly understook and requires further modelling. The main impact of the hydrological regime is thought to be extra evapotranspiration caused by invading scrub. The Neighbourhood Plan does not control scrub maintenance on the site and therefore can be screened out of further assessment.
- River Camel SAC – the SAC is just outside of the 10km buffer which is looked at to identify a general zone of impact. However, with regards to water resources for the South West, the River Camel is heavily abstracted by SSW which supplies water to the Neighbourhood Area and the rest of Cornwall. Therefore, an increase in residential development in the Parish, may in combination affect the SAC through higher rates of abstraction and therefore has been included here for discussion. The SIP details that "*the South West Water (SWW) De Lank abstraction and the unlicensed abstraction on the Allen to Hingham Mill may be affecting river flows. The Hingham Mill abstraction is a priority to resolve as it is likely to be affecting salmon movement up the Allen. The Keningstock abstraction also results in a heavily depleted reach*".

4.24 The Cornwall Local Plan HRA 2013 assessed potential in-combination impacts of development on the water resources of European sites and concluded: "*In the case of South West Water… No reductions were required with regard to the River Camel or other European sites… Relatively few measures are proposed in the WRMP as being necessary to ensure adequate water supply in the Cornwall area until 2034; they are restricted largely to water efficiency measures and new tariffs… The WRMP does not indicate that any increase in existing licenced abstraction rates/volumes from the River Camel or any other European sites will be required to secure additional resources to supply Cornwall. As such it is considered that no adverse effect on the integrity of any European sites would arise from the supply strategy for Cornwall over the Local Plan period as set out in the WRMP*".

4.25 Additionally, the overarching Local Plan includes Policy 26: Flood Risk Management and Coastal Change. The policy states, "*Development should be sited, designed, of a type and where necessary relocated in a manner that:… c) enables or replicates natural ground water and surface water flows and decreases surface water runoff..*" and Policy 23: Natural Environment which states "*Proposals having an adverse impact on the integrity of such areas* [European sites] *that cannot be avoided or adequately mitigated to remove any adverse effect will not be permitted other than in exceptional circumstances where a) no alternatives, b) imperative reasons of overriding public interest* [IROPI]*".* Together these two policies provide protection to the sustained natural eb and flow of rivers and ground water which are part of the structure and function of the Penhale Dunes SAC and River Camel SAC. Where it is not possible to maintain the correct hydrological conditions proposals would not be accepted. Polices within the overarching Local Plan must be adhered to by the Neighbourhood Plan and any developments allocated within it.

4.26 As well as, providing protective policies relating to European sites and the replication of natural ground water and surface water flows, the overarching Cornwall Local Plan and the supplier of drinking water to the Neighbourhood Plan area were able to conclude that there would not be any increase in abstraction, and therefore no changes in hydrological regime due to water supply demand. It can also therefore be concluded that the Neighbourhood Plan contribution to increase in demand would also not cause a likely significant effect either alone or in-combination with other plans and projects and can therefore be screened out.

Water Quality

4.27 South West Water (SSW) supplies water treatment services for the St. Newlyn & Mitchell Neighbourhood Plan area. Areas within the parish serviced by mains sewage lines are likely to be treated at the Sewage Treatment Works (STW) east of Rosecliston and the A3075 and south of the River Gannel.

4.28 Increased amounts of housing or business development can lead to reduced water quality in rivers and estuarine environments. Sewage and industrial effluent discharge and runoff due to construction activities can contribute to increased nutrients in European sites, ultimately leading to unfavourable conditions. In addition, diffuse pollution, partly from urban runoff has been identified during an Environment Agency Review of Consents process and a joint Environment Agency and Natural England evidence review, as being a major factor in causing unfavourable condition of European sites.

4.29 Europeans sites which are listed as vulnerable within the SIP to changes in water quality within 10km of the Neighbourhood Plan area include:

- Breney Common and Goss and Tregoss Moors SAC – The SIP states that the main issue with water pollution with the site is run-off from agricultural land, the A30 and railway adjacent to the site. The site is approximately 5km from the Neighbourhood Plan area, increased residential or employment development within the Parish would not contribute to increased run-off from agriculture or current roads/railways. This SAC can be screened out as no linking impact pathways and will not be discussed further.
- Fal &Helford SAC – the SIP for Fal & Helford SAC discusses that the site is impacted by diffuse and point source pollution from nutrient and organic enrichment, suspended solids and changes in the salinity regieme. Toxic algal blooms have been recorded within the SAC and the Helford River is known to be highly nutrient enriched. However, the Neighbouhood Plan area sits within the Gannel Porth & Menalhyl Operational Catchment[27]. The rivers likely to receive treated effluent from the Neighbouhood Plan area within this catchment flow north west towards Newquay and out into the Bristol Channel/North Cornwall Coast. Given that any treated effluent will not travel into the Fal & Helford SAC from the Neighbourhood Plan area, this SAC can be screened out as no linking impact pathways and will not be discussed further.
- River Camel SAC – Although slightly outside of the 10km buffer that is used generally to identify a zone of influence around the Neighbourhood Plan area, the SAC has been included in water discussion due to potential links to abstraction and water supply. The SAC is included in the discussion of water quality for completeness. The SIP highlights that both Water Framework Directive phosphorous targets (50ug/l) and the SAC phosphorous targets (40ug/l) are currently exceeded downstream of Nanstallion STW and the St. Breward STW. As well as detailing that the most recent Environment Agency (EA) model for the River Allen (part of the River Camel SAC) predicts that orthophosphate are significantly elevated downstream of the St. Maybyn, St. Teath and Delabole STWs which also contribute to breaches of the phosphorous targets set out in the conservation objectives. However, the Neighbourhood Plan area sits within the Gannel Porth & Menalhyl Operational Catchment which does not connect to the River Camel SAC. The rivers likely to receive treated effluent from the Neighbourhood Plan area within this catchment flow north west towards Newquay and out into the Bristol Channel/North Cornwall Coast. Given that any treated effluent will not travel into the River Camel SAC from the Neighbourhood Plan area, this SAC can be screened out as no linking impact pathways and will not be discussed further.
- Bristol Channel Approaches SAC – The Conservation Objectives and Advice on Operations (2019) document highlights that the impact pf pollution on harbour porpoise is from contaminants such as PCB and metals from historical mining operations. The document goes on to state "*Most of the relevant pollutants have been effectively phased out of use by action under the OSPAR Convention and, more recently, the EU (through Council Directives 67/548/EEC and 76769/EEC and the Stockholm convention, which restrict the marketing and use of PCBs; plan for disposal of PCBs; and eliminate or restrict the production and use of persistent organic pollutants [POPs])*". Given that the use of these contaminants are controlled at a European level, the development within the Neighbourhood Plan area is unlikely to increase the level of these contaminants through an increase in effluent, this SAC can be screened out as no linking impact pathways and will not be discussed further.

4.30 Additionally, the Cornwall Local Plan provides some overarching protection with regards European sites e.g. Policy 23: Natural Environment where development will not be permitted if there is an adverse effect on

[27] Gannel Porth and Menalhyl Operational Catchment | Catchment Data Explorer Accessed 04/11/2022

European sites, and also to pollution specifically, including Policy 13: Development Standards which says "*All new development will be expected to achieve the provision of the following:… 5. Avoidance of adverse impact, either individuals or cumulatively, resulting from noise, dust, odour, vibration, vermin, waste, pollution and visual effects. Such adverse impact should be avoided or mitigated during the construction, operation or restoration stage of the development*". Policy 28: Infrastructure also provides means for this protection, which highlights that "*Developer contributions will be sought to ensure the necessary physical, social, economic and green infrastructure is in place to deliver a development*". Within the supporting text of this Policy, it goes on to detail that "*The Council will continue to work in partnership with infrastructure providers and other delivery agencies to keep an up to date Infrastructure Delivery Plan that will enable proposals, in accordance with the spatial objectives, to be brought forward.*

Particular importance is placed upon the provision of adequate sewerage and sewage waste treatment facilities. In areas where development without the provision of adequate facilities could impact on the integrity of the designated or candidate international wildlife sites, including the Fal and Helford and River Camel SACs and Tamar Estuaries Complex SPA development proposals will be refused where there is an impact in line with Policy 22 of this Plan".

4.31 As the Neighbourhood Plan must adhere to the protective policies of the overarching Local Plan and given that an increase in effluent will not flow into sensitive European sites or will not contribute to an increase in contaminants for which harbour porpoise are sensitive it can be concluded that the St. Newlyn & Mitchell Neighbourhood Plan will not pose likely significant effects to European sites either alone or in combination and can be screened out from further discussion.

Air Quality

4.32 The following Europeans sites are vulnerable within the SIP to changes in air quality within 10km of the Neighbourhood Plan area: Newlyn Downs SAC. Penhale Dunes SAC, Breney Common & Goss and Tregoss Moors SAC, Fal & Helford SAC, Carrine Common SAC and St Austell Claypits SAC:

4.1 Since the effect of growth on air quality is an in-combination issue, and this matter was looked at strategically in the HRA of the Local Plan which included growth in the St Newlyn & Mitchell Neighbourhood Plan area, the conclusions of the Cornwall Local Plan HRA are discussed below.

4.2 The HRA of the Cornwall Local Plan identified several European sites that were vulnerable to air pollution and within 200m of a major road (A30).

4.3 Traffic modelling was undertaken within the Cornwall Local Plan HRA which showed a change in flow of over 1,000 AADT as a result of the Local Plan development, compared to projected 2030 baselines if the Local Plan was not implemented; however, this does not necessarily mean an adverse effect would occur. Further calculations were undertaken, which showed that with regards to NOx concentrations, the Local Plan would not exceed 1% of the Critical Level within the modelled transects and, most importantly, total cumulative NOx concentrations at the SAC (174m from the A30 at its closest) would remain below the Critical Level for the protection of vegetation. The HRA states: '*Since the critical level (the empirically established concentration above which some adverse effects on vegetation may potentially occur) will not be exceeded there is no possibility of an adverse effect on the vegetation for which the European sites are designated.'* This is also true for the nitrogen deposition calculations which for Newlyn Downs SAC will not exceed 1% of the Critical Load and will remain below the minimum Critical Load range.

4.4 As the HRA for the Cornwall Local Plan HRA has scoped out adverse effects upon European sites and the St. Newlyn East Neighbourhood Plan is not allocating additional housing or employment space above and beyond the Local Plan allocations it can also be concluded that the St. Newlyn & Mitchell Neighbourhood Plan will not cause adverse effect upon European sites with regards to air pollution.

4.1 Therefore, it is concluded that the St. Newlyn East Neighbourhood Plan will not result in adverse effects on the integrity of European sites regarding air quality.

5. Appropriate Assessment

‘

‘In combination’ Assessment

5.1 Policies NEM14 and NEM15 are allocated to provide net new residential development within the Neighbourhood Plan Area, these policies were discussed within the ToLSE and may result in likely significant effects without mitigation, through the impact pathway of recreational pressure on Penhale Dunes SAC and Fal & Helford SAC. Recreational pressure is inherently an in-combination pathway and therefore the Appropriate Assessment will be discussed in-combination below.

Recreational Pressure

Penhale Dunes SAC

5.2 As discussed within the ToLSE, the effect on recreation pressure at Penhale Dunes SAC was screened out of the Cornwall Local Plan HRA 2013 which stated: “*A roughly 10% increase in local visitors over what would otherwise occur is likely to be a considerably smaller increase in visitors overall since the majority of visitors to this SAC are probably tourists. While resident visitors are still likely to be in the minority compared to tourists there may be an overall increase in pressure. However, any effect would clearly be tourist driven and severe controls on local housing delivery are therefore not appropriate. Such an increase is unlikely to result in a significant change being required in current access management protocols being used by Cornwall Wildlife Trust but may mean additional resources are required*”.

5.3 However, since then a visitor survey was commissioned by Cornwall Council to assess the impact of recreational pressure on Penhale Dunes SAC. The visitor survey showed that 95% of visitors from within Cornwall arrived at the site by car and commented that *“There is not a clear, distance linked uniform pattern of visitor origin by increased distance from the site… it is perhaps not the physical distance to the site which best reflects the* [recreational] *catchment of the site, but the ease at which the site can be reached via the road network*”. The ease of access to the site by car has meant that the recreational catchment area e.g. the zone within which 75% of visitors reside is much larger than would on average be seen for terrestrial sites. The zone within which 75% of visitors reside for Penhale Dunes SAC is 12.5 km. With the increase in residential properties allocated within the Cornwall Local Plan the European Sites SPD concluded “*In light of a 23% increase in housing within 12.5km of Penhale, a 21% increase in recreational visits is expected. This could increase recreational pressure on the site to the extent that there may be significant effects, if not mitigated”*.

5.4 Mitigation for recreational pressure can go forward in two ways. Either taking the form of managing access and visitor behaviour near and within European sites, making the site more resilient or by providing appropriate alternatives for recreation to draw users away from the European sites. The council has taken the approach of the former, Strategic Access Management and Monitoring (SAMM). The council produced the European Sites Mitigation Supplementary Planning Document[28] (SPD) (2021) which contains the strategic management plan for Penhale Dunes.

5.5 The aim of the SAMM Plan is to raise awareness of the causes of harm and influence better behaviours on site. The SAMM Plan was created in conjunction with Cornwall Wildlife Trust who manage the SAC and is designed to cover impacts in perpetuity which has been calculated to run over 80 years. Four measures have been identified to be required to manage recreational pressure on the SAC, these are:

- Dog warden visits once a week to enforce dog fouling and undertake proactive work with dog walkers educating them about the site and who it is important to pick up after their dog.
- Dog fouling campaign to raise awareness of SAC using Cornwall Council Comms team to deliver press releases, social media and radio/TV interviews.
- Replacing wooden demarcation bollards which prevent parking within the SAC.

[28] European Sites Mitigation Supplementary Planning Document. (cornwall.gov.uk) Accessed 03/11/2022

- Improvements to parking area to prevent parking on verges (wooden teeth etc.)

5.6 SAMM mitigation is undertaken strategically through Cornwall Council, however, financial provision for these mitigation measures are required to be paid through developer contributions. The SAMM Plan for Penhale Dunes requires anyone within 12.5km (core recreational catchment) to pay £180 per unit/dwelling.

5.7 The requirement of mitigation for recreational pressure on Penhale Dunes is set out within Policy 22: European Protected Sites – Mitigation of Recreational Impacts From Development in the Cornwall Local Plan which states "*For residential development and student and tourist accommodation, mitigation measures for recreational impacts on European Sites will be required where development is proposed within the identified zones of influence around those European Sites that are vulnerable to adverse recreational impacts. Residential development, student and tourist accommodation within these zones of influence will be required to provide for appropriate management, mitigation and monitoring on site, and/ or financial contributions towards of site mitigation and management. This will need to be agreed and secured prior to approval of the development. Mitigation measures will include:*

• On site access and management
• Of-site provision of suitable alternative recreational facilities

The required level of contributions will be set out in more detail in the European Sites Mitigation Strategy Supplementary Planning Document."

5.8 As the Neighbourhood Plan must adhere to the overarching Local Plan any allocated development within the St. Newlyns Parish, as the Parish is fully within the 12.5km core recreational zone, must contribute to SAMM for the Penhale Dunes SAC.

5.9 The neighbourhood Plan does not currently have a Policy which mentions the mitigation requirements of Penhale Dunes. **Therefore, it is recommended that a paragraph referencing Policy 22 of the Cornwall Local Plan is added to Policy No. NEM1. As an example, text could include "All development within St. Newlyn Parish must adhere to Policy 22 of the Cornwall Local Plan and provide SAMM contributions per dwelling with regards to mitigation recreational pressure on Penhale Dunes SAC, in line with the European Sites Mitigation SPD (2021) or any subsequent document."**

5.10 Should the above recommendation be incorporated into the final Neighbourhood Plan document it can be concluded that the St. Newlyn and Mitchell Neighbourhood Plan would not cause an adverse effect on the integrity of Penhale Dunes SAC either alone or in-combination with other plans or projects.

Fal & Helford SAC

5.11 The Cornwall Local Plan HRA 2013 discussed a precautionary recreational pressure core catchment for the site as 10km given that the site is coastal and therefore has a much larger draw for recreation than inland sites. The HRA assumed a worst case scenario of a 10% increase in population within all CNAs within 10km of the SAC for the Plan period which it determines would be a sufficiently large enough increase if the interest features were sufficiently vulnerable, to cause an adverse effect. However, the HRA explained "*most of the habitats and species for which the SAC is designated are not particularly vulnerable to recreational pressure*[29]*. The main designated habitat of vulnerability is saltmarsh, which is only present over restricted areas of the SAC, principally the upper reaches of Fal-Ruan Creek, Restronguet Creek and Calenick Creek. Fal-Ruan Creek is isolated from any significant settlements, but Calenick Creek is very close to Truro.*" Although Calenick Creek is close to Truro the HRA went on to detail that "*commercial operations are generally of greater concern than recreational activities within this SAC. As such, it is probable that the SAC has sufficient capacity to absorb the relatively small increase in visitors. However, a monitoring scheme*[30] *is in place to ensure that a response can be made to manage recreational pressure if required and the Council will need to ensure that this monitoring continues and commit to involvement in the delivery of any access management measures deemed necessary*". However, the monitoring scheme focused mostly on commercial operation aspects of monitoring.

5.12 The HRA has since been updated[31] which detailed that a further 1,800 dwellings were being proposed within the core recreational catchment which is a 22% increase in population over the previous HRA. The 2016

[29] Reefs would be vulnerable to abrasion from boats, but recreational boat users will seek to avoid reefs as much as possible. Shore dock would be vulnerable but it is not present within an easily accessible location.
[30] 050721_Management Scheme_For Printing (3).pdf Accessed 03/11/2022
[31] AECOM, 2016. Habitats Reglations of Proposed Schedule of Further Significant Changes to the Cornwall Local Plan Strategic Policies Proposed Submission Document. Unpublished.

HRA concluded that "*Any new residential development within 10km of the SAC has the potential to result in likely significant effects upon the SAC as a result of increased pressure from new housing*". This triggered a review of recreational pressure in the form of visitor surveys for the SAC. The results of which found created a 12.5km core recreational zone, where mitigation would be required for new residential dwellings. The mitigation, as with Penhale Dunes SAC, is SAMM developer contributions as set out within the European Sites Mitigation Supplementary Planning Document[32] (SPD) (2021) Part 2 which discusses the costal and marine sites.

5.13 Seven measures have been identified to be required to manage recreational pressure on the Fal & Helford SAC, these are:

- **Patrol / Estuary Officer -** Water based patrols in addition to current harbour authority patrols to look at use of anchoring areas and recreational usage. Educational Workshops for marine / boat club etc operators. SAC awareness to increase the public awareness and appreciation of the Fal and Helford SAC, why it was designated, what is special about it, how users activities could potentially impact on the SAC features etc
- **Writing / Designing Signs** - Material cost of sign and installation (20 no.). Working to signposting people away from sensitive areas, combined with interpretative material providing information about the sensitive areas that they were being directed away from, for example voluntary no anchor zones; codes of conduct.
- **Production of Signs** - Material cost of sign and installation (20 no.) Signs to be renewed every 5 years.
- **Writing and Printing Codes of Conduct** - Voluntary codes of conduct to be developed for various different recreational activities that occur in and around the Fal and Helford SAC, as has been done in other sites. Zoning could be included as part of the code of conduct, which could direct people away from certain activities depending on the location of sensitive habitats.
- **Putting out Buoys around No Anchor Zones –** work package cost
- **Beach Cleans Monitoring -** Cost to have materials collected disposed of for NEW beach cleans. Early establishment of baseline data and survey methodology for monitoring the site. Visual monitoring of the SAC (every 5 years) to include visitor habits, anchoring locations, site uses, use and success of signs. Visitor Surveys (every 5 years) to gauge visitor number changes, use of the site, use and success of signs and awareness training & events. Monitoring of ecological features of the SAC and its condition including mapping of sensitive areas to identify no anchor zones.

5.14 The cost of the package of SAMM measures in perpetuity (80 years) requires developer contributions of £355 per unit (dwelling) for any development within 12.5km of the SAC.

5.15 As discussed regarding Penhale Dunes, the Neighbourhood Plan should reference overarching policies providing protection to European sites which with regards to the Cornwall Local Plan is Policy 22: European Protected Sites – Mitigation of Recreational Impacts from Development. As no specific policy within the Neighbourhood Plan references this policy or protections for Fal & Helford SAC **it is recommended that a paragraph referencing Policy 22 of the Cornwall Local Plan is added to Policy No. NEM1. As an example, text could include "All development within St. Newlyn Parish must adhere to Policy 22 of the Cornwall Local Plan and provide SAMM contributions per dwelling with regards to mitigation recreational pressure on Fal & Helford SAC, in line with the European Sites Mitigation SPD (2021) or any subsequent document". A single paragraph referencing both Penhale Dunes and Fal & Helford SAC would be sufficient.**

5.16 Should the above recommendation be incorporated into the final Neighbourhood Plan document it can be concluded that the St. Newlyn and Mitchell Neighbourhood Plan would not cause an adverse effect on the integrity of Fal & Helford SAC either alone or in-combination with other plans or projects.

[32] European Sites Mitigation Supplementary Planning Document. (cornwall.gov.uk) Accessed 03/11/2022

6. Conclusions

6.1 This assessment undertook both screening and Appropriate Assessment of the policies and any allocations within the St. Newlyn & Mitchell Neighbourhood Plan.

6.2 Impact pathways considered were: recreational pressure, water quality and resources and air pollution.

6.3 All impact pathways other than recreational pressure were screened out. Recreational pressure was screened out for the following European designated sites in reference to overarching work undertaken for Cornwall Local Plan:

- Newlyn Downs SAC
- Bristol Channel Approaches SAC

6.4 The European designated sites, considered within the Appropriate Assessment for impact pathways that could not be screened out at the screening stage were:

- Penhale Dunes SAC
- Fal and Helford SAC

6.1 It has been concluded that the St. Newlyn East Neighbourhood Plan will not affect the integrity of European sites in relation to recreational pressure due to the overarching provisions of Policy 22 within the Cornwall Local Plan and the Supplementary Planning Documents (SPD) for terrestrial, marine and estuarine sites. Policy 22 sates all new residential, student and tourist accommodation will need to comply with a suite of monitoring and mitigation measures which are described within the SPDs for terrestrial, marine and estuarine sites.

6.2 The Neighbourhood Area lies within the catchment of both Penhale Dunes SAC and Fal & Helford SAC. As no specific policy within the Neighbourhood Plan references this policy or protections for either Penhale Dunes SAC or Fal & Helford SAC **it is recommended that a paragraph referencing Policy 22 of the Cornwall Local Plan is added to Policy No. NEM1. As an example, text could include "All development within St. Newlyn Parish must adhere to Policy 22 of the Cornwall Local Plan and provide SAMM contributions per dwelling with regards to mitigation recreational pressure on Penhale Dunes SAC and Fal & Helford SAC, in line with the European Sites Mitigation SPD (2021) or any subsequent document".**

6.3 With this recommendation implemented it can be concluded that the St. Newlyn East Neighbourhood Plan will not have an adverse effect on the integrity of any European sites in Cornwall, either alone or in combination with other plans and projects.

Appendix A European Sites

Newlyn Downs SAC

Introduction

6.4 Newlyn Downs has the largest area in Cornwall of heath rich in Dorset heath *Erica ciliaris*. The sites selected for *E. ciliaris* heath in Cornwall, where the habitat type is rarer and more fragmented than in Dorset, are important for the representation of the full geographical distribution of Temperate Atlantic wet heaths with *Erica ciliaris* and *Erica tetralix*. Habitats within the site include: inland water bodies (1%), heath, scrub, Maquis and Garrigue, and Phygrana (97%) and other land (including towns, villages, roads, waste places, mine and industrial sites) (2%).

Conservation Objectives[33]

6.5 With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

6.6 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats
- The structure and function (including typical species) of qualifying natural habitats, and
- The supporting processes on which qualifying natural habitats rely

Qualifying Features[34]

6.7 Annex I habitats that are a primary reason for selection of this site:

- Temperate atlantic wet heaths with Erica ciliaris and Erica tetralix

6.8 Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site

- European dry heaths

Environmental Vulnerabilities[35]

6.9 Natural England's Site Improvement Plan identifies the following threats and pressures on the site integrity of the Newlyn Downs SAC:

- Invasive species
- Air pollution: risk of atmospheric nitrogen deposition
- Public access / disturbance

Penhale Dunes SAC

Introduction

6.10 Penhale Dunes in south-west England is an extensive and exposed calcareous dune system where active geomorphological and successional dune processes occur. A wide range of habitats occur within the SAC including coastal sand dunes, sand beaches and Machair (80%), shingle, sea cliffs and islets (3%), inland water bodies (2%), bogs, marshes, water fringed vegetation, and fens (5%), heath scrub Maquis and

[33] http://publications.naturalengland.org.uk/publication/5703529960308736 [Accessed 23/10/2019]
[34] https://sac.jncc.gov.uk/site/UK0030065 [Accessed 23/10/2019]
[35] http://publications.naturalengland.org.uk/publication/4660079634677760 [Accessed 23/10/2019]

Garrigue, and Phygrana (5%), dry grass and Steppes (3%) and mixed woodland (2%). The site is mainly designated for its fixed coastal dunes with herbaceous vegetation (grey dunes) and humid dune slacks.

Conservation Objectives[36]

6.11 With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

6.12 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site

Qualifying Features[37]

6.13 Annex I habitats that are a primary reason for selection of this site:

- Fixed coastal dunes with herbaceous vegetation
- Humid dune slacks

6.14 Annex I habitats present as qualifying features, but not a primary reason for selection of this site:

- Shifting dunes along the shore line with Ammophila arenaria (white dunes)
- Dunes with salix repens ssp. argentea (Salicion arenariae

6.15 Annex II species that are a primary reason for selection of this site:

- Petal wort (Petalophyllum ralfsii)
- Shore dock (Rumex rupestris)
- Early gentian (Gentianella anglica)

Environmental Vulnerabilities[38]

6.16 Natural England's Site Improvement Plan identifies the following threats and pressures on the site integrity of the Penhale Dunes SAC:

- Inappropriate coastal management
- Invasive species
- Change in land management
- Public access / disturbance
- Hydrological changes
- Air pollution: risk of atmospheric nitrogen deposition

[36] http://publications.naturalengland.org.uk/publication/4991159772381184 [Accessed 22/10/2019]
[37] https://sac.jncc.gov.uk/site/UK0012559 [Accessed 22/10/2019]
[38] http://publications.naturalengland.org.uk/publication/5642089547169792 [Accessed 23/10/2019]

Breney Common and Goss and Tregoss Moors SAC

Introduction

6.17 This lowland site exhibits mosaics of various habitats, including European dry heaths, wet heaths, acid grassland, bog, swamp, fen and open water communities. The soil-structure of these sites reflects past mining operations, which caused poor drainage. The resulting extensive wet communities include the localised M14 *Schoenus nigricans – Narthecium ossifragum* mire, closely associated with M25 *Molinia caerulea – Potentilla erecta* mire. There are several species of bog-mosses *Sphagnum* spp., bog asphodel *Narthecium ossifragum*, orchids and some nationally scarce plants, such as yellow centaury *Cicendia filiformis*, marsh clubmoss *Lycopodiella inundata* and pillwort *Pilularia globulifera*. The habitat supports rich assemblages of butterflies (including the Annex II species 1065 marsh fritillary *Euphydryas aurinia*), moths, dragonflies and damselflies, and also a population of European nightjar *Caprimulgus europaeus*.

6.18 Although possibly the site of a former raised bog, this site lying either side of the A30 trunk road and encompassing the River Fowey is now recovering from an intensive period of china clay and gravel extraction. Transition mire has developed in the hollows between ridges and mounds on which dry heathland forms a mosaic with acid grassland. Wet heath merges into *Sphagnum*-dominated fen vegetation with common cottongrass *Eriophorum angustifolium*, round-leaved sundew *Drosera rotundifolia*, bog-myrtle *Myrica gale*, bog asphodel *Narthecium ossifragum*, black bog-rush *Schoenus nigricans* and bog pimpernel *Anagallis tenella*. Of particular note are the nationally scarce plants yellow centaury *Cicendia filiformis*, marsh clubmoss *Lycopodiella inundata* and pillwort *Pilularia globulifera*.

Conservation Objectives[39]

6.19 With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

6.20 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, bymaintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site

Qualifying Features[40]

Annex I habitats that are a primary reason for selection of this site

- Northern Atlantic wet heaths with Erica tetralix
- European dry heaths
- Transition mires and quaking bogs

Annex II species that are a primary reason for selection of this site

- Marsh fritillary butterfly Euphydryas (Eurodryas, Hypodryas) aurinia

[39] http://publications.naturalengland.org.uk/file/4800986124386304
[40] https://sac.jncc.gov.uk/site/UK0030098

Environmental Vulnerabilities[41]

6.21 Natural England's Site Improvement Plan identifies the following threats and pressures on the site integrity of the Breney Common and Goss and Tregoss Moors SAC:

- Undergrazing
- Inappropriate scrub control
- Hydrological changes
- Drainage
- Wildfire/arson
- Habitat fragmentation
- Water pollution
- Air pollution: risk of atmospheric nitrogen deposition

Fal and Helford SAC

Introduction

6.22 The Fal and Helford SAC is a sheltered site on the south-west coast of England comprising diverse substrates and a low tidal range. The sublittoral sandbanks are especially rich in sand invertebrates and eelgrass *Zostera marina*. The maerl beds (*Phymatolithon calcareum* and *Lithothamnion corallioides*) in the lower Fal on St. Mawes Bank and the areas of maerl gravel are of particular conservation importance.

6.23 The SAC also supports sheltered intertidal mudflats and sandflats, which harbour species living within sediments, including amphipods, polychaete worms, the sea cucumber *Leptopentacta elongate* and bivalve molluscs. Due to the sheltered nature of the SAC, the muds, muddy sand and clean sand remain stable.

6.24 Generally, the site supports communities that are representative of marine inlets and shallow bays. There is only a limited input of freshwater and the SAC therefore offers a range of fully marine habitats, such as sheltered inlets and wave-exposed open coast. These support a range of warm water species, a diverse algal flora and maerl *Phymatolithon calcareum* beds. The SAC also supports a large, dispersed population of shore dock *Rumex rupestris* on its rocky shores, totalling 34 plants in 12 colonies.

Conservation Objectives[42]

6.25 With regard to the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

6.26 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring; the extent and distribution of qualifying natural habitats and habitats of the qualifying species;

- the structure and function (including typical species) of qualifying natural habitats;
- the structure and function of the habitats of the qualifying species;
- the supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;
- the populations of each of the qualifying species; and
- the distribution of qualifying species within the site.

[41] http://publications.naturalengland.org.uk/file/5750584523096064
[42] http://publications.naturalengland.org.uk/publication/5176566698999808 [Accessed 22/10/2019]

Qualifying Features[43]

6.27 Annex I habitats that are a primary reason for selection of this site:

- Sandbanks (which are slightly covered by sea water all the time)
- Mudflats and sandflats (not covered by seawater at low tide)
- Large shallow inlets and bays
- Atlantic salt meadows (Glauco-Puccinellietalia maritimae)

6.28 Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site

- Estuaries
- Reefs

6.29 Annex II species that are a primary reason for selection of this site

- Shore dock Rumex rupestris

Environmental Vulnerabilities[44]

6.30 Natural England's Site Improvement Plan identifies the following threats and pressure for the integrity of the Fal & Helford SAC:

- Marine consents and permits: Shipping
- Invasive species
- Water pollution
- Public access / disturbance
- Siltation
- Marine consents and permits: Channel maintenance
- Fisheries: Recreational marine and estuarine
- Fisheries: Commercial marine and estuarine
- Fisheries: Private
- Air pollution: Risk of atmospheric nitrogen deposition

Carrine Common SAC

Introduction

6.31 Carrine Common SAC comprises two main habitat types, including humid and mesophile grassland (60%) and heath, scrub, Maquis and Garrigue, and phygrana (40%).

6.32 Carrine Common consists of a large area of Dorset heath *Erica ciliaris*, and is important for the national geographical distribution of temperate Atlantic wet heaths. The SAC also reflects the ecological variation in this habitat type, because the *E. ciliaris* on Carrine Common occurs on more free-draining soils than is the case in Dorset and elsewhere in Cornwall. This is thought to be due to the prevailing oceanic climate in Cornwall.

Conservation Objectives[45]

6.33 With regard to the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

[43] https://sac.jncc.gov.uk/site/UK0013112 [Accessed 22/10/2019]
[44] http://publications.naturalengland.org.uk/publication/5480087138861056 [Accessed 22/10/2019]
[45] http://publications.naturalengland.org.uk/publication/5193717442936832 [Accessed 22/10/2019]

6.34 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring; The extent and distribution of qualifying natural habitats;

- The structure and function (including typical species) of qualifying natural habitats; and
- The supporting processes on which qualifying natural habitats rely

Qualifying Features[46]

6.35 Annex I habitats that are a primary reason for selection of this site:

- Temperate Atlantic wet heaths with *Erica ciliaris* and *Erica tetralix*

6.36 Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site:

- European dry heaths

Environmental Vulnerabilities[47]

6.37 Natural England's Site Improvement Plan identifies the following threats and pressures for the integrity of the Carrine Common SAC:

- Inappropriate scrub control
- Direct impact from 3rd party
- Air pollution: Risk of atmospheric nitrogen deposition
- Public access / disturbance

St Austell Clay Pits SAC

Introduction

6.38 This is one of three sites selected for western rustwort. St Austell Clay Pits is located in mid-Cornwall within china clay workings and comprises three sub-sites.

Conservation Objectives[48]

6.39 With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

6.40 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

[46] https://sac.jncc.gov.uk/site/UK0012795 [Accessed 22/10/2019]
[47] http://publications.naturalengland.org.uk/publication/5430315816321024 [Accessed 22/10/2019]
[48] European Site Conservation Objectives for St Austell Clay Pits SAC - UK0030282 (naturalengland.org.uk)

Qualifying Features[49]

6.41 Annex II species that are a primary reason for selection of this site

- Western rustwort

Environmental Vulnerabilities[50]

6.42 Natural England's Site Improvement Plan identifies the following threats and pressures on the site integrity of the SAC:

- Inappropriate scrub control
- Invasive species
- Changes to site conditions
- Habitat fragmentation
- Air pollution

Bristol Channel Approaches SAC

Introduction

6.43 This site is designated for its population of harbour porpoise

Conservation Objectives[51]

6.44 With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

6.45 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

Qualifying Features[52]

6.46 Annex II species that are a primary reason for selection of this site

- Harbour porpoise

Environmental Vulnerabilities[53]

6.47 The conservation objectives and advice on activities for the SAC identifies the following threats and pressures on the site integrity of this SAC:

[49] St Austell Clay Pits - Special Areas of Conservation (jncc.gov.uk)
[50] Site Improvement Plan: St Austell Clay Pits - SIP228 (naturalengland.org.uk)
[51] Draft Conservation Objectives and Advice on Activities (naturalresourceswales.gov.uk)
[52] Bristol Channel Approaches / Dynesfeydd Môr Hafren - Special Areas of Conservation (jncc.gov.uk)
[53] Draft Conservation Objectives and Advice on Activities (naturalresourceswales.gov.uk)

- Removal of non-target species (porpoise bycatch)
- Contamination
- Anthropogenic underwater sound
- Death or injury by collision
- Removal of fish by overfishing

River Camel SAC

Introduction

6.48 The river encompasses a range of ecological conditions with both upland and lowland characteristics. The clean, fast-flowing, relatively oligotrophic waters with their stony bottoms are particularly suitable for bullhead, which forms an important part of the total fish biomass.

6.49 The river and its tributaries represent the more upland as well as lowland habitat types utilised by otters, satisfying requirements for adequate food supply throughout the year. The wooded lower reaches of the river provide excellent habitat for resting and breeding.

Conservation Objectives[54]

6.50 With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

6.51 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

Qualifying Features[55]

6.52 Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site

- European dry heaths
- Old sessile oak woods with Ilex and Blechnum in the British Isles
- Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) * Priority feature

6.53 Annex II species that are a primary reason for selection of this site

- Bullhead *Cottus gobio*
- Otter *Lutra lutra*

6.54 Annex II species present as a qualifying feature, but not a primary reason for site selection

- Atlantic salmon *Salmo salar*

[54] http://publications.naturalengland.org.uk/file/5109107078201344
[55] https://sac.jncc.gov.uk/site/UK0030056

Environmental Vulnerabilities[56]

6.55 Natural England's Site Improvement Plan identifies the following threats and pressures on the site integrity of the River Camel SAC:

- Water pollution
- Inappropriate weirs dams and other structures
- Invasive species
- Water abstraction
- Forestry and woodland management
- Deer

[56] http://publications.naturalengland.org.uk/file/5594176032866304

Revision: 0 Drawn: AG Checked: JR Approved: JR Date: 2022-11-10

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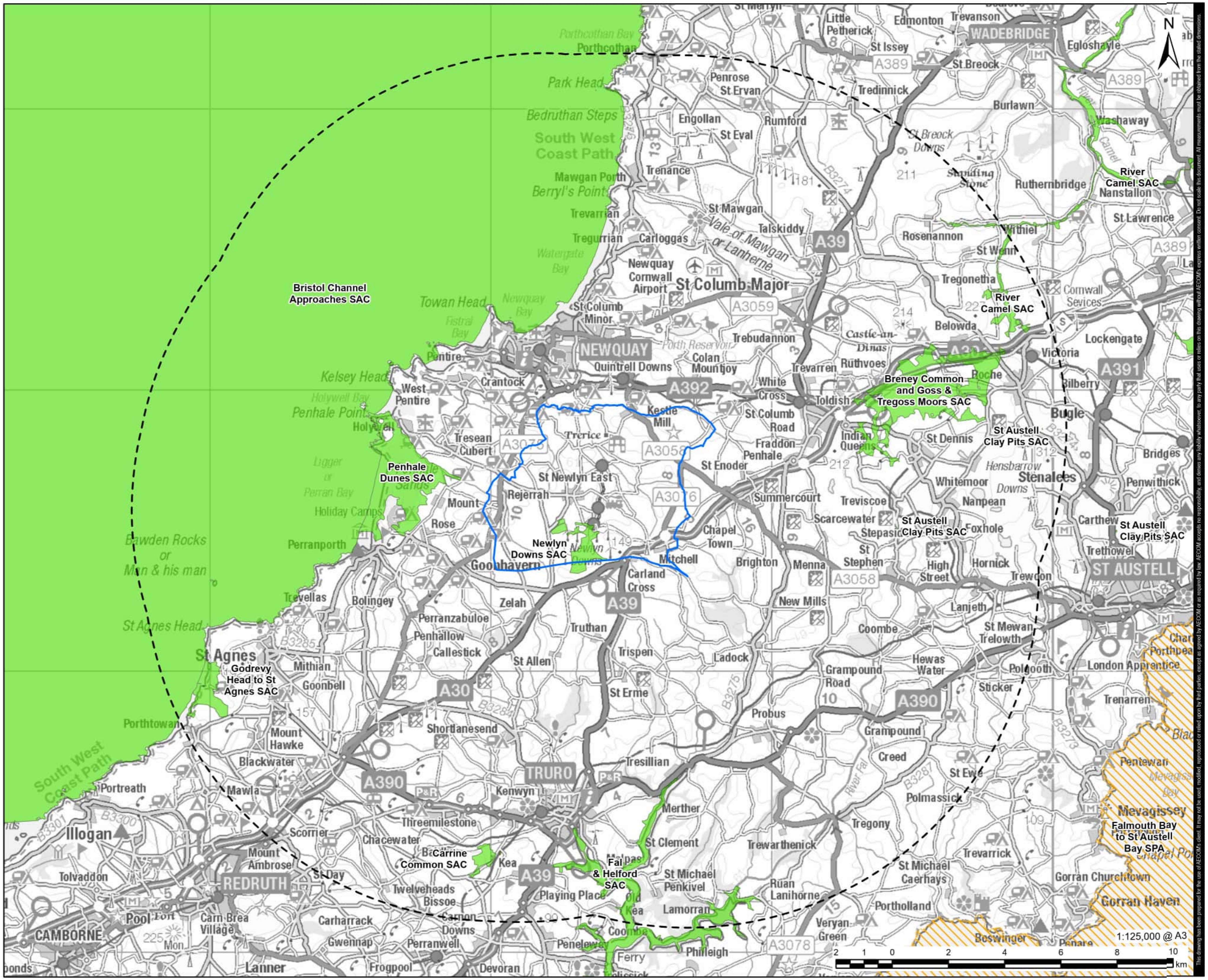

AECOM

PROJECT

St. Newlyn Parish Neighbourhood Plan Habitats Regulations Assessment

CLIENT

St. Newlyn East & Mitchell Neighbourhood Plan Steering Group

CONSULTANT

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LEGEND

- St. Newlyn Parish Boundary
- 12.5km Study Area
- Special Protection Area
- Special Area of Conservation

NOTES

ISSUE PURPOSE

FINAL

PROJECT NUMBER

60571087

FIGURE TITLE

European Sites

FIGURE NUMBER

Map 1

Appendix B Policy Screening

Table 4. Screening for Likely Significant Effects (LSEs) of the St. Newlyn East Neighbourhood Plan Revision.

Where the 'HRA Implications' column is shaded green, LSEs on European sites have been excluded. For policies that are shaded orange, LSEs could not be excluded and these are taken forward to Appropriate Assessment. Policies that are shaded in grey have been updated following public consultation.

Policy	Description	HRA Implications
Natural Environment and Countryside		
Policy No. NEM1 Protecting the Natural Environment	Development proposals should have no significant adverse effect on the integrity or continuity of landscape features and habitats of importance for wild flora and fauna. Wherever possible, development must contribute to and enhance the natural environment by providing net gains in biodiversity. Where mitigating measures are unavoidably required for development to be acceptable within its landscape setting, appropriate landscaping should be employed to mitigate the impact of the development. Such measures must include the use of appropriate planting which can enrich the biodiversity of the area such as trees and other plants native to the local area.	No HRA Implications This is a development management policy that sets out key development criteria in relation to protecting the natural environment and does not specifically allocate sites for development. There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.
Policy No. NEM2 Existing Woodlands, Trees and Hedges	Whenever possible, development proposals must retain and incorporate trees, woodland, hedgerows, and Cornish hedges which contribute to the character of the landscape, settlements, nature conservation, local amenity, or environmental character of their surroundings. Wherever possible and appropriate, development proposals should include provision for additional planting of trees and hedges to enhance the landscape character of the immediate area and wider parish.	No HRA Implications This is a development management policy that sets out key development criteria in relation to exiting woodlands, trees and hedges and does not specifically allocate sites for development. There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.
Policy No. NEM3 Agricultural Buildings	Where planning permission is required, the conversion of existing agricultural buildings for business or business-related purposes will be supported where it is justified in the interests of ensuring the continued viability of the farming business and where the proposal can demonstrate that there would be: a) no harmful impact upon the surrounding rural landscape; b) no unacceptable conflicts with agriculture and other land-based activities; c) no harmful impact on the local road network; d) no harmful impact on the amenities of neighbouring residents or businesses; and e) no requirement for rebuilding or a disproportionate extension. Converted business space permitted by this policy must remain as its approved use unless it has been actively marketed for two years and it can be demonstrated that no demand exists for its continuation for employment purposes.	No HRA Implications This is a development management policy that sets out key development criteria in relation to agricultural buildings and does not specifically allocate sites for development. There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.

Policy	Description	HRA Implications
Policy No. NEM4 Public Rights of Way	Public rights of way, shown on Map D, should be protected from development. Where a planning proposal affects an existing public right of way, appropriate mitigation must be agreed and approved as part of the planning approval process. The improvement and enhancement of the existing rights of way network will be supported as long as its value as wildlife corridors is not harmed.	No HRA Implications This is a development management policy that sets out key development criteria in relation to public rights of way and does not specifically allocate sites for development. There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.
Policy No. NEM5 Access to the Countryside	Proposals to facilitate and enhance informal recreational activities and access in the countryside or to create safe walking and cycling routes will be supported provided they demonstrate, through an ecological and landscape assessment and/or Planning Statement that they: a) avoid recognised local ecological and geological features and habitats; b) will have no adverse impact on landscape character or such impacts are satisfactorily mitigated; and c) they would not have an adverse impact on other land uses in the vicinity.	No HRA Implications This is a development management policy that sets out key development criteria in relation to protecting the natural environemnt and does not specifically allocate sites for development. There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.
Policy No. NEM6 Sustainable Tourism Development	Proposals for the development and expansion of tourism-related businesses will be supported providing that: a) the scale of development is generally small and proportionate to existing activity and the immediate locality; b) the potential impact on nearby residential properties is acceptable having regard to potential noise and disturbance; c) they do not have a significant adverse impact on landscape character, but where such impacts are unavoidable, they will satisfactorily be mitigated through appropriate design, landscaping, planting, and visual screening; and d) traffic, access, and highway issues are satisfactorily addressed.	No HRA Implications This is a development management policy that sets out key development criteria in relation to sustainable tourism development and does not specifically allocate sites for development. There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.
Built Environment		
Policy No. NEM7 Local Heritage Assets	Development proposals affecting designated and non-designated heritage should be accompanied by an appropriate assessment which sets out the significance of the asset (including its setting) and the impact of the proposal upon its significance. Applications will be determined strictly in accordance with national policy and guidance and the development plan.	No HRA Implications This is a development management policy that sets out key development criteria in relation to local heritage assets and does not specifically allocate sites for development. There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.
Policy No. NEM8 St Newlyn East Village Centre	Proposals within St Newlyn East village centre, as defined on Map G, that enhance the public realm or diversify and enhance the range of local shops, services and community facilities and create jobs, strengthening the role, function and vitality of the village centre will generally be supported.	No HRA Implications This is a development management policy that sets out key development criteria in relation to St Newlyn East Village Centre and does not specifically allocate sites for development.

Policy	Description	HRA Implications
		There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.
Policy No. NEM9 Sensitive Design and Development	Development should be well designed to fit in with the local area and contribute to creating a strong sense of Place. New development will be required to demonstrate a high quality of design, use of materials and detail which respect the heritage and character of its setting and have regard to the prevailing scale, massing, and density in the locality. Extensions and alterations to buildings will be supported so long as they complement and enhance the main building and its setting. Replacement of any building will only be supported if the proposed development makes a positive architectural contribution to its setting. Boundary treatments for new and amended curtilages should reflect that prevailing in the surrounding area.	No HRA Implications This is a development management policy that sets out key development criteria in relation to sensitive design and development and does not specifically allocate sites for development. There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.
Policy No. NEM10 Local Green Spaces	The areas listed below, and shown on Maps H and I, are designated 'Local Green Spaces': 1. Preaching Pit 2. Allotments, Neeham Road 3. War Memorial 4. St Newlyna Churchyard 5. Play Area, Mitchell 6. Play Area, St. Francis Meadow Proposals for development on designated Local Green Spaces will only be supported where they: a) are ancillary to the existing recreation or amenity use of the site; and b) maintain or enhance the existing use and amenity value of the site; and, c) have no adverse impact on the landscape, habitat or biodiversity of the site or provide a mitigation proposal which is agreed and approved through the planning approval process. Otherwise, proposals for development on any designated local green space will be resisted other than in very special circumstances.	No HRA Implications This is a development management policy that sets out key development criteria in relation to local green spaces and does not specifically allocate sites for development. There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.
Policy No. NEM11 Site Allocations	The following sites, as shown on the Proposals Maps J and K, are allocated for development: For residential purposes: • Land off Halt Road, St Newlyn East • Land at Chapel Terrace, Mitchell For employment purposes: • Land rear of Metha Row, St Newlyn East • Land off the A3076, Mitchell For community purposes • Land at Four Winds, Mitchell	No HRA Implications This is a development management policy that sets out key development criteria in relation to site allocations and does not specifically allocate sites for development. There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.

Policy	Description	HRA Implications
	Support for development proposals on each of the allocated sites will be subject to them satisfying the criteria set out in their respective Neighbourhood Plan policy and conforming to other policies in the Neighbourhood Plan.	
Policy No. NEM12 Development on Unallocated Sites	Development proposals on small unallocated sites within or adjoining the settlement areas of St Newlyn East and Mitchell will be supported where they are deemed appropriate in relation to the following criteria: a) the location is a sustainable site for development; b) there is a demonstrable need for the development; c) they are of a suitable scale, relative to the site's location and its setting; d) they are considered to be infill or rounding off development, in accordance with Policy 3 of the Cornwall Local Plan; e) the location, scale, density, and pattern of the development is appropriate to the existing character of the location; f) the development will not result in the loss of existing amenity or public open space unless it is replaced by open space of a similar or improved area and quality; g) they demonstrate high standards of quality and design, access, parking, and amenity space; and, h) the development would not have an unacceptable adverse impact on the local highway network.	No HRA Implications This is a development management policy that sets out key development criteria in relation to development on unallocated sites and does not specifically allocate sites for development. There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment. **Although the policy itself does not allocate a quantum of development, any development bought forward under the policy could potentially have a likely significant effect, it is therefore recommended that a section be added to the policy to ensure any development bought forward would not impact European sites, e.g., "i) the development would not have an adverse effect on European sites."**
Housing		
Policy No. NEM13 Housing Development	Development proposals for major housing schemes should provide a mix of housing sizes, types and tenures that satisfy identified local needs and meet local demand, based on an up-to-date local housing needs assessment. a) On sites of more than 10 dwellings, with a maximum combined gross floor space of more than 1,000 square metres, developers will normally be required to meet a target of 30% or more affordable housing provision. b) Although a full range of affordable housing will be needed, the intermediate housing provision should include a proportion of First Homes, in accordance with the Government's requirements and qualifying criteria. c) Affordable homes should be mixed among open market homes wherever both are represented on the same site. The height of dwellings and the density of the residential development should respect its setting and reflect the existing pattern of housing in the area.	No HRA Implications This is a development management policy that sets out key development criteria in relation to housing development and does not specifically allocate sites for development. There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.
Policy No. NEM14 Land off Halt Road, St Newlyn East	Land off Halt Road, St Newlyn East is allocated for residential development not exceeding 120 dwellings. Development proposals will be supported subject to the development being in accordance with other relevant policies the Neighbourhood Plan and a comprehensive proposal addressing the following criteria: a) provision of landscaping, including tree-lined roads and pathways, to minimise any visual impact on the setting of the village and local landscape character; b) use of sustainable construction techniques and energy conservation measures; c) provision of appropriate safe vehicular and pedestrian access;	Potential HRA Implications This policy supports the development of up to 120 dwellings on land off Halt Road, St Newlyn East. The following impact pathways are present in combination: • Recreational Pressure • Air Quality

Policy	Description	HRA Implications
	d) provision of adequate drainage, promoting the use of Sustainable Drainage Systems (SuDS) and ensure there will be no net increase in flood risk; e) adequately take account of local infrastructure needs and capacity; f) provision of a play area, public amenity space and allotments; and g) provision of a new road linking Halt Road and Station Road, constructed to a specification to serve as a relief road for the village as well as the main access road to the new residential development, which should be constructed and adopted before occupation of more than 25% of the total houses on the site. h) The design and layout of roads should comply with the standards of Cornwall Council and provide adequately for the safety of all road users as well as the amenity of residents. i) A comprehensive masterplan shall be submitted to the Local Planning Authority for approval, which demonstrates a fully integrated and co-ordinated development.	• Water quality and resources The impacts of this policy are discussed in the main body of the report.
Policy No. NEM15 Redevelopment of Land at Chapel Terrace, Mitchell	Proposals for the redevelopment of land at Chapel Terrace, Mitchell for housing will be supported provided: a) they respect and do not adversely affect the character and setting of the Conservation Area; b) the design is of high quality and incorporates sustainable construction techniques and energy conservation measures; c) appropriate safe vehicular and pedestrian access is provided; and d) adequate drainage provision, incorporating Sustainable Drainage Systems (SuDS) technologies, will ensure there will be no net increase in flood risk.	Potential HRA Implications This policy supports the development of housing on the land at Chapel Terrace, Mitchell. Although the policy does not provide a specific quantum of development, it identifies a geographic location where such development would occur. The following impact pathways are present in combination: • Recreational Pressure • Air Quality • Water quality and resources The impacts of this policy are discussed in the main body of the report.
Local Economy		
Policy No. NEM16 Businesses Development	Where they require planning permission, proposals for the change of use of existing business premises away from employment activity will generally be resisted unless it can be demonstrated to the satisfaction of the local planning authority that the existing use is no longer economically viable, and all reasonable steps have been taken to let or sell the site or building for employment purposes for a period of at least 12 months. Proposals for the improvement, modernisation or upgrading of current employment sites will be welcomed and supported, subject to there being no adverse impacts on the amenity of neighbours. The redevelopment of brownfield sites and/or re-use of existing buildings for employment purposes will be supported provided the proposed development respects local character and residential amenity, and the residual cumulative impact on highway safety and the local transport network is assessed as acceptable.	No HRA Implications This is a development management policy that sets out key development criteria in relation to business development and does not specifically allocate sites for development. There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.

Policy	Description	HRA Implications
Policy No. NEM17 Land rear of Metha Row, St Newlyn East	Land rear of Metha Row, St Newlyn East (shown on Map N) is allocated for the development of creative workshop spaces for micro-businesses, and a public car park. Development proposals for the creation of workshops will be supported provided: a) the workshops are exclusively for E(g) uses, which can be carried out in a residential area without detriment to its amenity; b) they provide a good quality of design and layout of buildings and spaces; c) they do not detract significantly from the setting of the Conservation Area, listed buildings, and local heritage assets; d) access and highway issues are satisfactorily addressed so as not to cause adverse impact on neighbouring properties and their existing uses, or safety issues; and e) parking and delivery space is appropriate to the needs of the development. Development proposals to provide a public car park should: f) provide parking spaces of a size and standard that meet relevant guidance as set out in the County Parking Standards, including an acceptable number of parking spaces for the disabled; g) provide appropriate access, surfacing, drainage and lighting, designed to safeguard local residential amenity; h) include appropriate landscaping to ensure the character and visual amenity of the area is not harmed; i) provide a public electric vehicle charging facility; and j) incorporate safe pedestrian links to nearby facilities.	Potential HRA Implications This policy supports the development of workspaces and a public cark park on the land rear of Metha Row, St Newlyn East. Although the policy does not provide a specific quantum of development, it identifies a geographic location where such development would occur. The following impact pathways are present in combination: • Recreational Pressure • Air Quality • Water quality and resources The impacts of this policy are discussed in the main body of the report.
Policy No. NEM18 Land off the A3076, Mitchell	Land off the A3076, Mitchell (shown on Map O) is allocated for employment uses. Development proposals for B2 or B8 use classes will be supported provided: a) they provide a good quality of design and layout of buildings and spaces; b) they do not detract significantly from the setting of the Conservation Area and/or local heritage assets; c) they will not have a detrimental impact on residential amenity; and d) access, traffic, and highway issues are satisfactorily addressed.	Potential HRA Implications This policy supports the development of employment uses at Land off the A3076, Mitchell. Although the policy does not provide a specific quantum of development, it identifies a geographic location where such development would occur. The following impact pathways are present in combination: • Recreational Pressure • Air Quality • Water quality and resources The impacts of this policy are discussed in the main body of the report
Policy No. NEM19 Home Working	Development proposals for home working will be supported where the amenity and privacy of neighbouring residents is not significantly adversely affected. Proposals for new development that combines living and small-scale employment space will be encouraged, provided there is no adverse impact on the character and amenity of nearby residential areas.	No HRA Implications This is a development management policy that sets out key development criteria in relation to home working and does not specifically allocate sites for development.

Policy	Description	HRA Implications
		There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.
Policy No. NEM20 Communication Network	The development of a super-fast communication infrastructure to serve the area will be supported where it is sensitively sited and sympathetically designed. Suitable ducting to accommodate FTTP28 broadband should be provided in all new development. All new residential, educational, and business premises development is required to make provision for highspeed broadband and other communication networks.	No HRA Implications This is a development management policy that sets out key development criteria in relation to a communication network and does not specifically allocate sites for development. There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.
Transport and Travel		
Policy No. NEM21 Safe Walking and Cycling	The provision of safe walking and cycling routes will be supported. Major development proposals should provide for appropriate and practical pedestrian and cycling routes that link to existing footpaths, roadways and/or the village centre. These should benefit from natural surveillance of public spaces as well as satisfactory lighting where appropriate, in accordance with national and local planning guidance. Proposals to further the provision of a dedicated cycle link between Mitchell and St Newlyn East are encouraged.	No HRA Implications This is a development management policy that sets out key development criteria in relation to safe walking and cycling and does not specifically allocate sites for development. There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.
Policy No. NEM22 Pedestrian Safety in Village Centres	Improvements to the village centres to provide a better and safer environment for pedestrians will be supported. Proposals that increase the level of provision and/or improve the functionality of off-street parking to serve the village centres will be supported.	No HRA Implications This is a development management policy that sets out key development criteria in relation to pedestrian safety in village centres and does not specifically allocate sites for development. There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.
Policy No. NEM23 Off-Road Parking Provision	Development proposals should include provision for adequate off-road vehicle parking spaces commensurate with the level and intensity of the proposed use, to facilitate unimpeded road access for other road users, including motor vehicles and pedestrians. Development proposals to provide additional off-road parking spaces will be supported where they do not have an adverse impact on: a) the character of the local built environment; b) the quality of the surrounding natural environment; c) the visual amenity of the area; and, d) flood risk (including local surface water flooding). Wherever practical, facilities for charging plugin and other ultralow emission vehicles should be incorporated into the proposal.	No HRA Implications This is a development management policy that sets out key development criteria in relation to off-road parking provision and does not specifically allocate sites for development. There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.

Policy	Description	HRA Implications
Policy No. NEM24 Electric Vehicle Charging Points	Development proposals to provide electric vehicle charging outlets at suitable locations to serve public demand will be supported. As a minimum, the provision of electric vehicle charging points should be in accordance with the prevailing requirements of the development plan.	No HRA Implications This is a development management policy that sets out key development criteria in relation to electric vehicle charging points and does not specifically allocate sites for development. There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.
Community Services and Facilities		
Policy No. NEM25 Existing Community Facilities	Development proposals which seek to improve or extend existing local community facilities and assets, or provide for appropriate shared use, will be supported where: a) there is a demonstrable local need for them; and b) there will be no significant adverse impact upon nearby residents and uses. Proposals for the redevelopment or change of use of community facilities will only be supported where: c) there is no reasonable prospect of viable continued use of the existing building or facility which will benefit the local community; d) they have been subject to consultation with the local community; and, e) it will provide an alternative use that serves community needs.	No HRA Implications This is a development management policy that sets out key development criteria in relation to existing community facilities and does not specifically allocate sites for development. There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.
Policy No. NEM26 New Community Facilities at Mitchell	Land at Four Winds, Mitchell, as shown on Map P, is allocated for community purposes. The provision of additional leisure and community uses and/or community facilities that meet identified needs of Mitchell will be supported if there is suitable access, including safe pedestrian access to the site from Mitchell, servicing and parking provision, and the amenity of residents is adequately safeguarded.	Potential HRA Implications The land is allocated for development for community purposes Although the policy does not provide increase in residential or employment development, the community facility is unspecified. Development use for leisure may increase tourism in the local area, as well as an increased pressure on air quality from increase car journeys in the local area and water quality and resource pressures. The policy also identifies a geographic location for where the development would occur. Therefore, for completeness this has been included within the discussions in the body of the report.
Policy No. NEM27 Community Energy Initiatives	Development proposals for individual and community-scale energy from wind turbines, solar photovoltaic panels, local biomass facilities, anaerobic digestion, and wood fuel products, that require planning permission, will be supported subject to all the following criteria: a) the siting and scale of the proposed development is appropriate to its setting and position in the wider landscape; b) the proposed development does not create an unacceptable impact on the amenities of residents in terms of noise, vibration, or electromagnetic interference; and c) where appropriate, the energy generating infrastructure and its installation complies with the Microgeneration Certification Scheme or equivalent standard.	No HRA Implications This is a development management policy that sets out key development criteria in relation to community energy initiatives and does not specifically allocate sites for development. There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.

Policy	Description	HRA Implications
	Planning permission should be subject to a requirement that the energy generating infrastructure is removed at the end of its useful life.	
Recreation and Sport		
Policy No. NEM28 Recreation and Sports Facilities	Development proposals that would result in the loss of an existing recreation or sports facility to a non-recreation use will not be supported unless: a) the applicant satisfactorily demonstrates that there is no continuing demand for the facility, and it is not possible to use the facility for other sports; or b) alternative provision of at least an equivalent quality, size, suitability, and convenience within the Neighbourhood Plan Area is made. The provision of new or improved recreation and sports facilities within or on the edge of villages will be supported provided: c) the scale of the facility is related to the needs of the area; d) there is safe and convenient access for potential users; and e) residential amenity has been adequately safeguarded. The provision of an outdoor area for recreation at Mitchell will be particularly supported should the opportunity arise, especially where this incorporates a children's play area and a space for casual sports, and its design has been the subject of consultation with the local community.	No HRA Implications This is a development management policy that sets out key development criteria in relation to recreation and sports facilities and does not specifically allocate sites for development. There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.
Policy No. NEM29 Children and Youth Facilities	Provision for children's play in the villages of St Newlyn East and Mitchell should meet or exceed the approved standards of the local planning authority. On major new developments, play areas for children should be provided in accordance with the guidelines in force at the time; or a financial contribution to off-site open space and play areas should be provided. Development proposals to provide improved youth facilities will be supported where it is demonstrated that: a) the proposal is based on an up-to-date understanding of needs and demand for the proposed facility from young people; and, b) there would be no adverse impact on the amenity of nearby residential areas.	No HRA Implications This is a development management policy that sets out key development criteria in relation to children and youth facilities and does not specifically allocate sites for development. There are no linking impact pathways to European sites. The policy is screened out from Appropriate Assessment.