

**Mylor Parish Neighbourhood Plan  
SEA and HRA Screening Report**

**Mylor Parish Neighbourhood Development Plan  
(Informal Draft Version for SEA Screening January  
2020)**

**Strategic Environmental Assessment  
Habitats Regulations Assessment**

**Screening Report**

**4 February 2020**

# **Mylor Parish Neighbourhood Plan SEA and HRA Screening Report**

## **Contents**

1. Introduction	4
2. Legislative Background	4
3. Habitats Regulation Assessment	7
4. Strategic Environmental Assessment Screening	9
5. Screening Outcome	16

# **Mylor Parish Neighbourhood Plan SEA and HRA Screening Report**

## **1. Introduction**

1.1 This screening report is designed to determine whether or not the Mylor Parish Neighbourhood Development Plan, (the NDP), requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004. The report also considers whether Habitats Regulations Assessment is required under Article 6 or 7 of the Habitats Directive.

1.2 The purpose of the NDP is to provide planning policies which, operating with the strategic policies for Cornwall and nationally, will give extra detail to decision making on planning applications within the NDP area, which is Mylor parish.

The NDP vision is 'Our vision is for a strong community where all generations are able to live in affordable and appropriate housing, whilst continuing to enjoy, protect and enhance the natural environment and historic legacy of the Area of Outstanding Natural Beauty.' (para 2.1, p.12)

A summary of objectives is given at para 2.4 and they are:

### **Housing**

To meet the housing need by providing affordable and suitably sited housing for young families, the elderly and the infirm

### **Environment and Climate Change**

To ensure that developments meet the needs of both the present and the future without undermining the stability and integrity of our natural environment, and to mitigate the effects of climate change

### **Landscape**

To protect the special landscape character of the Parish in the AONB

### **Natural environment** (geodiversity and biodiversity)

To conserve and enhance the natural environment by protecting and enhancing internationally, nationally and locally designated wildlife and geological sites

### **Heritage and built environment**

To ensure that developments protect the historic built environment and heritage of the Parish

### **Business and economy**

To encourage and facilitate support for the viability of local SMEs, micro-businesses, the self-employed and home workers so that they continue and increase their contribution to the sustainability of the Parish economy

### **Transport**

To improve traffic flow and the safety of walkers, riders and cyclists in the Parish and to enhance the local transport infrastructure

### **Parish community facilities**

To enhance facilities and services (including schools, shops and medical/dental surgeries) which currently support the health and wellbeing of the community

## **Mylor Parish Neighbourhood Plan SEA and HRA Screening Report**

The plan aims to deliver these objectives with 36 criteria-based policies. Development boundaries are drawn for the main settlements, Flushing and Mylor Bridge. There are no site allocations.

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

### **2. Legislative Background**

#### Strategic environmental assessment

- 2.1 The basis for Strategic Environmental Assessments legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations. Detailed Guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005)
- 2.2 The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce Sustainability Appraisals (SA) for all local development documents to meet the requirement of the EU Directive on SEA. It is considered best practice to incorporate requirements of the SEA Directive into an SA.
- 2.3 However, Neighbourhood Plans are not Local Development Documents and are not required to be subject to sustainability appraisal by legislation (although it is advisable to carry out some form of sustainability assessment.) Neighbourhood plans are produced under the Localism Act 2011. In SEA terms, neighbourhood plans are treated as components of Local Plans. National Planning Policy Guidance (NPPG) advises that in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a strategic environmental assessment. The Localism Act 2011 also requires neighbourhood plans to be compatible with EU and Human rights legislation, therefore, depending on their content, neighbourhood plans may trigger the Strategic Environmental Assessment Directive and Habitats Directive
- 2.4 Figure 2.1 shows the SEA screening process, and Box 2.1 shows the criteria to be used for the main test that applies to neighbourhood plans, namely whether the plan is likely to have a significant environmental effect.
- 2.5 National Planning Policy Guidance (NPPG) advises that in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a strategic environmental assessment. Potential triggers may be:
- a neighbourhood plan allocates sites for development
  - the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan

## **Mylor Parish Neighbourhood Plan SEA and HRA Screening Report**

- the neighbourhood plan is likely to have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan

### Habitats Regulation Assessment

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

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

### Sustainability appraisal

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

2.9 This report therefore includes screening for HRA and SEA. Section 3 sets out the HRA screening and provides Appropriate Assessment if required. Section 4 shows the SEA screening process (fig 2.1), and Box 2.1 shows the criteria to be used for the main test that applies to neighbourhood plans, namely whether the plan is likely to have a significant environmental effect.

## Mylor Parish Neighbourhood Plan SEA and HRA Screening Report

### 3. Habitats Regulation Assessment

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

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

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

NDP Allocation or Policy: Sites are not allocated in the NDP but settlement boundaries are drawn for Flushing and Mylor Bridge.

European Site	Designated features	Threats/pressures	Pathways of Impact (arising from development relating to the NDP)	Likely significant effects (including in combination)	Screen in or out
Fal and Helford SAC	Qualifying Habitats: <ul style="list-style-type: none"> <li>• Atlantic Salt Meadows</li> <li>• Estuaries</li> <li>• Large Shallow inlets and bays</li> <li>• Intertidal mudflats and sandflats</li> <li>• Reefs</li> <li>• Subtidal sandbanks</li> </ul> Qualifying Species: <ul style="list-style-type: none"> <li>• Rumex Rupestra</li> </ul>	<a href="#">Conservation Objectives for Fal and Helford SAC</a>	Recreational impact (in combination with Cornwall Local Plan)	Y	In

## Mylor Parish Neighbourhood Plan SEA and HRA Screening Report

European Site	Designated features	Threats/pressures	Pathways of Impact (arising from development relating to the NDP)	Likely significant effects (including in combination)	Screen in or out
Falmouth Bay to St Austell Bay SPA	<ul style="list-style-type: none"> <li>• Black throated Diver,</li> <li>• Slavonian Grebe,</li> <li>• Great Northern Diver,</li> </ul>	Commercial fishing, fixed/drift net fishery	None arising from the NDP. The SPA was also screened out of the Cornwall Council HRA	None	Out

### 3.4 Appropriate Assessment

As significant effects on the integrity of the Fal and Helford SAC cannot be screened out, appropriate assessment is carried out. In combination with the development proposed in the Cornwall Local Plan: Strategic Policies and Site Allocations DPD, there is potential for the development identified in the NDP to increase recreational use of the Fal and Helford SAC. The SAC runs along the eastern boundary of the parish, with formal access points at Mylor Yacht Harbour and Flushing (plus opportunities for informal access) and the closest access point to the Helford is approx. 10km from the parish. As potential for recreational disturbance was identified by the HRA of the Cornwall Local Plan, multiple surveys in all four seasons were carried out to collect evidence of the pattern of recreational activity in various sites in Cornwall. From this evidence a zone of influence (ZOI), from which residents might reasonably be expected to travel to carry out leisure activities on the SAC has been identified and Mylor parish is entirely within the ZOI for the Fal and Helford. Potential impacts identified were anchor drag and disturbance to qualifying habitats through the ad hoc launching of small craft. Strategic mitigation is in place through Policy 22 of the Cornwall Local Plan. This is by means of a financial contribution taken from new residential development and the contributions will be used for mitigation measures agreed with the conservation bodies, such as signs, notices, education and awareness raising. It is therefore possible to conclude that there will be no impact on the integrity of the SAC

# Mylor Parish Neighbourhood Plan SEA and HRA Screening Report

## 4. SEA screening

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

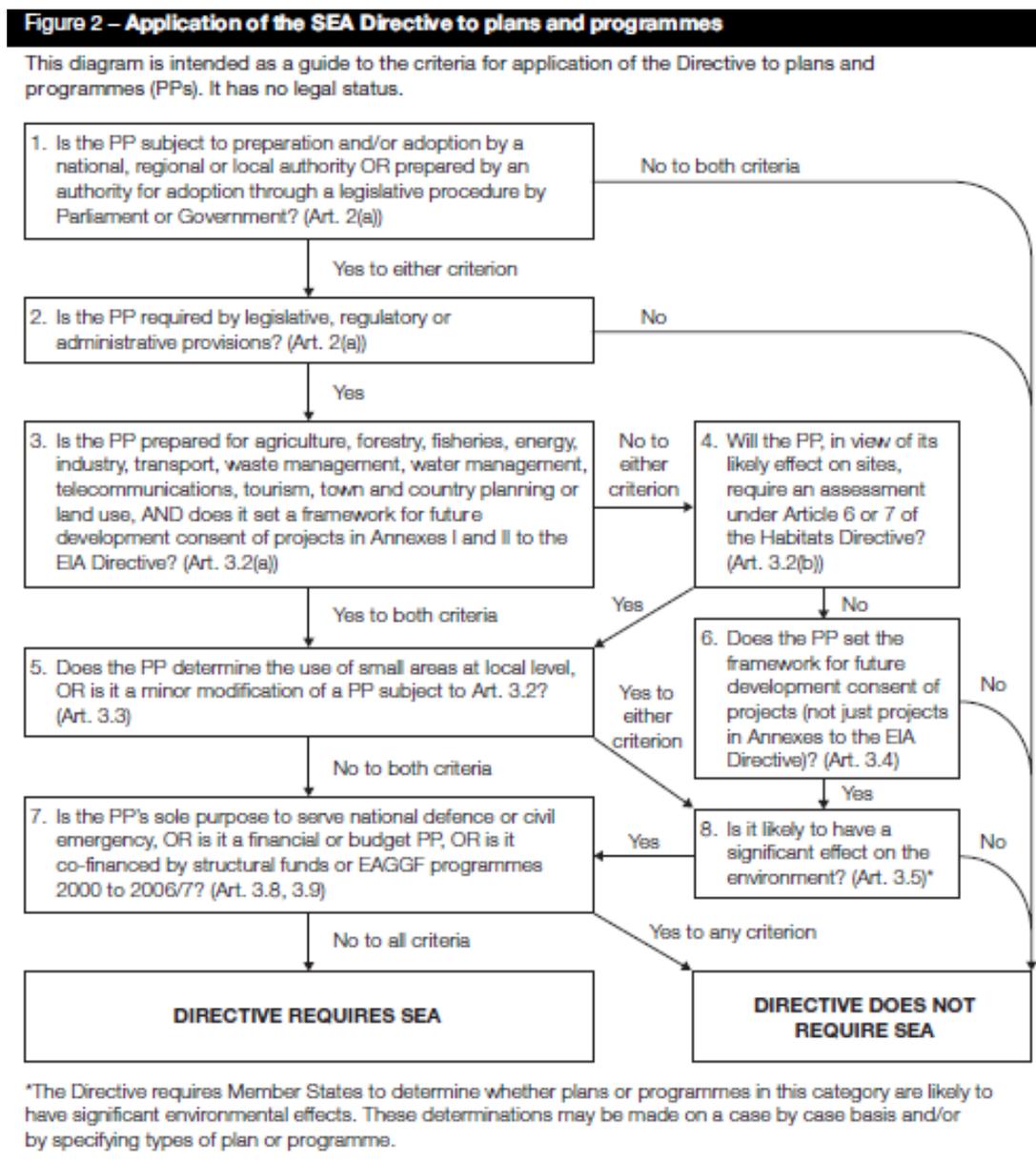
SCHEDULE 1 Regulations 9(2)(a) and 10(4)(a)
<p>CRITERIA FOR DETERMINING THE LIKELY SIGNIFICANCE OF EFFECTS ON THE ENVIRONMENT</p> <p>1. The characteristics of plans and programmes, having regard, in particular, to</p> <ul style="list-style-type: none"><li>- the degree to which the plan or programme sets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

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

# Mylor Parish Neighbourhood Plan SEA and HRA Screening Report

**Figure 2 SEA screening flowchart**

The diagram below illustrates the process for screening a planning document to ascertain whether a full SEA is required<sup>1</sup>.



<sup>1</sup> Source: A Practical Guide to the Strategic Environmental Assessment Directive

**Mylor Parish Neighbourhood Plan  
SEA and HRA Screening Report**

<b>Table 4.1 Establishing the Need for SEA</b>		
<b>Stage</b>	<b>Y/N</b>	<b>Reason</b>
1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	Will be 'made' by Cornwall Council and used in decision making as part of the development plan.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	Localism Act 2011
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	N	Annex I and II projects are (typically) large scale industrial and commercial processes – the plan does not deal with this scale of development.
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b)) (See para 4.2 above)	Y	See Section 3 on Habitats Regulations Assessment. Appropriate Assessment is included at section 3.4
5. Does the PP Determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Y	The Plan contains land use planning policies to guide development within the parish
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	Y	The NDP will be 'made' and used as part of the development plan for determining planning applications in the Plan area
7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	N	
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	N	<b>See Table 4.2</b>

**Mylor Parish Neighbourhood Plan  
SEA and HRA Screening Report**

<b>Table 4.2 Likely significant effects on the environment</b>	
<b>SEA requirement</b>	<b>Comments</b>
The characteristics of plans and programmes, having regard, in particular, to:	
1. the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	The NDP provides local criteria-based policies to control the quality of development within the parish. There is no baseline housing figure for the NDP because the parish lies wholly within the AONB. The NDP therefore correctly focuses on small scale development to meet local need and the strategy for housing delivery is through settlement boundaries.
2. the degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The neighbourhood plan must be in general conformity with the National Planning Policy Framework and the Local Plan. It does not influence other plans.
3. the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,	The neighbourhood plan must be in general conformity with the National Planning Policy Framework and the Local Plan which promote sustainable development. It will be examined against four basic conditions, one of which is whether the plan contributes to sustainable development.
4. environmental problems relevant to the plan or programme,	The following environmental problems have been identified in the neighbourhood plan area: 4 assets listed on the Heritage at Risk Register: <ul style="list-style-type: none"> <li>• Carclew (Parks and Gardens)</li> <li>• Ruins of Carclew House</li> <li>• Engineers Shop, Perran Wharf</li> <li>• Dry Sand and Green Sand Shop, Perran Wharf</li> </ul>
5. the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).	N/A
Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:	

**Mylor Parish Neighbourhood Plan  
SEA and HRA Screening Report**

6. the probability, duration, frequency and reversibility of the effects,	The NDP plan period runs until 2030, to coincide with the Cornwall Local Plan.
7. the cumulative nature of the effects,	This is a rural parish, entirely within the AONB. Strategic development for this area of Cornwall will be located at Falmouth and Penryn, with allocated housing sites and safeguarded employment sites. Major development is not planned for the parish.
8. the transboundary nature of the effects,	N/A
9. the risks to human health or the environment (e.g. due to accidents)	N/A
10. the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),	The recorded population as at the 2011 census was 2692; the 2016 mid year estimate was 2778. The parish covers an area of approx. 1590 hectares.
<p>11. the value and vulnerability of the area likely to be affected due to:</p> <ul style="list-style-type: none"> <li>-special natural characteristics or cultural heritage,</li> <li>- exceeded environmental quality standards or limit values,</li> <li>- intensive land-use,</li> </ul>	<p><u>European Sites</u> The coastal boundary of the parish runs along the edge of the Fal and Helford SAC and the Falmouth Bay to St Austell Bay SPA. These are Natura 2000 or 'European Sites' which carry the highest level of international environmental protection. HRA screening and Appropriate Assessment in respect of the Fal and Helford SAC has been carried out at section 3 of this report.</p> <p><u>SSSI</u> The Lower Fal &amp; Helford Intertidal SSSI runs along the south eastern coastal boundary of the parish, east of Flushing and remote from any planned development.</p> <p><u>County Wildlife Sites</u> <u>Perran Woods</u> County Wildlife site runs along the northwest boundary of the parish. This comprises areas of woodland along the southern valley sides of the River Kennal, which feeds into Restronguet Creek and contains the BAP habitat Upland Oakwood and supports the BAP priority species of bryophytes (moss and liverwort), six species of bat, hedgehogs and otter.</p>
12. the effects on areas or landscapes which have a recognised national, Community or international protection status.	<p>The <u>Restronguet Creek</u> County Wildlife Site runs along the northern boundary of the parish. It forms an integral part of the larger Fal Estuary complex and is the tidal part of the Carnon River which then discharges into Carrick Roads. It contains the BAP Priority Habitats: Intertidal Mudflats, Coastal Saltmarsh and Reedbeds and supports the BAP priority species curlew and herring gull (and otter along the River Kennal.)</p> <p>At the south eastern coastal boundary of the parish is the <u>Flushing Beach</u> County Wildlife Site. Flushing Beach forms an integral part of the larger Fal Estuary complex. Much of the site is bordered by the Lower Fal and Helford Intertidal SSSI and it also abuts the Fal and Helford Special Area of Conservation. No</p>

## Mylor Parish Neighbourhood Plan SEA and HRA Screening Report

BAP priority habitats are recorded. The cliff communities are the most interesting habitats of this site. They support typical maritime species as well as some nationally important species. The unimproved pasture also supports some interesting species and is a declining habitat type in Cornwall.

Chapter 5 of the NDP contains Policies for the Environment (pp 27-37)

- Map F (para 5.2, p27.) show environmental designations
- Map G (5.4, p29) illustrates landscape types , showing 5 character types identified through the local landscape character assessment, which is also appended.
- Map H (5.9, p32) illustrates principal areas of wildlife designations and semi natural habitats

The NDP Biodiversity and Geodiversity policies W1 – W3 (pp33 & 34) propose a criteria and evidence based approach to preserving and enhancing biodiversity and geodiversity. Whilst Policy W1 does not refer to the hierarchy of environmental designations, it does not weaken it, and this is covered by strategic policy.

Further evidence and detail is also presented in the Wildlife Habitats and Biodiversity Assessment report (attached as separate document) commissioned from the Cornwall Wildlife Trust. This includes survey evidence which has identified the wildlife corridors, which will greatly strengthen the application of policies W1- W3.

### AONB

The whole parish is within the Cornwall AONB [South Coast Central](#) area, and forms part of the Fal Ria section of this area. The 'Local' section of the [AONB Management Plan](#) has a statement of significance and policies for each area. The NDP is supported by landscape character assessment (attached as a separate document) the informal SEA screening draft of the NDP also includes a Landscape Visual Impact Assessment (LVIA) at Appendix B. This is explicitly aware of the potential for intensification of development along the creek sides to have an adverse impact on the character of the AONB.(LVIA Section 11)

The NDP Landscape Policies L1-L4 (pp30 & 31) seek the protection of landscape character, with reference to the AONB Management Plan and the LLCA. Proposals for development are required to demonstrate how they respond to landscape character. Policy L3 also draws attention to biodiversity and to the need to comply with the Shoreline Management Plan. There is general support for carbon sequestration, although specific locations are not identified.

## Mylor Parish Neighbourhood Plan SEA and HRA Screening Report

### Historic Assets

Major Historic Sites are identified within the NDP on Map I, para 5.14, p. 36.

### WHS

The Carclew area in the north of the parish is part of the Cornwall and West Devon Mining Landscape World Heritage Site ([WHS](#)) . (A6ii Devoran and Perran Area)

### Conservation Areas

There are conservation areas at Mylor Bridge and Flushing (but no Conservation Area Assessments currently available)

### National Heritage List

There are 132 entries on the National Heritage List for England, including 6 Scheduled Ancient Monuments (SAMs), and 2 registered historic parks and gardens – Enys and Carclew. The SAMs include round barrows, church and wayside crosses and a D Day landing craft maintenance site at Mylor Harbour.

The parish is rich in the number and variety of listed assets [Heritage Gateway Mylor Parish National List](#) . A comprehensive Historic Environment Report forms part of the NDP evidence base (attached as a separate document), but to give a flavour of the richness and variety:

- there are many grade II\* listed properties and structures associated with Perran Wharf, part of the Perran Iron Foundry, founded in 1791, which, in its heyday, was the most important foundry in Cornwall, manufacturing some of the largest beam engines ever constructed.
- There are also quays at Flushing: Fish Cross Quay in the village and Kiln Quay, which served a Lime Kiln and was also the landing stage for Trefusis House. There is evidence of dutch heritage at Flushing, which was formerly called Nankersey. There are also listed quays at Restronguet, Mylor Bridge and Greatwood
- The Harbour Quay at Mylor churchtown is listed and the church of St Mylor is grade I listed. There are several listed features associated with the church, including tombs, lych gate, holy well and vicarage.
- There are also a number of listed farms, farmhouses, and farm buildings ( including a whim house with threshing machinery) demonstrating the agricultural heritage of the parish. There are examples of grand country houses such as Trevissonne, Greatwood House and the ruins of Carclew.

The NDP has 3 Historic Built Environment Policies: (HE1 – HE3, pp37.) HE1 and 2 do not add local detail to strategic policy and, in some ways are not as strong as the strategic position, although they do not undermine it. HE 3 needs historic advice to incorporate a more sophisticated approach to flood risk

**Mylor Parish Neighbourhood Plan  
SEA and HRA Screening Report**

	<p>and historic buildings and structures and this will be sought from local experts. Notwithstanding these comments, the NDP is clearly intended to preserve and enhance the historic richness of the parish and the Historic Built Environment Report demonstrates a knowledge and understanding of the history of the parish, its assets and how they have contributed to its current form.</p>
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## **Mylor Parish Neighbourhood Plan SEA and HRA Screening Report**

### **5. Screening Outcome**

- 5.1 **HRA screening:** The assessment in section 3 shows that there is a potential for significant effects on the features of a European site, the Fal and Helford SAC, through recreational disturbance. An Appropriate Assessment has been carried out and strategic mitigation is in place through Policy 22 of the Cornwall Local Plan. It is therefore possible to conclude that, in combination with the Local Plan Policy, there will be no impact on the integrity of the European site.
- 5.2 **SEA screening:** Regulation 5(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 (“the SEA Regulations”) provides that an environmental assessment (an SEA) must be carried out in a number of circumstances, including where the plan or programme, in view of the likely effect on sites, has been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive (i.e. appropriate assessment by way of an HRA).
- 5.3 However, this requirement is subject to an exception contained in Regulation 5(6) which provides that an environmental assessment need not be carried out for a plan or programme “which determines the use of a small area at local level” unless the plan has been determined to be likely to have significant environmental effects. Whether the plan is likely to have significant environmental effects needs to be determined by reference to the criteria in Schedule 1 of the 2004 Regulations. These criteria are set out in a series of questions in section 4.3 of this report.
- 5.4 The NDP is judged determine the use of a small area at local level, i.e. the parish of Mylor. The assessment in section 4 does not reveal any significant effects on the environment resulting from the Mylor Parish NDP. The plan facilitates small scale development to meet local need and the policies of the NDP are based on a strong and well evidenced understanding of the special environment of the parish. The neighbourhood area contains many sensitive natural or heritage assets, but these are not adversely affected by the proposals of the NDP. Policies are included to protect and enhance landscape, biodiversity, geodiversity and the historic environment. There are no site allocations and the criteria based policies to encourage small scale sustainable development include criteria that require protection of the environment. Furthermore, the policy framework exists in Cornwall Local Plan policies 23 and 24 and in the emerging NDP to ensure protection of the environment. SEA is therefore not required.