

## Form 3: Development within 12.3k of Tamar Estuaries SAC and Plymouth Sound and Estuaries SPA

### Habitat Regulation Assessment (HRA)

#### Screening Matrix and Appropriate Assessment Statement

**PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations, however, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose. This template is to be used only for Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA.**

#### Cornwall Council Use:

Application reference:

Application address:

Application description:

Status of Application:

Proximity to SPA/SAC:

Within the 12.3km Zone of influence for Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA.

Grid Ref:

Lead Planning Officer:

#### Stage 1 details of the plan or project

European site potentially impacted by planning application, plan or project.

**Recreational disturbance only; OR**

**Recreational disturbance and/or other impacts.**

Is the planning application, project or plan directly connected with or necessary to the management of the site? [if yes, Applicant should have provided evidence and justification]

**YES**

**NO**

Other than for applications where recreational disturbance is the only mechanism of impact (where the impact is always in combination with other residential developments), are there any other projects or plans that together with the planning application being assessed could affect the site? [Applicant to provide the information sufficient to allow an 'in combination' effect to be assessed]

**YES (specify the mechanism(s) of impact);**

**NO; or**

**N/A (recreational disturbance only)**

## Stage 2 HRA screening assessment

**Test 1: the significance test** The Applicant is to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA/SAC/Ramsar.

We cannot take into account any avoidance and mitigation measures as part of the application at this stage of HRA. For applications where recreational disturbance is the only mechanism of impact, on the basis of the findings of the recreational survey we accept Natural England's advice that such applications without mitigation will have a likely significant effect on the SPA(s) in combination with other residential development in the zones of influence. Therefore all applications, even where a payment to a scheme of mitigation is proposed, will progress directly to Stage 3.

For other applications does the evidence submitted show a likely significant effect, without mitigation measures (either alone or in-combination with other plans or projects) **YES/NO**

[If yes, ask for further guidance from Cornwall Council on a bespoke AA. The standard AA below cannot be used]

## Stage 3 HRA Appropriate Assessment

**Test 2: the integrity test** If there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long term management, maintenance and funding of any solution.

**Plymouth Sound and Estuaries SAC (UK0013111) and Tamar Estuaries Complex SPA (UK9010141) Site Improvement Plan sets out the Quality & Importance and qualifying features as:**

A complex site of marine inlets. The ria systems entering Plymouth Sound (St John's Lake and parts of the Tavy, Tamar and Lynher, the large bay of the Sound itself, Wembury Bay, and the ria of the River Yealm are of international marine conservation importance because of the wide variety of salinity conditions and sedimentary and reef habitats.

The broader lower reaches of the rivers from the extensive tidal mud-flats bordered by slatmarsh communities which are of international importance for the large numbers of water birds.

It has been selected as a SAC for the following interest features:

- **Atlantic salt meadows,**
- **Alis shad,**
- **Mudflats and sandflats not covered by slatwater at low tide,**
- **Sandbanks which are slightly covered by seawater all the time,**
- **Estuaries,**
- **Large shallow inlets and bays,**
- **Reefs,**
- **Shore dock, and**

As a SPA for:

- **Pied avocet, and**
- **Little egret.**

Matrix: Impact of residential development: Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA

Potential Effect	Site Conservation Objective(s)	Potential for Impact?	Relevant Mitigation Measures
Public Access/ Disturbance	Investigate the impacts and manage as required. Pressure. <i>Reefs; Little Egret; Avocet; Allis Shad; and Shore Dock; and Eel Grass.</i>	Yes	Plymouth Sound SAC and Tamar Estuaries SPA Mitigation Plan
Invasive species	Investigate impact and manage. Threat. <i>Estuaries, shallow inlets, reefs.</i>	Yes.	Plymouth Sound SAC and Tamar Estuaries SPA Mitigation Plan
Coastal Squeeze	Quantify impacts and provide space for change. Pressure/Threat. <i>Egret, mud/sand flats, shore dock.</i>	No.	
Inappropriate weirs dams and other structures.	Barriers to migration, remove/modify. Pressure. <i>Allis Shad.</i>	No.	
Water Pollution	Monitor. Pressure. <i>Sandbanks, shallow inlets, salt meadows, shore Dock.</i>	No.	
Air pollution	Produce Nitrogen Plan. Pressure/threat. <i>Avocet, Salt Meadows, Shore Dock.</i>	No.	
Direct Land take from development & Planning permission.	Quantify impact and provide compensatory habitat.	No	
	Improve co-ordination between developers and regulators. Pressure/Threat. <i>Egret, Estuaries, mud/sand flats, shallow inlets, reefs, salt meadows.</i>	No.	
Fisheries: commercial marine & estuarine	Investigate crab tiling/bait digging. Pressure/Threat.	No.	
	Management to minimize impact. Pressure. <i>Egret, mud/sand flats, sandbanks, shallow inlets, reefs.</i>		

The likely effectiveness and long-term financial robustness of the management of Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA have been examined by Cornwall Council in agreement with Natural England. This is set out and costed in the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA Strategic Mitigation Plan detailed in the 'European Sites Mitigation – Supplementary Planning Document. This will be implemented by The Plymouth Sound and Tamar Estuaries Joint Management Group. If this is accepted by the applicant, there is no need to provide new evidence base on these aspects.

Instead evidence should be submitted that a mitigation contribution payment has either;

- been made with the planning application [refundable if application refused]
- been made to the appropriate scheme through a Unilateral Undertaking or planning condition; **OR**
- will be made through a condition or S106 agreement where Heads of Terms have been agreed and the agreement will be signed prior to any permission being granted.

The following text should be used only for those applications where mitigation of recreational disturbance is the sole issue and that mitigation is proposed through one or other of the existing local authority managed schemes and by condition.

Where the applicant accepts the mitigation measures set out in the Strategic Mitigation Plan they must agree to enter a legal agreement by Section 106 agreement on larger scale proposals and a condition on planning consents based on the following as appropriate:

The applicant has made an appropriate contribution prior to approval of planning permission and met HRA obligations.

**OR**

**Condition:** The development hereby permitted shall not be commenced until the Local Planning Authority has approved, in writing, a scheme to secure mitigation of the additional recreational pressures to the The Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA, together with an appropriate mechanism to secure delivery of the mitigation.

Informative: The Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA - Strategic Mitigation Plan, to be delivered by the Council, is considered by Cornwall Council, in agreement with Natural England, to be an approved scheme and appropriate mechanism. Where the applicant agrees to accept this Mitigation Plan the condition can be satisfactorily addressed by means of a financial contribution towards the Mitigation Plan. In this instance, such a contribution would amount to £371.00.

Reason: The development lies in a zone of influence of the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA where it is considered there would be a likely significant effect, when taken in combination with other plans and projects, upon this European designated site. To ensure that the proposal may proceed as sustainable development, there is a duty upon the Local Planning Authority to provide sufficient mitigation for any recreational impacts which might arise upon the European designated site. In coming to this decision, the Council has had regard to Regulation 61 of the Conservation of Habitats and Species Regulations 2017 and the requirements of Policy 22 of the Cornwall Local Plan Strategic Policies 2010 - 2030.

N.B. Where bespoke schemes of mitigation for recreational disturbance are proposed, or for other mechanisms of impact, much more detailed evidence will have to be submitted in order to allow the Appropriate Assessment to be made.

#### Stage 4 Summary of the Appropriate Assessment (To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England)

##### Cornwall Council

##### Conclusion

Having considered the proposed mitigation and avoidance measures to be provided in-perpetuity through the secured contribution to the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA Strategic Mitigation Plan, Cornwall Council conclude that the effects have been assessed and so long as a contribution to the Mitigation Plan is made the integrity of the European Site will be maintained.

Having made this Appropriate Assessment of the implications of the application on the site's conservation objectives, and having consulted Natural England and considered any representation received (see below), the authority can now approve the planning application under regulation 63 of the Conservation of Habitats and Species Regulations 2017.