

## Form 1: Development within 12.5km of Penhale Dunes SAC

### 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 applications within the zone of impact identified for Penhale Dunes SAC.**

Application reference where applicable:	
Application address:	
Application description:	
Status of Application:	
Proximity to SPA/SAC:	Within the 12.5km Zone of influence for Penhale Dunes SAC
Grid Ref:	
Lead Planning Officer:	
<b>Stage 1 - details of the plan or project</b>	
Does this application relate to residential development only?	<b>YES</b> <b>NO</b>
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]	<b>YES</b> <b>NO</b>
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]	<b>YES (specify the mechanism(s) of impact);</b> <b>NO; or</b> <b>N/A (recreational disturbance only)</b>

## 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 Appropriate Assessment. The standard Appropriate Assessment 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.**

### Penhale Dunes SAC (UK0012559) Site Improvement Plan sets out the Quality & Importance and qualifying features as:

Shifting dunes along the shoreline with **Ammophila arenaria** ('white dunes') for which the area is considered to support a significant presence. Dunes with **Salix repens ssp. argentea** (*Salicion arenariae*) for which the area is considered to support a significant presence which is considered to be rare as its total extent in the United Kingdom is estimated to be less than 1,000 hectares. **Humid dune slacks** for which this is considered to be one of the best areas in the United Kingdom. **Fixed dunes** with herbaceous vegetation ('grey dunes') for which this is considered to be one of the best areas in the United Kingdom. **Rumex rupestris** (Shore dock) for which this is considered to be one of the best areas in the United Kingdom. **Gentianella anglica** (Early gentian) for which this is considered to be one of the best areas in the United Kingdom. **Petalophyllum ralfsii** (Petalwort) for which this is considered to be one of the best areas in the United Kingdom.

Matrix: Impact of residential development: Penhale Dunes SAC

Potential Effect	Site Conservation Objective(s)	Potential for Impact?	Relevant Mitigation Measures
Public Access/ Disturbance	Increase public awareness and information regarding the impacts of dog fouling and trampling.	Yes. Increase use/ fouling & trampling.	Penhale Dunes SAC Strategic Mitigation Plan
Inappropriate coastal management	Increase bare sand, dune slack and short turf habitats	No	n/a
Invasive species	Complete and implement a scrub and invasive species management plan	No	n/a
Change in land management	Review agricultural management and consents	No	n/a
Hydrological changes	Improve understanding of links between features and hydrology.	No	n/a
Air pollution risk of atmospheric nitrogen deposition	Further investigation.	No	n/a

The likely effectiveness and long-term financial robustness of the management of Penhale Dunes SAC have been examined by Cornwall Council in agreement with Natural England. This is set out and costed in the *Penhale Dunes SAC Strategic Mitigation Plan* and detailed in the 'European Sites Mitigation – Supplementary Planning Document'.

These will be implemented by the Council. If this is accepted by the applicant, the applicant does not need to provide new evidence base on these aspects.

Instead evidence should be submitted that a mitigation contribution payment of £180 per dwelling, or per bedroom in proposed properties of multiple occupation where appropriate, has either;

- been made with the planning application [refundable if application refused] **OR**
- 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 either pay, in advance of approval **OR** agree to enter a legal agreement by Section 106 agreement on larger scale proposals **OR** 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 Penhale Dunes Special Area of Conservation, together with an appropriate mechanism to secure delivery of the mitigation.

**Informative:** The Penhale Dunes SAC - 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 <<£180 per dwelling>>.

**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 Penhale Dunes Special Area of Conservation, together with an appropriate mechanism to secure delivery of the mitigation.

**Informative:** The Penhale Dunes SAC - 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 <<£180 per dwelling>>.

**Reason:** The development lies in a zone of influence of the Penhale Dunes Special Area of Conservation 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 63 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 *Penhale Dunes SAC 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.