

## Form 2: Development within 12.5km of Fal and Helford 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 Fal & Helford SAC.**

Application reference where applicable:	
Application address:	
Application description:	
Status of Application:	
Proximity to SPA/SAC:	Within the 12.5km Zone of influence for Fal & Helford 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 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.**

**Fal & Helford SAC (UK0013112) Site Improvement Plan sets out the Quality & Importance and qualifying features as:**

The Fal & Helford site encompasses the two rias (drowned river valleys) of the Fal Estuary and the Helford River and the inner part of Falmouth Bay between Zone Point on the Roseland Peninsula and Manacle Point on the Lizard Peninsula. It has been selected as a SAC for the following interest features:

- **saltmarsh** e.g. top of Fal & Ruan Creeks at Ruan Laniorne.
- **intertidal mudflats** e.g. upper reaches of Polwheveral and Frenchman's Creeks.
- **subtidal sandbanks** e.g. maerl beds in the Fal Estuary, particularly the live bed on St. Mawes Bank.
- **large shallow inlets and bays** e.g. the whole bay from Manacle Point to Zone Point, within this area are habitats such as reefs and rocky shores.
- **estuaries** e.g. the Fal Estuary and the Helford Estuary.
- **reefs** e.g. St Anthony's Head and inshore around Manacle Point.

Matrix: Impact of residential development: Fal & Helford SAC

Potential Effect	Site Conservation Objective(s)	Potential for Impact?	Relevant Mitigation Measures
Public Access/ Disturbance	Review recreational boating study & promote best practice. Pressure. <i>Subtidal sandbanks</i> Review moorings. Threat. <i>Subtidal sandbanks, Shallow inlet bays, Estuaries</i>	Yes	Fal & Helford SAC Mitigation Plan
Fisheries: recreational marine & estuarine	Indicate where management necessary – Threat. <i>Estuaries, Intertidal mudflats &amp; sandflats.</i>	Yes	Fal & Helford SAC Mitigation Plan
Water Pollution	Raise awareness of issue	Yes	Fal & Helford SAC Mitigation Plan
Marine Consents 1. Shipping 2. Channel maintenance	Assess impact of anchoring Strategy for undesirable terrestrial sediment	No	n/a
Water Pollution	Strategy to reduce diffuse nutrient pollution	No	n/a
Siltation	Develop strategy for undesirable terrestrial sources of sediment	No	n/a
Fisheries 1.private 2.Commercial	Advice to Duchy Oyster Farm Regulating order & indicate where management necessary & co-working to deliver improvement	No	n/a
Air Pollution: nitrogen deposition.	Investigate impact of Nitrogen deposition.	No	n/a
Invasive species	Identify scale of non-native issues & manage as required. Management Plan for Pacific Oyster		n/a

The likely effectiveness and long-term financial robustness of the management of Fal & Helford SAC have been examined by Cornwall Council in agreement with Natural England. This is set out and costed in the Fal & Helford SAC Strategic Mitigation Plan detailed in the 'European Sites Mitigation – Supplementary Planning Document. This 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 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 Fal & Helford Special Area of Conservation, together with an appropriate mechanism to secure delivery of the mitigation.

Informative: The Fal & Helford 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 £352.00.

Reason: The development lies in a zone of influence of the Fal & Helford 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 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 Fal & Helford 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.