Habitats Regulations Assessment (HRA):

Stage 2 (Appropriate Assessment)

Highwood, Feock, Truro, Cornwall

Grid Reference: SW 8208 3758

9th August 2023

Version 1

Plan for Ecology Ltd

Tremough Innovation Centre

Tremough Campus, Penryn, Cornwall, TR10 9TA

Tel: 01326 218839

www.planforecology.co.uk

Document Control:

Site Name:	Highwood, Feock, Truro, Cornwall
OS Grid Reference:	SW 8208 3758
Report Author:	Nicola Dyer BSc (Hons) MSc MCIEEM; bat licence no: 2019-10444-CLS-CLS
Document Approved by:	Dr Kim Jelbert BSc. (Hons) MSc. PhD. MCIEEM; bat licence: 2015-10444-CLS-CLS (CL18) Level 2; RC 224; barn owl licence no. CL29/00037; dormouse license no: 2016-22394-CLS-CLS
Client:	Ms Helen Ralston
Report Reference Number:	P4E3020
Version:	01
Date:	9th August 2023

Declaration:

"The information, evidence and advice, which we have prepared and provided is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology & Environmental Management's (CIEEM) Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions."

Nicola Dyer	[redacted]
Kim Jelbert	[redacted]

Report Lifespan:

Ecological features can change over time, particularly if site management/ use changes. Typically, ecological reports are valid for 18 months (until February 2025).

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CONTENTS

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1.0 Introduction

1.1 Background

Ms Helen Ralston commissioned Plan for Ecology Ltd to undertake a Habitats Regulations Assessment (HRA) of land at Highwood, Feock, Cornwall, TR3 6RB (OS Grid Ref: SW 8208 3758) in May 2023. The client is seeking planning consent for construction of a boathouse/studio.

1.2 Site Location & Description

The site is located at Highwood at Restronguet Point, c. 0.8km southwest of the village of Feock and c. 6.5km south of Truro, on the south coast of Cornwall. The site sits on the western bank of the Carrick Roads, within the Fal Estuary complex. The site covers 0.24ha and comprises a single residential dwelling with associated gardens that extend westwards to the banks of the estuary. The garden consists of areas of hardstanding, amenity grassland, and introduced shrub habitats. Towards the east, the garden slopes down to the foreshore and supports scattered trees over rough grassland. A small storage building, boatyard and part of a slipway are present where the site meets the foreshore. The entire site is located above the Mean High Water mark (Appendix 1).

Beyond the site boundary, neighbouring residential properties with large mature gardens adjoin the site to the north, south and west. The estuary directly adjoins the site to the east. Restronguet Point is a promontory within the Carrick Roads and surrounded by seawater on three sides, with mixed farmland beyond to the north.

1.3 Proposed Site Plans

The applicant seeks planning consent for the construction of a boat house/ studio at the south-eastern boundary of the site, on the footprint of the boatyard and storage building (Appendix 2). The boatyard and storage building will be retained and the studio will be built above. The studio will be a single room, built of timber walls on top of the existing stone retaining walls, a zinc roof and with windows and a wraparound balcony overlooking the estuary on two aspects.

The studio will not provide stand-alone residential accommodation and there are no plans to install any facilities that require connection to drainage that will require the disposal of grey/wastewater. Two wall-mounted downlights are proposed on the south-east elevation of the building but there will be no other external lighting.

It is proposed to construct the building by bringing materials and machinery through the garden, using existing pathways where possible; the slipway will not be used. It is anticipated that the construction storage area/compound will be located on hard standing at the site entrance. The proposed area to be included within the red line planning boundary accommodates the access route, storage area/compound and construction area, covering c. 0.08ha.

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1.4 Project Administration

Site Name:	Highwood, Feock, Cornwall, TR3 6RB
OS Grid Reference:	SW 8208 3758
Client:	Ms Helen Ralston
Planning Authority:	Cornwall Council
Planning Reference:	-
Report Reference Number:	P4E3020
Site proposals:	Planning consent for construction of a boathouse/studio.
Survey Date:	24th May 2023
Surveyor & Licence Numbers:	Nicola Dyer BSc (Hons) MSc MCIEEM (Bat licence no: 2019-10444-CLS-CLS)

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2.0 Background to HRA

A Habitats Regulations Assessment (HRA) is a process that evaluates the potential impact of a plan or project on protected European sites which make up the Natura 2000 network of protected areas. There are two types of European sites within this network: Special Areas of Conservation (SAC), which are designated under Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna (known as the 'Habitats Directive') for the species and habitats they support; and Special Protection Areas (SPA), which are designated under the Council Directive 2009/147/EC on the Conservation of Wild Birds (known as the 'Birds Directive') for the populations of bird species that they support. Any proposals affecting proposed SPAs (pSPA), candidate SACs (cSAC) and listed and proposed Wetlands of International Importance (Ramsar sites and pRamsar sites) also require a HRA because they are protected by government policy (Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities & Local Government, 2021).

Under the Conservation of Habitats and Species Regulations (HM Government, 2017), as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (referred to as the 'Habitat Regulations'), a Competent Authority must consider whether a development will affect a European site, either alone or in combination with other plans or projects, before planning permission can be granted. Further legislative details relating to HRA are provided in Appendix 3.

HRA is a three-stage process (Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities & Local Government, 2021):

- Stage 1 (Screening) checks if the proposal is likely to have a likely significant effect (LSE) on the conservation objectives of the European site, both alone or in combination with other plans or projects. In accordance with case law (People Over Wind and Sweetman v Coillte Teoranta (Case C-323/17); 12th April 2018), mitigation measures proposed for the purpose of avoiding or minimising risk to a European site cannot be considered at Stage 1 (see further information on HRA case law in Appendix 4). In light of this ruling, most plans or projects with potential to have LSEs on a European site are now required to undertake a Stage 2 Appropriate Assessment (AA).

- Stage 2 (Appropriate Assessment or AA) assesses the implications of the plan or project for the qualifying features of the European site, in view of the site's conservation objectives, and identifies ways to avoid or minimise any effects. Where adverse effects on the European site are considered unlikely to occur alone as a result of the development, these are then subject to consideration of the 'in-combination test'. If it is concluded that the proposals will have Adverse Effects on Integrity (AEoI) of a European site, despite any proposed avoidance or mitigation measures, it is necessary to proceed to Stage 3.

- Stage 3 (Derogation) considers if proposals that have AEoI of a European site qualify for an exemption. There are three tests to this stage to be followed in order: consider alternative solutions; consider Imperative Reasons of Overriding Public Interest (IROPI); and secure compensatory measures. Each test must be passed in sequence for a derogation to be granted.

This Stage 2 Appropriate Assessment (AA) has been prepared, proceeding upon the assumption that the proposed development will have LSEs.

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3.0 Appropriate Assessment Methodology

3.1 Identifying vulnerable European sites & Impact pathways

The Habitat Regulations Assessment Handbook guidance (Tyldesley and Chapman, 2018) was used to identify European sites which could be potentially impacted by the proposed development. In accordance with section E.6.7 'Scanning and selecting European sites potentially affected', this AA considers 1) those European sites with a Zone of Influence (ZoI) that falls within the boundary of the proposed development site; and 2) those sufficiently close for the proposed development to impact the European site through non-recreational impact pathways such as pollution. Potential impact pathways are identified in accordance with section E.6.2 of the Habitat Regulations Assessment Handbook (Tyldesley and Chapman, 2018).

A desk study search was undertaken for European sites within a 12.5km radius of the Proposed Development site using the Multi Agency Geographic Information for the Countryside (MAGIC) website (DEFRA, 2023) to determine whether the site falls within a European site Zone of Influence. A 12.5km radius is identified as a recreational impact zone around certain European sites which are vulnerable to visitor pressure (Cornwall Council, 2021) and, for the purposes of this HRA, has been taken as an approximate ZoI for all other European sites. The desk study search also included European sites beyond the 12.5km radius which contain watercourses that are linked to the Proposed Development site.

Information relating to the relevant European sites was researched to identify their qualifying features and conservation objectives (JNCC, 2023).

3.1 Identifying Likely Significant Effects

Likely Significant Effects (LSEs) are identified if a plan or project causes the Qualifying Features of a European site to fall into unfavourable condition and the conservation objectives of the site are adversely affected. LSEs can have the following impacts:

- Cause delays in progress towards achieving the conservation objectives of the European Site.
- Interrupt progress towards achieving the conservation objectives of the European Site.
- Disrupt those factors that help to maintain the favourable conditions of the European Site.
- Interfere with the balance, distribution and density of key species that are the indicators of the favourable condition of the European Site.

Natural England (2015) has identified that LSEs on the conservation objectives of a European site can include, but are not limited to, the following:

- Habitat loss and fragmentation – includes direct loss of habitats under the footprint of temporary or permanent works. Indirect effects through the loss of functionally linked habitats i.e. habitats that support species outside of the European site boundary.
- Species disturbance (visual, noise, vibration) – this refers to disturbance by construction, operation or decommissioning works on species that may cause behavioural effects, e.g. avoidance, change in foraging behaviour. Construction plant and machinery, earthworks, light pollution and presence of staff/workers are all considered.

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- Changes to water quality – considers effects on species (and their prey) as a result of contamination, changes in pH, increased nutrient loads, salinity, turbidity, alterations in the thermal regime, discharges or changes in sedimentation levels.
- Changes to air quality – evaluates the risk of discharges to air, including fugitive dust and combustion emissions.
- Changes to surface and groundwater hydrology – changes to the flow, supply, availability and drainage of water, increased risks associated with flooding.
- Introduction of Invasive Non-Native Species (INNS) – the risk of introducing or spreading INNS throughout construction works.
- Recreation – direct and indirect impacts on species and habitats as a result of increased recreational use, including increased visitor numbers, dog walkers, vehicle or watercraft use and associated issues such as dog fouling, litter and anti-social behaviour (vandalism and fires).

The judgement as to whether a plan or project will have LSEs is based on the best readily available information. Sources of information may include evidence from similar projects, the judgement of relevant specialists and survey data collected to date for a particular project. In line with the precautionary principle, where there is uncertainty and/or information is lacking in relation to the capacity of the effect to undermine the site's conservation objectives, it must be assumed that there will be an effect, unless further information can be made available to eliminate any areas of doubt.

3.2 Mitigation Measures

An Ecological Impact Assessment of the proposed development has been completed to inform the planning application (Plan for Ecology Ltd, 2023), in accordance with the 'Guidelines for Ecological Impact Assessment in the UK and Ireland' (CIEEM, 2018). The EcIA applied the Mitigation Hierarchy to identify measures to avoid, minimise and compensate for potential impacts on-site and for potential impact pathways off-site. The Mitigation Hierarchy was applied in accordance with the National Planning Policy Framework (Department for Levelling Up, Housing and Communities, 2021), Guidelines for Ecological Impact Assessment in the UK and Ireland (CIEEM, 2018) and BS 42020 – a code of practice for biodiversity in planning and development (BSI, 2013).

This AA report is based on the findings of the EcIA and also considers potential impacts to European sites in the wider ZoI. Where applicable, the AA refers to how the mitigation measures sit in the context of local planning policy (Cornwall Council, 2016a; 2017; 2018, 2021).

3.3 Cumulative Impacts

The cumulative effects resulting from the combined impacts of the proposed development with other local developments were assessed by carrying out a desk study of other developments in the local area which could impact the Fal & Helford SAC and the Falmouth Bay to St Austell Bat SPA.

The Cornwall Council online planning register (Cornwall Council, 2023) was accessed on 20th July 2023 to search for developments that have been approved or are awaiting decision within the last 3 years (2019 – 2023). Where Cornwall Council was consulted about Marine Management Organisation licence applications, the MMO public register (MMO, 2023) was also consulted for further information about the projects [accessed 5th August 2023]. Cornwall Council and the MMO are both competent authorities that are legally required to carry out Habitat Regulations

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Assessments under the Conservation of Habitats and Species Regulations (HM Government, 2017). These authorities either complete HRAs themselves or request that developers complete them on their behalf.

Due to the high number of planning applications in the ZoI around the SAC and SPA, a pragmatic approach was taken to identifying other plans or projects which could impact the designated area. The following projects were included in the cumulative impact assessment:

- Those within the following Parishes which encompass or border the Fal Estuary: St Keverne, St Anthony in Meneage, Manaccan, St Martin-in- Meneage, Mawgan- in-Meneage, Gweek, Constantine, Mawnan, Falmouth, Penryn, Mylor, Feock, Kea, Truro, St Clement, St Michael-in-Penkevil, Ruanlanihorne, Philleigh, St Just in Roseland, Gerrans and Veryan.
- Those which had similar components that may lead to similar impact pathways, e.g. other projects which could also potentially impact water quality within the estuary. As the Proposed Development does not have a residential element, planning applications which only have cumulative recreational impacts were excluded from the assessment.
- Those of a similar scale and extent that may lead to similar impact pathways. The Proposed Development is small scheme which, without mitigation, would have localised, minor impacts on the SAC and SPA.

In accordance with section C.8.1 of the Habitat Regulations Assessment Handbook (Tyldesley and Chapman, 2018), this AA considers whether the Proposed Development at Highwood, in combination with other developments, will result in a cumulative impact on the Qualifying Features of the Fal & Helford SAC. The following principles have been followed when assessing cumulative impacts:

- Where there are no significant predicted residual effects for the Proposed Development, it is considered unlikely that there would be potential for significant cumulative effects with other developments. However, an assessment of the cumulative impacts will be included within this AA to determine whether the incremental impact of the Proposed Development could lead to significant cumulative effects with other developments.
- Where there are no significant predicted residual effects for the Proposed Development and no significant residual effects predicted for other developments, it is concluded that there will be no significant cumulative effects.
- The assessment of cumulative impacts assumes that mitigation measures set out in the supporting planning reports for other developments will be implemented.
- Where planning applications have not carried out a HRA and this has not been required by Natural England or the LPA, it is assumed that there are no predicted impacts to European sites.

3.4 The Integrity Test

Site integrity is defined as its ecological structure and function across its whole area, which enable the site to sustain the habitat, complex of habitats and/or the levels of populations and species for which the site is or will be designated (section C.11.1. of the Habitat Regulations Assessment Handbook; Tyldesley and Chapman, 2018).

'The Integrity Test' determines whether a plan or project will have an adverse effect on the integrity (as defined above) of the European site. In this instance, 'the Integrity Test' determines whether a plan or project will have an adverse effect on the levels of populations and species, or the quality, structure and function of the habitats for which the site is designated. No adverse

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effects on the integrity of a protected site are considered to occur where there is no reasonable scientific doubt as to the absence of such effects, whether when considering the proposed development alone, or in combination with other plans and projects. The assessment takes into account the best scientific knowledge in the field.

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4.0 European sites within the Zone of Influence

The Proposed Development lies within a 12.5km radius and in the ZoI of three European sites: Fal and Helford SAC, Falmouth Bay to St Austell Bay SPA and Carrine Common SAC. Their location in relation to the Proposed Development is shown in Appendix 5. The European sites are described below with their conservation objectives.

4.1 The Fal and Helford SAC

The proposed development site is located c. 23m from the boundary of the Fal and Helford SAC. The Fal and Helford SAC comprises 6362 hectares of intertidal and subtidal aquatic habitat. It is designated for the following Qualifying Features which are listed on Annex I and Annex II of the EC Habitats Directive 1992:

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

1110 Sandbanks which are slightly covered by sea water all the time

- This is a sheltered site on the south-west coast of England, with a low tidal range and a wide range of substrates resulting in biologically one of the richest examples of sandbanks in the UK. Sublittoral sandbanks are present throughout much of the ria system and Falmouth Bay. There are particularly rich sublittoral sand invertebrate communities with eelgrass Zostera marina beds near the mouth of both the Fal and Helford and in some channels of the rias, such as the Percuil River and Passage Cove. Of particular importance are the maerl (Phymatolithon calcareum and Lithothamnion corallioides) beds that occur in the lower Fal on St Mawes Bank, and the extensive areas of maerl gravel which extend throughout the Carrick Roads and Falmouth Bay. These are the largest beds in south-west Britain and harbour a rich variety of both epifaunal and infaunal species, including some which are rarely encountered, such as Couch's goby Gobius couchi.

1140 Mudflats and sandflats not covered by seawater at low tide

- This area supports examples of sheltered intertidal mudflats and sandflats representative of south-west England, and is particularly recognised for the importance of the species living in the sediments, including amphipods, polychaete worms, the sea cucumber Leptopentacta elongata and bivalve molluscs. Most of the shores of the Fal and Helford rias, and their upper reaches, are fringed by sandflats and mudflats. Owing to the sheltered nature of the site, the sediments are stable as well as being diverse, and include muds, muddy sand and clean sand. These support particularly rich and nationally important sediment communities in the Fal/Ruan estuary, Percuil River and in Passage Cove, including beds of dwarf eelgrass Zostera noltei and diverse invertebrate communities.

1160 Large shallow inlets and bays

- This site is a ria system in south-west England that supports a wide range of communities representative of marine inlets and shallow bays. The rias of the Fal and Helford have only a low freshwater input and as a result the area contains a range of fully marine habitats from extremely sheltered in the inlets to the wave-exposed, tide-swept open coast. There is a particularly diverse algal flora and a number of warm-water species are present. The area supports extensive and rich sediment communities, which include the largest and most south-westerly maerl Phymatolithon calcareum bed in the UK.

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1330 Atlantic salt meadows (Glauco-Puccinellietalia maritimae)

- The Fal and Helford is an example of saltmarsh vegetation in a ria (drowned river valley), a physiographic type restricted to south-west England and west Wales. There is a narrow saltmarsh zonation typical of rias, from pioneer to upper marsh, and transitions to woodland where the fringing trees overhang the tidal river, an unusual juxtaposition of vegetation in the UK.

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

1130 Estuaries

1170 Reefs

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

1441 Shore dock Rumex rupestris

- A rocky-shore site supporting a large, dispersed population of shore dock Rumex rupestris near to the centre of its distribution in south-west England. Three sections of open coastline are included within the site, which when last surveyed (in 1999) supported 12 colonies and at least 34 plants. The site also holds extensive additional areas of suitable habitat.

Conservation objectives for the Fal & Helford SAC are as follows (Natural England, 2014[3]):

Ensure that the integrity of the site is maintained or restored as appropriate, and 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 qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species
- The distribution of qualifying species within the site.

The Fal & Helford SAC Site Improvement Plan identifies that the site is vulnerable to the following threats (Natural England, 2014[4]): Marine consents and permits (shipping and channel maintenance), invasive species, water pollution, public access/disturbance, siltation, fisheries (commercial marine and estuarine, and private) and air pollution (atmospheric nitrogen pollution).

4.2 Falmouth Bay to St Austell Bay SPA

The eastern boundary of the Proposed Development borders the Falmouth Bay to St Austell Bay SPA. The SPA covers the marine environment incorporating five shallow, sandy bays; Falmouth Bay, Gerrans Bay, Veryan Bay, Mevagissey Bay and St Austell Bay. It also includes Carrick Roads,

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an estuarine area which meets the sea between Falmouth and St Mawes, and part of the tidal Helford River. The river complex areas are part of a ria system, typified by steep sides and slow tidal currents, with subtidal rocky shores and exposed intertidal mud on creeks and river branches. These marine habitats support important populations of rare wintering birds.

The site is designated for the following Qualifying Features which are listed on Annex I of the EC Birds Directive 2009:

- Black throated diver (Gavia arctica) – 20.5% of the GB population
- Great northern diver (Gavia immer) – 3.0% of the GB population
- Slavonian grebe (Podiceps auritus) - 1.4% of the GB population.

Conservation objectives for Falmouth Bay to St Austell Bay SPA are as follows (Natural England, 2016):

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and
- The distribution of the qualifying features within the site.

A Site Improvement Plan for the Falmouth Bay to St Austell Bay SPA is not available but stakeholder concerns relate to disturbance from increasing levels of recreational use, notably drones, kayaking and paddle boarding, motor boating and wildlife cruises (Natural England, undated).

4.3 Carrine Common SAC

The Proposed Development lies c. 5.75km from from Carrine Common SAC at its closest point. The SAC covers 46ha and is designated for the following Qualifying Features which are listed on Annex I of the EC Habitat Directive 1992:

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

4020 Temperate Atlantic wet heaths with Erica ciliaris and Erica tetralix

- Carrine Common has a large area of Dorset heath Erica ciliaris and is important for the representation of the full geographical distribution of temperate Atlantic wet heaths. This site also takes account of the ecological variation of the habitat type, as E. ciliaris at Carrine Common occurs on soils that appear to be more free-draining than is usually the case in Dorset and elsewhere in Cornwall. The occurrence of this habitat type under such conditions is thought to reflect the highly oceanic climate of Cornwall.

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

4030 European dry heaths

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Conservation objectives for Carrine Common SAC are as follows (Natural England, 2018):

> 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 the qualifying natural habitats rely.

Carrine Common SAC Site Improvement Plan identifies that the site is vulnerable to the following threats (Natural England, 2014): Inappropriate scrub control, direct impact from third party (dumped material), air pollution from atmospheric nitrogen deposition and public access/disturbance.

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5.0 Assessment of Likely Significant Effects

5.1 Fal and Helford SAC

The eastern boundary of the Proposed Development site lies 23m from the Fal and Helford SAC. The Proposed Development site is located entirely above the Mean High Water mark and there will be no direct impacts to the designated area. However, in the absence of mitigation, the proposals could negatively affect the SAC because surface runoff from the construction area and any accidental spillage of machinery oils or other contaminants during construction is likely to flow downslope onto the foreshore and have an impact on water quality, indirectly affecting intertidal and marine habitats and species.

Construction activity, noise and vibration close to the foreshore will cause temporary, localised disturbance which could affect the behaviour of estuarine species, notably fish, birds and marine mammals. There are no proposals for any artificial lighting during the construction phase which could also affect animal behaviour. Increased levels of dust could affect the health of vascular and non-vascular plants on the foreshore. To minimise impacts, all construction materials and machinery will be brought to the site through the adjacent garden to the west and there will be no requirement to use the slipway.

Once operational, the Proposed Development is not associated with any residential, tourist or student accommodation and it will not result in an increase population density or contribute to cumulative recreational pressures on the Fal and Helford SAC. The boathouse/studio will not be connected to drainage and there will be no discharge of grey/wastewater into the estuary. External lighting is confined to two downlights and there will be no significant light spill onto the foreshore.

In the absence of mitigation, it is concluded that the construction phase could have short-term, minor impacts on the estuary through localised disturbance and habitat degradation. Without mitigation, it is considered that the Proposed Development will have a Likely Significant Effect on the conservation objectives of the SAC by affecting the extent and distribution of qualifying natural habitats, and any water pollution incidents could also affect the structure and function of qualifying natural habitats. Further information is provided in section 7.2 Integrity Test.

Mitigation measures will be required to avoid and reduce potential construction impacts to the SAC (see Section 6).

5.2 Falmouth Bay to St Austell Bay SPA

The eastern boundary of the Proposed Development site borders the SPA. The entire Proposed Development site lies at the top of the slipway and above the Mean High Water mark.

The SPA could be impacted during the construction phase because surface runoff from the construction area and any accidental spillage of machinery oils or other contaminants is likely to flow downslope onto the foreshore and have an impact on water quality, indirectly affecting the bird species for which the SPA is designated.

Construction noise and vibration are unlikely to impact the diving bird species of the SPA as these species typically occur further offshore in the wider Falmouth Bay area.

Once operational, the Proposed Development is unlikely to have any impact on the key SPA bird species. It is not associated with any residential, tourist or student accommodation that could contribute to cumulative recreational pressures on the marine SPA. The boathouse/studio will not be connected to drainage and there will be no discharge of grey/wastewater into the estuary. External lighting is confined to two downlights and there will be no significant light spill onto the foreshore.

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In the absence of mitigation, it is concluded that the construction phase could have short-term, minor impacts on birds within the SPA through localised water contamination. Without mitigation, it is considered that the Proposed Development will have a Likely Significant Effect on the conservation objectives of the SPA by affecting the structure and function of the habitats of the qualifying features. Further information is provided in section 7.2 Integrity Test.

Mitigation measures will be required to avoid and reduce potential construction impacts to the SPA (see Section 6).

5.3 Carrine Common SAC

The Proposed Development lies c. 5.75km from from the Carrine Common SAC. Due to the distance from the SAC, construction works will not cause any disturbance from noise, vibration, dust or runoff. The Proposed Development site is not linked hydrologically to the SAC and there is no risk of water contamination. Once operational, the Proposed Development will not have any impacts on the marine SAC.

It is concluded that there are no impact pathways between the Proposed Development and Carrine Common SAC and the scheme will not affect the Qualifying Features, conservation objectives or site integrity of the SAC.

No mitigation measures are required.

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6.0 Mitigation Measures

This section details the mitigation measures that will be taken to avoid and reduce potential impacts to The Fal and Helford SAC and the Falmouth Bay to St Austell Bay SPA. As the Proposed Development will not have any Likely Significant Effects on Carrine Common within the Zone of Influence, mitigation measures for this site is not required.

The following mitigation measures have been informed by an Ecological Impact Assessment (EcIA) of the site (Plan for Ecology Ltd, 2023). The Proposed Development will implement the following recommendations to minimise construction impacts to the qualifying features and conservation objectives of the two European sites. The Proposed Development will not have an operational impacts on the SAC and SPA and no mitigation is required for this stage of the project.

Pre-construction

1. Adopt Environment Agency pollution prevention guidelines (PPG5) for working on or near water (EA, 2007). Although these guidelines have been withdrawn as the EA no longer provide this type of advice, they are still in use and relevant to the project.
2. Prepare a Construction Environmental Management Plan (CEMP) based on the guidance provided in British Standard BS42020:13 (BSI, 2013) to demonstrate the measures taken to avoid impacts to habitats and species, including minimising noise, vibration, lighting, dust and the risk of runoff during the construction phase. The CEMP is to include:

    - A construction site plan that shows material storage, temporary site parking areas and welfare facilities. These should be located at least 10m from the foreshore, preferably on an area of existing hardstanding e.g., the main driveway to the property.
    - A plan showing the proposed access route through the garden. This route, and the construction area, should be clearly demarcated using stakes and tape to minimise the working area. This will prevent the spread of construction activities into the mixed woodland and onto the slipway below Mean High Water.
    - A timetable of works to minimise disturbance to protected species if any tree works or vegetation clearance are required, as detailed in the Ecological Impact Assessment report (Plan for Ecology, 2023).
    - Measures to avoid injury/disturbance to protected species, as detailed in the Ecological Impact Assessment report.
    - Measures to control Schedule 9 invasive plants along the access route.
    - Measures to minimise artificial lighting and avoid any direct lighting onto the estuary (if construction works outside daylight hours are required).
    - A toolbox talk prior for contractors prior to construction so that they are made aware of the European sites designation, habitats and species to be protected during the works and any potential risks to breaching wildlife legislation.

3. Prepare a Construction Surface Water Management Plan (CSWMP) to avoid the risk of water contamination of the foreshore and estuary. The plan is to include:

    - A method statement to describe how surface water will be managed during construction.
    - Pollution, water quality and emergency control measures, to include prevention of surface water from entering the estuary and collection of contaminated water (DEFRA and Environment Agency, 2023).
    - Use of Environment Agency flood and weather alerts in scheduling works to avoid the risk of increased runoff.

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During construction

4. Implement the CEMP and CSWMP to minimise the risk of disturbance/degradation of the European sites.

5. Store goods and materials required during construction within the designated storage area prior to use. Move these to the construction site as and when required.

6. Mix any concrete or other materials within the designated storage area.

7. Store all machinery and any fuels within the designated storage area.

8. Access the construction site via the demarcated route only. If there is any requirement to deviate from this route to bring individual large items to the construction site, seek advice from an ecologist, specifically for impacts to trees and invasive plant species within the mixed woodland.

9. Confine construction activities to the demarcated construction area. Avoid access to the slipway or foreshore below Mean High Water at all times.

Post-construction

10. Clean up the site to restore it to its former condition. Remove all machinery, materials, fencing stakes and marker tape.

11. Restore any areas of disturbed vegetation along the access route by reseeding with a suitable seed mix. Within the mixed woodland area, this should comprise a wildflower woodland mix e.g., Emorsgate Woodland Mixture EW1. Control any non-native invasive plant species which colonise disturbed areas.

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7.0 Residual Impacts

7.1 Assessment of the Proposed Development alone

Providing the mitigation measures outlined in section 6. are followed, when considered alone, the Proposed Development will not have any residual impacts on the qualifying features of the Fal and Helford SAC or the Falmouth Bay to St Austell Bay SPA and will not affect the conservation objectives or site integrity of these European sites (see Integrity Test in 7.3).

The Proposed Development will not have any residual impacts on any of the other European sites within the ZoI.

7.2 Assessment of Cumulative Effects

This section assesses if the Proposed Development will have any 'in-combination' impacts on Fal and Helford SAC or the Falmouth Bay to St Austell Bay SPA when considered in combination with other developments within and surrounding the Fal Estuary.

Although, when considered alone, the Proposed Development will not have any residual impacts once mitigation has been applied, a search for other projects was still undertaken according to the methodology described in section 3.3. A table describing other developments within and surrounding the SAC/SPA is presented in Appendix 6, together with an assessment of their likely residual impacts on European sites based on the ecological reports and assessments available on the Cornwall Council online planning register and the Marine Management Organisation public register (accessed 20th July 2023).

A total of thirty-six other developments were considered in the assessment of 'in-combination' effects. Most of the planning applications for these developments had provided an ecological report and seventeen had provided a HRA Stage 2 Appropriate Assessment. Where reports indicated that the proposed developments would not affect European sites or that impacts would be sufficiently mitigated/compensated for, it was concluded that, when considered alone, the projects would not have any residual impacts on European sites. Where a HRA was not requested by Cornwall Council or the Marine Management Organisation, it is assumed that these competent authorities concluded that this was unnecessary due to the lack of potentially significant effects on European sites.

This assessment concluded that thirty-four projects had no residual impacts on the Fal and Helford SAC or the Falmouth Bay to St Austell Bay SPA, or other European sites within the ZoI. Two proposed developments could potentially have residual impacts on the SAC and SPA: Planning application PA23/03575 for the demolition and construction of a dry dock at Falmouth (awaiting planning decision) and planning application PA19/11200 and marine licence MLA/2019/00482 for dredging the Fal Estuary (MMO licence granted). Further details are provided in Appendix 6.

With mitigation, the Proposed Development at Highwood will have no residual impacts on any European sites. Therefore, when combined with other developments in the ZoI, including those that will have potential residual impacts, there will be no incremental increase in the impacts on the Fal and Helford SAC or the Falmouth Bay to St Austell Bay SPA, or other European sites within the ZoI. Therefore, it is concluded that there will be no 'in-combination' effects associated with the Proposed Development.

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7.3 The Integrity Test

The Integrity Test is applied to the Fal and Helford SAC and the Falmouth Bay to St Austell Bay SPA to identify if the potential impacts of the Proposed Development will affect the integrity of these European sites, either alone or in-combination with other plans and projects (Table 1). An adverse effect is an effect on the qualifying features of a European site which would undermine the achievement of the conservation objectives for the European site and have a negative effect on the coherence of its ecological structure and function, across the whole area, that enables the site to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it is designated (section C.11. of the Habitat Regulations Assessment Handbook; Tyldesley and Chapman, 2018).

As it has been concluded that the Proposed Development will not have any likely significant effects on other European sites within the ZoI, namely Carrine Common SAC, there is no requirement to apply the Integrity Test to this site.

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Table 1: The Integrity Test for the Proposed Development: Fal and Helford SAC.

Site	Qualifying Features	Possible impacts arising from the proposed development (Impact Pathway)	Is there a risk of an adverse effect alone?	Possible impacts from other trends, plans etc.	Is there a significant risk of adverse in-combination effects? Can these be avoided through implementation of avoidance or mitigation measures?
Fal & Helford SAC	Annex I Habitats (EC Habitats Directive, 1992): Atlantic salt meadows (Glauco-Puccinellietalia maritimae); Estuaries; Mudflats and sandflats not covered by seawater at low tide; Large shallow inlets and bays; reefs; and Sandbanks which are slightly covered by seawater all the time. Annex II Species (EC Habitats Directive, 1992): Shore dock (Rumex rupestris).	The potential of the development to adversely affect the interest features of the SAC through construction activities (reduced water quality, disturbance from noise and vibration, dust generation). It is concluded that the construction phase could have short-term, minor impacts on the estuary through localised disturbance and habitat degradation.	Yes. Without mitigation, the Proposed Development will have a Likely Significant Effect on the conservation objectives of the SAC by affecting the extent and distribution of qualifying natural habitats, and any water pollution incidents could also affect the structure and function of qualifying natural habitats.	Impacts are considered unlikely.	There is a low risk of adverse in-combination effects with other developments in the ZoI around the Fal and Helford SAC. These can be avoided by implementing the mitigation measures described in section 6. With these measures in place, the project will not have any residual impacts, either alone or in-combination.

Table 2: The Integrity Test for the Proposed Development: Falmouth Bay to St Austell Bay SPA.

Site	Qualifying Features	Possible impacts arising from the proposed development (Impact Pathway)	Is there a risk of an adverse effect alone?	Possible impacts from other trends, plans etc.	Is there a significant risk of adverse in-combination effects? Can these be avoided through implementation of avoidance or mitigation measures?
Falmouth Bay to St Austell Bay SPA	The SPA is designated under the European Commission Conservation of Wild Birds Directive. The SPA supports important populations of rare wintering birds. The listed qualifying species in Annex I are the Black throated diver (Gavia arctica), the Great northern diver (Gavia immer) and the Slavonian grebe (Podiceps auritus).	The potential of the development to adversely affect the interest features of the SPA through construction activities. A localised reduction in water quality could have short-term, minor impact on the bird species for which the SPA is designated. Construction noise and vibration are unlikely to have potential impacts as the bird species are primarily offshore.	Yes. Without mitigation, the Proposed Development will have a Likely Significant Effect on the conservation objectives of the SPA by affecting the structure and function of the habitats of the qualifying features.	Impacts are considered unlikely.	There is a low risk of adverse in-combination effects with other developments in the ZoI around the Falmouth Bay to St Austell bay SPA. These can be avoided by implementing the mitigation measures described in section 6. With these measures in place, the project will not have any residual impacts, either alone or in-combination.

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7.4 Conclusion

This Habitats Regulations Assessment Stage 2 Appropriate Assessment is informed by an Ecological Impact Assessment (Plan for Ecology Ltd, 2023) and ecological reports relating to other developments on the Cornwall Council online planning register and Marine Management Organisation public register. These documents were used to assess the Likely Significant Effects of the Proposed Development and other developments within the ZoI of three European sites: the Fal and Helford SAC, the Falmouth Bay to St Austell Bay SPA and Carrine Common SAC. Where any potential adverse effects of the Proposed Development were identified, measures were designed to adequately mitigate these impacts.

It is concluded that, subject to inclusion of any additional measures required by Natural England, any adverse effects on the qualifying features of European sites within the ZoI, resulting from the construction and operation of the boathouse/studio at Highwood, Feock, can be reasonably ruled out with the inclusion of construction phase mitigation measures. The operational phase of the Proposed Development will not have any adverse impacts on European sites.

It is concluded that the Proposed Development, when considered alone or in-combination with other plans or projects, will not affect the conservation objectives or site integrity of the Fal and Helford SAC, the Falmouth Bay to St Austell Bay SPA and Carrine Common SAC.

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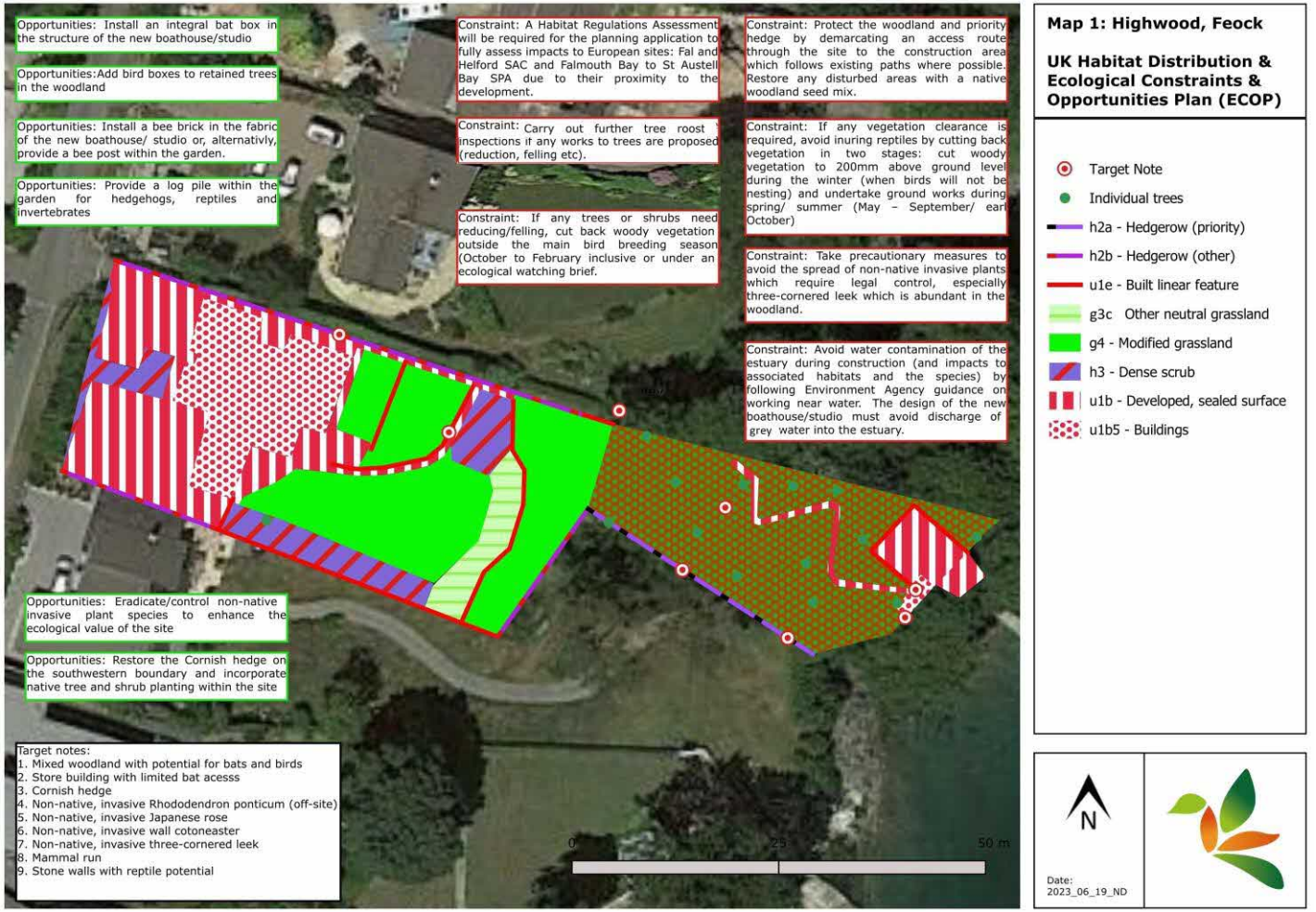
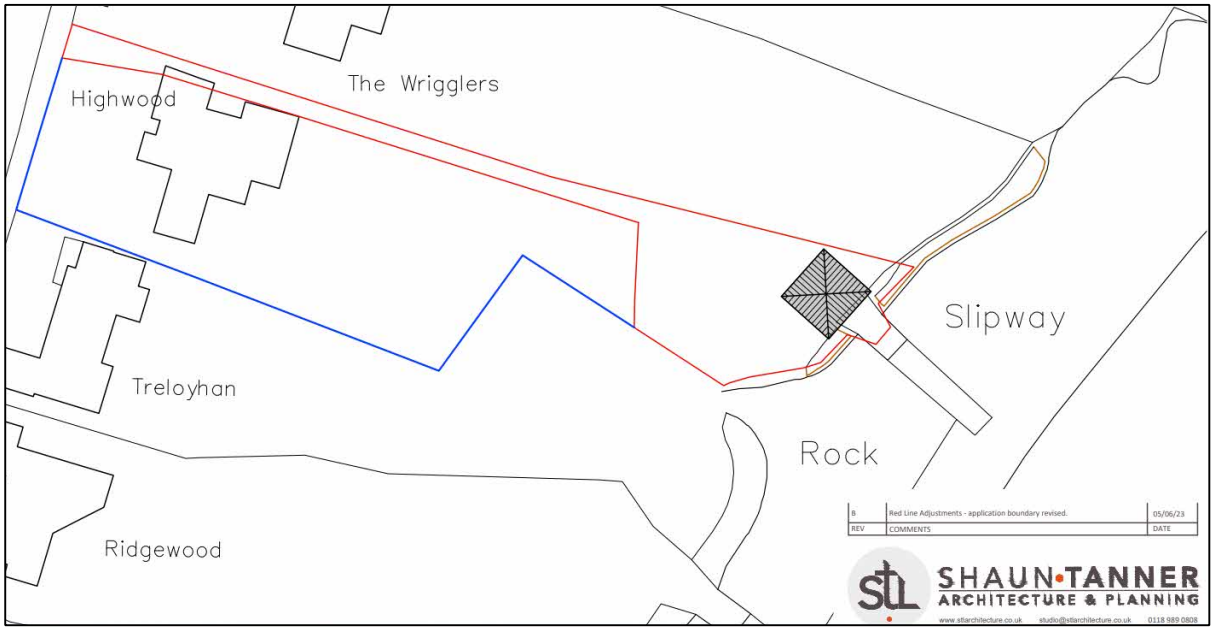
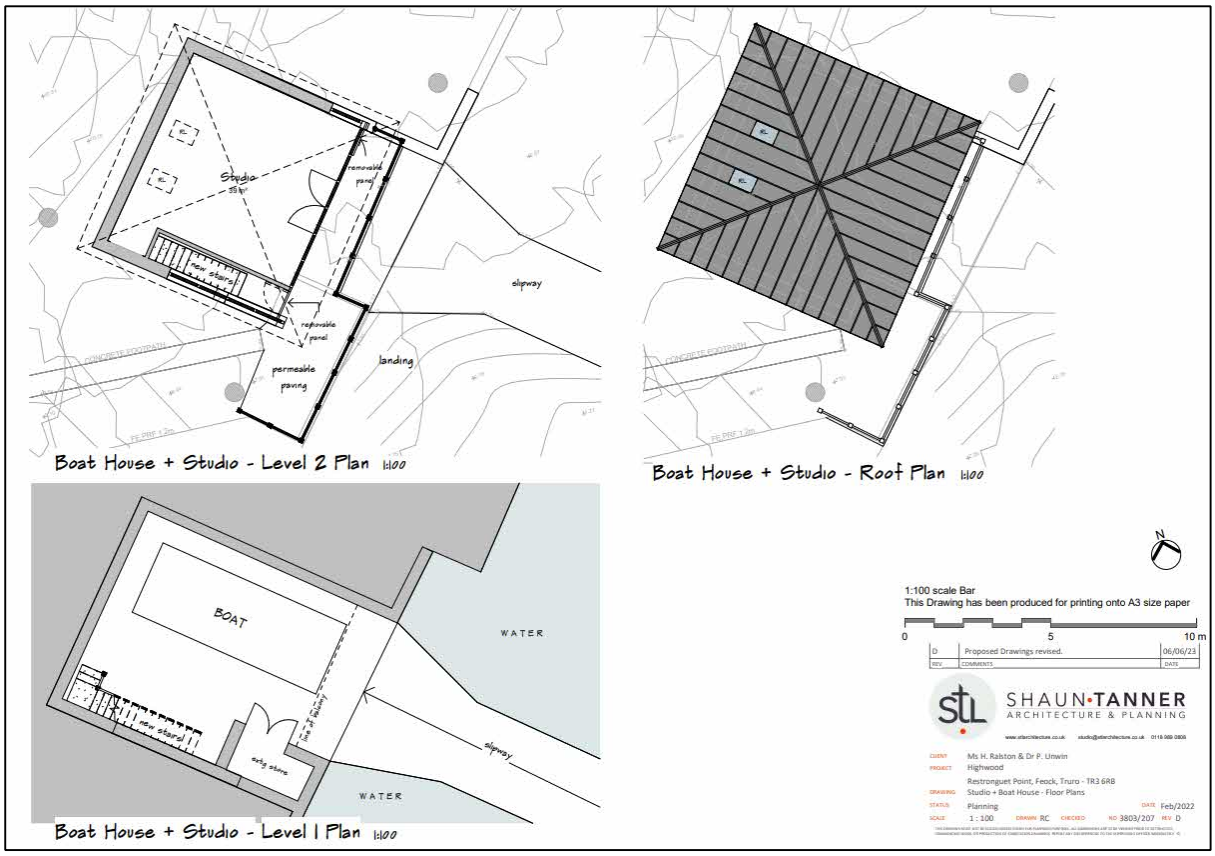
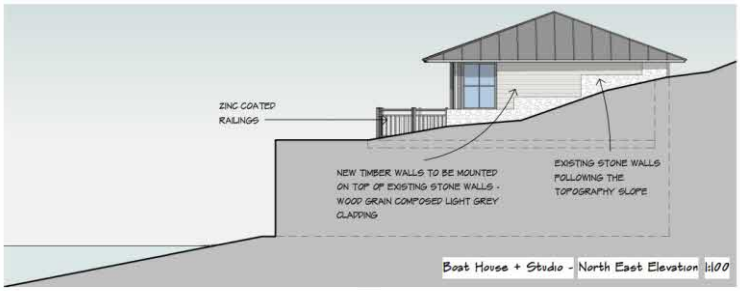
9.0 Appendix 1. Ecological Constraints and Opportunities Plan relating to the Proposed Development (Plan for Ecology, 2023).



10.0 Appendix 2: Proposed Development






ZINC COATED RAILINGS
NEW TIMBER WALLS TO BE MOUNTED ON TOP OF EXISTING STONE WALLS - WOOD GRAIN COMPOSED LIGHT GREY CLADDING
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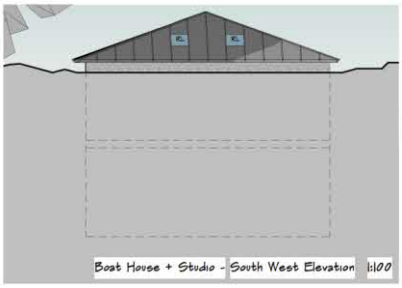
Boat House + Studio - North East Elevation 1:100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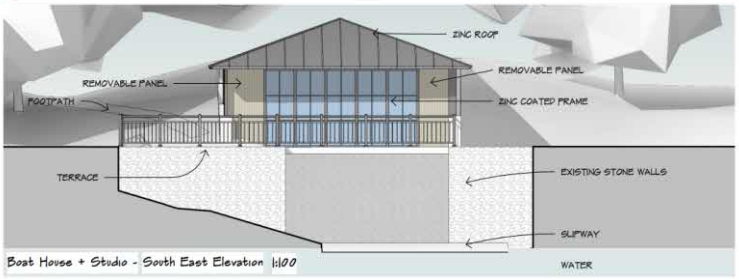
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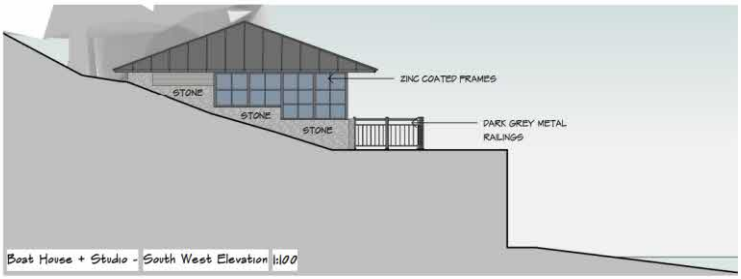
Boat House + Studio - South East Elevation 1:100
WATER


ZINC COATED FRAMES
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DARK GREY METAL RAILINGS
Boat House + Studio - South West Elevation 1:100


NEW STOREY ABOVE BOAT HOUSE
TO BE USED AS A STUDIO ROOM
1:100 scale Bar
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11.0 Appendix 3: Wildlife Legislation relating to HRA

The Conservation of Habitats and Species Regulations (HM Government, 2017) (as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (HM Government, 2019)), referred to here after as the 'Habitat Regulations', encompasses Special Areas of Conservation (SACs) and provides additional protection for Special Protected Areas (SPA's), RAMSAR Sites and European Protected Species (EPS). Protection is afforded from direct and indirect impacts, particularly where mobile wildlife populations for which the SAC/SPA is designated may be significantly affected.

A Habitats Regulations Assessment/Appropriate Assessment must be completed by the competent authority, based on sufficient information provided by the applicant, to meet Regulation 63 of the Habitats Regulations. The Waddenzee judgement ruled that a plan or project may be authorised only if a competent authority has made certain that the plan or project will not adversely affect the integrity of the site. A decision can only be reached "where no reasonable scientific doubt remains as to the absence of such effects". Competent authorities must be "convinced" that there will not be an adverse effect. Where doubt remains as to the absence of adverse effects, the plan or project must not be authorised, subject to the procedure outlined in the Habitats Regulations regarding imperative reasons of overriding public interest.

Regulation 63 of the Conservation of Habitats and Species Regulations 2017 provides:

(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

> (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
>
> (b) is not directly connected with or necessary to the management of that site,

must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

(2) A person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required.

(3) The competent authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies.

(4) It must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate.

(5) In the light of the conclusions of the assessment, and subject to regulation 64, the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

(6) In considering whether a plan or project will adversely affect the integrity of the site, the competent authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorisation should be given.

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12.0 Appendix 4: Case law relating to Habitat Regulations Assessment

People Over Wind & Peter Sweetman v Coillte Teoranta ('People over Wind') (Case C-323/17)

In April 2018, the Court of Justice of the European Union delivered its judgment in Case C-323/17 People Over Wind & Peter Sweetman v Coillte Teoranta ('People over Wind'). The judgment clarified that when making screening decisions for the purposes of deciding whether an appropriate assessment is required, competent authorities cannot take into account any mitigation measures. As a result, a competent authority may only take account of mitigation measures intended to avoid or reduce the harmful effects of a plan or project as part of a Stage 2 Appropriate Assessment itself. This is a departure from the approach established by domestic case law, which had permitted mitigation measures to be taken into account at the Stage 1 Screening stage.

Holohan v An Bord Pleanala (C-461/17)

The applicants challenged a decision of the An Bord Pleanála in July 2014 to grant consent for the proposed Kilkenny Northern Ring Road Extension which would, if constructed, cross the River Nore Special Protection Area and River Barrow and River Nore Site of Community Importance. The applicants claimed that the An Bord Pleanála failed to consider the environmental effects of the main alternatives and that the Appropriate Assessment was deficient, and that the respondent had erred by approving the proposed development without carrying out pre-consent ecological surveys.

The CJEU ruled that:

> "33 Under Article 6(3) of the Habitats Directive, an appropriate assessment of the implications of a plan or project for the site concerned implies that, before the plan or project is approved, all the aspects of the plan or project which can, either individually or in combination with other plans or projects, affect the conservation objectives of that site must be identified, in the light of the best scientific knowledge in the field. The competent national authorities are to authorise an activity on the protected site only if they have made certain that it will not adversely affect the integrity of that site. That is so when there is no reasonable scientific doubt as to the absence of such effects (judgment of 8 November 2016, Lesoochranárske zoskupenie VLK,C-243/15, EU:C:2016:838, paragraph 42 and the case-law cited).
>
> 34 The assessment carried out under that provision may not have lacunae and must contain complete, precise and definitive findings and conclusions capable of dispelling all reasonable scientific doubt as to the effects of the proposed works on the protected area concerned (judgment of 25 July 2018, Grace and Sweetman,C-164/17, EU:C:2018:593, paragraph 39 and the case-law cited).
>
> 35 In order for the integrity of a site as a natural habitat not to be adversely affected for the purposes of the second sentence of Article 6(3) of the Habitats Directive, the site needs to be preserved at a favourable conservation status; this entails the lasting preservation of the constitutive characteristics of the site concerned that are connected to the presence of a natural habitat type whose preservation was the objective justifying the designation of that site in the list of sites of Community importance, in accordance with that directive (judgment of 17 April 2018, Commission v Poland (Białowieża Forest), C-441/17, EU:C:2018:255, paragraph 116 and the case-law cited).
>
> 37 Since, as stated in paragraphs 33 and 34 of the present judgment, all aspects which might affect those objectives must be identified and since the assessment carried out must contain complete, precise and definitive findings in that regard, it must be held that all the habitats and species for which the site is protected must be catalogued. A failure, in that assessment, to identify the entirety of the habitats and species for which the site has been listed would be to

> disregard the abovementioned requirements and, therefore, as observed, in essence, by the Advocate General in point 31 of her Opinion, would not be sufficient to dispel all reasonable scientific doubt as to the absence of adverse effects on the integrity of the protected site (see, to that effect, judgment of 26 April 2017, Commission v Germany, C-142/16, EU:C:2017:301, paragraph 33).
>
> 38 It must also be added that, since the assessment must clearly demonstrate why the protected habitat types and species are not affected, it may be sufficient to establish, as observed by the Advocate General in point 30 of her Opinion, that only certain protected habitat types and species are present in the part of the protected area that is affected by the project and that the other protected habitat types and species present on the site are not liable to be affected. "

It also may require consideration of effects on non-protected habitats as species within or outside the boundaries of the European Site:

> "39 As regards other habitat types or species, which are present on the site, but for which that site has not been listed, and with respect to habitat types and species located outside that site, it must be recalled that the Habitats Directive, as follows from the wording of Article 6(3) of that directive, subjects '[a]ny plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon´ to the environmental protection mechanism of that provision. In that regard, as stated by the Advocate General in points 43 and 48 of her Opinion, the conservation objective pursued by the Habitats Directive, recalled in paragraph 35 of the present judgment, entails that typical habitats or species must be included in the appropriate assessment, if they are necessary to the conservation of the habitat types and species listed for the protected area˝.

Cooperatie Mobilisation for the Environment UA (C-293/17) (7 November 2018).

The case concerned authorisations for agricultural activities in European sites protected by the Habitats Directive and where nitrogen deposition levels already exceeded the critical load. It was ruled that Appropriate Assessment is not to take into account the future benefits of measures (whether or not forming part of the plan under consideration) if the expected benefits of those measures are not certain at the time of the assessment.

The CJEU ruled that:

- Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that the grazing of cattle and the application of fertilisers on the surface of land or below its surface in the vicinity of Natura 2000 sites may be classified as a 'project´ within the meaning of that provision, even if those activities, in so far as they are not a physical intervention in the natural surroundings, do not constitute a 'project´ within the meaning of Article 1(2)(a) of Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment.

- Article 6(3) of Directive 92/43 must be interpreted as meaning that a recurring activity, such as the application of fertilisers on the surface of land or below its surface, authorised under national law before the entry into force of that directive, may be regarded as one and the same project for the purposes of that provision, exempted from a new authorisation procedure, in so far as it constitutes a single operation characterised by a common purpose, continuity and, inter alia, the location and the conditions in which it is carried out being the same. If a single project was authorised before the system of protection laid down by that provision became applicable to the site in question, the carrying out of that project may nevertheless fall within the scope of Article 6(2) of that directive.

- Article 6(3) of Directive 92/43 must be interpreted as meaning that an 'appropriate assessment' within the meaning of that provision may not take into account the existence of 'conservation measures' within the meaning of paragraph 1 of that article, 'preventive measures' within the meaning of paragraph 2 of that article, measures specifically adopted for a programme such as that at issue in the main proceedings or 'autonomous' measures, in so far as those measures are not part of that programme, if the expected benefits of those measures are not certain at the time of that assessment.

- Article 6(3) of Directive 92/43 must be interpreted as meaning that measures introduced by national legislation, such as that at issue in the main proceedings, including procedures for the surveillance and monitoring of farms whose activities cause nitrogen deposition and the possibility of imposing penalties, up to and including the closure of those farms, are sufficient for the purposes of complying with that provision."

Grace and anor v An Bord Pleanala & ors (C-164/17)

The applicants, Ms Grace and Mr Sweetman, objected to the development of a wind farm in an area known to support hen harrier, a species protected under EC law. The applicants challenged the decision taken by the An Bord Pleanala to grant ESB Wind Developments Ltd and Coillte permission for a wind farm and had failed to carry out an adequate Environmental Impact Assessment (EIA) as required by the Habitats Directive and the Planning and Development Act 2000.

The Supreme Court ruled that the Grace (& Sweetman) does have 'standing' to challenge the An Bord Pleanala decision even though she did not take part in the planning application process. Her standing comes from the fact that she lives in sufficient proximity to and could be adversely affected by the development. As the applicant has 'standing' the case was referred to the European Court of Justice to rule on whether the EIA was adequate.

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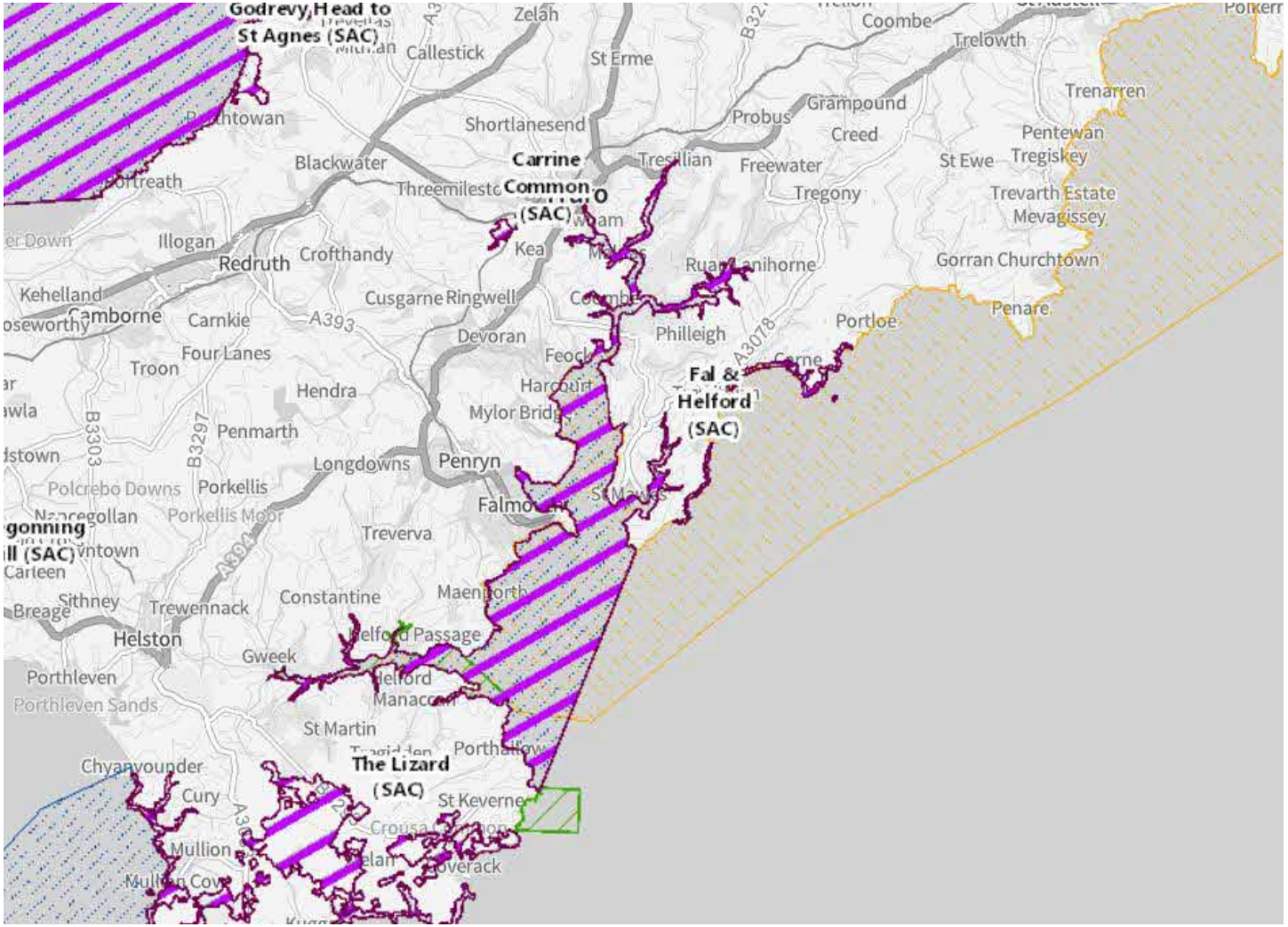
13.0 Appendix 5: Location of European Sites within the Zone of Influence (DEFRA, 2023)



14.0 Appendix 6: Other Developments Considered in the Assessment of Cumulative Impacts

Project by parish	Address	Planning details	Assessment of residual impacts
St Keverne			
Change of use for existing use of the site as a stone quarry to be rescinded and replaced by a holiday park for 53 eco-lodges, for holiday use only, together with a further 3 holiday eco-lodges for the sole benefit of charitable causes.	Dean Quarry St Keverne Helston Cornwall TR12 6NY	Ref. No: PA22/09928 | Validated: Tue 09 May 2023 | Status: Awaiting decision	A HRA Appropriate Assessment form was provided for cumulative recreational impacts to the Fal & Helford SAC; these will be mitigated for through the Cornwall Council mitigation contribution payment system. No residual impact predicted.
Installation of coastal defence known as the Coverack North Coast Protection Scheme with associated works with variation of Condition 1 in respect of decision PA22/08929 to provide additional sea defences.	North Corner Beach Mill Road Coverack Cornwall	Ref. No: PA23/03279 | Validated: Mon 24 Apr 2023 | Status: Decided. Approved with conditions	An Environmental Statement was prepared as part of the original application (PA21/05228). With regard to terrestrial ecology, it was considered that there are no impact pathways from the proposed development to the designated features. With regard to marine ecology, it was concluded that there will be no residual impacts once mitigation measures have been applied. No residual impact predicted.
Review of Mineral Planning Permissions (ROMPs)	West Of England Quarry Porthoustock St Keverne Helston Cornwall TR12 6QW	Ref. No: PA22/10624 | Validated: Wed 30 Nov 2022 | Status: Decided. Approved with conditions	Natural England identified that the project could impact the Fal and Helford SAC and an HRA should be considered. A HRA was not submitted as part of the application, and it is assumed that the LPA did not consider that this was necessary. No residual impacts predicted.
St Anthony in Meneage			
No relevant applications			
Manaccan			
Marine Management Organisation (MMO) consultation for maintenance repairs to Helford Point Passenger Ferry Slipway.	Helford Jetty Helford Helston Cornwall TR12 6JY	Ref. No: PA23/02281 | Validated: Thurs 16 Mar 2023 Status: Decided. Advice given	NE has objected and further mitigation required i.e. appropriate assessment and MCZ assessment undertaken by the MMO. No HRA undertaken or required by MMO (MLA/2022/00553). It is assumed that the MMO considered that there would be no residual impacts predicted.
St Martin-in- Meneage			
No relevant applications			
Mawgan - in Meneage			
Marine Management organisation (MMO) consultation for Gear Quay Project	Street Record Gear Hill St Martin Cornwall	Ref. No: PA20/04653 | Validated: Mon 08 Jun 2020 | Status: Decided. Advice given	MMO completed a HRA Appropriate Assessment (MLA/2020/00078) and concluded that no residual impacts predicted to the Fal & Helford SAC.

Project by parish	Address	Planning details	Assessment of residual impacts
Gweek			
Replacement seal pools and associated works	National Seal Sanctuary (Gweek) Gweek Helston Cornwall TR12 6UG	Ref. No: PA23/02674 | Validated: Wed 19 Apr 2023 | Status: Decided. Approved with conditions	PEA report includes HRA screening and recommendations for a pollution prevention plan and dust management plan to avoid impacts to the Fal & Helford SAC. If these are implemented, no residual impacts predicted.
Proposed drainage works comprising the installation of a new wastewater outfall which will consist of 150 mm underground piping to the Gweek River, which will serve Sunny Corner Gweek and the proposed new dwelling approved under decision PA17/00637	Land Adj To Sunny Corner Gweek Helston TR12 6TX	Ref. No: PA20/00503 | Validated: Wed 29 Jan 2020 | Status: Decided. Approved with conditions	The Gweek River flows into the Fal & Helford SAC and discharge of wastewater could have potential impacts. No PEA or HRA provided with the application. It is assumed that LPA considered that a HRA is not required. No residual impacts predicted.
Consultation on application to carry out a capital dredge and installation of pontoons at Gweek Classic boatyard.	Gene Alma Gweek Quay Boatyard Gweek Quay Gweek Helston Cornwall TR12 6DF	Ref. No: PA19/11296 | Validated: Tue 24 Dec 2019 | Status: Decided. Advice given	MMO completed a HRA Appropriate Assessment (MLA/2019/00467). MMO concluded that no residual impacts predicted to the Fal & Helford SAC.
Change of use and alterations of former custom house and timber store from two dwellings, workshop and customer shower/toilets, into seven holiday lets. New wastewater treatment plant.	Gweek Quay Boat Yard Gweek Quay Gweek TR12 6UF	Ref. No: PA18/11180 | Validated: Wed 23 Jan 2019 | Status: Decided. Approved with conditions	HRA completed. It concluded that the project will not affect the Fal & Helford SAC or Falmouth Bay to St Austell Bay SPA provided mitigation measures relating to construction management, surface water, drainage and recreational impact are implemented. No residual impacts predicted.
Constantine			
Demolition & replacement of existing boat house for incidental use and associated works	Up Along Port Navas Constantine Falmouth Cornwall TR11 5RJ	Ref. No: PA23/00389 | Validated: Mon 16 Jan 2023 | Status: Decided	No EcIA or HRA report provided with the application. It is assumed that LPA considered that a HRA is not required. No residual impacts predicted.
Marine Management Organisation (MMO) MLA/2020/00526 construction of new works	Dinyan Port Navas Constantine Falmouth Cornwall TR11 5RJ	Ref. No: PA21/00789 | Validated: Fri 22 Jan 2021 | Status: Decided. Advice given	No EcIA or HRA report provided with the MMO licence application (MLA/2020/00526). It is assumed that MMO considered that a HRA is not required. No residual impacts predicted.
Mawnan			
No relevant applications			
Falmouth			
Demolition of existing structure and reconstruction of dry dock enclosure to raise height of roof to the level of the adjoining buildings and new external door to seaward elevation.	Pendennis Shipyard Ltd Bridon Building Third Floor Falmouth Docks Falmouth Cornwall TR11 4NR	Ref. No: PA23/03575 | Validated: Tue 30 May 2023 | Status: Awaiting decision	No EcIA or HRA report provided with the planning application. Potential impacts from surface water runoff identified. Residual impacts unknown.

Project by parish	Address	Planning details	Assessment of residual impacts
Marine Management Organisation (MMO) consultation for the installation of living sea wall tiles, reef blocks and granite blocks alongside the south eastern wall of Church Street car park	Church Street Car Park Church Street Falmouth Cornwall TR11 3EQ	Ref. No: PA22/08839 | Validated: Thu 29 Sep 2022 | Status: Decided. Advice given	HRA Screening completed by MMO and concluded that the project will have no Likely Significant Effects alone or in-combination (MLA/2022/00203). No residual impacts predicted.
Marine Management Organisation (MMO) consultation for extension to Grove Place Boat Park pontoons: Full Review.	North Quay Quay Street Falmouth Cornwall	Ref. No: PA21/04439 | Validated: Fri 23 Apr 2021 | Status: Decided. Advice given	No HRA provided but Strategic Appraisal report concluded that the pontoons are not likely to have a significant impact on the Fal & Helford SAC in relation to water quality (MLA/2021/00124). MMO has granted licence so assume that HRA not required. No residual impacts predicted.
Demolition of all existing structures on site (including underground tanks and associated infrastructure), site remediation and redevelopment to provide six dwellings, a new town park, associated access, parking, infrastructure (including a bat house) and landscaping.	Former Oil Depot Site Castle Drive Falmouth TR11 4NG	Ref. No: PA21/00953 | Validated: Fri 12 Feb 2021 | Status: Decided. Approved with conditions	HRA Appropriate Assessment completed by the LPA which concluded that the only impacts will be recreational impacts to the Fal & Helford SAC and a mitigation payment is required. No residual impacts predicted.
Marine Management Organisation (MMO) has received an application for a licence under Part 4 of the Marine and Coastal Access Act 2009 (the 2009 Act) for the reconfiguration of Falmouth Haven Marina and the creation of an adjacent small boat berthing facilities	North Quay Quay Street Falmouth Cornwall	Ref. No: PA20/00575 | Validated: Thu 16 Jan 2020 | Status: Decided	No EcIA or HRA report provided for the MMO licence application (MLA/2019/00550). Licence been granted and it is assumed that MMO considered that a HRA is not required. No residual impacts predicted.
Residential development of 28 dwellings (including 11 affordable homes), provision of access, landscaping and associated works with variation of condition 2 in respect of decision PA14/12058 appeal decision APP/D0840/W/15/3129840 dated 16/05/2016	Land North Of Swanpool Road Swanpool Road Falmouth Cornwall	Ref. No: PA19/05521 | Validated: Thu 04 Jul 2019 | Status: Decided. . Approved with conditions	HRA Appropriate Assessment completed by the LPA. No residual impacts predicted.
Mylor			
Marine Management Organisation - Marine license, construction of new works	Pencarrick Greatwood Mylor Falmouth Cornwall TR11 5SR	Ref. No: PA23/02174 | Validated: Tue 14 Mar 2023 | Status: Decided	HRA completed for the MMO licence application (MLA/2022/00516) that concluded no Likely Significant Effects on the Fal & Helford SAC or the Falmouth Bay to St Austell Bay SPA. No residual impacts predicted.
Marine Management Organisation (MMO) consultation for construction of disabled access to boathouse at Treweir, Restronguet Weir, Mylor	Treweir Restronguet Weir Mylor Bridge Falmouth Cornwall TR11 5SS	Ref. No: PA22/05752 | Validated: Tue 21 Jun 2022 | Status: Decided	Very limited Environmental Assessment and no HRA for the MMO licence application (MLA/2022/00133). It is assumed that the MMO considered that a HRA is not required. No residual impacts predicted.
Construction of boathouse building to store boats with annexe accommodation for holiday use above (amendment to approval no. PA16/05628).	50 Trefusis Road Flushing Falmouth TR11 5UB	Ref. No: PA20/03435 | Validated: Tue 28 Apr 2020 | Status: Decided. Approved with conditions	HRA Appropriate Assessment completed by the LPA. Concluded that, with mitigation i.e. a Construction Environmental Management Plan and mitigation payment for recreational impacts to the Fal & Helford SAC, no residual impacts predicted.

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Project by parish	Address	Planning details	Assessment of residual impacts
Change of use of first floor of boathouse building to single bedroom residential accommodation to include retrospective permission for extension to balcony	The Boat House Trevellan Road Mylor Bridge Falmouth Cornwall TR11 5NE	Ref. No: PA19/08501 | Validated: Mon 25 Nov 2019. Status: Decided. Approved with conditions	No EcIA or HRA report provided with the application. It is assumed that LPA considered that a HRA is not required. No residual impacts predicted.
Amended scheme for Phase 2 of development to provide 30 residential units (increase in 8 units) without compliance with condition 2 in respect of decision PA13/06293 dated 14.11.13 to reduce number to 21 units.	Perran Foundry Perranarworthal Truro TR3 7NX	Ref. No: PA19/01892 | Validated: Wed 20 Mar 2019 | Status: Decided. Approved with conditions	HRA Appropriate Assessment completed by the LPA. Concluded that, with a mitigation payment for recreational impacts to the Fal & Helford SAC, no residual impacts predicted.
Penryn			
Consultation on application for Falmouth Marine Outer Basib Drege and Disposal (Falmouth Bat B Disposal Site), Falmouth Marina, Falmouth, Cornwall.	Falmouth Marina North Parade Falmouth Cornwall TR11 2TF	Ref. No: PA19/11200 | Validated: Wed 11 Dec 2019 | Status: Decided. Advice given	Dredging Protocol report submitted with MMO licence application (MLA/2019/00482) that concludes that dredging will have Likely Significant Effects on the Fal & Helford SAC from changes to habitats, increased suspended sediment loading, redistribution of contaminants and changes to hydrology. No HRA Appropriate Assessment provided with licence application. MMO has granted a licence but residual impacts predicted.
Siting of a 55m vessel (The ARC) to provide accommodation for children from within Cornwall and supporting the needs of Cornwall Council's Children's Service (The ARC is to be used as an Ofsted registered children's home and also provide other wellbeing courses and programmes)	Waterside Court, Sea Sanctuary Falmouth Road Penryn TR10 8AW	Ref. No: PA19/00459 | Validated: Fri 25 Jan 2019 | Status: Decided	No ecological assessment or HRA completed. LPA has approved the application and so it is assumed that an HRA was not required and no residual impacts predicted.
Feock			
Proposed new timber jetty	Lower Creek Bank Road From Marble Head Cottage To The Old Barn Restronguet Point Feock TR3 6RB	Ref. No: PA21/04077 | Validated: Wed 12 May 2021 | Status: Decided. Approved with conditions	Natural England consulted and confirmed that there will be no impacts on European sites. No residual impacts predicted.
Proposed slipway and boat park	Harbour Light Restronguet Point Feock Truro Cornwall TR3 6RB	Ref. No: PA20/10108 | Validated: Wed 02 Dec 2020 | Status: Decided. Approved with conditions	No HRA but a detailed EcIA report submitted which assesses impacts to the conservation objectives of the SAC and SPA. Following NE consultation, the EcIA was updated with design revisions for further mitigation. It is assumed that LPA considered that a separate HRA is not required. No residual impacts predicted.
Kea			
No relevant applications			
Truro			
Marine Management Organisation for the demolition and reinstatement of retaining wall.	Land Adjacent Enys Quay Enys Quay Truro Cornwall TR1 2HH	Ref. No: PA23/02390 | Validated: Tue 21 Mar 2023 | Status: Decided. Advice given	No EcIA or HRA report submitted for the licence application (MLA/2022/00477). MMO licence granted, therefore it is assumed that no residual impacts are predicted.

Project by parish	Address	Planning details	Assessment of residual impacts
St Clement			
The proposal is to connect the existing pontoons at Malpas Marine with an existing pontoon island. Both facilities are now owned by the port of Truro part of Cornwall Council	Malpas Marine Malpas Truro TR1 1SQ	Ref. No: PA19/01923 | Validated: Tue 09 Apr 2019 | Status: Decided. Approved with conditions	MMO has completed a HRA Appropriate Assessment (MLA/2019/00058). NE says HRA is not sufficient and provided advice on mitigation. LPA has approved the application and so it is assumed no residual impacts predicted.
St Michael Penkevil			
Marine Management Organisation (MMO) consultation for variation of a licence (MLA/2018/00115 proposed pontoon and lime quay) issued under Part 4 of the Marine and Coastal Access Act 2009	Limekiln St Michael Penkivel Cornwall TR2 4AN	Ref. No: PA19/06568 | Validated: Fri 26 Jul 2019 | Status: Decided. Advice given	Variation to original applications PA19/05838 and PA19/05839 (MLA/2018/00115). MMO completed a HRA Screening and concluded that the project had Likely Significant Effects on the Fal & Helford SAC and an Appropriate Assessment was needed. No AA completed for the licence application. MMO has granted a licence so assume that no residual impacts predicted.
Installation of pontoon (proposed amendment to the design of approved pontoon under decision PA18/02251)	Limekiln St Michael Penkivel Cornwall TR2 4AN	Ref. No: PA19/05838 | Validated: Fri 05 Jul 2019 | Status: Decided. Approved with conditions	HRA report completed. Provided the mitigation outlined in the HRA for the Fal & Helford SAC is implemented, no residual impacts predicted.
Ruanlanihorne			
No relevant applications			
Philleigh			
No relevant applications			
St Just in Roseland			
Rebuilding of the Pomery's building to create ground floor accommodation for the Gig Club to store their gigs and provide limited associated accommodation. First floor to provide accommodation for the community and the Heritage Group, which can accommodate a variety of uses as required by the brief. The upper floors provide residential accommodation. (Resubmission of application no. PA22/05031).	Roseland Rowing And Gig Club Kings Road St Mawes Truro Cornwall TR2 5DH	Ref. No: PA23/01981 | Validated: Mon 24 Apr 2023 | Status: Awaiting decision	HRA Appropriate Assessment form for recreational impacts to Fal & Helford SAC submitted to make mitigation payment. No residual impacts predicted.
Marine Management Organsation (MMO) Proposed Bridge walkway amd Landing pontoon St Mawes Saliling Club	St Mawes Sailing Club 1 - 2 The Quay St Mawes Truro Cornwall TR2 5DG	Ref. No: PA22/06459 | Validated: Tue 12 Jul 2022 | Status: Decided. Advice given	HRA completed by the LPA that concluded there will be no Likely Significant Effects. MMO approved licence (MLA/2022/00175). No residual impacts predicted.
Marine Management Organisation (MMO) consultation for the construction a new sea defence wall and backfill the embankment to reduce the damage from tidal erosion.	Pasco's Boatyard St Just In Roseland Truro Cornwall TR2 5JD	Ref. No: PA22/00373 | Validated: Fri 14 Jan 2022 | Status: Decided. Advice given	CC advised MMO that an ecologist/NE input required to assess impacts to the Fal & Helford SAC due to sea wall construction. No EcIA or HRA provided with the MMO licence application (MLA/2021/00504). MMO has granted a licence so assume that HRA not required and no residual impacts predicted.

Project by parish	Address	Planning details	Assessment of residual impacts
Cliff stabilisation works	Land West Of Carn Tommen Castle Drive St Mawes Truro Cornwall TR2 5DE	Ref. No: PA21/08828 | Validated: Tue 31 Aug 2021 | Status: Awaiting decision	HRA completed and concluded that the scheme will not have an adverse effect on the Fal and Helford SAC or the Falmouth Bay to St Austell Bay SPA, alone or in-combination with other plans or projects. No residual impacts predicted.
Listed building consent for repair to a highway structure and coastal structure - St Mawes Seawall - including localised re-pointing to the face of the wall and repair to the dome mortar capping	St Mawes Sea Wall Marine Parade St Mawes Cornwall	Ref. No: PA21/06225 | Validated: Wed 21 Jul 2021 | Status: Decided. Approved with conditions	No ecological assessment or HRA completed. LPA has approved the application and so it is assumed no residual impacts predicted.
Marine Management Organisation (MMO) consultation for construction of sea wall	River In Roseland 27 Tredenham Road St Mawes Truro Cornwall TR2 5AW	Ref. No: PA19/04192 | Validated: 02 May 2019 | Status: Decided. Advice given	HRA Screening report provided with MMO licence application (MLA/2019/00137). No Likely Significant Effects predicted to the Fal & Helford SAC and the Falmouth Bay to St Austell Bay SPA. No residual impacts predicted.
Gerrans			
No relevant applications			
Veryan			
No relevant applications			