

Draft letter from Saltsash Town Council to Ryan Searle, Cornwall Council

Dear Ryan,

**SALTASH CONSULTATION DRAFT NEIGHBOURHOOD DEVELOPMENT PLAN:
SEA SCREENING OPINION OFFICERS INFORMAL COMMENTS**

I am writing to you in response to the Screening Opinion issued by Cornwall Council, the letters from Historic England and Natural England that accompanied it, and the officers' informal comments on the NDP overall.

To begin, I would like to welcome the helpful comments made by officers. I can't say that the NDP Steering Group (SG) have agreed with them all, but they will certainly aid us in producing a final NDP which is effective as a planning tool.

However, turning to the Screening Opinion Report, I have to say that the SG were somewhat disappointed that it had not been given the opportunity to comment on and respond to the analysis and conclusions reached in the report before it was formally issued. The SG considers that the conclusion reached, that an SEA of the Plan was required, may have been avoided if such a discussion had occurred.

This view is based on the SG's assessment that the Screening Opinion has misunderstood some elements of the NDP, has applied the concepts of historic setting and significance in a way which is different to the SGs understanding of them, and has apparently ignored the detailed Sustainability Checklist document that gives further evidence and reasoning (In fact, the Checklist is not referenced at all in the Screening Opinion Report). The SG has also noted some contradictory statements and some unevidenced conclusions.

That is not to say that the SG does not accept many of the analysis points made and conclusions drawn from that analysis: rather, it accepts most but considers that discussion of them could have led the SG to propose amendments and improvements to the evidence base that would have addressed the issue of concern, whilst avoiding misunderstanding.

One point only is fundamental, and that is EN's analysis of the Development Boundary concept, which seems simply perverse to this SG.

Rather than starting a possibly un-necessary SEA and HRA process, which could add to our already extended timescale and require additional public expenditure, the SG would like its representatives to meet you to discuss how the NDP might be adjusted to avoid this requirement.

Attached to this letter is a summary of the SGs comments on the Screening Opinion.

Best wishes etc

STEERING GROUP COMMENTS ON THE SEA SCREENING REPORT

1. The Screening Report notes that the proposed development boundary at Saltash will be extended to include an additional DPD allocation at North Pill but that, as any policies of the Allocations DPD are subject to successful independent examination, impacts of these (and resulting amendments in a subsequent revision of the NDP) will not affect the outcome of this SEA/HRA Screening Opinion.
2. P.10 Screening Report concludes on the Development Boundary that although there appears to be large gaps in this, **the NDP does not facilitate development** in these locations.
3. The Screening Report says that there is a minor error in NDP Figure 4, that the development boundary should be drawn in around the cemetery at St Stephens, as shown in the evidence base map - this was corrected, and a revised version of the Plan sent in on 1st October 2018 at 16.05
4. P.11 says 'We have to assume that the development boundary provides a presumption for development within the boundary' which in part contradicts the comment on P.10 noted above but also does say why there should be such a presumption, whether this is perceived to be greater than the standard NPPF presumption in favour of sustainable development, nor what the implications are of such an assumption. This seems to be a catch-all conclusion to require and SEA/HRA. See also comments at 12 below.
5. The Screening Report also says that 'The Saltash Waterfront policy WF1 does not provide for effects from development on the SAC and SPA, other than recreational impacts under policy 22 of the Cornwall Local Plan and a requirement for a CEMP for the development construction phase.' This is accepted. However, it is due to omission rather than intent. Unfortunately, two paragraphs appear to be missing from the policy. These are as set out on page 50 of the Sustainability Checklist under the heading 'Water Quality/Flow', and deal with sewage treatment and surface water matters. (On other issues we found no case for additional criteria). This might have been picked up if the Sustainability Checklist had been examined (see 7 below).
6. The Screening Report therefore concludes that 'For this reason further HRA of the Neighbourhood Plan is required in this respect'. This is not clear: in which respect – the Development Boundary or the WF1 policy, or both?
7. The assessment here does not reference the Sustainability Checklist document that gives further evidence and reasoning. In fact, the Checklist is not referenced at all in the Screening Opinion Report (Is the whole Screening Report invalid as a consequence of it ignoring this evidence?)
8. Table 2.6 – ignores the point that the CLP clearly indicates that the housing apportionments are minimums and that more is expected. The small-scale growth provided for in the NDP therefore cannot be seen to be 'above the that set out in the CLP'.
9. Table 2.12 - This gives a false impression by stating that 'The NDP proposes a low level of development, the most significant being through:
NDP Policy NP1 - Saltash Settlement Boundary; and,
NDP Policy RUR2 – Village Settlement Boundaries and Rural Housing Sites. '

The boundaries do not function as a way of proposing development: It would be more accurate to say that *'the NDP seeks to carefully control development beyond the requirements of the Allocations DPD by establishing development boundaries which restrict development to a very small scale'*.

10. It then correctly states that '**Growth within the proposed development boundary of Saltash (NDP Policy NP1'** is 'unlikely to have any significant effects on areas or landscapes which have a recognised national, community or international protection status'. This contradicts the statements made later that it may create such effects and that therefore, through the precautionary principle, an HRA and SEA is required.
11. On the rural sites it says:

The Screening Report Comment	Response
<p>At Trematon there is one site allocation RUR2-3-1 (NDP Figure 18. RUR2-3-1). Whilst the evidence sets out that this is outside of the AONB there is no evidence considering the impact of future development on the setting of this. It's noted also that the evidence refers to the site being well enclosed, however there isn't any basis set out to assume that this will continue to be the case (e.g. redevelopment could open the site out by removing tree cover).</p>	<p>Not agreed, the site appraisal notes that under landscape, the site 'Outside but adjoins AONB. Providing access and footpaths could require removal of some lengths of hedgerow depending on form of development. Hsg Close format could mitigate, the boundary assessment concludes that 'Trematon is not prominent in landscape, although it adjoins AONB. SB alterations to reflect recent changes and a small well screened new housing site are recommended.' Also GRN 1 and 2 will protect tree cover.</p> <p>If necessary, we can review the evidence to be more specific on these points, and add a reference to retention and enhancement of existing planting to x and y boundaries could be added to the policy.</p>
<p>Although NDP Policy RUR2.2 ensures that proposals '...respect the character and appearance, where appropriate, of the AONB and Conservation Areas and the setting of Listed Buildings within the parish.' there is no reference to the setting of the AONB being respected.</p>	<p>Already covered by CLP Policy 23.2(a) so therefore not repeated as per advice from CC officers.</p>
<p>However, the assessment does not set out the significance of the assets in proximity to the site and so it's unclear on what judgement this conclusion is based..... It doesn't appear that the significance of the heritage assets in vicinity of site RUR2.2 has been fully explored and so it is difficult to be confident that there will be only the potential for either minor or negative</p>	<p>Not agreed. It appears that the heritage assessments section has largely been ignored, or the definitions relating to setting and significance have been misunderstood by CC Officer or by us. If necessary, these assessments can be improved to be more explicit, with the following HE definitions quoted.</p> <p>Significance (for heritage policy)</p>

<p>impacts or less than substantial harm to the significance of these</p>	<p>(NPPF 2018).</p> <p>‘The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting’</p> <p>Setting of a heritage asset</p> <p>(NPPF 2018). ‘The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral’</p> <p>(Xi’an Declaration on the Conservation of the Setting of Heritage Structures, Sites and Areas, ICOMOS, 2005) ‘The setting of a heritage structure, site or area is defined as the immediate and extended environment that is part of, or contributes to, its significance and distinctive character. Beyond the physical and visual aspects, the setting includes interaction with the natural environment; past or present social or spiritual practices, customs, traditional knowledge, use or activities and other forms of intangible cultural heritage aspects that created and form the space as well as the current and dynamic cultural, social and economic context’</p>
<p>The development boundary at Forder provides limited scope for future development. However there appears to be potential for redevelopment of some plots and scope for intensification. The evidence base doesn’t set out a consideration of the impacts of this, particularly in relation to any adverse impacts on the AONB and the setting of this.</p>	<p>Also, not agreed. Where does there appear to be potential for development? And in any event, surely any settlement has potential for redevelopment and intensification within its existing built up area, which a village development boundary could do little to restrict? The boundary used is the 2007 CDC Local Plan boundary which has not to date produced any significant redevelopment and intensification.</p>

12. P.22 The Screening Report concludes that

‘The screening assessment in section 4.2, identifies that there will be Likely Significant Effects on European Sites arising from the Saltash Parish NDP in combination with other development in the area. It concludes that HRA will be required to deal with surface water run off impacts on the European sites’ - This evidently has been included to satisfy EN which asserts ‘that there may be other likely effects from development within the development

boundary of Saltash via other pathways, for instance via run-off. The development boundary of Saltash abuts the boundary of the SAC and the SPA, extending within the estuary in places. We have to assume that the development boundary provides a presumption for development within the boundary.'

This assumption is unfounded. The text associated with NP1 make the purposes of the boundary clear, and do not imply in any way that there is any form of presumption for development, other than that which applies generally under NPPF. Furthermore, in the analysis of the Saltash NDP in the Screening Opinion CC say that it 'does not propose large scale growth in order to meet the Local Plan housing target.... and '....the actual level of proposed development within the NDP is very small: NDP Policy NP1 proposes a development boundary at Saltash and the supporting evidence to this policy sets out useful information demonstrating that, although there appears to be large gaps in this, the NDP does not facilitate development in these locations' i.e. it does not facilitate development in any way beyond the existing presumption in favour of sustainable development that could generate additional run-off. Clearly therefore EN's assumption is unsound. To meet ENs objection we could simply delete the development boundary, which would have no effect on the likelihood of development in the built up area, but would render additional development more likely in areas adjoining the built up area, so producing the very issue that EN fear.

If it's simply a matter of the boundary being unclear vis-a-vis the SPA/SAC, then it would be much easier to correct that at this consultation draft stage than proceed to SEA.

13. It goes on to say that 'The assessment in section 4.3 does not rule out that significant environmental effects may arise from the NDP, in particular as a result of NDP Policy RUR2.' For the reasons given above, this conclusion is faulty.

STEERING GROUP COMMENTS ON THE EN RESPONSE

1. What is EN referring to in their comments as follows: 'General - We advise that you amend the title of the consultation document and of chapter 5 contained therein to make clear that the document and its conclusions cover the Appropriate Assessment stage as well as the screening stage of the HRA'. Surely the 'further HRA' that the letter refers to would be the Appropriate Assessment stage?
2. Policy WF1 has been interpreted by EN as an allocation. In actuality it is not, as clearly explained on page 47 of our sustainability checklist. WF1 is a criteria-based policy. It clearly sets out the criteria which have to be met to gain support from the NDP.
3. EN say that policy WF1 does not provide for effects from development on the SAC and SPA other than recreational impacts. See note 5 above.
4. Note that EN have no comments on the AONB impacts of the rural proposals. If these are not supported then are they relevant and do they justify an SEA?

STEERING GROUP COMMENTS ON THE EH RESPONSE

1. EH comments appear to be largely supportive of the NDP, other than the village allocations and boundaries, on which they say the evidence 'does not elucidate on how it has come to its conclusions on the level of harm identified or that this can be satisfactorily avoided or mitigated.....there is insufficient evidence to be confident that the environmental effects will be

insignificant 'In other words, the fault is with the evidence content/presentation, not necessarily with the proposals. If the evidence can be strengthened then it is more sensible to do that than go for a full scale SEA?

NB. The Steering Group hopes that HE and NE has looked at the evidence presented, and not simply relied on the conclusions drawn in the Screening Opinion.