

# REVISED HRA SCREENING ASSESSMENT FOR THE ASHBURY NEIGHBOURHOOD DEVELOPMENT PLAN

## INTRODUCTION

1. The Local Authority is the “competent authority” under the Conservation of Habitats and Species Regulations 2017 and needs to ensure that Neighbourhood Plans have been assessed through the Habitats Regulations process. This looks at the potential for significant impacts on nature conservation sites that are of European importance<sup>1</sup>, also referred to as Natura 2000.
2. This revised Screening Assessment relates to a Neighbourhood Development Plan that will be in general conformity with the strategic policies within the development plan<sup>2</sup> (the higher-level plan for town and country planning and land use). This Screening Assessment uses the Habitats Regulations Assessment of the Vale of White Horse District Council’s Local Plan 2031 Part 2 (June 2018 Final Report) as its basis for assessment. From this, the Local Authority will determine whether the Ashbury Neighbourhood Development Plan is likely to result in significant impacts on Natura 2000 sites either alone or in combination with other plans and policies and, therefore, whether an ‘Appropriate Assessment’ is required.

## LEGISLATIVE BASIS

3. Article 6(3) of the EU Habitats Directive provides that:

*“Any plan or project not directly connected with or necessary to the management of the [European] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.”*

4. Regulations 105-106 of the Conservation of Habitats and Species Regulations 2017 state:

*“105.—(1) Where a land use plan—*

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<sup>1</sup> Special Protection Areas (SPAs) for birds and Special Areas of Conservation (SACs) for other species, and for habitats.

<sup>2</sup> The saved policies of the Vale of White Horse Local Plan 2011 and the Vale of White Horse Local Plan 2031 Part 1 (December 2016).

- (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 the site, the plan-making authority for that plan must, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site's conservation objectives.*

*(2) The plan-making 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.*

*(3) The plan-making authority 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.*

*(4) In the light of the conclusions of the assessment, and subject to regulation 107, the plan-making authority must give effect to the land use plan 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).*

*(5) A plan-making authority must provide such information as the appropriate authority may reasonably require for the purposes of the discharge by the appropriate authority of its obligations under this Chapter.*

*(6) This regulation does not apply in relation to a site which is—*

*(a) a European site by reason of regulation 8(1)(c), or*

*(b) a European offshore marine site by reason of regulation 18(c) of the Offshore Marine Conservation Regulations (site protected in accordance with Article 5(4) of the Habitats Directive).*

*106.—(1) A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 105 or to enable it to determine whether that assessment is required.*

*(2) In this regulation, “qualifying body” means a parish council, or an organisation or body designated as a neighbourhood forum, authorised for the purposes of a neighbourhood development plan to act in relation to a neighbourhood area as a result of section 61F of the TCPA 1990*

*(authorisation to act in relation to neighbourhood areas)(159), as applied by section 38C of the 2004 Planning Act (supplementary provisions)(160).*

*(3) Where the competent authority decides to revoke or modify a neighbourhood development plan after it has been made, it must for that purpose make an appropriate assessment of the implications for any European site likely to be significantly affected in view of that site's conservation objectives; and regulation 105 and paragraph (1) apply with the appropriate modifications in relation to such a revocation or modification.*

*(4) This regulation applies in relation to England only."*

## **ASSESSMENT**

5. There are no Natura 2000 sites (SAC's SPA's) within a 5km radius of Ashbury Village and, since the draft plan does not allocate sites for development, the plan is not considered to have significant effects on these sites, either alone or in-combination with other plans or projects.

## **CONCLUSION**

Ashbury NDP is unlikely to have significant effects on Natura 2000 sites, either alone or in-combination with other plans or projects, therefore, an Appropriate Assessment for the Ashbury NDP **is not required**.