

Record of Delegated decision

Decision made by	Holly Jones, Planning Policy Manager
Key decision?	No
Date of decision (same as date form signed)	14 March 2018
Name and job title of officer requesting the decision	Rachael Riach Planning Policy Officer, Neighbourhood Planning
Officer contact details	Tel: 07717 225183 Email: rachael.riach@southandvale.gov.uk
Decision	To approve the SEA screening statement for Ashbury Neighbourhood Plan (NDP) and therefore determine a Strategic Environmental Assessment (SEA) is not required.
Reasons for decision	<p>An environmental report, or environmental statement explaining why an environmental report is not required, must be submitted to the local planning authority alongside a plan proposal.</p> <p>We have put in place procedures to write and publish a SEA Screening Statement stating the decision, the reasons behind it, and the comments from statutory consultees.</p> <p>Following consultation with the statutory consultees (Historic England, Natural England and the Environment Agency), we have determined that SEA is not required.</p>
Alternative options rejected	We have screened the plan and found that SEA is not required and therefore there are no alternative options.
Legal implications	We are the responsible authority and are therefore required to ensure the correct screening processes have been completed under the SEA Regulations.
Financial implications	None
Other implications	None

Background papers considered	SEA Screening Statement for Ashbury Neighbourhood Plan
Planning Policy Manager's signature To confirm the decision as set out in this notice.	Signature: *by email  <hr data-bbox="590 504 1236 508"/> Date: 14 March 2018

Ashbury Neighbourhood Plan: SEA Screening Statement

DATE: SAME AS FORM SIGNED

INTRODUCTION

Ashbury Parish Councils have requested that Vale of White Horse (VoWH) District Council 'screen' the Ashbury Neighbourhood Plan, to determine whether there is a requirement for Strategic Environmental Assessment (SEA).

This report is the SEA Screening Statement and has been used to determine whether or not the contents of the emerging Ashbury NDP) requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2011/42/EC (the Directive) and associated Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations).

We determine that SEA is **not** required for the Ashbury neighbourhood plan. The Screening Opinion was shared with the statutory bodies and their responses are at Appendix 3 of this report.

BACKGROUND

One of the basic conditions that a Neighbourhood Plan (NP) must be tested against is whether the making of the NP is compatible with European Union obligations, including requirements under the SEA Directive. The aim of the SEA Directive is:

"to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment."

In order to decide whether a proposed NP is likely to have significant environmental effects, and hence requires SEA, it should be 'screened' at an early stage, i.e. once the plan remit and objectives have been formulated.

Screening is 'Stage A' in Government's six stage approach to SEA for NPs. If it is determined, through screening, that SEA is not required, then plan-makers need not concern themselves with subsequent stages of the SEA process.¹

Who is responsible for screening?

The SEA Regulations, which transpose the SEA Directive into law, state that a screening determination should be reached by 'the responsible authority'. In this case, the responsible authority is VoWH District Council.

The responsible authority must reach a determination in consultation with the statutory consultation bodies designated under the SEA Regulations, which are Natural England, the Environment Agency and Historic England.

Screening Process

Screening essentially involves giving consideration to the anticipated scope of the plan in question and the nature of environmental issues (including opportunities for enhancement) locally, before coming to a conclusion on the potential for a cause-effect relationship, i.e. the likelihood of the plan leading to 'significant effects on the environment'.

Schedule 1 of the SEA Regulations lists a series of criteria that should be taken into account when establishing the potential for the plan to result in significant effects. Furthermore, Schedule 2 lists a series of broad environmental issues that should be considered. The criteria/issues listed in the Regulations are helpful in that they provide a methodological basis for screening.

Finally, it is important to note that guidance on NP SEA Screening is provided within Government's Planning Practice Guidance (PPG). The guidance is brief, but the following advice is helpful:¹

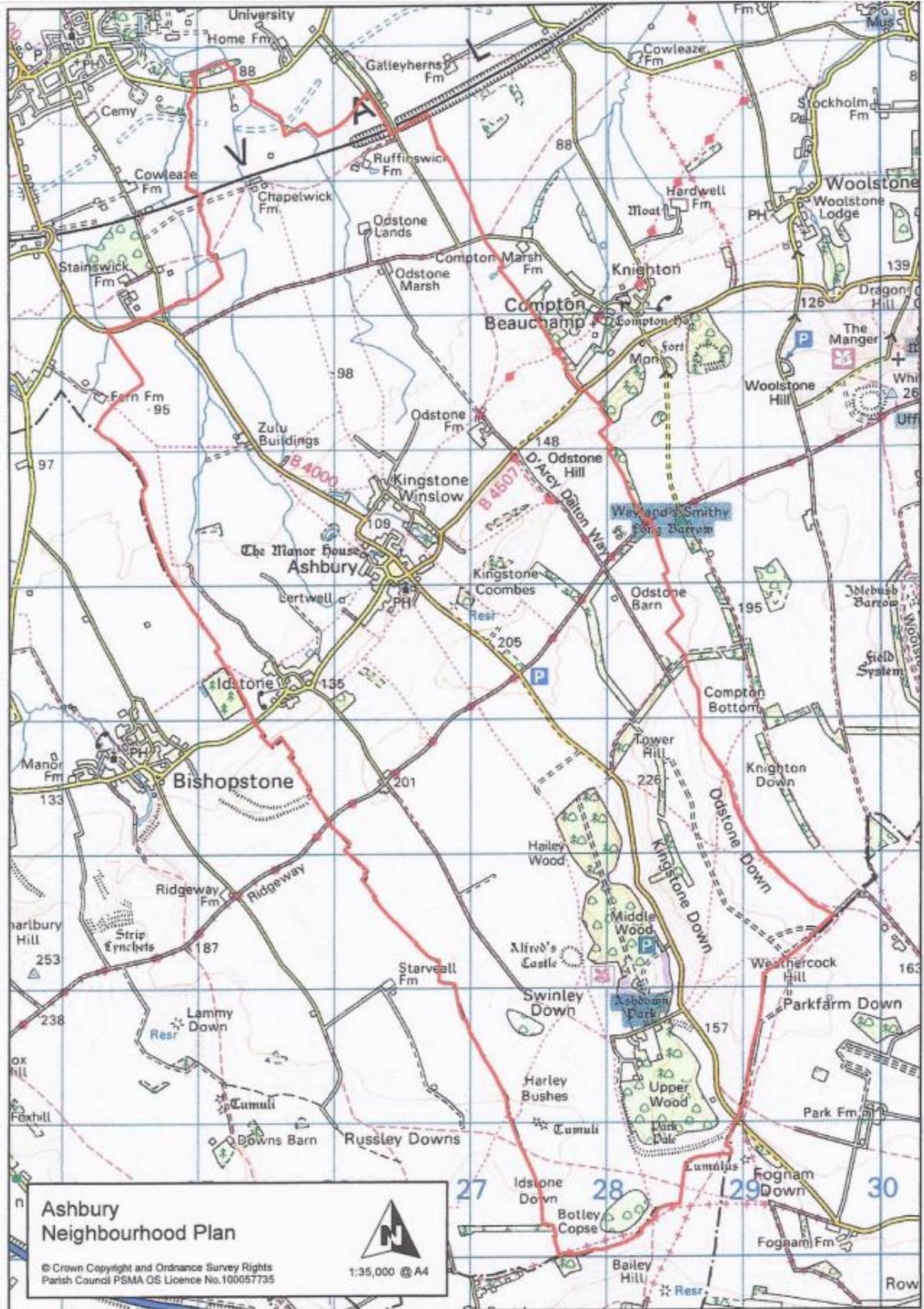
"Whether a neighbourhood plan proposal requires a strategic environmental assessment, and (if so) the level of detail needed, will depend on what is proposed. A strategic environmental assessment may be required, for example, where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan is likely to have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan."

THE EMERGING ASHBURY NEIGHBOURHOOD DEVELOPMENT PLAN

The neighbourhood plan area

¹ <http://planningguidance.planningportal.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/sustainability-appraisal-requirements-for-neighbourhood-plans/>



Screening Analysis

The Ashbury Neighbourhood Plan will contain policies to support development in the village that will be sustainable and that will not adversely impact on the rural nature of the village. Retaining the character and appearance of the village and of the Conservation Area is particularly important. The plan will be supported by character assessment and a Design policy, which will aid in the principles of conserving the character and appearance of the village.

The plan does not allocate any sites for housing and seeks to limit housing to small scale infill, in accordance with the district's emerging and adopted Local Plans.

The extract from 'A Practical Guide to the Strategic Environmental Assessment Directive' in Appendix 1 provides a flow diagram to demonstrate the SEA screening process. This process has been set out and followed in Table 1 to ascertain whether a Strategic Environmental Assessment is required for the Ashbury Neighbourhood Plan.

Also part of the screening process is the Habitat Regulations Assessment Screening, which can be found in Appendix 2, and the assessment of likely significance of effects on the environment, which can be found in Appendix 3. These two assessments feed-in to Table 1 and the SEA screening assessment.

Conclusion

In **conclusion**, the plan should **not** be subject to SEA.

See **Appendix 1** for a 'regulatory checklist' supporting the Screening Opinion.

See **Appendix 2** for the statutory bodies' responses.

See **Appendix 3** for the HRA Screening Opinion.

APPENDIX 1: REGULATORY CHECKLIST

As discussed above, under ‘Screening methodology’, Schedule 1 of the SEA Regulations lists a series of criteria that should be taken into account when establishing the potential for the plan to result in significant effects. The aim of this appendix is to discuss matters under each criterion in turn.

Stage	Y/N	Explanation
1. Is the Neighbourhood Plan subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	The preparation of and adoption of the Neighbourhood Development Plan is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. The Neighbourhood Plan is being prepared by the Ashbury NDP Steering Group, a working group who report to the West Ashbury Parish Council (as the “relevant body”) and will be “made” by South Oxfordshire District Council as the local authority. The preparation of Neighbourhood Plans is subject to the following regulations: <ul style="list-style-type: none"> • The Neighbourhood Planning (General) Regulations 2012 • The Neighbourhood Planning (referendums) Regulations 2012 • The Neighbourhood Planning (General) (Amendment) Regulations 2015
2. Is the NP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	Whilst the Neighbourhood Development Plan is not a requirement and is optional under the provisions of the Town and Country Planning Act 1990 as amended by the Localism Act 2011, it will, if “made”, form part of the Development Plan for the District. It is therefore important that the screening process considers whether it is likely to have significant environmental effects and hence whether SEA is required under the Directive.
3. Is the Neighbourhood Plan prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II (see Appendix 2) to the EIA Directive? (Art 3.2(a))	N	The Ashbury NDP is prepared for town and country planning and land use and will set out a framework for future development in Ashbury, including the development of residential uses. However, these projects are not of the scale referred to in Article 4(2) of the EIA Directive – listed at Annex II of the directive.
4. Will the Neighbourhood Plan, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	N	The Ashbury NDP is unlikely to have significant effects on Natura 2000 sites. See Habitat Regulations Assessment (HRA) Screening Opinion for the Ashbury NDP in Appendix 3.
5. Does the Neighbourhood Plan determine the use of small	N	The Ashbury NDP will not determine the use of sites/small areas at a local level.

areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)		
6. Does the Neighbourhood Plan set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	Y	When made, the Ashbury NDP will include a series of policies to guide development within the village. This will inform the determination of planning applications providing a framework for future development consent of projects. It will not allocate sites for specific development.
7. Is the Neighbourhood Plan's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	N	N/A
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	N	Likely significant effects upon the environment have not been identified. See assessment of the likely significance of effects on the environment in Appendix 3.

APPENDIX 2 – STATUTORY BODY CONSULTATION RESPONSES

Environment Agency

Dear Mr Townley,

We regret that at present, the Thames Area Sustainable Places team is unable to review this consultation. This is due to resourcing issues within the team, a high development management workload and an increasing volume of neighbourhood planning consultations.

We have had to prioritise our limited resource, and must focus on influencing plans where the environmental risks and opportunities are highest. For the purposes of neighbourhood planning, we have assessed those authorities who have “up to date” local plans (plans adopted since 2012, or which have been confirmed as being compliant with the National Planning Policy Framework) as being of lower risk. At this time, therefore, we are unable to make any detailed input on neighbourhood plans being prepared within this local authority area.

Thanks,

Jack Moeran

[Sustainable Places Team Leader/FCRM Planning Specialist](#)
EPE/PSO - Thames Area

Natural England

Date: 23 February 2018
Our ref: 237259

South Oxfordshire & Vale of White Horse District Council

BY EMAIL ONLY



Customer Services
Hombeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Mr. Townley

Planning Consultation: Ashbury Neighbourhood Plan SEA Screening

Thank you for your consultation on the above dated 19 January 2018.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where our interests would be affected by the proposals made.

In our review of the Ashbury Neighbourhood Plan SEA screening we note that;

- there are designated sites or protected landscapes within the impacts zones of the Neighbourhood Plan area, however, the Plan does not allocate any additional sites for development.

As a result we agree with the assessment that the Neighbourhood Plan does not require an SEA.

However, we would like to draw your attention to the requirement to conserve biodiversity and provide a net gain in biodiversity through planning policy (Section 40 of the Natural Environment and Rural Communities Act 2006 and section 109 of the National Planning Policy Framework). Please ensure that any development policy in your plan includes wording to ensure “all development results in a biodiversity net gain for the parish”.

The recently produced [Neighbourhood Plan for Benson](#), in South Oxfordshire provides an excellent example. Although the Plan has not been to referendum yet, we are of the opinion that the policy wording around the Environment, Green Space and Biodiversity is exemplar. We would recommend you considering this document, when reviewing yours.

Further Recommendations

Natural England would also like to highlight that removal of green space in favour of development may have serious impacts on biodiversity and connected habitat and therefore species ability to adapt to climate change. We recommend that the final local plan include:

- Policies around connected Green Infrastructure (GI) within the parish. Elements of GI such as open green space, wild green space, allotments, and green walls and roofs can all be used to create connected habitats suitable for species adaptation to climate change. Green infrastructure also provides multiple benefits for people including recreation, health and well-being, access to nature, opportunities for food growing, and resilience to climate change. Annex A provides examples of Green Infrastructure;
- Policies around Biodiversity Net Gain should propose the use of a biodiversity measure for development proposals. Examples of calculation methods are included in Annex A;

Annex A provides information on the natural environment and issues and opportunities for your Neighbourhood planning.

Yours sincerely

Pierre Fleet
Adviser
Sustainable Development
Thames Team

APPENDIX 3 – HRA SCREENING OPINION FOR THE ASHBURY NEIGHBOURHOOD DEVELOPMENT PLAN

INTRODUCTION

1. The Local Authority is the “competent authority” under the Conservation of Habitats and Species Regulations 2010, 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 importance², also referred to as Natura 2000.
2. This Screening Assessment relates to a Neighbourhood Development Plan that will be in general conformity with the strategic policies within the development plan³ (the higher-level plan for town and country planning and land use). This Screening Assessment uses the Habitats Regulations Assessment of South Oxfordshire District Council’s emerging Local Plan 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.”

ASSESSMENT

4. There are no Natura 2000 sites (SAC’s SPA’s) within a 5km radius of Ashbury Village and, since the draft plan documents and the SEA

² Special Protection Areas (SPAs) for birds and Special Areas of Conservation (SACs) for other species, and for habitats.

³ The South Oxfordshire Core Strategy (December 2012) and the South Oxfordshire Local Plan 2011 (January 2006).

questionnaire give no intention to allocate sites, there is not considered to be likely significant effect on these.

CONCLUSION

Ashbury NDP is unlikely to have significant effects on Natura 2000 sites, therefore, an Appropriate Assessment for the Ashbury NDP **is not required**.