

Screening statement on the determination of the need for a Strategic Environmental Assessment (SEA) in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 and European Directive 2001/42/EC for the Little Milton Neighbourhood Development Plan

19 DECEMBER 2016

SUMMARY

In this screening statement, South Oxfordshire District Council (the 'Council') determines that Little Milton Neighbourhood Development Plan (Little Milton NDP) does not require a Strategic Environmental Assessment (SEA).¹

This screening opinion is for consideration by the statutory consultees whose input will inform the final screening statement.

INTRODUCTION

1. This screening statement has been used to determine whether or not the contents of the emerging Little Milton Neighbourhood Development Plan (Little Milton 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).
2. Any land use plan or programme 'which sets the framework for future development consent of projects' must be screened according to a set of criteria from Annex II of the Directive and Schedule 1 of the Regulations. These criteria include exceptions for plans 'which determine the use of a small area at local level' or which only propose 'minor modifications to a plan', if it is determined that the plan is unlikely to have significant environmental effects.
3. This screening statement has been subject to consultation with Historic England, the Environment Agency and Natural England. The results of the consultation have shaped this statement and can be seen in full at appendix 4.

THE SCREENING PROCESS

1. Using the criteria set out in Annex II of the Directive and Schedule 1 of the Regulations, a Screening Opinion determines whether a plan or programme is likely to have significant environmental effects.
 2. 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.
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3. Table 1 in Appendix 1 sets out the criteria from the Practical Guide, along with an assessment of the Little Milton NDP against each criterion to ascertain whether a SEA is required.
4. Also part of the screening process is the Habitats Regulations Assessment Screening, which can be found in Appendix 2, and the assessment of likely significance effects on the environment, which can be found in Appendix 3.
5. These two assessments feed into Table 1 and the SEA screening opinion.

LITTLE MILTON NEIGHBOURHOOD DEVELOPMENT PLAN

6. The Little Milton NDP will contain policies to maintain the character of the village and to specify design criteria for new houses.
7. Policies in the Little Milton NDP will contain policies to support sustainable development in the village that will not adversely impact on the rural nature of the village. Retaining the character and appearance of the village is particularly important. The plan does not allocate any sites for housing.
8. It is therefore concluded that the implementation of the Little Milton NDP would not result in likely significant effects on the environment.

STATUTORY CONSULTEES

9. The initial screening opinion was sent to Natural England, the Environment Agency and Historic England on 08 August 2016 giving a 4 week consultation period. The responses in full are at Appendix 4.
10. Natural England commented that: they note and concur *“with the screening outcome i.e. that no SEA is required. This conclusion is reached on the basis that there are no site allocations within the Little Milton NDP”*.
11. Furthermore, Natural England noted the screening process applied to the little Milton Neighbourhood Plan, as regards to Conservation of Habitats and Species Regulations 2010, and agreed with the Council’s conclusion that **no further assessment is required** as there are no European sites within 5km of the Neighbourhood Plan area.
12. The Environment Agency commented that: *“We have reviewed the environmental constraints within the plan area. We note that there are a number of watercourses within the plan area, and that the southern part of the plan area is within flood zones 2 and 3. However, on the understanding that the plan does not allocate any sites for development as stated in paragraph 7, page 2 of your initial SEA draft*

screening opinion, we would agree that it is unlikely to give rise to significant environmental effects”

13. Historic England commented that: *“Although Little Milton has a number of designated heritage assets such that there could be potential for significant effects on the historic environment, based on the information in your Opinion, particularly that the Plan does not allocate sites for development, Historic England agrees with your conclusion that the Little Milton Neighbourhood Development Plan is unlikely to lead to any significant environmental effects and that, therefore, an SEA is **not** required for the Plan”.*

CONCLUSION

14. As a result of the screening undertaken by the Council and the responses from the relevant Statutory Consultees, the following determination has been reached.
15. The Little Milton NDP is unlikely to have significant effects on Natura 2000 sites, therefore, an Appropriate Assessment for the Neighbourhood Development Plan is not required.
16. Based on the assessment presented in Appendices 1 & 3, the NDP is not likely to have a significant effect on the environment.
17. The Little Milton NDP does not require a Strategic Environment Assessment.

Appendix 1 – Extract from ‘A Practical Guide to the Strategic Environmental Assessment Directive’ (DCLG) (2005)

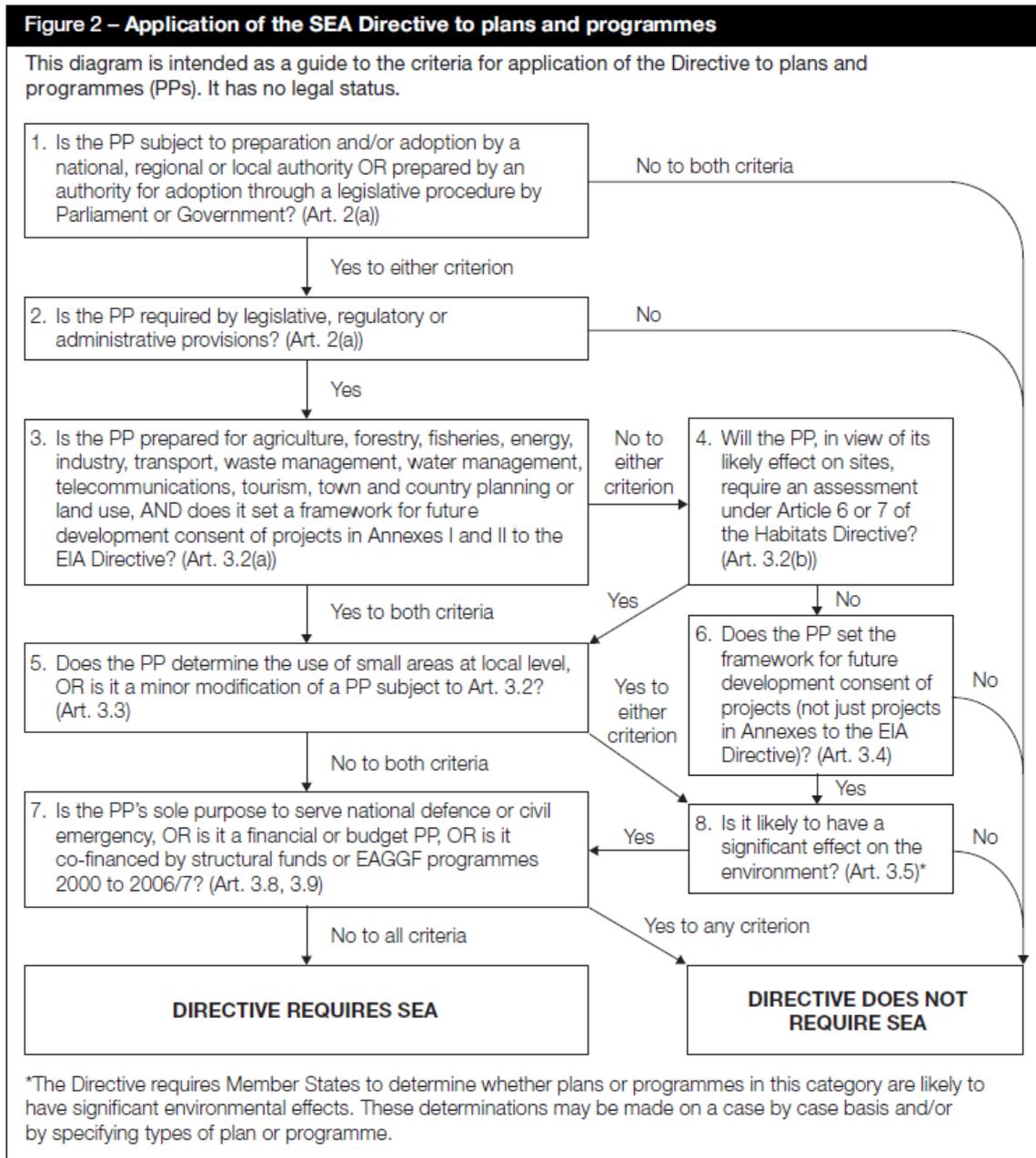


Table 1: Application of SEA Directive as shown in Appendix 1

Stage	Y/N	Explanation
<p>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))</p>	Y	<p>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 Little Milton NDP Steering Group, a working group who report to the Little Milton 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:</p> <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
<p>2. Is the NP required by legislative, regulatory or administrative provisions? (Art. 2(a))</p>	Y	<p>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.</p>
<p>3. Is the Neighbourhood Plan prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications,</p>	N	<p>The Little Milton NDP is prepared for town and country planning and land use but will not set out a framework for future development of projects that would require an EIA.</p>

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))		
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 Example NDP is unlikely to have significant effects on Natura 2000 sites. See Habitat Regulations Assessment (HRA) Screening Opinion for the Example NDP in Appendix 2.
5. Does the Neighbourhood Plan determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Y	The Little Milton NDP will determine the use of sites/small areas at a local level.
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 Little Milton 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.
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	No likely significant effects upon the environment have been identified. See assessment of the likely significance of effects on the environment in Appendix 3.

Appendix 2 - Habitat Regulations Assessment (HRA) Screening Opinion for the Little Milton 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 Little Milton 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

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).

4. There are no Special Areas of Conservation (SACs) within 5km of the Little Milton Neighbourhood Development Plan.

CONCLUSION

5. The Little Milton NDP is unlikely to have significant effects on Natura 2000 sites, therefore, an Appropriate Assessment for the Little Milton NDP is not required.

Appendix 3 - Assessment of the likely significance of effects on the environment

1. Characteristics of the Plan, having regard to:	
(a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	The Little Milton NDP would, if adopted, form part of the Statutory Development Plan and as such does contribute to the framework for future development consent of projects. However, the Plan will sit within the wider framework set by the National Planning Policy Framework, the strategic policies of the South Oxfordshire Core Strategy (2012) and Local Plan 2011 (2006); and the emerging Local Plan 2032.
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	A Neighbourhood Development Plan must be in conformity with the Local Plan for the District. It does not influence other plans.
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	National policy requires a presumption in favour of sustainable development, which should be seen as a golden thread through plan-making, including the Little Milton NDP. A basic condition of the Little Milton NDP is to contribute to the achievement of sustainable development.
(d) environmental problems relevant to the plan or programme; and	The environmental impact of the proposals within the Little Milton NDP is likely to be minimal due to the scale of development proposed. The NDP is not proposing allocating sites. Any policies will conform to higher level policies on green belt and conservation area designations.
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	The Little Milton NDP has been judged not to have an impact on Community legislation.
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:	
(a) the probability, duration, frequency and reversibility of the effects;	The Neighbourhood Plan is likely to have modest but enduring positive environmental effects. The effects are not likely to be reversible as they relate to development. However, they will be of a local scale.

(b) the cumulative nature of the effects;	It is intended that the positive social effects of retaining existing facilities will have positive cumulative benefits for the area.
(c) the transboundary nature of the effects;	The effects of the Plan are unlikely to have transboundary impacts.
(d) the risks to human health or the environment (for example, due to accidents);	The policies in the plan are unlikely to present risks to human health or the environment.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The Little Milton NDP relates to the parish of Little Milton. The potential for environmental effects is also likely to be small and localised.
(f) the value and vulnerability of the area likely to be affected due to: (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use; and	The Little Milton NDP offers an opportunity to enhance the natural environment and the cultural heritage of the area through the proposals being considered.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	There are no areas or landscapes with recognised national, Community or international protection status adversely affected by the neighbourhood plan.

Appendix 4 – Responses from Statutory Consultees

Natural England

Date: 31 August 2016
Our ref: 192993
Your ref: none



Ms Gayle Wootton
Planning Policy Officer

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Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

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Dear Ms Wootton

SEA and HRA screening opinion for Little Milton Neighbourhood Development Plan (NDP)

Thank you for your consultation on the above dated 08/08/2015.

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.

Strategic Environmental Assessment Screening

We welcome the production of this SEA Screening report. Natural England notes and concurs with the screening outcome i.e. that no SEA is required. This conclusion is reached on the basis that there are no site allocations within the Little Milton NDP.

Further guidance on deciding whether the proposals are likely to have significant environmental effects and the requirements for consulting Natural England on SEA are set out in the [National Planning Practice Guidance](#).

Habitats Regulations Assessment Screening

Natural England notes the screening process applied to this Neighbourhood plan. We agree with the Council's conclusion that no further assessment is required as there are no European sites within 5km of the Neighbourhood Plan area.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Tom Reynolds on 020 802 61050. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service

Yours sincerely

Tom Reynolds
Planning Adviser
Sustainable Development
South Mercia

Historic England



Historic England

Ms Gayle Wootton
Planning Policy Officer (Neighbourhood)
South Oxfordshire District Council
135 Eastern Avenue
Milton Park
Milton, Abingdon, OX14 4SB.

Our ref: HD/P5355/
Your ref:
Telephone 01483 252040
Fax

27th August 2016

Dear Gayle,

Little Milton Neighbourhood Plan SEA Screening Opinion

Thank you for your e-mail of 8th August seeking the views of Historic England on your Council's Little Milton Neighbourhood Plan Strategic Environmental Assessment Screening Opinion.

Although Little Milton has a number of designated heritage assets such that there could be potential for significant effects on the historic environment, based on the information in your Opinion, particularly that the Plan does not allocate sites for development, Historic England agrees with your conclusion that the Little Milton Neighbourhood Development Plan is unlikely to lead to any significant environmental effects and that, therefore, an SEA is **not** required for the Plan.

However, this conclusion is reached solely on the information you have provided and we may wish to review our position when we are consulted on the Draft Plan.

Although a formal SEA is not currently believed to be necessary, we would nevertheless suggest that the Plan is subject to a form of sustainability appraisal to assess and monitor the Plan's policies and proposals against a set of agreed objectives.

Thank you again for seeking the views of Historic England on this Screening Opinion.

Yours sincerely,



Martin Small

Environment Agency

creating a better place



Ms Gayle Wootton - Planning Policy
Officer (Neighbourhood)
South Oxfordshire District Council
135 Eastern Avenue
Milton Park
Abingdon
OX14 4SB

Our ref: WA/2006/000324/OR-
26/IS1-L01

Your ref:

Date: 16 August 2016

Dear Ms Wootton

Little Milton Neighbourhood Plan: SEA Screening Opinion

Thank you for your email dated 8 August 2016 enclosing your initial SEA draft screening for the emerging Little Milton Neighbourhood Plan.

We understand that the Little Milton Neighbourhood Plan does not allocate any land or sites for development, and note your conclusion that it is unlikely to give rise to significant environmental effects.

We have reviewed the environmental constraints within the plan area. We note that there are a number of watercourses within the plan area, and that the southern part of the plan area is within flood zones 2 and 3. However, on the understanding that the plan does not allocate any sites for development as stated in paragraph 7, page 2 of your initial SEA draft screening opinion, we would agree that it is unlikely to give rise to significant environmental effects.

Yours sincerely

Judith Johnson
Sustainable Places team