

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 Benson Neighbourhood Development Plan

8 JUNE 2016

SUMMARY

Following consultation with the statutory bodies, South Oxfordshire District Council (the 'Council') determines that Benson Neighbourhood Development Plan (Benson NDP) will require a Strategic Environmental Assessment (SEA).

INTRODUCTION

1. In May 2016, an SEA screening opinion has been used to determine whether or not the contents of the emerging Benson Neighbourhood Development Plan (Benson 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 initial screening opinion must be subject to consultation with Historic England, the Environment Agency and Natural England. The results of the screening process must be detailed in a Screening Statement, made available to the public.

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.
3. Table 1 in Appendix 1 sets out the criteria from the Practical Guide, along with an assessment of the Benson 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.

BENSON NEIGHBOURHOOD DEVELOPMENT PLAN

6. The Benson NDP will contain policies to provide sufficient housing to meet local needs, to ensure that Benson maintains a modern, vibrant, village centre, to safeguard and enhance green infrastructure and to ensure the sustainability of economic activity of the area.
7. The Benson NDP is proposing to allocate three sites for housing; the Littleworth Road site of 159 dwellings, and two-three additional sites with a further 30-50 units (based on the preliminary findings of the Housing Needs Survey).
8. The National Planning Policy Framework, paragraph 167, advises that assessments, such as SEA, should not repeat policy assessment that has already taken place. This Screening Opinion recognises the need to avoid duplicating work that has previously been undertaken to inform the preparation of higher level documents (i.e. the emerging Local Plan for South Oxfordshire). All the sites considered have been assessed as part by the SEA for the emerging Local Plan. This assessment considered whether developments on these sites would cause likely significant effects and if so, proposed mitigation measures for any negative effect, and ways to improve positive effects. This report identified that development of the large site at Littleworth Road has the potential for a major negative effect on the historic environment through impacts on the neighbouring conservation area.
9. Other policies suggested for the Benson NDP for a skate park, youth facilities and a burial ground are small in nature and are unlikely to have a significant effect.
10. It is therefore concluded that the implementation of the Benson NDP may result in likely significant effects on the environment.

STATUTORY CONSULTEES

11. The Screening Opinion was sent to Natural England, the Environment Agency and Historic England on 6 May and given a 4 week consultation period. The responses in full are at Appendix 4.
12. Historic England responded that as development at at least one of the sites likely to be allocated in the neighbourhood plan was likely to have significant effects on heritage assets, an SEA is required.

13. No responses were received from the Environment Agency, nor Natural England.

CONCLUSION

14. As a result of the screening undertaken by the Council, the following determination has been reached.

15. The Benson NDP is unlikely to have significant effects on Natura 2000 sites, therefore, an Appropriate Assessment for the Benson Neighbourhood Development Plan is not required.

16. Based on the assessment presented in Appendices 1 & 3, the Benson NDP may have a significant effect on the environment.

17. The Benson NDP requires a Strategic Environment Assessment.

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

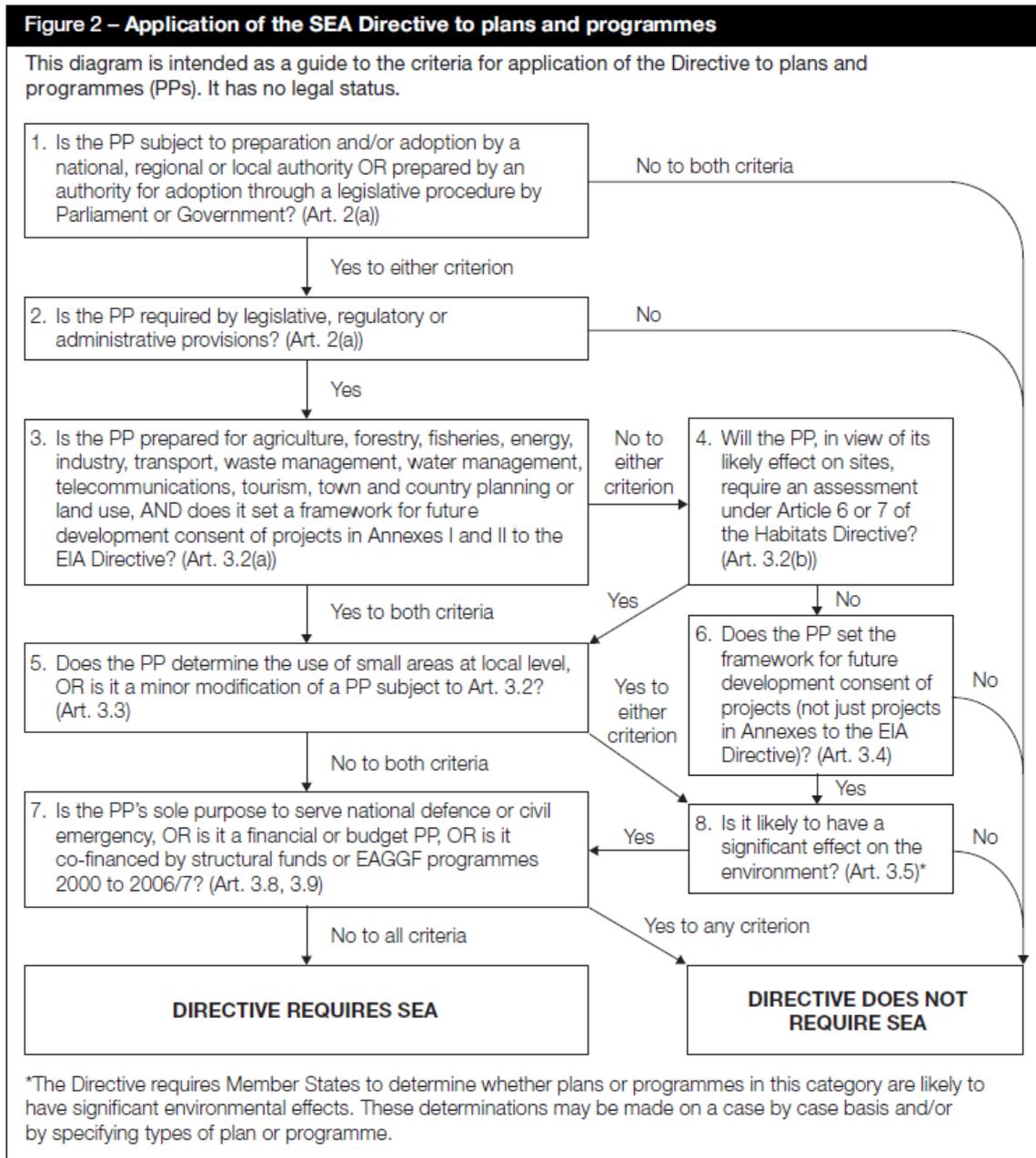


Table 1: Application of SEA Directive as shown in Appendix 1

[Note to author – most of these boxes contain standard text –greyed out. Those where specific details need to be included are Qs 3,4,5 & 8]

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	<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 Benson NDP Steering Group, a working group who report to the Benson 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
2. Is the NP required by legislative, regulatory or administrative provisions? (Art. 2(a))	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>
3. Is the Neighbourhood Plan prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications,	Y	<p>The Benson NDP is prepared for town and country planning and land use and will set out a framework for future development in Benson, including the development of residential uses. These projects are potentially of the scale referred to in Article 4(2) of the EIA Directive – listed at Annex II of</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))		the directive, however this site (BEN1) has already been assessed via the SA/SEA of the emerging local plan. As such, national guidance states that duplication of assessment should be avoided.
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 Benson NDP is unlikely to have significant effects on Natura 2000 sites. See Habitat Regulations Assessment (HRA) Screening Opinion for the Benson 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)	N	The Benson 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 Benson NDP will include a series of policies to guide development within the village and will allocate sites for specific development. 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)	Y	The potential for 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 Benson 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 importance¹, 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 plan² (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 Benson 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

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

² The South Oxfordshire Core Strategy (December 2012) and the South Oxfordshire Local Plan 2011 (January 2006).

4. There is one Special Areas of Conservation (SACs) within 5km³ of the Benson Neighbourhood Development Plan. These are as follows:

Within South Oxfordshire

- Little Wittenham SAC
5. This Screening Assessment utilises the work of the Habitats Regulations Assessment for the emerging Local Plan, published in January 2015. This concluded that 'while it is possible that the development of 125 new homes at Benson could result in an increase in vehicle traffic and the associated air pollution, and an increase in visitor pressure at European sites, it is not located within close proximity of any European sites and the implementation of the identified mitigation measures should further help to avoid significant effects occurring'.
 6. As the scale and type of development promoted through the Neighbourhood Plan is directly comparable to the development assessed by the HRA for the emerging local plan, the Benson NDP does not require an appropriate assessment.

CONCLUSION

7. The Benson NDP is unlikely to have significant effects on Natura 2000 sites, therefore, an Appropriate Assessment for the Benson 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 Benson 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 2031.
(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 Benson NDP. A basic condition of the Benson NDP is to contribute to the achievement of sustainable development. The Benson NDP aims to provide housing to meet local needs. This has been assessed via the SEA of the emerging Local Plan as contributing positively to sustainable development in the area by providing needed residential development.
(d) environmental problems relevant to the plan or programme; and	Flooding (groundwater and fluvial) are known issues in Benson and have been considered by the SEA of the Local Plan in determining suitable sites to allocate. The Benson NDP will take this assessment into account as their policies develop.
(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 proposed development in the Benson NDP has been judged not to have an impact on Community legislation as the allocated sites have been included as part of the SEA and HRA of the emerging Local Plan.
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 Benson NDP is likely to have small but irreversible environmental effects, local in scale. The plan is also likely to have positive social effects through the provision of residential development, and the protection of local green space. However, at least one of the sites identified for allocation may result in significant impacts on heritage assets in the village.
(b) the cumulative nature of the effects;	It is intended that the positive social effects of providing residential development 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 ⁴ 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 Benson NDP relates to the parish of Benson. The scale of development proposed is small and therefore 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 Benson NDP offers an opportunity to enhance the natural environment and the cultural heritage of the area through the proposals being considered. However, at least one of the sites identified for allocation may result in significant impacts on heritage assets in the village.
(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 affected by the neighbourhood plan.

⁴ Transboundary effects are understood to be in other Member States.

APPENDIX 4 – RESPONSES FROM STATUTORY CONSULTEES

HISTORIC ENGLAND

Dear [REDACTED]

Thank you for consulting Historic England on the Benson Neighbourhood Plan SEA Screening Opinion. Having reviewed the opinion we note that all sites have been assessed through the South Oxfordshire Local Plan 2031 Interim SA report. We do not have any record of having been consulted on the interim SA Report. We note that the Interim SA report identifies that development of the large site at Littleworth Road is identified as having potential to have a major negative effect on the historic environment through impacts on the neighbouring conservation area.

Whilst the SA report states that such effects can be mitigated through sensitive design we would point out that the National Planning Policy Framework requires that Local Planning Authorities should seek to conserve heritage assets in a manner appropriate to their significance. The significance of a conservation area is defined as its special historic or architectural interest, which is revealed through its character and appearance, including the contribution made by its setting. We do not consider that the guidance of the South Oxfordshire Design Guidance SPD alone would be sufficient to ensure that the special interest of the area has been suitably understood and that the allocation of this site without more specific policy or consideration of the predicted impact on its significance would be a suitable response to the Council's statutory duty to give special attention to the need to protect and enhance its character and appearance. At the Neighbourhood Plan level we would expect a policy allocating this site to provide a suitably detailed and robust policy demonstrating how new development should be designed to respond to this key consideration as set out within paragraph 58 of the NPPF. Given that the Conservation Area has been reviewed within a conservation area study (completed in 1999) we would expect the SA report to provide a consideration of the potential impact of the development on the Conservation Area based on this study and to propose more specific mitigation of identified effects to be secured through the policy wording. Indeed, given the requirement to give special attention to the need to preserve or enhance the character and appearance of the area and to seek to avoid or minimise conflict between its conservation and aspects of development proposals we would expect the SA to give clear consideration to whether the public benefits to be secured through this development could not be delivered through development of an alternative site. Given the uncertainty over the density of development that can be delivered whilst fulfilling the need to preserve or enhance the character or appearance of the conservation area we would also suggest that the site cannot be allocated for a definite number of units but that the allocation for 159 units should be an upper limit.

With regard to the potential major negative effects that development of sites BEN 7 and BEN 8 might result in we would expect that the SA report should identify these sites as less desirable for allocation, where alternative sites

capable of delivery the same public benefits exist. Whilst some mitigation may be secured through sensitive design the best means of conserving archaeological remains is to ensure they are preserved in-situ and this may be a requirement where the importance and the desirability of conserving them is not outweighed by the public benefits of the scheme that could not otherwise be delivered without their loss. As such we would suggest that at the level of the neighbourhood plan, a site allocation policy would need to clearly require that development proposals for the site make provision for the need to preserve remains in-situ through the placement of open space within the site in order to conform with Paragraph 58 and paragraphs 127-129 of the NPPF. As with the site at Littleworth Road this means that a site allocation policy should not identify a definite number of units but can only allocate the site for an upper limit, which may need to be reduced if the preservation of archaeological remains requires parts of the site remain as open space.

As such we consider that the interim SA report would not be considered adequate at present to represent a higher level assessment of the Neighbourhood Plan at present. This could be remedied by updating the SA Report to reflect our comments or by preparing an SA/SEA for the Neighbourhood Plan.

I would be pleased to answer any queries relating to these comments or to provide further information if required.

Yours sincerely

[REDACTED]

Historic Places Advisor (South East England) Historic England Guildford Tel.

[REDACTED]