

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 East Hagbourne Neighbourhood Development Plan

8 JUNE 2016

SUMMARY

Following consultation with the statutory bodies, South Oxfordshire District Council (the 'Council') determines that East Hagbourne Neighbourhood Development Plan (East Hagbourne NDP) does not require a Strategic Environmental Assessment (SEA).

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

INTRODUCTION

1. In May 2016, an SEA screening opinion was prepared to determine whether or not the contents of the emerging East Hagbourne Neighbourhood Development Plan (East Hagbourne NDP) requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/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 East Hagbourne 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.

EAST HAGBOURNE NEIGHBOURHOOD DEVELOPMENT PLAN

6. The East Hagbourne NDP will contain policies to safeguard the individual character and vitality of the historic village and protect its rural environment, whilst supporting sustainable developments that meet the needs of residents.
7. No sites will be allocated and policies relating to development character and village amenities will be in accordance with the emerging Local Plan 2031.
8. It is therefore concluded that the implementation of the East Hagbourne NDP would not result in likely significant effects on the environment.

STATUTORY CONSULTEES

9. The Screening Opinion was sent to Natural England, the Environment Agency and Historic England on 3 May 2016 and given a 4 week consultation period. The responses in full are at appendix 4.
10. The Environment Agency agreed with the conclusion that an SEA is not required as there will be no allocations in the plan.
11. There was no response from Natural England.
12. Historic England responded agreeing that as the plan is unlikely to allocate sites for development and that the policy framework aims to protect the amenities of the village, it does not need an SEA.

CONCLUSION

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

14. The East Hagbourne NDP is unlikely to have significant effects on Natura 2000 sites, therefore, an Appropriate Assessment for the Example Neighbourhood Development Plan is not required.
15. Based on the assessment presented in Appendices 1 & 3, the East Hagbourne NDP is not likely to have a significant effect on the environment.
16. The East Hagbourne NDP does not require a Strategic Environment Assessment.

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

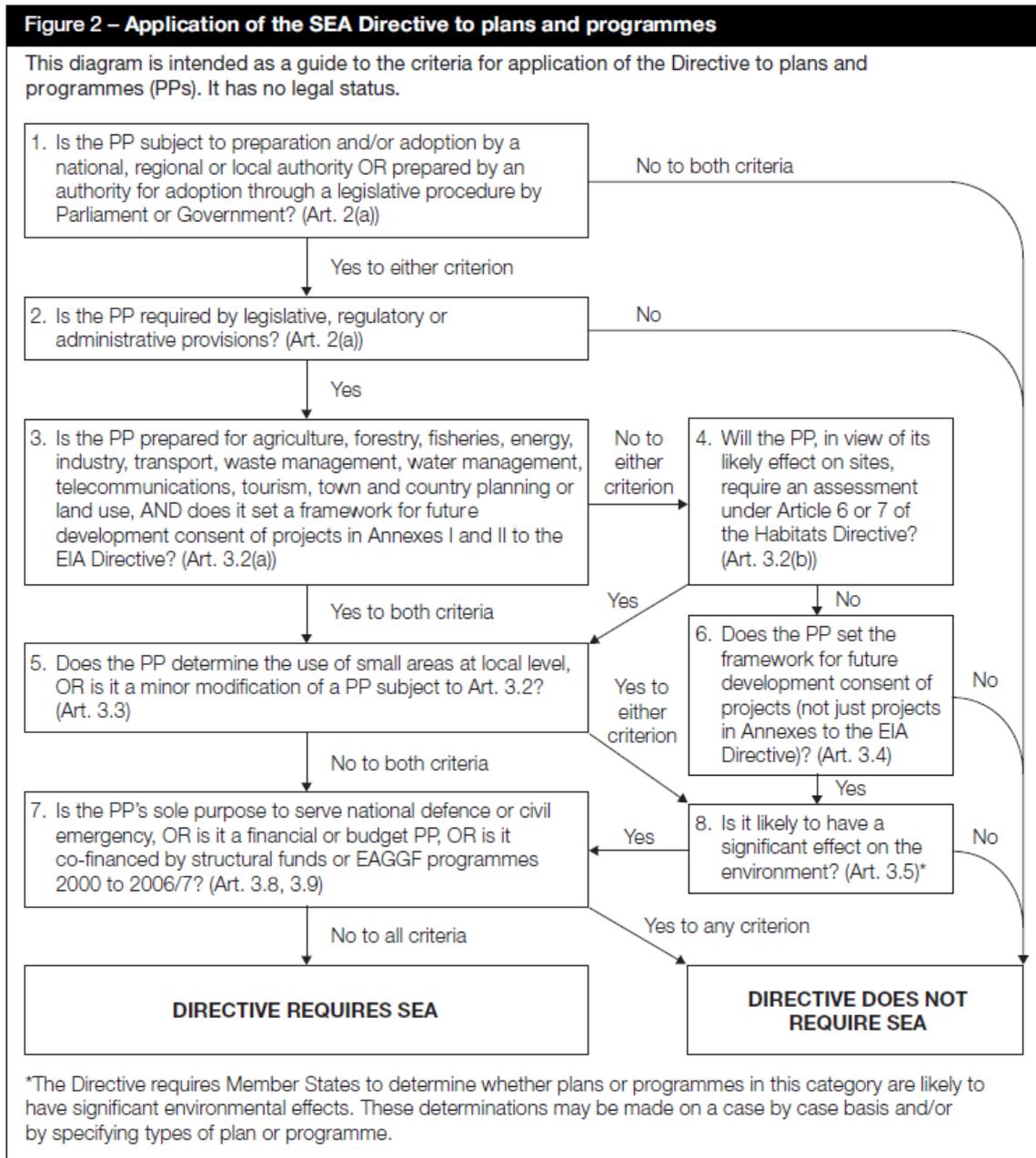


Table 1: Application of SEA Directive as shown in Appendix 1

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 East Hagbourne NDP Steering Group, a working group who report to the East Hagbourne 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 East Hagbourne NDP is prepared for town and country planning and land use and will set out a framework for future development in East Hagbourne. 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.</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 East Hagbourne NDP is unlikely to have significant effects on Natura 2000 sites. See Habitat Regulations Assessment (HRA) Screening Opinion for the East Hagbourne 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 East Hagbourne 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 East Hagbourne 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 East Hagbourne 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 East Hagbourne 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 are no Special Areas of Conservation (SACs) likely to be affected by the East Hagbourne Neighbourhood Development Plan.

CONCLUSION

5. The East Hagbourne NDP is unlikely to have significant effects on Natura 2000 sites, therefore, an Appropriate Assessment for the East Hagbourne 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 East Hagbourne 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. No sites will be allocated and policies relating to development character and village amenities will be in accordance with 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 East Hagbourne NDP. A basic condition of the East Hagbourne NDP is to contribute to the achievement of sustainable development. One of the objectives of the plan is to support sustainable developments for the residents of the village.
(d) environmental problems relevant to the plan or programme; and	The environmental impact of the proposals within the East Hagbourne NDP is likely to be minimal due to the scale of development proposed. There are no environmental designations in East Hagbourne. Flooding is reportedly an issue but the steering group aim to include policies to address this.
(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	The proposed development in the East Hagbourne NDP has been judged not to have an impact on Community legislation.

management or water protection).	
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 policies will have positive social and environment effects through protecting the rural environment and supporting sustainable developments to meet the needs of residents.
(c) the transboundary nature of the effects;	The effects of the Plan are unlikely to have transboundary ³ 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 East Hagbourne NDP relates to the parish of East Hagbourne. 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 East Hagbourne 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 affected by the neighbourhood plan.

³ Transboundary effects are understood to be in other Member States.

APPENDIX 4 RESPONSES FROM STATUTORY CONSULTEES

Environment agency

creating a better place



South Oxfordshire District Council
Planning
Mitton Park
Abingdon
OX14 4SB

Our ref: WA/2006/000324/SE-13/SC1-L01

Date: 01 June 2016

Dear Ms Wooton,

Screening Opinion for East Hagbourne Neighbourhood Development Plan

Thank you for consulting us on this matter. We received the letter on 03 May 2016 and we are now in a position to respond.

We agree with the conclusion of the screening opinion that a Strategic Environmental Assessment (SEA) is not required for the East Hagbourne Neighbourhood Development Plan.

We note that no allocations will be included in the plan, therefore the plan will not have a significant impact on the environment.

Yours sincerely,

Mr Jack Moeran
Planning Specialist

Direct dial 02030259655
Direct e-mail planning-wallingford@environment-agency.gov.uk

End



ea/th/e/std

HISTORIC ENGLAND

Dear [REDACTED]

Thank you for consulting Historic England on the Initial Screening Opinion for the East Hagbourne Neighbourhood Plan. I am happy to confirm that as the plan will not be allocating sites for development and that the policy framework that the forum aim to produce is relatively modest and aimed at protecting the amenities of the village, we do not consider it would be subject to SEA.

I would be pleased to answer any queries relating to our comments or to provide any further information that may be of assistance.

Yours sincerely

[REDACTED]

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

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