

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 Baldons Neighbourhood Development Plan

8 JUNE 2016

SUMMARY

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

INTRODUCTION

1. In May 2016, an SEA screening opinion was prepared to determine whether or not the contents of the emerging Baldons Neighbourhood Development Plan ('The Baldons 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 Baldons 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.

THE BALDONS NEIGHBOURHOOD DEVELOPMENT PLAN

6. The Baldons NDP will contain policies to promote the development of 5-15 small (2/3 bedroomed) houses on infill sites within the footprint of the two villages. There is currently uncertainty as to whether sites will be allocated, but if any are allocated, they will be within the existing built up area of the villages.
7. Policies in the Baldons NDP 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 seek to limit housing to small scale infill, in accordance with the district's emerging and adopted Local Plans.
8. Given the uncertainty over site allocation, and the potential for effects on important heritage assets within the villages, it is advisable to prepare an SEA. This decision can be reviewed when the potential sites for allocation have been identified, and potential environmental effects can be ruled out.

STATUTORY CONSULTEES

9. Historic England responding advising that the Baldons NDP requires an SEA given the uncertainty on site allocations and the potential for impacts on heritage assets in the villages. They suggested that this advice could be reviewed as and when more detail is identified on site allocations.
10. Natural England commented that they did not think an SEA was required.
11. No response was received from the Environment Agency.

CONCLUSION

12. As a result of the screening undertaken by the Council, the following determination has been reached.
13. The Baldons NDP is unlikely to have significant effects on Natura 2000 sites, therefore, an Appropriate Assessment for the Baldons Neighbourhood Development Plan is not required.
14. Given the uncertainty of the allocation of sites, the Baldons NDP is not likely to have a significant effect on the environment, particularly heritage assets.
15. At this stage, the Baldons NDP does require a Strategic Environment Assessment.

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

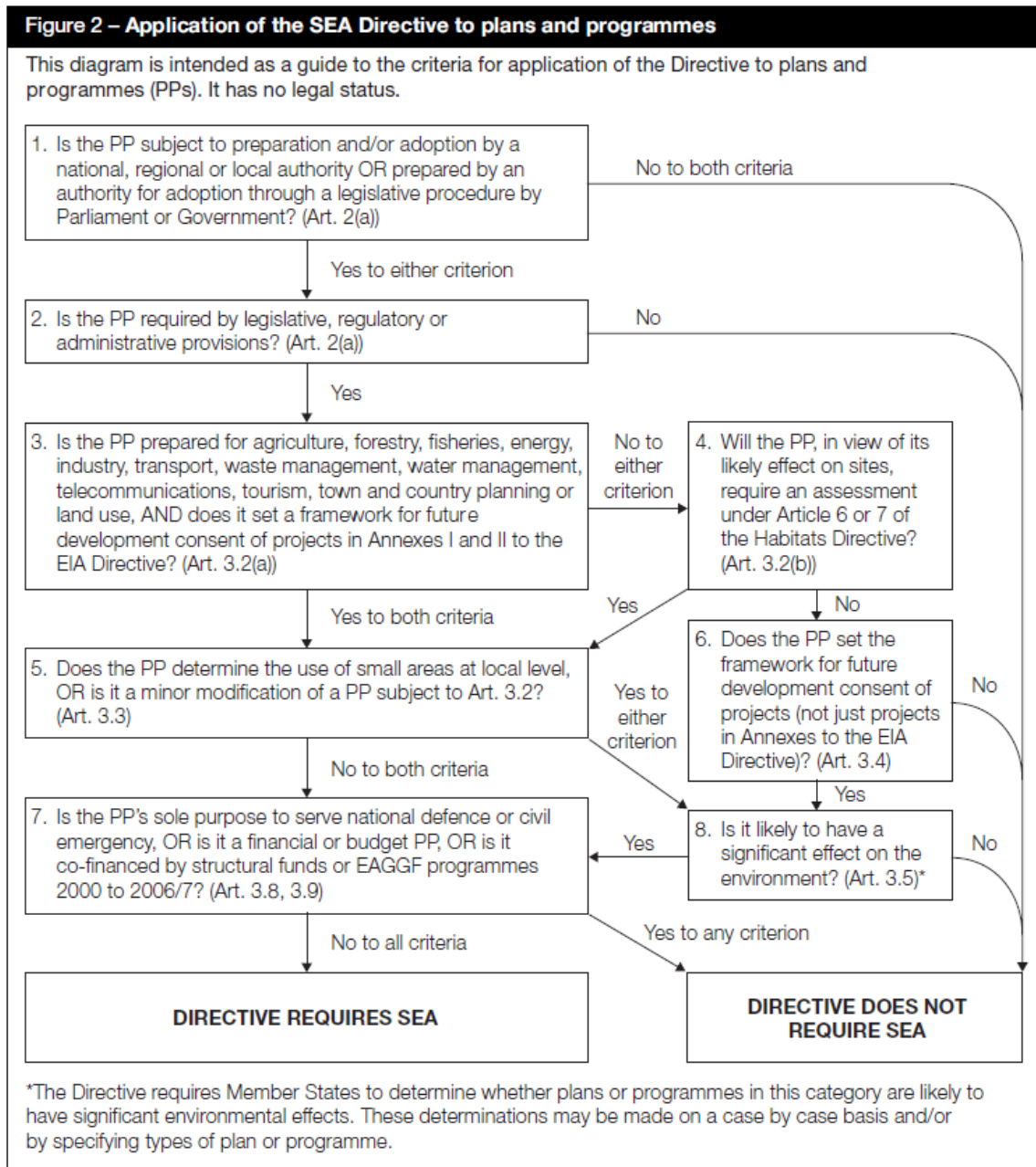


Table 1: Application of SEA Directive as shown in Appendix 1

[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 Baldons NDP Steering Group, a working group who report to the Baldons 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 Baldons NDP is prepared for town and country planning and land use and will set out a framework for future development in the Baldons, including the development of residential uses. However, these projects are</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))		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 Baldons NDP is unlikely to have significant effects on Natura 2000 sites. See Habitat Regulations Assessment (HRA) Screening Opinion for the Baldons 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 Baldons 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 Baldons 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)	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 Baldons 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 The Baldons 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) within 5km³ of the Baldons Neighbourhood Development Plan.

CONCLUSION

5. The Baldons NDP is unlikely to have significant effects on Natura 2000 sites, therefore, an Appropriate Assessment for the Baldons NDP is not required.
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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 Baldons 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. The proposals being considered for the NDP are in conformity with the emerging Local Plan.
(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 Baldons NDP. A basic condition of the Baldons NDP is to contribute to the achievement of sustainable development. The Baldons 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	There is reportedly issues with groundwater contamination in Toot Baldon which will be considered as the NDP develops.
(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 Baldons 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 Baldons 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 the historic character of the village. However, given the uncertainty over the site allocations, and the potential for even small developments, including infill, to have significant impacts on the environment, a precautionary approach is advisable.
(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 Baldons NDP relates to the parish of the Baldons, and the two small villages of Marsh Baldon and Toot Baldon. 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 Baldons NDP offers an opportunity to enhance the natural environment and the cultural heritage of the area through the proposals being considered. However, until a time when potential sites for allocation, including infill, have been identified, it is impossible to rule out significant effects.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	There is potential vulnerability on the setting of the surrounding green belt, although all development will take place within the existing built-up area. The SEA of the emerging Local Plan suggests that impacts can be mitigated through design proposals which should be considered as the NDP develops.

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 initial screening opinion for the Baldons Neighbourhood Plan. We note that the Baldons are 'washed over' by the Oxford Greenbelt and that, as such, infill development is likely to be the only form of development that would normally be considered appropriate without a wider strategic review of the greenbelt. However, by focusing new development within the existing built up areas, which are also the historic focus of settlement activity, the plan may direct new development to sites that would have effects on the historic environment including conservation areas, listed buildings and archaeological remains.

We note that the screening opinion states that the plan will place a great emphasis on conserving the character or appearance of the conservation area(s) and that it will promote sustainable development. However, we would point out that it is the purpose of the SEA process to ensure that the plan is in conformance with higher level documents and that it has been prepared with appropriate consideration of its environmental effects and that the screening opinion should not prejudge the outcome of this process. We would also point out that where they effect heritage assets of high importance or sensitivity to change, even relatively small allocations can have a significant environmental effect.

Given the small number of units envisaged we feel that the need to undertake SEA/SA for the plan will be a finely balanced decision that might easily be resolved when the potential sites for allocation are identified. As such we would recommend screening the plan in as requiring SEA for the present but reviewing this when more evidence is available as to which sites might be considered for allocation. We would point out that the preparation of an SEA should not involve collecting anymore evidence than is required for a robustly prepared neighbourhood plan, that it is a helpful process to demonstrate the plan has met the basic conditions and that it provides a transparent decision making structure. We would also point out that not undertaking an SEA has been used to challenge the legitimacy of neighbourhood plans and resulted in the overturning of the Slaugham Neighbourhood Plan in particular. Given the time and effort involved in preparing a neighbourhood plan we would suggest progressing as if an SEA is required, for the present, would be a sensible precaution. We would be pleased to review our opinion when more information becomes available.

I hope these comments are of assistance to the District Council but would be pleased to answer any queries you may have or to provide any information that can assist you.

Yours sincerely

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

Natural England

Date: 02 June 2016
Our ref: 185199
Your ref: N/A



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South Oxfordshire District Council

BY EMAIL ONLY

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Dear Ms Wootton

SEA Screening Opinion for the Benson and the Baldons Neighbourhood Development Plans

Thank you for your consultation on the above dated 6 May 2016 which was received by Natural England on 6 May 2016.

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

Where Neighbourhood Plans could have significant environmental effects, they may require a Strategic Environmental Assessment (SEA) under the Environment Assessment of Plans and Programmes Regulations 2004. 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 at:

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

Screening Request: Strategic Environmental Assessment

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plans.

Neighbourhood Plan

Guidance on the assessment of Neighbourhood Plans in light of the SEA Directive is contained within the National Planning Practice Guidance¹. The guidance highlights three triggers that may require the production of an SEA, for instance 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 may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plans will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

For any queries relating to the specific advice in this letter only please contact me on 0208225 7056. 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 Black
East Midlands Sustainable Development Team