

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 Warborough and Shillingford Neighbourhood Development Plan

20 MARCH 2017

SUMMARY

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

INTRODUCTION

1. In September 2016, an SEA screening opinion was prepared to determine whether or not the contents of the emerging Warborough and Shillingford Neighbourhood Development Plan (W&S 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 W&S 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.

WARBOROUGH AND SHILLINGFORD NEIGHBOURHOOD DEVELOPMENT PLAN

6. The Warborough and Shillingford NDP will contain policies on housing, village character, community assets, services and facilities and economy and tourism. There are proposals to allocate a site for around 36 homes.
7. 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). It is therefore suggested that a review of the SEA for the emerging Local Plan be undertaken to utilise the assessment where possible, but that an SEA is required to cover the allocated site. In addition, all proposed policies in the Warborough and Shillingford NDP need to be assessed for compliance with the emerging Local Plan and its SEA.
8. Policies in the Warborough and Shillingford NDP would not result in significant impacts on a Natura 2000 sites either alone or in combination with other plans and policies. Therefore an HRA Appropriate Assessment is not required.
9. The Neighbourhood Plan proposes to allocate a site for future development that has not already been identified in the adopted Core Strategy or the emerging Local Plan. The site sits next to a Conservation Area and may fall within the setting of Listed buildings located near to the site. There is also the potential for archaeology on the site. These allocations could therefore have a significant effect on the environment and this needs to be considered further, therefore an SEA is required.

STATUTORY CONSULTEES

10. The Screening opinion was sent to Natural England, the Environment Agency and Historic England on 20 October 2017 and given a 4 week consultation period. The responses in full are at appendix 4.
11. Natural England were further consulted on 3 March 2017 on whether or not an HRA Appropriate Assessment would be required. This was because the cumulative impact of allocations in the submitted version of the Brightwell-cum-Sotwell NDP needed to be considered alongside those in the W&S NDP. Natural England responded on 9 March 2017. The response in full can be found at appendix 4.
12. Natural England agreed with the conclusion given that the Warborough and Shillingford neighbourhood plan would not result in significant impacts on a Natura 2000 sites either alone or in combination with other plans and policies.
13. The Environment Agency agreed with the conclusion that there are unlikely to be potential significant environmental effects that relate to the Neighbourhood Plan area.
14. Historic England responded that as the parish contains a number of heritage assets and a conservation area that could be affected by the plan and its allocation, the plan should be subject to SEA.

CONCLUSION

15. As a result of the screening undertaken by the Council, the following determination has been reached.
16. The Warborough and Shillingford NDP would not have significant effects on Natura 2000 sites, therefore, an Appropriate Assessment is not required.
17. Based on the assessment presented in Appendices 1 & 3, the Warborough and Shillingford NDP may have a significant effect on the environment.
18. The Warborough and Shillingford NDP does require a Strategic Environment Assessment.

Decision by Head of Planning

Agreed

Signature: A handwritten signature in black ink that reads "Adrian D. Field". The signature is written in a cursive style. Below the signature is a solid horizontal line.

Date: 11 April 2017

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>	<p>Y</p>	<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 W&S NDP Steering Group, a working group who report to W&S Parish Council (as the “qualifying 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 • The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 • The Neighbourhood Planning (Referendums) (Amendment) Regulations 2016
<p>2. Is the NP required by legislative, regulatory or administrative provisions? (Art. 2(a))</p>	<p>Y</p>	<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, 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 Warborough and Shillingford NDP is prepared for town and country planning and land use and will set out a framework for future development in Warborough and Shillingford, 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 Warborough and Shillingford NDP is unlikely to have significant effects on Natura 2000 sites. See Habitat Regulations Assessment (HRA) Screening Opinion for the W&S 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 Warborough and Shillingford 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 Warborough and Shillingford NDP will include a series of policies to guide development within the village and will allocate a site 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,	N	N/A

3.9)		
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	Y	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 Goring 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 Warborough and Shillingford 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. Little Wittenham SAC is located approximately 2.5km from the proposed allocated site for the Warborough and Shillingford NDP.
5. It is noted that Brighwell-cum-Sotwell Neighbourhood Development Plan contains proposals that will deliver approximately 60 homes over that plans period. The proposed site allocations in the Brightwell-cum-Sotwell Neighbourhood Plan fall within the 1-2km IRZ of the Little Wittenham SAC.
6. This Screening Assessment utilises the work of the Habitats Regulations Assessment for the emerging Local Plan, published in January 2015. This concluded that ‘effects from increased recreation pressure are not likely to occur at any European sites as a result of the spatial distribution strategy’.
7. However, the HRA for the Core Strategy and the Phase 1 HRA assessment for the Local Plan 2031(now 2033) does not take into account the impacts of development coming forward in the smaller villages, only the larger ones and market towns. It has not specifically assessed the potential cumulative impacts from a number of smaller villages allocating sites for housing near to European sites although we assume the same principles around scale, distance and mitigation in the HRA apply.
8. Given the limited scale of development suggested (36 houses) in the allocation and the distance of over 2km from Little Wittenham SAC, the Warborough and Shillingford NDP is not deemed to have the potential for significant effects to require an Appropriate Assessment.
9. The allocation in the Warborough and Shillingford Plan together with allocations in other neighbouring parishes including Brightwell-cum-Sotwell nears 100 houses. Whilst this specific ‘smaller village’ development is not covered, this **scale** of development and its **distance** from the Long Wittenham SAC is covered by the HRA’s of the Core Strategy and the emerging Local Plan, and mitigation against impact of development is included. Based on this it is not considered to have potential for significant effects on European sites.
10. Plans can include policies to mitigate against or prevent them from having any potential significant effects as suggested in the phase 1 HRA assessment of the emerging Local Plan 2033:

“Until 2008, according to the EC Guidance¹¹, mitigation measures were not generally considered as part of the screening stage. However, a High Court judgement from relevant case law¹² found this did not need to be the case. Therefore, consideration has also been given during the screening stage to the potential for implementation of mitigation measures such as good practice and other statutory safeguards (e.g. Environmental Permitting regime etc.) to make significant effects unlikely to occur.”

11. The mitigation suggested in the phase 1 HRA for developments near to the Little Wittenham SAC to respond to any uncertainty are the following:

- a. *The implementation of local planning policies relating to the provision of sustainable transport links may help to reduce the impact of new housing development in relation to increased air pollution.*
- b. *Little Wittenham SAC is managed by the Northmoor Trust as a nature reserve and the areas which are most important to the great crested newts have restricted visitor access.*
- c. *The implementation of local planning policies requiring water efficiency measures in new housing development may provide some mitigation in relation to increased demand for water abstraction.*

12. Therefore, it is considered that the allocation in Warborough and Shillingford neighbourhood plan would not have potential significant effects on European sites even when cumulative impact is considered.

CONCLUSION

13. The Warborough and Shillingford NDP is unlikely to have significant effects on Natura 2000 sites, therefore, an Appropriate Assessment for the Warborough and Shillingford NDP is not required.

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

[Note to author – most of these boxes contain standard text (greyed out). Those where specific details need to be included are Qs 1a,c,d, 2a,b,e,f and g]

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 Warborough and Shillingford 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 2033. The site allocation for residential development proposed by the Warborough and Shillingford NDP has only partially been considered as part of the SEA of those higher level plans.
(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 Warborough and Shillingford NDP. A basic condition of the Warborough and Shillingford NDP is to contribute to the achievement of sustainable development.
(d) environmental problems relevant to the plan or programme; and	Warborough and Shillingford Parish contains the following environmental designations: Conservation area BAP Priority Habitat Conservation target area Local Wildlife site Scheduled monuments Flood zone 2 &3 Local Heritage assests Listed buildings The NDP group are undertaking an SEA to ensure no impacts on these sites.

<p>(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).</p>	<p>The proposed development in the Warborough and Shillingford NDP has not been judged to potentially have an impact on Community legislation.</p>
<p>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</p>	
<p>(a) the probability, duration, frequency and reversibility of the effects;</p>	<p>The Neighbourhood Plan is likely to have modest but enduring environmental effects. The effects are not likely to be reversible as they relate to development. However, they will be of a local scale.</p>
<p>(b) the cumulative nature of the effects;</p>	<p>It is intended that the positive social effects of providing residential development will have positive cumulative benefits for the area.</p>
<p>(c) the transboundary nature of the effects;</p>	<p>The effects of the Plan are unlikely to have transboundary³ impacts.</p>
<p>(d) the risks to human health or the environment (for example, due to accidents);</p>	<p>The policies in the plan are unlikely to present risks to human health or the environment.</p>
<p>(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);</p>	<p>The Warborough and Shillingford NDP relates to the parish of Warborough and Shillingford, which includes the villages of Warborough and Shillingford. The scale of development proposed is small and therefore the potential for environmental effects is also likely to be small and localised. However, potential impacts on the conservation area and heritage assets needs to be assessed in the SEA.</p>
<p>(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</p>	<p>The Warborough and Shillingford NDP offers an opportunity to enhance the natural environment and the cultural heritage of the area through the proposals being considered. Potential impacts on the conservation area and heritage assets need to be assessed.</p>

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

<p>(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>Natural England have said that it is unlikely that Warborough and Shillingford NDP will have significant effects on Long Wittenham SAC because the scale of proposed development in the allocation is minor.</p>
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Appendix 4 – Responses from the statutory consultees Environment Agency

creating a better place



Mr Peter Canavan
Planning Policy
South Oxfordshire District Council
135 Eastern Avenue
Milton Park
Abingdon
OX14 4SB

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

Your ref:

Date: 08 November 2016

Dear Mr Canavan

Warborough and Shillingford NDP Strategic Environmental Assessment Screening Opinion

Thank you for consulting the Environment Agency on the screening opinion/draft SEA screening report for the Warborough and Shillingford Neighbourhood Plan. We are a statutory consultee in the SEA process and aim to reduce flood risk and protect and enhance the water environment.

Based on our review of the draft plan, we think there are unlikely to be potential significant environmental effects that relate to the Neighbourhood Plan area.

We have identified that the neighbourhood plan area will be affected by the following environmental constraints:

Flood risk

There are areas of flood zone 2 and 3 within the neighbourhood plan area, specifically to the south of Shillingford, and both east and west of Warborough. We note that the plan intends to allocate site(s) for around 20 houses. We note that two potential development areas are identified in the draft plan documentation, and that these areas (Cuckoo Penn 1 and 2, and Rectory Homes' Six Acres site) are all within flood zone 1.

Main river

The River Thames forms the southern boundary of the plan area, and the Thame forms part of the north-western boundary. Both these watercourses are currently failing to reach good ecological status/potential under the Water Framework Directive. The Thames is currently classified as having moderate ecological potential, and the Thame is currently classified as having poor status. Developments within or adjacent to these watercourses should not cause further deterioration and should seek to improve the water quality based on the recommendations of the Thames River Basin Management Plan.

For your information we have published joint advice with Natural England, English Heritage and the Forestry Commission on neighbourhood planning which sets out sources of environmental information and ideas on incorporating the environment into plans.

Cont/d..



This is available at:

http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/LIT_6524_7da381.pdf

Yours sincerely

Judith Johnson
Sustainable Places team

Direct dial 020 3025 9495

e-mail planning-wallingford@environment-agency.gov.uk

Historic England

From: [REDACTED]

Sent: 21/11/2016 18:02

To: [REDACTED]

Subject: RE: Warborough and Shillingford NDP Screening Opinion

[REDACTED]

Thankyou for consulting us on the screening opinion for SEA of the Warborough and Shillingford Neighbourhood Plan. Having considered the draft screening opinion we note the following facts:

1. • The plan aims to allocate sites for development that have not previously been subject to assessment through SEA of a higher level or equivalent plan;
2. • The plan area includes two conservation areas, numerous listed buildings, scheduled monuments and extensive areas of non-designated archaeological remains including area's of extensive crop-marks in close proximity to Warborough.
3. • There is no size limit to the type of development that is considered to result in 'likely significant environmental effects' and even relatively modest development could have such affects if insensitively located and affecting fragile and irreplaceable heritage assets.
4. • The development of 20 units of housing could have significant environmental effects on heritage assets as noted at point 2.f of Appendix 3 of the draft screening opinion.
5. • The screening opinion should not prejudice the outcome of the plan making process including the conformance of plan policies and proposals with higher level documents or the sustainability of choices between options.

Taking account of these facts we would suggest that there is potential for the plan to have likely significant environmental effects and as such, SEA is required. We consider the SEA proess important as a means of identifying potential harm to heritage assets and alternatives or options that reduce or minimise harm and, where necessary, whether policy, direction or guidance is required within the plan to mitigate potential harm or to secure benefits including promoting the conservation or appreciation of heritage assets. However, we also note that SEA should not require additional evidence gathering beyond that already required for the robust preparation of a neighbourhood plan and that it should be limited to those areas where likely significant environmental effects are expected. As such it may be possible for this to be a relatively limited process and we note that the present Phase 1 Site Assessment for the Neighbourhood Plan assembles much of the

necessary analysis. We have not yet, however, been consulted on, or provided comment on the Phase 1 Site Assessment.

I hope these comments are of assistance but would be pleased to provide further information if necessary.

Yours sincerely

[REDACTED]

[REDACTED] | Historic Places Adviser | Historic Places | South East
[REDACTED]

Historic England | Eastgate Court | 195 – 205 High Street
Guildford | GU1 3EH

Natural England

Date: 30 November 2016
Our ref: 199425
Your ref: Warborough and Shillingford Neighbourhood Development Plan - SEA
Screening Consultation (South Oxfordshire)



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BY EMAIL ONLY

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T 0300 060 3900

Dear Peter,

Warborough and Shillingford Neighbourhood Development Plan - SEA Screening Consultation (South Oxfordshire)

Thank you for your consultation on the above dated 20/10/2016

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.

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 they consider our interests would be affected by the proposals made.

Natural England advises that, as the Warborough and Shillingford Neighbourhood Plan will only allocate around 20 houses for development, and the closest SSSI is over 1km away we do not foresee any significant impacts on designated sites that are not already addressed by the SEA of the emerging Local Plan. The boundary of the Neighbourhood Plan area abuts the North Wessex Downs AONB boundary, however so long as the Neighbourhood Plan site allocations and policies are in general conformity with national and local plan policies, there should be no significant impacts on designated landscapes that are not already addressed by the SEA of the emerging Local Plan.

We agree with the Habitats Regulations screening opinion; there are no likely significant effects on Little Wittenham SAC and further Habitats Regulations Assessment is not necessary.

For clarification of any points in this letter, please contact Rebecca Micklem on 020822 57686. For any further consultations on your plan, please contact: 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

Rebecca Micklem
Sustainable Development
Thames Team

Date: 09 March 2017
Our ref: 210051
Your ref: South Oxfordshire & Vale of White Horse DC - HRA screening for Warborough and Shillingford Neighbourhood Plan



Rachael.Riach@southandvale.gov.uk

BY EMAIL ONLY

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Dear Rachael,

South Oxfordshire & Vale of White Horse DC - HRA screening for Warborough and Shillingford Neighbourhood Plan

Thank you for your consultation on the above dated 03/03/2017

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 they consider our interests would be affected by the proposals made.

Having considered the revised HRA screening for Warborough and Shillingford Neighbourhood Development Plan we accept the conclusions reached that an Appropriate Assessment is not required.

For clarification of any points in this letter, please contact Rebecca Micklem on 020822 57686. For any further consultations on your plan, please contact: 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

Rebecca Micklem
Sustainable Development
Thames Team