

Cholsey Neighbourhood Development Plan - Habitat Regulations Assessment (HRA) Screening Assessment

25 May 2018

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 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.”

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).

ASSESSMENT PROCESS AND CONSULTATION

4. Cholsey Parish Council prepared a Habitats Regulations Assessment (HRA) Screening Determination in May 2017. The assessment is available in full in Appendix 1. This document was submitted to Natural England alongside other documents produced as part of the scoping exercise in relation to the preparation of the Sustainability Appraisal of the Cholsey Neighbourhood Plan. On 30th June 2017, Natural England advised that it did not have sufficient information on the content of the neighbourhood plan in order to comment on the need for a HRA. This response is available in Appendix 2.
5. South Oxfordshire District Council reviewed the parish council's screening assessment. Once further information on the content of the plan had become available, and therefore satisfied with the assessment and its findings, the council consulted Natural England to seek their views on the assessment in general, and to establish whether the assessment produced by the parish council could be used to help the district council determine whether a HRA Appropriate Assessment would be required. Natural England agreed to work with the assessment prepared by the parish council. The correspondence between the council and Natural England on this matter is available in Appendix 3.
6. The screening assessment concluded that: the Cholsey Neighbourhood Development Plan will not have potential significant effects on Natura 2000 sites and, therefore, an Appropriate Assessment for the Neighbourhood Development Plan would not be required.
7. On 5 September 2017, Natural England confirmed: *"Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of information provided, Natural England concurs with this view."*
8. On 11 February 2018, Cholsey Parish Council published a revised pre-submission version of the plan. The main change to the plan was the proposed allocation of sites CHOL1 and CHOL7 for 162 dwellings instead of CHOL5 for 250 dwellings.
9. The Council may rely upon the conclusions of the recent HRA of the emerging Local Plan (January 2018) in respect of the potential effects of the proposals in the Cholsey Neighbourhood Plan alone or in combination with other plans or projects. The HRA for the emerging Local Plan (direct link available [here](#)) assessed the collective delivery of 1,049 dwellings in Larger Villages, such as Cholsey (see Table 2-2 Development quantum assessed in this HRA). As the scale and type of development promoted through the Cholsey Neighbourhood Plan is directly comparable to the development assessed by the HRA for the emerging Local Plan, in the council's opinion, the Cholsey Neighbourhood Plan does not require an Appropriate Assessment.

10. The HRA of the emerging Local Plan concluded that the proposals within the emerging Local Plan would not have any adverse effects on the Natura 2000 network of sites, either alone or in combination with other plans and projects (see paragraph 6.5 on page 51).
11. The Benson and Watlington Neighbourhood Development Plans are considered relevant to considerations of whether the Cholsey Neighbourhood Plan may have in combination effects. Both plans have reached an advanced stage of preparation and make significant contributions to the collective delivery of 1,049 dwellings in Larger Villages. The Benson and Watlington Neighbourhood Plans have been subject to their own Habitats Regulations Assessment Screening (both dated December 2017). Both assessments concluded (see Section 5 – Conclusions) that the proposals within those plans would not have any adverse effects on Natura 2000 sites, either alone or in combination with other plans and projects. The assessment of the Benson Neighbourhood Plan can be found [here](#) and the assessment of the Watlington Neighbourhood Development Plan can be found [here](#).

CONCLUSION

12. The Cholsey Neighbourhood Development Plan is unlikely to have significant effects on Natura 2000 sites, either alone or in combination with other plans and projects; therefore, an Appropriate Assessment of the Cholsey Neighbourhood Development Plan is not required.

Appendix 1 - Habitats Regulations Assessment (HRA) Screening Determination

Cholsey Parish Council



Cholsey Neighbourhood Plan

Habitat Regulations Assessment
(HRA) Screening Determination

May 2017

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Introduction

1. The Local Authority, South Oxfordshire District Council, 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. South Oxfordshire District Council were requested to provide a Screening Determination in September 2016, however none has been received. In order to progress the Neighbourhood Plan the Cholsey Neighbourhood Plan Steering Group has prepared their own Screening Assessment.
3. This Screening Assessment relates to the pre-submission version of the Cholsey Neighbourhood Development Plan that is in general conformity with the strategic policies within the development plan² (the higher level plan for town and country planning and land use). It also takes account of the emerging South Oxfordshire Local Plan 2033 as far as requirements are known at this stage. In both these plans Cholsey is determined to be a larger village.
4. This Screening Assessment used the Appropriate Assessment of South Oxfordshire District Council's Submission Core Strategy and the Habitats Regulations Assessment for South Oxfordshire District Council Local Plan 2031 (January 2015) prepared for the emerging Local Plan as its basis for assessment. From this we have determined that the Cholsey Neighbourhood Development Plan is not likely to result in significant impacts on Natura 2000 sites, either alone or in combination with other adopted and submitted plans and policies and, therefore, does not require an 'Appropriate Assessment'.

Legislative Basis

5. 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."

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).
Cholsey Neighbourhood Plan

Assessment

6. There are two Special Areas of Conservation (SAC's) considered to be within influencing distance³ of the Neighbourhood Development Plan. These are:
 - Little Wittenham SAC around 5km from Cholsey
 - Hartslock Wood SAC around 8km from Cholsey
7. The Screening Assessment of South Oxfordshire District Council's Submission Core Strategy could not rule out likely significant effects on these SAC's so an Appropriate Assessment was prepared.
8. The Appropriate Assessment of the Council's Submission Core Strategy concluded that none of the European sites within or near South Oxfordshire would be significantly affected by the proposals in the Core Strategy, either alone or in combination with other plans and policies (Paragraph 4.3). However, the Appropriate Assessment of the Council's Submission Core Strategy also acknowledged that it would be necessary to update this assessment as further policies within the Local Development Framework are defined, particularly those associated with the allocation of housing developments within the larger villages.
9. The updated Habitat Regulations Assessment for South Oxfordshire, prepared by consultants LUC in January 2015, indicated in para 1.1 that the report was specifically prepared for:

'Updating the HRA of the Core Strategy by undertaking HRA of the distribution of housing between the larger villages: The adopted South Oxfordshire Core Strategy provided for a total of 1,154 new homes in the district's larger villages but did not specify housing figures for each of those villages individually. The housing figures for each of the villages which have now been identified had not previously been subject to HRA.'
10. The South Oxfordshire Cabinet committee agreed the subdivision of the 1154 homes allocated to larger villages in the South Oxfordshire Core Strategy in September 2013. The number identified for Cholsey was 128 new homes. The Cholsey Neighbourhood Plan contains proposals that will deliver around 250 homes over the plan period. This figure meets the requirement brought forward from the core strategy and is in line with the reasoning and evidence of the emerging Local Plan. The neighbourhood plan also makes provision for sustainable development within the village in line with national policy. The remaining policies of the plan comprise a series of criteria-based landscape, green space and design proposals for development management purposes, as well as other proposals seeking to promote walking, cycling and public transport.

³ 17 km or 10.6miles - see paragraph 2.2 of the Appropriate Assessment of South Oxfordshire District Council's Submission Core Strategy (December 2012).

11. Little Wittenham SAC is internationally important for its great crested newt population. The key environmental conditions supporting the site are:
 - Suitable foraging and refuge habitat within 500 metres of the pond
 - Relatively unpolluted water of neutral PH
 - Some ponds deep enough to retain water throughout February to August at least one year in three
 - Retention of landscape features and connectivity in surrounding area
12. Hartslock Wood SAC is internationally important for its mixture of semi-natural habitats which are characteristic of the Chiltern scarp. It includes an area of species-rich chalk downland and one of the few examples of ancient yew wood in the Chilterns, as well as semi-natural broadleaved woodland, chalk scrub and riverine fen.

Potential Impacts

13. Physical loss of habitat-noise, vibration and light pollution, the Cholsey Neighbourhood Plan promotes the development of at least 250 new homes and infill development which may consolidate development within the village's built up boundary. The housing allocations in the neighbourhood plan are greater than 500m from the SAC's and are not close enough to the European sites for physical loss of or damage to habitats, which would affect the integrity of the European sites. Likely significant effects in relation to physical loss of habitat, noise, vibration and light pollution can be ruled out and do not need to be considered further.

Air Pollution

14. Air pollution is most likely to affect European sites where plant, soil and water habitats are the qualifying features, but some qualifying animal species may also be affected, either directly or indirectly, by any deterioration in habitat as a result of air pollution. Deposition of pollutants to the ground and vegetation can alter the characteristics of the soil, affecting the pH and nitrogen availability that can then affect plant health, productivity and species composition.
15. The Habitats Regulations Assessment for South Oxfordshire District Council (January 2015) indicates in Paragraph 2.29 that air pollution from roads is unlikely to be significant beyond 200m from the road itself. Where increases in traffic volumes are forecast, this 200m buffer needs to be applied to the relevant roads in order to make a judgement about the likely geographical extent of air pollution impacts. Where a European site is not within 200m of a motorway or 'A' road, likely significant effects from traffic-related air pollution were ruled out.
16. Neither Little Wittenham SAC nor Hartslock Wood SAC are within 200m of a motorway or 'A' road. So, likely significant effects in relation to air pollution can be ruled out and do not need to be considered further.

Impacts of Recreation – Visitor Pressure

17. Little Wittenham SAC is part of a larger site managed by the Earth Trust as a nature reserve. The areas which are most important to the population of great crested newts have restricted access which is designed to prevent conflicts between the visiting public, the newts and their habitat. The larger site is a popular recreation area for local residents. Part of the Hartslock Wood SAC is managed by the Berks, Bucks and Oxfordshire Wildlife Trust (BBOWT). This reserve, whilst accessible to the public and used by local residents in Goring, is not as well known to the public as Little Wittenham, and is generally only publicised to members of BBOWT. It is unlikely that significant numbers of Cholsey residents would visit and use the area.
18. The increased visitor levels which are likely to occur as a result of the modest increase in population in Cholsey from up to 122 homes, together with increases likely to result from Brightwell-cum-Sotwell Neighbourhood Plan (around 60 new homes), may result in increased pressure on the habitats on the Long Wittenham reserve as a whole. Due to the restricted access policies to the areas where newts are primarily found, the increased visitor numbers will be concentrated onto other habitats on the reserve. These habitats are not related to the primary reasons for the selection of the SAC.
19. Great crested newts are not believed to be particularly sensitive to human disturbance provided their breeding ponds are not affected, and their primary terrestrial habitat and hibernacula are not adversely affected. Provided controls on access to the most sensitive areas are maintained (i.e. ponds and hibernacula are not disturbed), there is no reason to believe that there would be any significant effect on the integrity of the site, or the primary reason for the selection of the site.
20. Cholsey residents have access to an excellent footpath network which extends southwards into the North Wessex Downs AONB and away from Little Wittenham. The parish includes part of the Thames Path which also provides an attractive walking and recreation area. The proposals for new housing in the neighbourhood plan seek to ensure there are good pedestrian links to the existing footpath network. They also seek to secure increased green infrastructure within the development area.
21. Therefore, likely significant effects in relation to visitor pressure and the impacts of recreation can be ruled out and do not need to be considered further.

Water Quality and Quantity

22. The Habitats Regulations Assessment for South Oxfordshire District Council (January 2015) (Paragraph 3.13) identifies that since the housing numbers proposed at larger villages are relatively small, it is more likely that any significant effects associated with water quality and quantity would result from the housing allocations in combination, which has been assessed separately through the Core Strategy of the HRA. That HRA concluded that the total housing allocation in the Core Strategy would not have likely significant effects in relation to water quality or quantity (Paragraph 4.3). The sewerage works in Cholsey puts water into the Cholsey Brook and then to the Thames downstream from Little Wittenham. There would be significant dilution in the Thames before water reaches Hartslock Wood near Goring.

23. Oxfordshire is a water stressed and South Oxfordshire District Council has prepared a Water Cycle Study to assess the overall impact of development on the water environment. This recommends a large number of measures set out in the table on page iv and v⁴ It is assumed that the responsible authorities will require the relevant actions set out here are implemented. The draft Cholsey Neighbourhood Plan will include policies requiring the use of SuDS in new developments and that further development in the village does not take place until the water treatment works are improved to an appropriate standard.
24. Significant effects in relation to water quality and quantity are not likely to occur as a result of the limited increase in the proposed development promoted by the neighbourhood plan, taken together with that at Brightwell-cum-Sotwell and Long Wittenham.

Cumulative Effects

25. The Appropriate Assessment of the Council's Submission Core Strategy concluded that none of the considered European sites would be significantly affected by the proposals in the Core Strategy, either alone or in combination with other plans and policies (Paragraph 4.3). The Habitats Regulations Assessment for South Oxfordshire District Council (January 2015) (Paragraph 3.13) has considered the potential effects associated with potential future growth in larger villages.
26. The scale of the increase in development so far proposed in submitted plans around 122 new homes at Cholsey, and around 60 new homes at Brightwell-cum-Sotwell, is considered unlikely to have any significant effect on the interest features of the SACs alone, or in combination with other plans and policies.
27. The parish is of the view that an Appropriate Assessment for Cholsey is not required.
28. Natural England did note, in their opinion on the Brightwell-cum-Sotwell Neighbourhood Plan Screening Determination, that although the Brightwell-cum-Sotwell Neighbourhood Development Plan in isolation will not have an impact on the Little Wittenham SAC, it could possibly contribute to the accumulative visitor pressure impacts of general population growth in the region. In that respect they suggest that the Brightwell-cum-Sotwell parish council make provision for some S106 or CIL money to be available for future mitigation works in the SAC if visitor pressure impacts become an issue. Cholsey parish council is willing to make similar provision.

⁴ South Oxfordshire District Council Water Cycle Study November 2016 <http://www.southoxon.gov.uk/sites/default/files/Water%20Cycle%20Study%20Phase%20I%20-%20S%20Oxfordshire%20District%20Council.pdf>

Conclusion

29. As a result of the screening undertaken, the parish council is of the view that the Cholsey Neighbourhood Development Plan will not have potential significant effects on Natura 2000 sites and, therefore, an Appropriate Assessment for the Neighbourhood Development Plan will not be required.
30. For the purpose of demonstrating that the Cholsey Neighbourhood Development Plan is unlikely to have any significant effects on European Designated Sites, this document constitutes the statement of reasons required by Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

If you wish to raise any queries regarding this document or what it includes, please contact the Cholsey Neighbourhood Plan Team using the details below:

Email: info@cholsey-plan.com

Phone: 01491 652255 (Cholsey Parish Council)

If you would like to make a complaint please write to:

The Cholsey Neighbourhood Plan Team

Cholsey Parish Council, 31 Station Road, Cholsey, Wallingford OX10 9PT

Appendix 2 - Natural England's 30th June 2017 response

Date: 30 June 2017
Our ref: 215460
Your ref: Cholsey Neighbourhood Plan – Screening Assessment



ramsey7115@aol.com

BY EMAIL ONLY

Hornbeam House
Crew e Business Park
Electra Way
Crew e
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Mr Ramsey,

Cholsey Neighbourhood Plan – Screening Assessment

Thank you for your consultation on the above dated 12/05/2017

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.

Relevant Plans and Programmes

Natural England has not reviewed the plans listed. However, we advise that the following types of plans relating to the natural environment should be considered where applicable to your plan area;

- The South and Vale Green Infrastructure Strategy
- Biodiversity plans including the Oxfordshire Conservation Target Areas
- The Oxfordshire Rights of Way Improvement Plan
- River basin management plans
- The North Wessex Downs AONB management plan
- Relevant landscape plans and strategies, including the Oxfordshire Wildlife and Landscape Study

Establishing a Baseline

Please see attached annex for our advice on sources of local plan evidence on the natural environment.

Sustainability Challenges

We welcome that landscape deterioration has been identified as a sustainability challenge for the Cholsey Neighbourhood Plan; we would advise that this is related to North Wessex Downs AONB (part of which lies within the Cholsey Neighbourhood Plan area). We also welcome the inclusion of Special Areas of Conservation and loss of biodiversity as a sustainability challenges. However, we note that there is no reference to the restoration or enhancement of biodiversity, with the issues referring only to avoiding damage. We recommend that the restoration or enhancement of biodiversity is included in line with the National Planning Policy Framework, this is particularly relevant since the stretch of the Thames at Cholsey is part of the Thames Wallingford to Goring Conservation Target Area (<https://www.wildoxfordshire.org.uk/wp-content/uploads/2014/02/Thames-Wallingford-to-Goring-CTA.pdf>).

Draft Sustainability Objectives

We welcome the sustainability objectives for the Natural Environment that have been identified under point 7; we suggest that consideration is also given to maintaining and enhancing access to the Natural Environment.

HRA Screening Report

We note that an HRA Screening Report was also attached to the consultation, however without detail of the content of the Neighbourhood Plan we do not have enough information to be able to comment on the need for HRA at this stage.

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.

Yours sincerely,

Rebecca Micklem
Sustainable Development
Thames Team

Appendix 3 - Correspondence between South Oxfordshire District Council and Natural England

From: Behnke, Piotr (NE) [mailto:Piotr.Behnke@naturalengland.org.uk]
Sent: 05 September 2017 15:57
To: Ricardo Rios <Ricardo.Rios@southandvale.gov.uk>
Subject: Natural England Response - Cholsey Neighbourhood Plan HRA Screening

Dear Mr Rios,

Many thanks for consulting Natural England regarding the Cholsey Neighbourhood Plan HRA Screening report.

Having taken a look at this report and after checking with the site responsible officers for Hartlock Wood SAC and Little Wittenham SAC we would have the following comment to make.

No objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects.

Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of information provided, Natural England concurs with this view.

As such Natural England would have no further comment to make at this point in time as we are satisfied that there are unlikely to be significant impacts as a result of the allocations made both within the Cholsey Neighbourhood Plan and in combination with other plans locally.

Please accept this email as our response to this consultation however if you should require the response by letter in pdf format then do let me know.

Regards,

Piotr Behnke
Adviser
Sustainable Development
Thames Team
0208 026 3893

From: Behnke, Piotr (NE) [mailto:Piotr.Behnke@naturalengland.org.uk]
Sent: 17 August 2017 17:09
To: Ricardo Rios <Ricardo.Rios@southandvale.gov.uk>
Subject: RE: Cholsey Neighbourhood Plan HRA Screening

Dear Ricardo,

Many thanks for getting in touch in Rebecca's absence. Having taken a quick look at the HRA screening document in my opinion it does appear to be acceptable in that no further

assessment would be required however I will double check this and endeavour to get back to you by the close of play on the 29th August.

I have next week off however so if an extension until the end of August (31st) would be possible that would be much appreciated.

Regards,

Piotr Behnke
Adviser
Sustainable Development
Thames Team
0208 026 3893

From: Ricardo Rios
Sent: 08 August 2017 15:46
To: Natural England <consultations@naturalengland.org.uk>
Cc: 'Micklem, Rebecca (NE)' <Rebecca.Micklem@naturalengland.org.uk>
Subject: FW: Cholsey Neighbourhood Plan HRA Screening

Dear Rebecca,

Back in May, Cholsey Parish Council carried out a screening exercise to identify whether the Cholsey Neighbourhood Plan would require an Appropriate Assessment. I understand that as they did not share their draft plan with you at the time, you were unable to comment on whether an Appropriate assessment would be required.

To avoid duplication, now that the Cholsey NDP has been published, as part of the pre-submission consultation, I would like to check whether you are happy to comment on the screening assessment carried out by the Parish Council, or whether you would like the District Council to review/re-issue the screening opinion.

If you are happy to comment on the document enclosed, the District Council will proceed to issue a screening determination, after we receive your response. If you consider that a new screening opinion is necessary, I would appreciate if you could let me know as soon as possible. If you are happy to work with the attached document, I would appreciate a response by 29 August 2017.

The Cholsey Neighbourhood Plan and supporting documents can be found [here](#).

Please feel free to contact me if you wish to discuss.

Kind regards

Ricardo Rios

**Senior Planning Policy Officer (Neighbourhood)
Planning**

South Oxfordshire and Vale of White Horse District Councils

135 Eastern Avenue, Milton Park, Milton, Abingdon, Oxfordshire, OX14 4SB

Telephone: 07801203535

Email: ricardo.rios@southandvale.gov.uk

Website: <http://www.southoxon.gov.uk/neighbourhood-plans>