

Updated Screening Opinion 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 Pyrton Neighbourhood Development Plan

September 2016

SUMMARY

In this updated screening opinion, South Oxfordshire (the 'Council') determines that Pyrton Neighbourhood Development Plan (NDP) does require a Strategic Environmental Assessment (SEA), but will not have a likely significant effect in relation to the Habitats Regulations Assessment.

Introduction

1. This updated screening opinion has been used to determine whether or not the contents of the emerging Pyrton Neighbourhood Development Plan require 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

4. 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.
5. 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.

6. Table 1 in Appendix 1 sets out the criteria from the Practical Guide, along with an assessment of the Pyrton NDP against each criterion to ascertain whether a SEA is required.
7. 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.
8. These two assessments feed into Table 1 and the SEA screening opinion.

Pyrton Neighbourhood Development Plan

9. The Pyrton Neighbourhood Development Plan will contain policies to manage the sustainable future of the parish. This will include the focusing of development to the most appropriate locations to comply with the SODC Local Plan and support the social, economic and environmental needs of the parish.
10. The plan seeks to allocate a site or sites for around 15 houses.

Conclusion

11. As a result of the screening undertaken by the Council, the following determination has been reached.
12. Based on the assessment presented in Appendices 1 & 3, the Pyrton NDP is to have a significant effect on the environment. Therefore the Pyrton NDP does require a Strategic Environment Assessment.
13. However, the Pyrton NDP is unlikely to have significant effects on Natura 2000 sites, therefore, an Appropriate Assessment for the Example Neighbourhood Development Plan is not required.

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

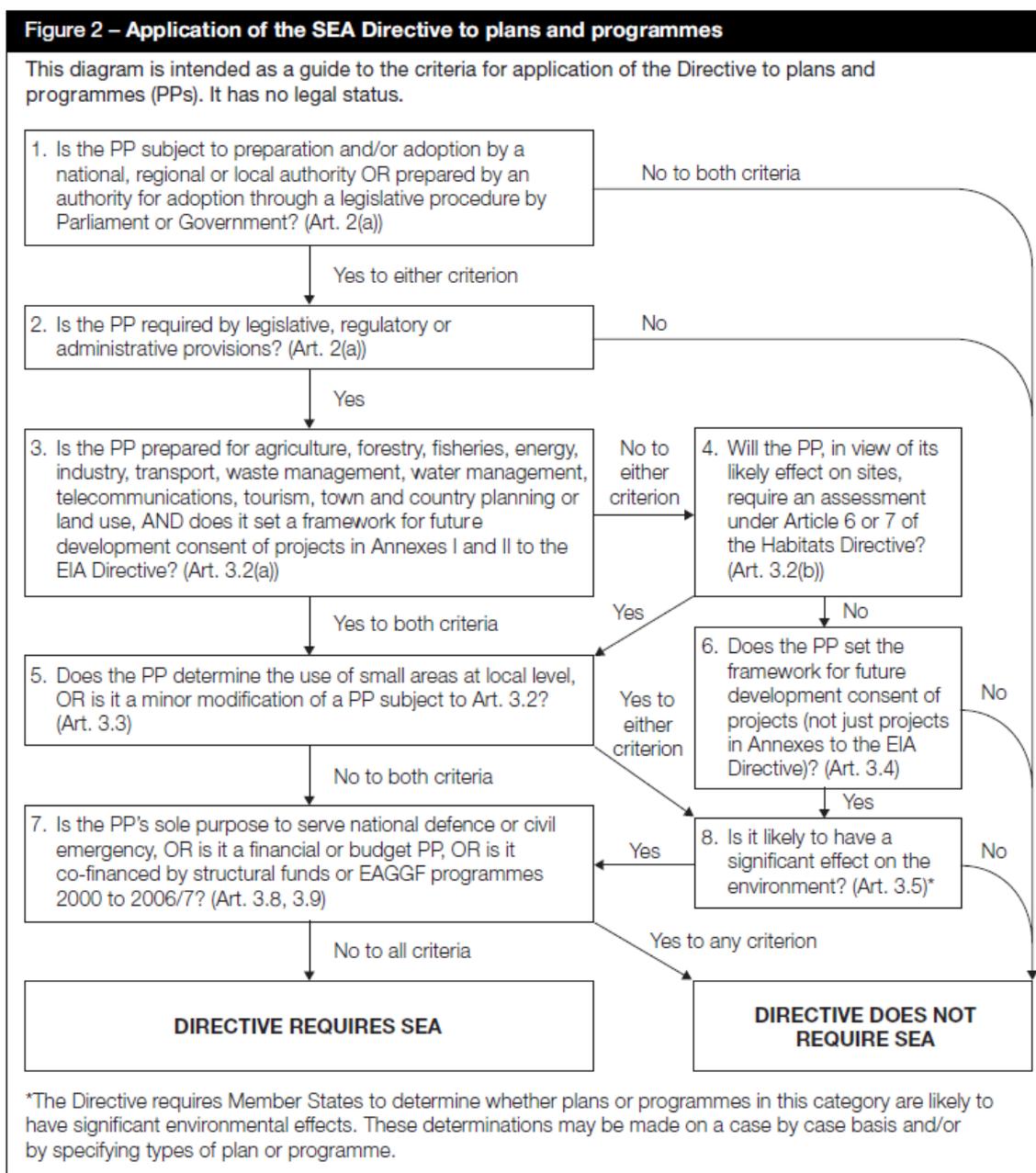


Table 1: Application of SEA Directive as shown in Appendix 1

Stage	Y/N	Explanation
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	The preparation of and adoption of the Neighbourhood 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 Pyrton 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: The Neighbourhood Planning (General) Regulations 2012 and The Neighbourhood Planning (referendums) Regulations 2012.
2. Is the NP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	Whilst the Neighbourhood 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.
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	N	The Neighbourhood Plan is prepared for town and country planning and land use and will set out a framework for future development in Pyrton, including the location of housing, employment and community 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.

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	See Habitat Regulations Assessment (HRA) Screening Opinion for the Pyrton Neighbourhood Development Plan 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 Pyrton Neighbourhood Development Plan 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 Pyrton Neighbourhood Development Plan will include a series of policies to guide development within the village and will allocate sites for specific development. This will inform the determination of planning applications providing a framework for future development consent of projects.
7. Is the Neighbourhood Plan's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by	N	n/a

structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)		
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	Y	See assessment of the likely significance of effects on the environment in Appendix 3.

Appendix 2 - Habitat Regulations Assessment (HRA)

Screening Opinion for the Pyrton 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 Appropriate Assessment of South Oxfordshire District Council's Submission Core Strategy and the Assessment of Habitat Sites document prepared in relation to the emerging Local Plan 2032 as its basis for assessment. From this, the Local Authority will determine whether the Pyrton 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

4. There is one Special Area of Conservation (SAC), Aston Rowant, approximately 3km away from the village of Pyrton. Natural England have established Impact Risk Zones for designated sites and any proposed allocations for development fall outside of these zones. It is therefore considered unlikely that the proposals in the NDP would have a significant on the interest features of the SAC.

Conclusion

5. The Pyrton Neighbourhood Development Plan does not have any likely significant effects on Natura 2000 sites therefore the NDP can be screened out from any further assessment.

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 Pyrton Neighbourhood Development Plan would, if adopted, form part of the Statutory Development Plan and as such does contribute to the framework for future development consent of projects. 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 2032. This plan will set projects at a local scale and will have limited resource implications.
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The Pyrton Neighbourhood Development Plan will have regard to National Policy and be in general conformity with the strategic policies of the district's development plan. It may also take account of the emerging Local Plan 2032. The Pyrton Neighbourhood Development Plan is unlikely to influence other Plans or Programmes within the Statutory Development Plan.
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The Pyrton Neighbourhood Development Plan will contain policies to manage the sustainability of the Parish. It also seeks to allocate around 15 houses. These policies and allocations will have regard to national policy and be in general conformity with the strategic policies of the district's development plan as required by the basic conditions. The plan will, therefore, be integrating a wide range of environmental considerations. National policy requires a presumption in favour of sustainable development, which should be seen as a golden thread through plan-making, including the Pyrton Neighbourhood Development Plan. A basic condition of the plan is to contribute to the achievement of sustainable development.
(d) environmental problems relevant to the plan or programme; and	Pyrton Parish contains the following environmental designations: <ul style="list-style-type: none"> • Area of Outstanding Natural Beauty (AONB) • Ancient Woodland

	<ul style="list-style-type: none"> • Conservation Areas • Flood Zones 2 & 3 • Nature and Conservation Target Areas • Site of Special Scientific Importance (SSSI) • Listed Buildings <p>The Pyrton Conservation Area covers the majority of the settlement of Pyrton. The Shirburn Conservation Area covers the landscaped park and garden (listed) of 'Shirburn Castle' to the east of the settlement of Pyrton. The flood zones run to the north of the settlement of Pyrton, development should be directed away from this area as much as is practicable and policies to reduce run off pressures will be considered through plan production. The AONB is to the east and south east of the village. The other environmental designations listed are generally located further away from the village, either north near 'Clare Hill' or on the higher ground in the south east of the parish, near Christmas Common. Although the neighbourhood plan will seek to minimise adverse effects, the allocation of development within the Conservation Area and on the edge of AONB (and the design of this development) will need to be carefully considered to ensure that it does not harm the character and landscape quality of the nationally designated area.</p> <p>Pyrton is also adjacent to Watlington where there is an Air Quality Management Area (AQMA). The AQMA runs through the centre of Watlington. The SODC Air Quality Action Plan identifies potential actions to manage air quality.</p>
<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 Pyrton Neighbourhood Development Plan is not directly relevant to any of these.</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 Pyrton Neighbourhood Development 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. The plan seeks to ensure that these effects are positive in nature.</p>
<p>(b) the cumulative nature of the effects;</p>	<p>It is intended that the positive effects will have positive cumulative benefits for the area.</p>
<p>(c) the transboundary nature of the effects;</p>	<p>The designated plan area includes the village of Pyrton. To the north of Pyrton is the village of Watlington, which is not located within the designated neighbourhood area, there is the potential for development identified through the Pyrton Neighbourhood Development Plan to affect this adjacent settlement. The B4009 and B480 roads run through Pyrton and are particularly well used routes, development in the village has the potential to impact the through flow of transport on these routes.</p>
<p>(d) the risks to human health or the environment (for example, due to accidents);</p>	<p>There are no significant risks to human health or the environment. However Watlington (adjacent 'Larger Village') does have a designated Air Quality Management Area and the potential impact of development on this will need to be managed.</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 Pyrton Neighbourhood Development Plan relates to the parish of Pyrton. The magnitude and spatial extent of the effects are likely to be local in scale.</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 main vulnerabilities of the area covered by the neighbourhood plan are the impact of the Pyrton Neighbourhood Development Plan on the AONB, which is a nationally protected landscape. The majority of the village is also covered by a conservation area. Although the plan will seek to minimise any adverse effects, the allocation of development within the Conservation Area and on the edge of AONB (and the design of this development) will need to be carefully considered to ensure that it does not harm the character and landscape quality of the nationally designated area, and the same is true of the potential impact to the significance and setting of the conservation area.</p>
<p>(g) the effects on areas or landscapes which have a recognised national,</p>	<p>The area covered by the Pyrton Neighbourhood Plan includes part of the Chilterns AONB, recognised to contain some</p>

<p>Community or international protection status.</p>	<p>of the finest landscapes in England. Although the neighbourhood plan will seek to minimise adverse effects, the allocation of development within and on the edge of AONB (and the design of this development) will need to be carefully considered to ensure that it does not harm the character and landscape quality of the nationally designated area.</p>
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