

Revised Habitat Regulations Assessment (HRA) Screening Opinion for the Warborough and Shillingford 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 Revised HRA 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. The following European sites fall within 17 km of South Oxfordshire District and have been included in the HRA of the emerging Local Plan 2033:

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).

- Aston Rowant SAC;
- Burnham Beeches SAC;
- Chilterns Beechwoods SAC;
- Cothill Fen SAC;
- Hackpen Hills SAC;
- Hartslock Wood SAC;
- Kennet and Lambourn Floodplain SAC;
- Little Wittenham SAC;
- Oxford Meadows SAC;
- River Lambourn SAC;
- Thames Basin Heaths SPA; and
- Windsor Forest and Great Park SAC.

The 17 km buffer distance, which was subject to consultation with Natural England, reflects the average travel to work distance in the district and recognises the fact that the effects of development within South Oxfordshire may be transmitted to sites beyond its boundary.

4. The HRA concluded that at this stage in the Local Plan preparation that adverse effects on the integrity of European sites around South Oxfordshire from policies and site allocations in the Local Plan will not occur in relation to:
 - a) Physical loss or damage to on- or off-site habitat;
 - b) Noise/vibration and light pollution; or
 - c) Changes to water quality or quantity

5. Impacts on Little Wittenham SAC due to increases in visitor numbers were able to be screened out by the emerging Local Plan 2033's HRA. An 'Appropriate Assessment' was carried out to determine whether increases in visitor number due to the Local Plan in combination with other plans or projects would have an adverse effect on the integrity of Little Wittenham SAC. The assessment has concluded that there will be no adverse effects on the site's integrity, due to the low sensitivity of the great crested newt population to recreation disturbance, and the responsible management of the site and its habitats. The December 2017 HRA of the emerging Local Plan 2033 states:

"Impacts on Little Wittenham SAC due to increases in visitor numbers were able to be screened out for the Local Plan alone, as the expected increases due to the Local Plan are within those planned for by the Earth Trust, which manages the site. An Appropriate Assessment was carried out to determine whether increases in visitor number due to the Local Plan in combination with other plans or projects would have an adverse effect on the integrity of Little Wittenham SAC. Following discussions with Natural England and the Earth Trust, the assessment has concluded that there will be no adverse effects on the site's integrity, due to the low sensitivity of the great crested newt population to recreation disturbance, and the responsible management of the site and its habitats by the Earth Trust."

6. An air quality assessment was also carried out that screened out significant effects from the emerging Local Plan 2033 on Aston Rowant SAC. The report is still in draft, but has been seen by Natural England who have accepted the findings – see letter attached in Appendix 1.

7. Given that the scale of development proposed (29 houses) is not, either on its own or in combination with other plans, more than that prescribed in policy H8 of the emerging Local Plan 2033, the Warborough and Shillingford NDP's allocation is covered by the conclusions of the October and December versions of the 2017 HRA and the air quality assessment for the emerging Local Plan 2033. Significant effects have been screened out by these assessments.
8. 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

9. 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 1:

Date: 12 January 2018
Our ref: 228534
Your ref: South Oxfordshire HRA (Issue 13.12.17)

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BY EMAIL ONLY



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Dear Jon,

South Oxfordshire HRA (Issue 13.12.17)

Thank you for your consultation on the above dated 13 December 2017 which was received by Natural England on the same day.

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 welcome the air quality modelling that has been undertaken following our comments and advice on the South Oxfordshire Local Plan HRA in November and December 2017. We are satisfied with the conclusion of the revised HRA (dated 13.12.17) that there will be no adverse effect on Aston Rowant SAC from traffic related air pollution.

This updates our position in relation to the Local Plan HRA as set out in our letter to South Oxfordshire District Council of 1st December; our other advice on policies within the Local Plan provided in this letter still applies.

If you have any queries relating to the advice in this letter please contact Rebecca Micklem on 020822 57686.

Yours sincerely,

Marc Turner
Senior Adviser Sustainable Development
Thames Team