

# **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 Dorchester Neighbourhood Development Plan**

**12 JUNE 2017**

## **SUMMARY**

Following consultation with the statutory bodies, South Oxfordshire District Council (the 'Council') determines that Dorchester Neighbourhood Development Plan (Dorchester NDP) does not require a Strategic Environmental Assessment (SEA) and will not have a likely significant effect in relation to the Habitats Regulations Assessment (HRA).

## **INTRODUCTION**

1. In March 2017, an initial screening opinion was been used to determine whether or not the contents of the emerging Dorchester Neighbourhood Development Plan (Dorchester NDP) required 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. The initial screening opinion was subject to consultation with Historic England, the Environment Agency and Natural England. The results of the screening process are detailed in this Screening Statement, which is available to the public.

## **DORCHESTER NEIGHBOURHOOD DEVELOPMENT PLAN**

4. The parish of Dorchester is entirely within the Green Belt and therefore the Dorchester Neighbourhood Plan will not contain policies to allocate development. The NDP is proposing the inclusion of policies relating to the protection and enhancement of the green belt, conservation areas, scheduled ancient monuments and listed buildings.
5. It is therefore concluded that the implementation of the Dorchester NDP will not result in significant effects on the environment.

## THE SCREENING PROCESS

6. 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.
7. 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.
8. Table 1 in Appendix 1 sets out the criteria from the Practical Guide, along with an assessment of the Dorchester NDP against each criterion to ascertain whether a SEA is required.
9. 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.
10. These two assessments feed into Table 1 and the SEA screening opinion.

## STATUTORY CONSULTEES

11. The initial screening opinion was sent to Natural England, the Environment Agency and Historic England on 24<sup>th</sup> March 2017 giving a 28 days consultation period. A summary of the responses from the statutory consultees is included below and their full responses are attached in Appendix 4.
12. The Environment Agency reviewed the environmental constraints for which they are a statutory consultee. They identified that there are no areas of fluvial flood risk, Source Protection Zones for groundwater or watercourses affected by the neighbourhood plan area. Therefore they do not consider there to be potential significant environmental effects relating to these environmental constraints.
13. Natural England confirmed that they agree with the conclusion of the SEA screening – *“the Neighbourhood Plan does not allocate any housing and the nature of the policies are such that there are no likely significant effects on SACs or SPAs and no likely effects on protected landscapes”*.
14. Historic England has confirmed that they agree that the plan would not result in significant environmental effects and, therefore, need not be subject to an SEA.

## CONCLUSION

1. As a result of the screening undertaken by the Council, and its consideration by the statutory consultees, the Council has reached the following determination:
2. The Dorchester NDP will not have significant effects on Natura 2000 sites, therefore, an Appropriate Assessment is not required.
3. Based on the assessment presented in Appendices 1 & 3 and the responses from the relevant statutory consultees, the Dorchester NDP is not likely to have a significant effect on the environment and therefore does not require a Strategic Environment Assessment.
1. For the purpose of demonstrating that the Dorchester NDP is unlikely to have significant effects on the environment or 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).

#### **Decision by Head of Planning**

Agreed

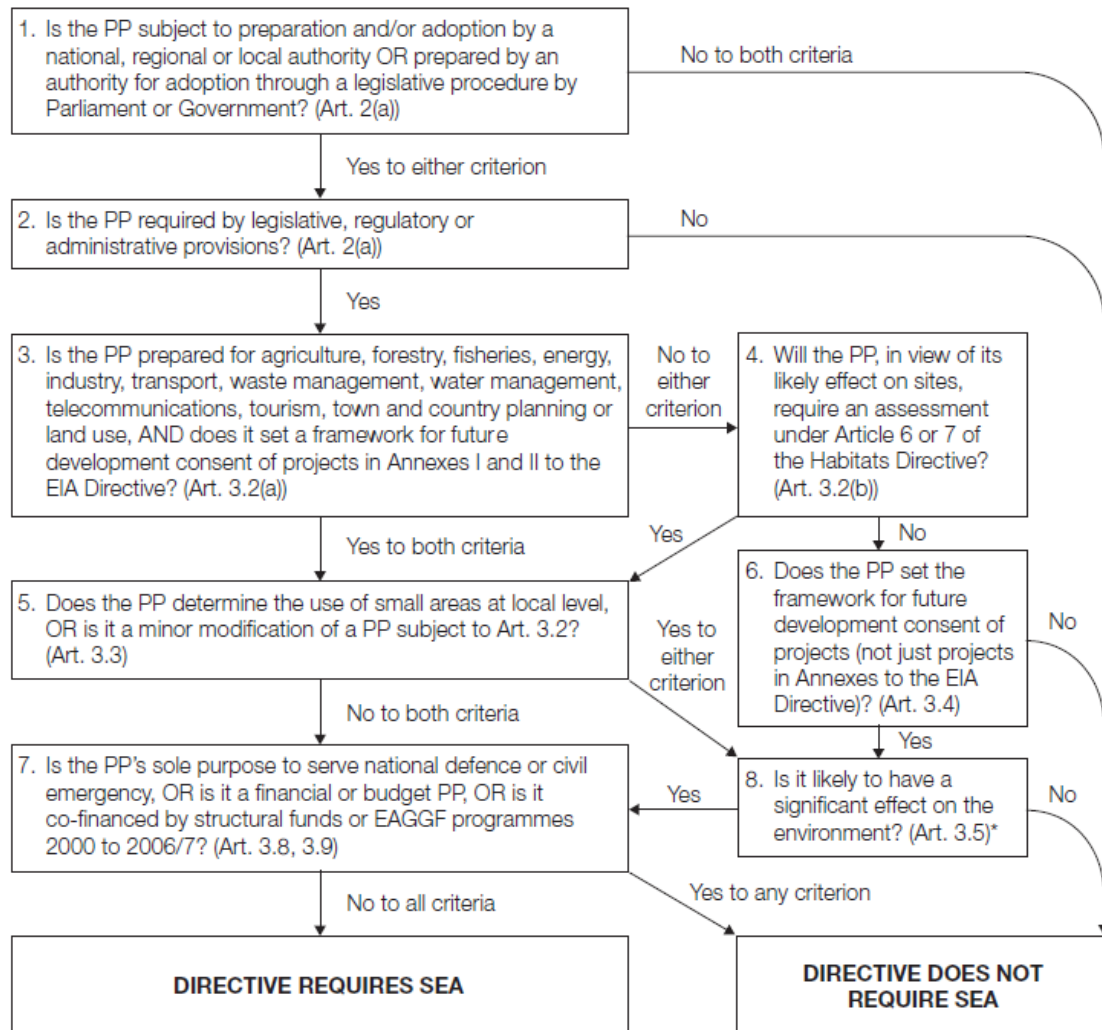
Signature.....ARD.....

Date.....12 June 2017.....

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

**Figure 2 – Application of the SEA Directive to plans and programmes**

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



\*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

**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 Dorchester NDP Steering Group, a working group who report to the Dorchester 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"> <li>• The Neighbourhood Planning (General) Regulations 2012</li> <li>• The Neighbourhood Planning (referendums) Regulations 2012</li> <li>• The Neighbourhood Planning (General) (Amendment) Regulations 2015</li> <li>• The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016</li> <li>• The Neighbourhood Planning (Referendums) (Amendment) Regulations 2016</li> </ul>
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, 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 Dorchester NDP is prepared for town and country planning and land use. The Dorchester NDP sits within a wider framework, set by the National Planning Policy Framework and the strategic policies within the South Oxfordshire District Development Plan. The Dorchester NDP will set out a framework for future development in Dorchester. 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 Dorchester NDP will not have significant effects on Natura 2000 sites. See Habitat Regulations Assessment (HRA) Screening Opinion for the Dorchester 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)	N	Due to the overriding protection of the Green Belt the Dorchester NDP will not 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 Dorchester NDP will include a series of policies to guide development within the village but will not allocate sites for specific development.
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	The Dorchester NDP does not relate to defence, civil emergency or financial planning. Nor is its purpose to secure European funds.

8. Is it likely to have a significant effect on the environment? (Art. 3.5)	N	Due to Green Belt constraints the Dorchester NP is unlikely to have significant effects upon the environment. See assessment of the likely significance of effects on the environment in Appendix 3.
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## **Appendix 2 - Habitat Regulations Assessment (HRA) Screening Opinion for the Dorchester 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 importance<sup>1</sup>, 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 plan<sup>2</sup> (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 Dorchester 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.”*

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<sup>1</sup> Special Protection Areas (SPAs) for birds and Special Areas of Conservation (SACs) for other species, and for habitats.

<sup>2</sup> 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), Little Wittenham, within 1km of the village of Dorchester. Natural England have established Impact Risk Zones for designated sites and although the village is located within one km, as there are no proposals to allocate sites, it is therefore considered unlikely that the proposals in the NDP would have a significant effect on the interest features of the SAC.

## **CONCLUSION**

5. The Dorchester NDP will not have significant effects on Natura 2000 sites, therefore, an Appropriate Assessment for the Dorchester NDP is not required.

## 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 Dorchester 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. No site allocations have proposed by the Dorchester NDP.
(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 general conformity with the strategic policies contained in the development 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 Dorchester NDP. A basic condition of the Dorchester NDP is to contribute to the achievement of sustainable development.
(d) environmental problems relevant to the plan or programme; and	<p>Dorchester contains the following environmental designations:</p> <ul style="list-style-type: none"> <li>• Conservation area</li> <li>• Listed buildings</li> <li>• Scheduled Ancient Monuments</li> <li>• Conservation Target Areas</li> <li>• Green Belt</li> </ul> <p>The Dorchester NDP will not allocate any development that might have an impact on these designations.</p> <p>The South Oxfordshire District Development Plan provides an appropriate policy mechanism that allows the pursuit of the objectives of the Dorchester NDP whilst avoiding any significant impact.</p>
(e) the relevance of the plan or programme for the implementation of	The Dorchester NDP is not considered to be directly responsible or related to implementing community legislation on the environment.

Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	
<b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</b>	
(a) the probability, duration, frequency and reversibility of the effects;	The Neighbourhood Plan is likely to have modest but enduring positive environmental effects. The effects are not likely to be reversible as they relate to development. In most part, they will be of a local scale, although impacts on designated sites and areas need to be considered.
(b) the cumulative nature of the effects;	Infill development permitted in the Green Belt is of such small scale as to have no cumulative benefits for the area through provision of housing and no cumulative impacts on the Natura 2000 site with developments elsewhere in the district.
(c) the transboundary nature of the effects;	The effects of the Plan are unlikely to have transboundary <sup>3</sup> 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 Dorchester NDP relates to the parish of Dorchester. The scale of development proposed is small and therefore the potential for environmental effects is likely to be mostly small and localised. (See 1d)
(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 main vulnerability of the parish is the impact of small scale developments on the character and appearance of the Conservation Areas, and the Green Belt. The plan aims to ensure development conserves and enhances these designations through detailed design policies.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	There are no likely effects on the nearby AONB as allocation of development sites is not proposed.

<sup>3</sup> Transboundary effects are understood to be in other Member States.

## APPENDIX 4 - RESPONSES FROM STATUTORY CONSULTTEES

**From:** Lloyd Sweet, Robert  
[mailto:Robert.LloydSweet@HistoricEngland.org.uk]  
**Sent:** 21 April 2017 16:31  
**To:** Ricardo Rios <Ricardo.Rios@southandvale.gov.uk>  
**Subject:** Re: SEA Screening Opinion for Neighbourhood Development Plan - Consultation Request

Dear Ricardo

Thank you for consulting Historic England on the District Council's draft screening opinion for the Dorchester Neighbourhood Plan. I am happy to confirm that, based on the analysis set out in your screening opinion and within the areas of interest to Historic England, we agree that the plan would not result in significant environmental effects and, therefore, need not be subject to an SEA. In coming to this view we have taken the following factors into consideration:

The plan area contains a major focus of heritage assets including the conservation area, numerous listed buildings, a number of scheduled monuments, as well as considerable areas with potential for non-designated archaeological remains of national interest;

Heritage assets are fragile and irreplaceable and can be damaged by change through development both directly and indirectly by development in their setting;  
The plan does not allocate sites for development;

The plan introduces requirements/policies that provide clarity on how national and local policy should be applied with regard to the conservation of heritage assets (including non-designated heritage assets) in the neighbourhood plan area rather than creating any additional constraint or protection and, as such, would not result in a significant environmental impact to those heritage assets beyond those of the existing policies which have been subject to appropriate assessment.

As such, we are happy to confirm that, in our view, the plan does not result in significant environmental effects and need not be subject to SEA. We reserve the right to review this opinion should the plan change materially in its content and direction.

Please do not hesitate to contact us if you have any queries relating to our comments or would like any further information.

Yours sincerely

Robert Lloyd-Sweet

Rob Lloyd-Sweet | Historic Places Adviser | Historic Places | South East  
Direct Line: 01483 252028

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

Date: 26 April 2017  
Our ref: 211645  
Your ref: SEA Screening Opinion for NDP - Dorchester-on-Thames



ricardo.rios@southandvale.gov.uk

**BY EMAIL ONLY**

Hornbeam House  
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Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

Dear Ricardo,

**SEA Screening Opinion for NDP - Dorchester-on-Thames**

Thank you for your consultation on the above dated 24/03/2017

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..

Natural England agree with the conclusion of the SEA screening, the Neighbourhood Plan does not allocate any housing and the nature of the policies are such that there are no likely significant effects on SACs or SPAs and no likely effects on protected landscapes.

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](mailto: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

creating a better place



Mr Ricardo Rios  
South Oxfordshire District Council  
Planning  
135 Eastern Avenue  
Mitton Park  
Abingdon  
OX14 4SB

**Our ref:** WA/2006/000324/SE-20/SC1-L01

**Date:** 18 May 2017

Dear Mr Rios

**Draft Screening for the Dorchester Neighbourhood Plan**

Thank you for consulting us on the draft SEA screening report.

Based on a review of environmental constraints for which we are a statutory consultee, there are no areas of fluvial flood risk, Source Protection Zones for groundwater or watercourses affected by the neighbourhood plan area. Therefore we do not consider there to be potential significant environmental effects relating to these environmental constraints.

Your Surface Water Management Plan will indicate if there are any critical drainage areas from local sources of flood risk (e.g. surface water, groundwater and sewerage) which coincide with the neighbourhood plan area.

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.

This is available at:

[http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/LIT\\_6524\\_7da381.pdf](http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/LIT_6524_7da381.pdf)

Yours sincerely

**Miss Sarah Green**  
**Sustainable Places - Planning Advisor**

Direct dial 0208 474 9253  
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End