

# CHINNOR

## BASIC CONDITIONS STATEMENT

Submission Version

January 2017

## 1. Introduction

- 1.1 This Statement has been prepared by Chinnor Parish Council (the Parish Council) to accompany its submission to the local planning authority, South Oxfordshire District Council (SODC) of the Chinnor Neighbourhood Development Plan (the Neighbourhood Plan) under Regulation 15 of The Neighbourhood Planning (General) Regulations 2012 SI No 637.
- 1.2 The Neighbourhood Plan must meet the following requirements:

## Legal matters

*(1) The examiner must consider the following: -*

- (a) whether the draft neighbourhood development plan meets the basic conditions (see sub-paragraph (2)),*
- (b) whether the draft neighbourhood development plan complies with the provision made by or under sections 61E(2), 61J and 61L,*
- (c) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates, and*
- (d) such other matters as may be prescribed.*

## The Basic Conditions

*(2) A draft neighbourhood development plan meets the basic conditions if: -*

- (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,*
- (b) the making of the neighbourhood development plan contributes to the achievement of sustainable development,*
- (c) the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),*
- (d) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations, and*
- (e) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.*
- (f) The examiner is not to consider any matter that does not fall within sub-paragraph (1) (apart from considering whether the draft neighbourhood development plan is compatible with the Convention rights).*

This note addresses these two related matters in turn.

## 2. Legal Requirements

- 2.1 The Plan is submitted by Chinnor Parish Council, which, as a qualifying body, is entitled to submit a Neighbourhood Plan for its own parish. The Plan has been prepared by the Chinnor Neighbourhood Development Plan Steering Group, which is overseen by the Parish Council.
- 2.2 The whole parish of Chinnor has been formally designated as a Neighbourhood Area under the Neighbourhood Planning Regulations 2012 (part2 S6) and was formally approved by South Oxfordshire District Council on 17 June 2015. Figure 1 shows the extent of the designated neighbourhood area.
- 2.3 The Plan contains policies relating to the development and use of land within the neighbourhood area. Proposals relating to planning matters (the use and development of land) have been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.
- 2.4 The Plan identifies the period to which it relates as 2011 to 2033
- 2.5 The Plan does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.
- 2.6 The Plan relates only to the parish of Chinnor. It does not relate to more than one neighbourhood area. There are no other neighbourhood development plans in place within the neighbourhood area.

Figure 1: Map of Plan Area (Chinnor Parish)



### 3. The Basic Conditions

- 3.1 *Having regard to national policies and advice contained in guidance issued by the Secretary of State*
- 3.2 The Neighbourhood Plan has been prepared having regard to national policies, in particular those set out in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) suite. It is contended that the neighbourhood plan accords with the Core Planning Principles at the heart of the NPPF.
- 3.3 Table 1 provides a summary of how each policy in the neighbourhood plan conforms to the NPPF. The NPPF paragraphs set out are those considered most relevant. The table is not intended to be an exhaustive list of all NPPF policies.

**Table 1**

<b>CNP Policy Number</b>	<b>NPPF reference</b>	<b>Commentary</b>
<b>Housing</b>		
CH H1 Infill Residential Development	Para 47/48	This policy provides a supporting context for infill and redevelopment within the village. It will assist the boosting of housing supply.
CH H2 Affordable Housing	Para 50/54/55	The Plan recognises that an appropriate balance of housing is required. The policy is based on a housing needs survey.
CH H3 Tenancy Mix	As H2	
CH H4 Local Allocation	As H2	
CH H5 Key Workers	As H2	
CH H6 Size and Type	As H2	
CH H7 Retirement Housing	As H2	
<b>Conservation, Heritage and Design</b>		
CH C1 Design	Para 56-68	The Plan sets out to ensure that new development respects the character and setting of the village.

CH C2 Conservation Areas	Para 126-141	The Plan properly sets out to preserve or enhance the character of the conservation area. This is within a conservation-led regeneration approach rather than one that stifles new development.
CH C3 Heritage Assets	As C3	
<b>Environment, Open Space and Recreation</b>		
CH GP1 Local Green Spaces	Paras 76-78	The Plan seeks to safeguard important local green spaces. These are fully assessed to NPPF/PPG standards.
CH GP2 Open Space – Middle Way	Para 73/74	A new community open space is proposed.
CH GP3 Open space in new developments	Para 73/74	The Plan sets the standards for new open spaces as part of new developments.
CH GP4 Habitats	Paras 109-125	The Plan sets out to safeguard important local habitats in accordance with national policy.
CH GP5 Donkey Lane Orchard	As GP4	
CH GP6 Planting for wildlife	As GP4	
CH GP7 Circular Walks	Para 69	The Plan recognises the position of the Plan area both in the open countryside and adjacent to the Chiltern Hills AONB.
CH GP8 Wetlands and Springs	As GP4	
CH GP9 Burial Space	Para 70	The community has planned positively for the provision of this important local community facility.
CH GP10 Sustainable Developments	Paras 96-98	The Plan sets out to encourage and support new developments that take account of a range of factors to reduce energy consumption.
CH GP11 Sustainable Homes	As GP10	

CH GP12 District Council Design Guide	Para 59	This is considered to be a good local code without being too prescriptive.
<b>Traffic and Transport</b>		
CH TT1 – Connections to the Chinnor Village Square	Paras 29-41	The Plan sets out to make the Plan area less reliant on the use of the private car and to reduce its impact in the Village.
CH TT2 Developer Contributions	As TT1	See above. Specific proposals are identified.
CH TT3 Chinnor Village Square	As TT1	Specific proposals are identified for the village square.
CH TT4 The Interconnected Network	As TT1	Facilities to encourage local residents to walk and cycle are supported in the Plan.
<b>Water</b>		
CH WTR1 Strategic Reservoir Safeguarding	Para 70	There are important water related issues in the Plan. This policy safeguards land for a reservoir.
CH WTR2 Sewerage and Water Infrastructure	As WTR1	This policy seeks to ensure proper infrastructural improvements to cater for existing development and new growth.
CH WTR3 Public Sewers	As WTR1	As WTR2
<b>Community Facilities</b>		
CH CF1 Community Facilities	Paras 69-70	This suite of policies sets out to identify and safeguard important community and health facilities. They are critical to the wider sustainability of the community.
CH CF2 Protection of facilities	As CF1	As CF1
CH CF3 Healthcare facilities	As CF1	As CF1

<b>Employment Promotion and Development</b>		
CH R1 Existing Retail facilities	Para 18-22 and 28	This section of policies sets out to safeguard and extend the business component of the Plan area. It is distinctive to the Plan area. The policy is particularly aligned to para 28 of the NPPF.
CH R2 Enhancement of facilities	As R1	As R1
CH B1 Existing Business	As R1	As R1
CH B2 Enhancement of facilities	As R1	As R1
CH T1 Tourism facilities	As R1	As R1
CH T2 Enhancement of facilities	As R1	As R1
<b>Developer Contributions</b>		
CH IN1	Para 70	The community has set out a positive and proportionate series of local projects for the local apportionment of CIL funding.

### 3.4 *Contributes to the achievement of sustainable development*

3.5 The following sustainability appraisal has been carried out to assess how the policies in the neighbourhood plan contribute positively to delivering sustainable development. The plan will perform an economic, social and environmental role and seeks to balance these objectives. Table 2 summarises the various sustainability outcomes of each policy in the neighbourhood plan.

**Table 2**

<b>Policy</b>	<b>Economic Role</b>	<b>Social Role</b>	<b>Environmental Role</b>	<b>Commentary</b>
<b>Housing Policies</b>				
CH H1 Infill Housing	P	P	Neu	Infill housing will continue to stimulate housing growth
CH H2 Affordable Housing	P	PP	Neu	This will address many of the identified affordability issues in Section 2
CH H3 Tenancy Mix	P	PP	Neu	
CH H4 Local Allocation	PP	PP	P	This will assist those who live and work in Chinnor
CH H5 Key Workers	PP	PP	P	As H4
CH H6 Size and Type	PP	PP	Neu	This will bring variety to the housing stock
CH H7 Retirement Housing	P	PP	Neu	This policy will safeguard housing designed for older persons
<b>Conservation, Heritage and Design</b>				
CH C1 Design	Neu/P	P	PP	Design is at the heart of the Plan. Good design can also increase values
CH C2 Conservation Areas	Neu/P	P	PP	Conservation areas have strong social and environmental roles
CH C3 Heritage Assets	Neu/P	P	PP	

<b>Environment, Open Space and Recreation</b>				
CH GP1 Local Green Spaces	Neu	P	PP	The local green spaces have both a social and environmental function on a case by case basis
CH GP2 Open Space – Middle Way	Neg	P	PP	This will be a new open space with a strong environmental dimension
CH GP3 Open space in new developments	Neg	P	PP	Open spaces are considered to be key to sustainable housing developments
CH GP4 Habitats	Neu	p	PP	GP4-6 safeguard habitats either generally or specifically
CH GP5 Donkey Lane Orchard	Neg	P	PP	
CH GP6 Planting for wildlife	Neu	Neu	PP	
CH GP7 Circular Walks	Neu	P	P	Walks will have a strong social and recreational role
CH GP8 Wetlands and Springs	Neu	Neu	P	As GP4
CH GP9 Burial Space	Neu	P	P	The new burial space will have two key functions
CH GP10 Sustainable Developments	Neu/P	P	PP	GP10/11 seek to encourage low energy, sustainable schemes
CH GP11 Sustainable Homes	Neu/P	P	PP	
CH GP12 District Council Design Guide	Neu	Neu	PP	

<b>Traffic and Transport</b>				
CH TT1 Connections to the Village Square	Neg	PP	P	The social and environmental benefits will be sufficiently important to require developers to ensure appropriate designs and connections.
CH TT2 Developer Contributions	Neu	PP	P	TT2-TT4 will provide a series of social and environmental advantages
CH TT3 Chinnor Village Square	P	P	P	
CH TT4 The Interconnected Network	Neu/P	PP	PP	
<b>Water</b>				
CH WTR1 Strategic Reservoir Safeguarding	P	P	Neg	The safeguarding of land for a reservoir will have environmental impacts. They will be offset by the wider social benefits
CH WTR2 Sewerage and Water Infrastructure	P	PP	P	WTR2/3 address issues of social and health concerns in the Plan area to ensure adequate disposal of waste water.
CH WTR3 Public Sewers	Neu	PP	P	
<b>Community Facilities</b>				
CH CF1 Community Facilities	P	PP	P	CF1-3 address important community facilities. Their protection will contribute very significantly to the social dimension
CH CF2 Protection of facilities	P	PP	P	
CH CF3 Healthcare facilities	P	PP	P	

<b>Employment Promotion and Development</b>				
CH R1 Existing Retail facilities	P	P	Neu	R1-T2 inclusive address a range of economic issues. They will have strong impacts on the economic dimension of sustainability
CH R2 Enhancement of facilities	PP	PP	Neu	
CH B1 Existing Business	P	P	Neu	
CH B2 Enhancement of facilities	PP	PP	Neu/P	
CH T1 Tourism facilities	P	P	Neu	
CH T2 Enhancement of facilities	PP	P	Neu/P	
<b>Developer Contributions</b>				
CH IN1	P	PP	P	Developer contributions will mitigate the effects of new development. They will have strong social implications together with elements of the other two dimensions.

**Key:**

P Positive

PP Very Positive

Neu Neutral

Neg Negative

3.6 *General conformity with the strategic policies in the development plan*

3.7 The development plan for the Chinnor neighbourhood plan is the SODC Core Strategy 2012. An emerging local plan has been running in parallel with the submitted neighbourhood plan. Whilst its policies have been taken into account insofar as is possible the policies in this neighbourhood plan are assessed for general conformity only with the adopted local plan. This analysis is shown in Table 3. It shows only the assessment of the neighbourhood plan against the strategic policies and not all the saved policies

**Table 3**

<b>CNP Policy Number</b>	<b>South Oxfordshire District Council Core Strategy</b>	<b>Commentary</b>
<b>Housing</b>		
CH H1 Infill Residential Development	CS1, H1, H2, H4	Infill residential will assist in the strategic delivery of the wider ethos of the Plan. It will also assist in meeting specific Chinnor needs.
CH H2 Affordable Housing	H3	Policies CH H2-H7 assist in delivering Core Strategy policies H1-H4. They do so by relying on bespoke information.
CH H3 Tenancy Mix	H3, H4	
CH H4 Local Allocation	H4	
CH H5 Key Workers	H4	
CH H6 Size and Type		
CH H7 Retirement Housing	H4	
<b>Conservation, Heritage and Design</b>		
CH C1 Design	EN3	Policies CH C1-C3 provide a Chinnor dimension to the strategic goal of safeguarding and celebrating the historic environment

CH C2 Conservation Areas	EN3	
CH C3 Heritage Assets	EN3	
<b>Environment, Open Space &amp; Recreation</b>		
CH GP1 Local Green Spaces	GS1, B1	The wider range of recreation, open space and environmental policies in the Plan recognise the generally rural nature of the Plan area. They interpret a series of policies in the Core Strategy.
CH GP2 Open Space – Middle Way		
CH GP3 Open space in new developments	GS1	
CH GP4 Habitats	B1	
CH GP5 Donkey Lane Orchard		
CH GP6 Planting for wildlife		
CH GP7 Circular Walks		
CH GP8 Wetlands and Springs	B1	
CH GP9 Burial Space		
CH GP10 Sustainable Developments	Q1, Q2, Q3	Policies CH GP10/11 set out to bring about sustainable and energy efficient dwellings and buildings specific to the local environment
CH GP11 Sustainable Homes	Q1, Q2, Q3	
CH GP12 District Council Design Guide		

<b>Traffic and Transport</b>		
CH TT1 Connections to the Chinnor Village Square	M1, M2	The Chinnor policies set out to reduce the need for local residents to use their cars, and to provide sustainable access to the range of facilities in the village centre.
CH TT2 Developer Contributions	M1, M2	
CH TT3 Chinnor Village Square	M1	
CH TT4 The Interconnected Network	M1	
<b>Water</b>		
CH WTR1 Strategic Reservoir Safeguarding	I1	These three policies seek to ensure that infrastructure is provided in a responsible and sensitive fashion in the Plan area. Water and drainage is a matter of particular concern in the Plan area
CH WTR2 Sewerage and Water Infrastructure	I1	
CH WTR3 Public Sewers	I1	
<b>Community Facilities</b>		
CH CF1 Community Facilities	R3	The policies in this part of the Chinnor Plan recognise the very significant contribution that these facilities offer to the local community. They interpret R3 locally.
CH CF2 Protection of facilities	R3	
CH CF3 Healthcare facilities	R3	

<b>Employment Promotion and Development</b>		
CH R1 Existing Retail facilities	EM1, EM4	These policies set out the Plan's contribution to employment and prosperity. They will help to consolidate Chinnor's role in the settlement hierarchy.
CH R2 Enhancement of facilities	EM1, EM4	
CH B1 Existing Business	EM1, EM4	
CH B2 Enhancement of facilities	EM1, EM4	
CH T1 Tourism facilities	EM1, EM4	
CH T2 Enhancement of facilities	EM1, EM4	
<b>Developer Contributions</b>		
CH IN1	I1	Infrastructure and services will be required as a consequence of development, and provision for their maintenance, will be sought from developers and secured by the negotiation of planning obligations, by conditions attached to a planning permission, and/or other agreement, levy or undertaking, all to be agreed before planning permission is granted. This policy sets a key local dimension to the Core Strategy policy. It will assist in the effective use of CIL monies

- 3.8 *Does not breach and is otherwise compatible with EU Obligations*
- 3.9 As part of the process of developing the neighbourhood plan, SODC prepared a Sustainability Appraisal / Strategic Environmental Assessment Scoping Report.
- 3.10 SODC published the Sustainability Assessment Scoping report for a 5-week period during which time comments were sought from the statutory consultation bodies, including the Environment Agency, Natural England and Historic England. Based on the response it was confirmed that the emerging Chinnor Neighbourhood Development Plan would not have significant effects on the environment and it was considered that a full Strategic Environment Assessment would not be required. A copy of this determination statement can be found in Appendix 1.
- 3.11 The neighbourhood area is not in close proximity to any European site. As such a Habitats Regulation Assessment screening opinion was deemed unnecessary.
- 3.12 The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The main issues for planning in the context of human rights are: protection of property, right to respect for private and family life and prohibition of discrimination. The Plan complies with the requirements of the Human Rights Act 1998.

## **2. Appendix 1**

### **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**

**Prepared by: South Oxfordshire District Council**

**June 2016**

# **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 Chinnor Neighbourhood Development Plan**

**JUNE 2016**

## **SUMMARY**

Following consultation with the statutory bodies, South Oxfordshire District Council (the 'Council') has determined that provided suggested mitigation measures are included, Chinnor Neighbourhood Development Plan (Chinnor NDP) may not require a Strategic Environmental Assessment (SEA) as this would repeat policy assessment undertaken by the SEA of the emerging Local Plan.

## **INTRODUCTION**

1. In April 2016, a screening opinion was used to determine whether or not the contents of the emerging Chinnor Neighbourhood Development Plan (Chinnor 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. For example, 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.

## **CHINNOR NEIGHBOURHOOD DEVELOPMENT PLAN**

4. The Chinnor NDP will contain policies to enable the development of a minimum of 160 new homes through the allocation on two housing sites. Further housing delivery may be enabled at a reserve housing site and other windfall and brownfield developments.
5. 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 2032 for South Oxfordshire). The three sites (the two to be allocated plus the reserve) have been assessed as part by the SEA for the emerging Local Plan (sites CHI 7, 8, and 20). This assessment ensured that there were no likely significant effects which would be produced from the implementation of the Local Plan and if so ensured mitigation measures were in place. In addition, these sites have been rated as medium or high capacity for development in the associated 'Landscape Capacity Assessment for sites on the edge of the larger villages in South Oxfordshire' (published May 2014).

6. Other policies in the Chinnor NDP are likely to focus on the protection of local green space, heritage assets, and retail and community facilities. There is no anticipation that the NDP will allocate sites for employment or retail uses. There is a need for a new cemetery/burial ground in Chinnor and a site has been identified by the Parish Council but effects from this are likely to be local in nature.

## **THE SCREENING PROCESS**

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

## **STATUTORY CONSULTEES**

12. The initial screening opinion was sent to Natural England, the Environment Agency and Historic England on 25 April 2016 giving a 28 days consultation period. A summary of the responses from the statutory consultees is included below and their full response is attached as appendix.
13. The Environment Agency considered that the sites being allocated in the neighbourhood plan had already been assessed through SEA of the

emerging Local Plan and therefore does not require further SEA. However they wish to be consulted again if additional sites, which have not been assessed are added to the plan.

14. Natural England comments that the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect and that they are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan.
15. Historic England made multiple comments that have influenced the conclusion of the screening process.
16. While they accepted that the sites in question had been part of the Interim SA of the Local Plan, they pointed out that the report identifies a potential impact on the preservation of archaeological remains resulting from development of these sites and identifies the requirement to undertake archaeological investigation as a necessary mitigation measure to ensure a policy allocating these sites is acceptable in conformance with the requirements set out in the National Planning Policy Framework. The site allocation policies of the neighbourhood plan do not contain any requirement for archaeological investigation to be undertaken prior to the submission of an application for development of these sites, and therefore this mitigation measure has not been taken up by either plan, bringing into question whether the site allocation policies in the neighbourhood plan had been adequately covered by the Interim SA of the Local Plan.
17. Historic England advised however, that were the revised policies for the submission version of the neighbourhood plan to include this requirement we would consider it to be covered by the Interim SA of the Local Plan and, as such, an SEA of the neighbourhood plan would not be necessary.

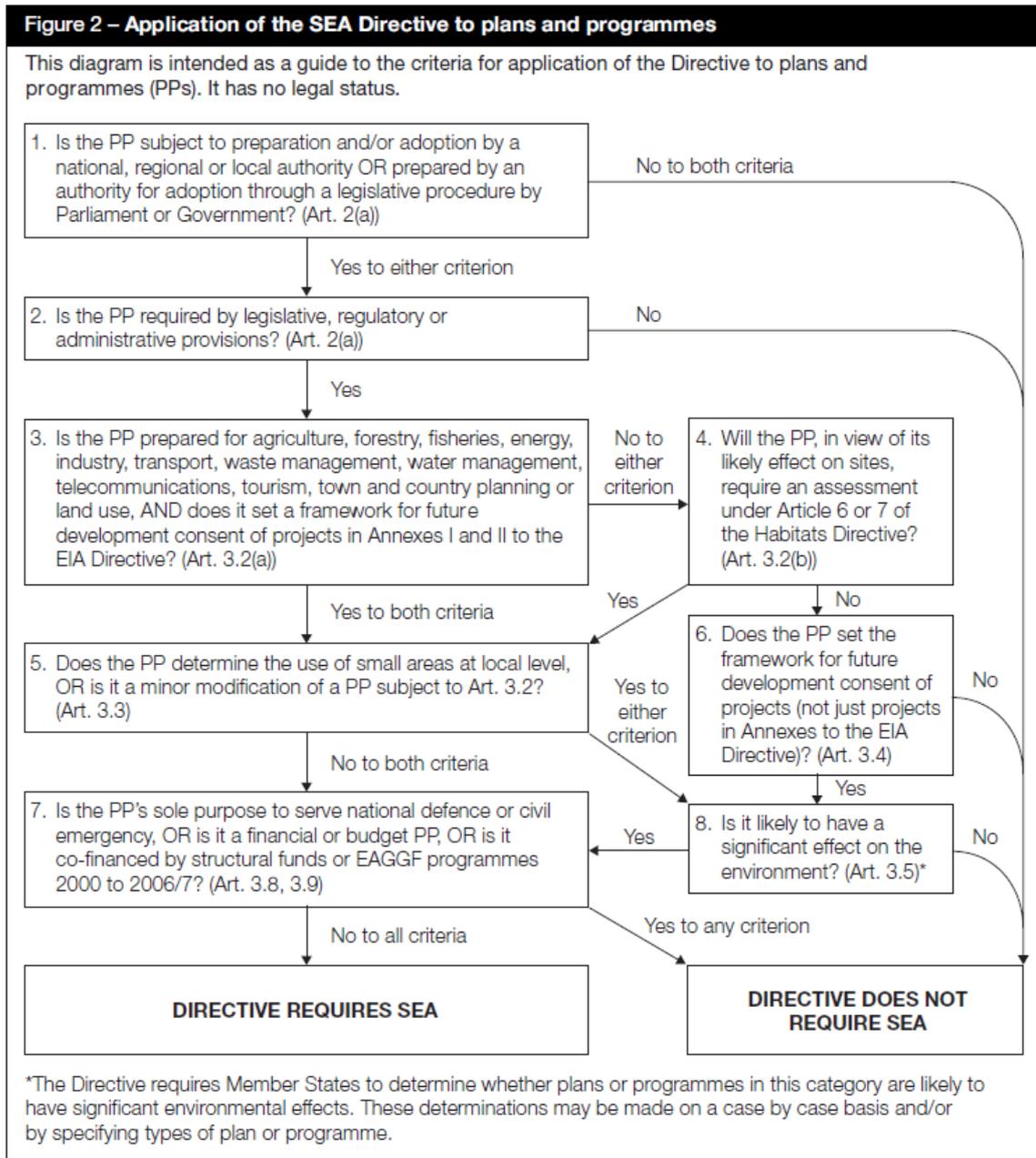
The Environment Agency responded that the Chinnor NPD is unlikely to result in significant environmental effects

## **CONCLUSION**

18. As a result of the screening undertaken by the Council, and its consideration by the statutory consultees, the Council has reached the following determination.
19. The Chinnor NDP is unlikely to have significant effects on Natura 2000 sites, therefore, an Appropriate Assessment for the Chinnor Neighbourhood Development Plan is not required.
20. In consideration of the response from Historic England, the Council proposes that Chinnor Parish Council should revise the policies in the submission draft Chinnor Neighbourhood Plan to include a requirement to undertake archaeological investigation as a necessary mitigation measure to ensure a policy allocating these sites is acceptable in conformance with the requirements set out in the National Planning Policy Framework.

21. Subject to this amendment and based on the findings of the SEA for the emerging Local Plan and consideration of the proposed policies, the Chinnor NDP is not likely to have a significant effect on the environment. However if additional housing sites are allocated in a subsequent drafts of the neighbourhood plan, the statutory consultees will need to be consulted again and it may then become necessary to prepare and SEA.

## 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	<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 Chinnor NDP Steering Group, a working group who report to the Chinnor 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> </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,	N	<p>The Chinnor NDP is prepared for town and country planning and land use and will set out a framework for future development in Chinnor, 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.</p>

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))		
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 Chinnor NDP is unlikely to have significant effects on Natura 2000 sites. See Habitat Regulations Assessment (HRA) Screening Opinion for the Chinnor 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 Chinnor 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 Chinnor NDP 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 structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	N	N/A
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	N	No 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 Chinnor 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 (January 2015) as its basis for assessment. From this, the Local Authority will determine whether the Chinnor 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

4. There are two Special Areas of Conservation (SACs) within 5km of the Chinnor Neighbourhood Development Plan. These are as follows:

#### Within South Oxfordshire

- Chilterns Beechwoods SAC
- Aston Rowant SAC

5. This Screening Assessment utilises the work of the Habitats Regulations Assessment for the emerging Local Plan 2032, published in January 2015. This concluded that *‘while it is possible that the development of 159 new homes at Chinnor could result in an increase in vehicle traffic and the associated air pollution, and an increase in visitor pressure at European sites, it is not located within close proximity of any European sites and the implementation of identified mitigation measures should further help to avoid significant effects occurring. In addition the HRA of the Core Strategy assessed the likelihood of significant effects on European sites resulting from the total housing allocation for the district (which the 159 homes at Chinnor is included within) and concluded that the*

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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).

*development of the housing proposed within the district would have no likely significant effects on European sites' (Appendix 2, pg 53).*

6. As the scale and type of development promoted through the Neighbourhood Plan is directly comparable to the development assessed by the HRA for the emerging local plan, the Chinnor NDP does not require an appropriate assessment.

## **CONCLUSION**

7. The Chinnor NDP is unlikely to have significant effects on Natura 2000 sites, therefore, an Appropriate Assessment for the Chinnor 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 Chinnor 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 2032. Site allocations for residential development proposed by the Chinnor NDP have been considered as part of the SEA and HRA of those higher level plans, and deemed insignificant. Other policies in the plan will set projects at a local scale, for example the proposal for a new cemetery/burial ground 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;	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 Chinnor NDP. A basic condition of the Chinnor NDP is to contribute to the achievement of sustainable development. The NDP contain policies to deliver up to 160 homes which has been assessed via the SEA of the emerging Local Plan as contributing positively to sustainable development in the area by providing needed residential development.
(d) environmental problems relevant to the plan or programme; and	The environmental impact of the proposals within the Chinnor NDP is likely to be minimal due to the scale of development proposed. There are no environmental designations in Chinnor, although there are several open spaces of local wildlife conservation importance, which are likely to be protected by the policies in the plan. Landscape effects on the nearby AONB from the proposed development have been considered and judged insignificant in the SEA of the emerging Local Plan.
(e) the relevance of the plan or programme for the implementation of	The proposed development in the Chinnor NDP has been judged not to have an impact on Community legislation as part of the SEA and HRA of the emerging Local Plan.

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 Chinnor NDP is likely to have small but irreversible environmental effects, local in scale. The plan is also likely to have positive social effects through the provision of residential development, and the protection of local green space.
(b) the cumulative nature of the effects;	It is intended that the positive social effects of providing residential development will have positive cumulative benefits for the area.
(c) the transboundary nature of the effects;	The effects of the Plan are small in nature and unlikely to have transboundary 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 Chinnor NDP relates to the parish of Chinnor, which includes the village of Chinnor and the communities of Emmington, Henton, Wainhill, Chinnor Hill. The scale of development proposed is small and therefore the potential for environmental effects is also likely to be small and localised.
(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 Chinnor NDP offers an opportunity to enhance the natural environment and the cultural heritage of the area through the proposals being considered. There is potential vulnerability on the setting of the nearby AONB from one of the sites proposed for allocation. The SEA of the emerging Local Plan suggests that impacts can be mitigated through design proposals, and these have been incorporated into the pre-submission Chinnor NDP. The Interim SA of the Local Plan identifies a potential impact on the preservation of archaeological remains resulting from development of these sites and identifies the requirement to undertake archaeological investigation as a necessary mitigation measure to ensure a policy allocating these sites is acceptable in conformance with the requirements set out in the National Planning Policy Framework. The site allocation policies of the neighbourhood plan do not contain any requirement for archaeological investigation to be undertaken prior to the submission of an application for development

	of these sites and this mitigation measure should be addressed by changes to policies in the neighbourhood plan. [GW1]
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	See 2f.

creating a better place



Ms Gayle Wootton  
South Oxfordshire District Council  
Planning  
South Oxfordshire District Council  
135 Eastern Avenue  
Milton Park  
Abingdon  
OX14 4SB

**Our ref:** WA/2006/000324/OR-  
20/IS1-L01

**Date:** 24 May 2016

Dear Ms Wootton

**Screening Opinion for Chinnor Neighbourhood Development Plan being prepared in South Oxfordshire.**

Thank you for your consultation, which we received on the 29 April 2016. We apologise for the delay in responding to this consultation.

We have reviewed the Screening Opinion which determines the need for an Strategic Environmental Assessment (SEA) for the Chinnor Neighbourhood Development Plan.

We understand that the Chinnor NPD will be allocating sites for a minimum of 160 new residential homes, the sites of which have been assessed by the SEA for the emerging Local Plan (sites CHI 7, 8, and 20).

Therefore on this basis we consider the Chinnor NPD unlikely to result in significant environmental effects. However if other sites were to be considered that have not already been assessed as part of the emerging Local Plan we would like to be re-consulted.

Please do not hesitate to contact us if you have any queries.

Yours sincerely

**Kylie Newman**  
**Sustainable Places Planning Advisor**

Direct dial 02030259503  
e-mail [planning-farnham@environment-agency.gov.uk](mailto:planning-farnham@environment-agency.gov.uk)



Date: 11 May 2016  
Our ref: 184237  
Your ref: Chinnor



BY EMAIL ONLY

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Dear Ms Woolton

**Initial 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 Chinnor Neighbourhood Development Plan**

Thank you for your consultation on the above dated 25<sup>th</sup> April. which was received by Natural England on 25<sup>th</sup> April 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.

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

**Neighbourhood Plan**

Guidance on the assessment of Neighbourhood Plans in light of the SEA Directive is contained within the National Planning Practice Guidance<sup>1</sup>. The guidance highlights three triggers that may require the production of an SEA, for instance where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.



Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all

potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

For any queries relating to the specific advice in this letter only please contact on Rob Sargent. For any new consultations, or to provide further information on this consultation please send your correspondences to [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

Rob Sargent  
Consultations Team

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**Charlotte Colver**

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**From:** Lloyd Sweet, Robert [REDACTED]  
**Sent:** 23 May 2016 21:34  
**To:** Gayle Wootton  
**Subject:** FW: SEA Screening Opinion for Neighbourhood Development Plan - Consultation Request

Dear Gayle

Thank you for consulting Historic England on the draft SEA Screening opinion for Chinnor Neighbourhood Plan.

Having reviewed the pre-submission version of the neighbourhood plan and the Interim Sustainability Appraisal of the Part 2 Local Plan I have a number of comments. In response to the pre-submission version of the plan we noted that there has not been a clear consideration of the impact of the site allocations on any previously identified archaeological remains or evidence of consideration of the potential for presence of remains. The most recent site allocation policies of the neighbourhood plan do not contain any requirement for archaeological investigation to be undertaken prior to the submission of an application for development of these sites.

The Interim Sustainability Appraisal of the Local Plan considers the allocation of these sites for a similar level of development and may be considered to have provided an appropriate level of consideration to provide an assessment of any significant environmental effects there development could result in (we do, however, reserve the right to comment more fully on the Sustainability Appraisal of the Part 2 Local Plan when we are officially consulted on it). However, we note that the report identifies a potential impact on the preservation of archaeological remains resulting from development of these sites and identifies the inclusion of a requirement to undertake archaeological investigation as a necessary mitigation measure to ensure a policy allocating these sites is acceptable in conformance with the requirements set out in the National Planning Policy Framework.

As the Neighbourhood Plan policies do not currently include such a requirement they would not be considered to be covered by the Interim SA of the Part 2 Local Plan and as such we would recommend that an SEA of the Neighbourhood Plan to consider its significant environmental effects on these assets should be required. However, were the revised policies for the submission version of the neighbourhood plan to include this requirement we would consider it to be covered by the Interim SA of the Local Plan Part 2 and, as such, an SEA of the neighbourhood plan would not be necessary.

I hope this is helpful in supporting Chinnor Parish Council but would be pleased to answer any queries arising from our comments or to provide more information if this can be of assistance.

Yours sincerely

Robert Lloyd-Sweet

Historic Places Advisor (South East England) Historic England Guildford [REDACTED]