

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) will 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 may 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). Three sites considered (two potential allocations plus one potential 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 potentially 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 potential allocations and reserve 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 any policy allocating these sites is acceptable and in conformance with the requirements set out in the National Planning Policy Framework as well as adequately covered by the Interim SA of the Local Plan.
17. Historic England advised that they would consider the potential allocation policies referred above to be covered by the Interim SA of the Local Plan and, as such, not require an SEA, if such policies required the undertaking of archaeological investigation.

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 if Chinnor Parish Council proceeds with the identified potential allocations and reserve sites, these policies should include a requirement to undertake archaeological investigation as a necessary mitigation measure.
21. Subject to the recommendations within this statement 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 and therefore does not require a SEA. 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)

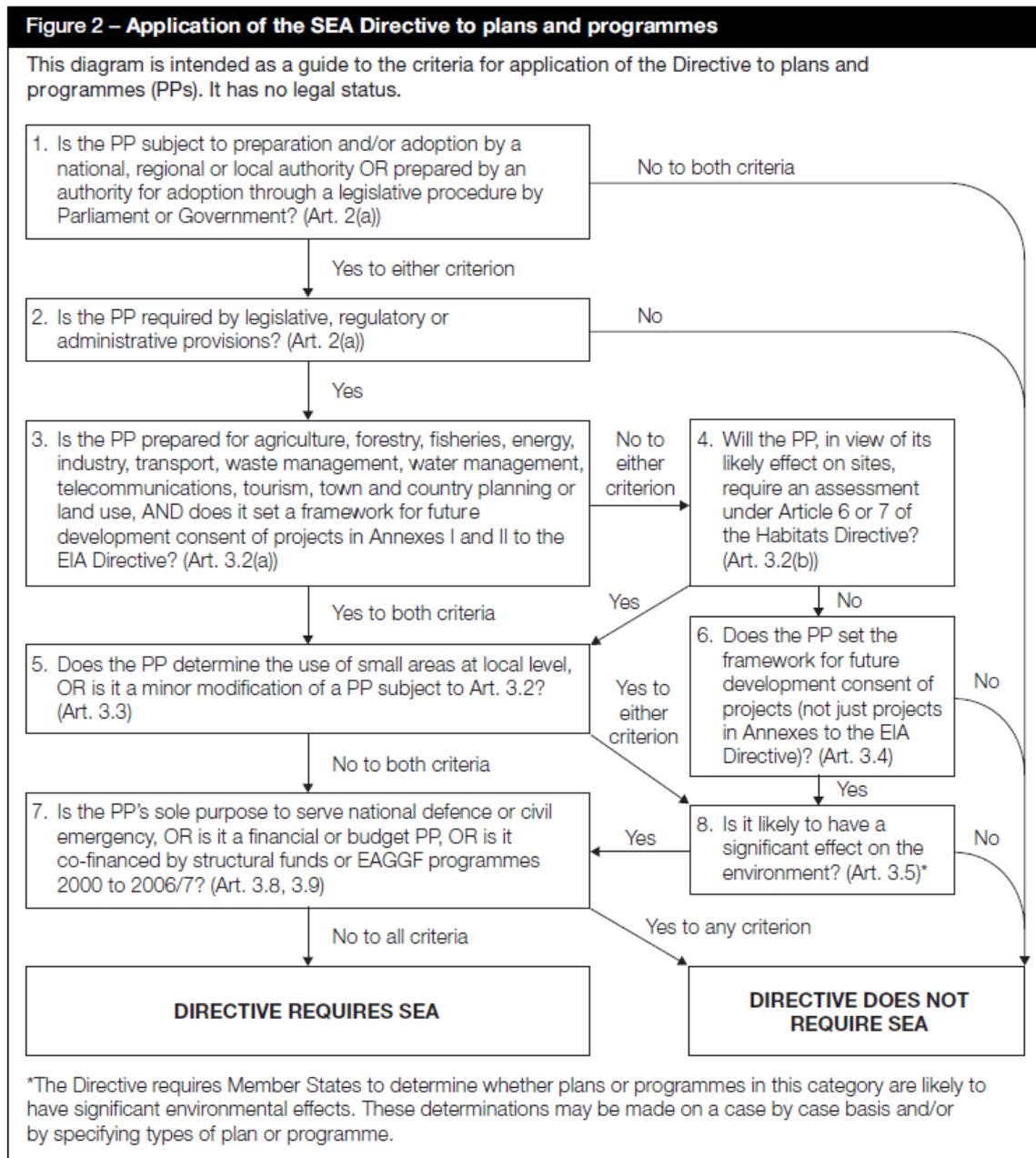


Table 1: Application of SEA Directive as shown in Appendix 1

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"> • The Neighbourhood Planning (General) Regulations 2012 • The Neighbourhood Planning (referendums) Regulations 2012 • The Neighbourhood Planning (General) (Amendment) Regulations 2015 • The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 • The Neighbourhood Planning (Referendums) (Amendment) Regulations 2016
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	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</p>

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))		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.
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.
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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 importance¹, also referred to as Natura 2000.
2. This Screening Assessment relates to a Neighbourhood Development Plan that will be in general conformity with the strategic policies within the development plan² (the higher level plan for town and country planning and land use). This Screening Assessment uses the Habitats Regulations Assessment of South Oxfordshire District Council’s emerging Local Plan (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 potential 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*

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).

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 potentially 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. Potential 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 could 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

Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	on Community legislation as part of the SEA and HRA of the emerging Local Plan.
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:	
(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.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	See 2f.

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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

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Sustainable Places Planning Advisor

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



BY EMAIL ONLY

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Dear Ms Wootton

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 25th April, which was received by Natural England on 25th 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 Guidance¹. 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.

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



Charlotte Colver

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]

Decision by Head of Planning

Agree

Signature

Adrian D. Field

Date 5 February 2017