

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 Goring Neighbourhood Development Plan

8 JUNE 2016

SUMMARY

Following consultation with the statutory bodies, South Oxfordshire District Council (the 'Council') determines that Goring Neighbourhood Development Plan (Goring NDP) does require a Strategic Environmental Assessment (SEA).

INTRODUCTION

1. In May 2016, an SEA screening opinion was prepared to determine whether or not the contents of the emerging Goring Neighbourhood Development Plan (Goring 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. These criteria include exceptions for plans 'which determine the use of a small area at local level' or which only propose 'minor modifications to a plan', if it is determined that the plan is unlikely to have significant environmental effects.
3. This initial screening opinion must be subject to consultation with Historic England, the Environment Agency and Natural England. The results of the screening process must be detailed in a Screening Statement, made available to the public.

THE SCREENING PROCESS

1. 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.
2. 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.
3. Table 1 in Appendix 1 sets out the criteria from the Practical Guide, along with an assessment of the Goring NDP against each criterion to ascertain whether a SEA is required.

4. 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.
5. These two assessments feed into Table 1 and the SEA screening opinion.

GORING NEIGHBOURHOOD DEVELOPMENT PLAN

6. The Goring NDP will contain policies on housing, recreation, building and movement. There are proposals to allocate sites for a minimum of 86 homes and the Steering Group have recently undertaken a call for sites consultation from landowners and developers.
7. Many of these sites will have been considered as part of the SEA of the emerging Local Plan, but not all of the sites have been included as part of that assessment. 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 for South Oxfordshire). It is therefore suggested that a review of the SEA for the emerging Local Plan be undertaken to utilise the assessment where possible, but that an SEA is required to cover the other sites. In addition, all proposed policies in the Goring NDP need to be assessed for compliance with the emerging Local Plan and its SEA.
8. Policies in the Goring NDP may result in significant impacts on a Natura 2000 sites either alone or in combination with other plans and policies. Therefore an SEA is required.
9. The Neighbourhood Plan proposes to allocate a number of sites for future development some of which have not already been identified in the adopted Core Strategy or the emerging Local Plan. These allocations could have a significant effect on the environment, therefore SEA is required.
10. It is therefore concluded that the implementation of the Goring NDP may result in likely significant effects on the environment.

STATUTORY CONSULTEES

11. The Screening opinion was sent to Natural England, the Environment Agency and Historic England on May 3 2016 and given a 4 week consultation period. The responses in full are at appendix 4.

12. No response was received from Natural England.
13. The Environment Agency agreed with the conclusion given that allocations will be included in the plan for sites that have not been assessed by another SEA.
14. Historic England responded that as the parish, and surrounding parishes, contain a number of heritage assets that could be affected by the plan, the plan should be subject to SEA.

CONCLUSION

15. As a result of the screening undertaken by the Council, the following determination has been reached.
16. The Goring NDP may have significant effects on Natura 2000 sites, therefore, an Appropriate Assessment is required.
17. Based on the assessment presented in Appendices 1 & 3, the Goring NDP is likely to have a significant effect on the environment.
18. The Goring NDP does require a Strategic Environment Assessment.

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

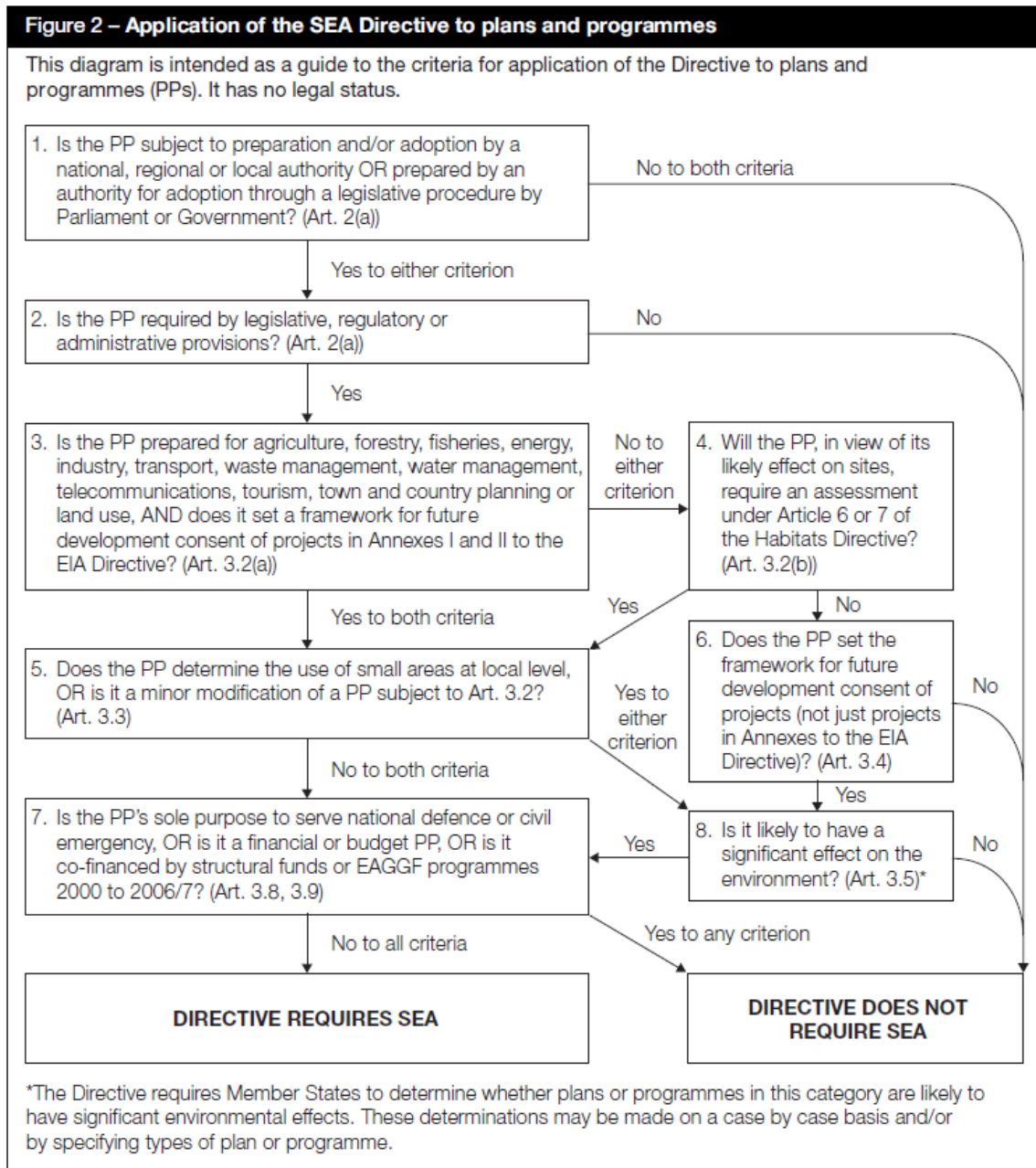


Table 1: Application of SEA Directive as shown in Appendix 1

Stage	Y/N	Explanation
<p>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))</p>	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 Goring NDP Steering Group, a working group who report to the Goring 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
<p>2. Is the NP required by legislative, regulatory or administrative provisions? (Art. 2(a))</p>	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>
<p>3. Is the Neighbourhood Plan prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications,</p>	N	<p>The Goring NDP is prepared for town and country planning and land use and will set out a framework for future development in Goring, including the development of residential uses. However, these projects are not of</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))		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))	Y	The Goring NDP may have significant effects on Natura 2000 sites. See Habitat Regulations Assessment (HRA) Screening Opinion for the Goring 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 Goring 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 Goring 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)	Y	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 Goring 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 as its basis for assessment. From this, the Local Authority will determine whether the Goring Neighbourhood Development Plan is likely to result in significant impacts on Natura 2000 sites either alone or in combination with other plans and policies and, therefore, whether an ‘Appropriate Assessment’ is required.

LEGISLATIVE BASIS

3. Article 6(3) of the EU Habitats Directive provides that:

“Any plan or project not directly connected with or necessary to the management of the [European] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.”

ASSESSMENT

¹ 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).

4. Hartslock Wood SAC is located approximately 1.5km from Goring, and within the 7km buffer assessed as being at risk of additional recreation pressure should housing developments increase the local population.
5. This Screening Assessment utilises the work of the Habitats Regulations Assessment for the emerging Local Plan, published in January 2015. This concluded that 'effects from increased recreation pressure are not likely to occur at any European sites as a result of the spatial distribution strategy' (including additional housing at Goring). However, the HRA assessed four different growth scenarios (for Goring ranging from 105-210 houses) and could not rule out significant effects as a result of increased air pollution, increased recreation pressure and increased demand for water abstraction and treatment from these scenarios.
6. Given the scale of development and proximity to the Hartslock Wood SAC, and the uncertainty presented in the HRA of the emerging Local Plan, the Goring NDP will require an Appropriate Assessment.

CONCLUSION

7. The Goring NDP is likely to have significant effects on Natura 2000 sites, therefore, an Appropriate Assessment for the Goring NDP is required.

Appendix 3 - Assessment of the likely significance of effects on the environment

[Note to author – most of these boxes contain standard text (greyed out). Those where specific details need to be included are Qs 1a,c,d, 2a,b,e,f and g]

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 Goring 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. Site allocations for residential development proposed by the Goring NDP have only partially been considered as part of the SEA and HRA of those higher level plans.
(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 Goring NDP. A basic condition of the Goring NDP is to contribute to the achievement of sustainable development.
(d) environmental problems relevant to the plan or programme; and	Goring Parish contains the following environmental designations: <ul style="list-style-type: none"> • Conservation area • Local Wildlife site • SSSI • Area of Outstanding Natural Beauty. <p>The NDP group have committed to undertaking an SA to ensure no impacts on these sites.</p>
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and	The proposed development in the Goring NDP has been judged to potentially have an impact on Community legislation.

programmes linked to waste management or water protection).	
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 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. However, they will be of a local scale.
(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 unlikely to have transboundary ³ 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 Goring NDP relates to the parish of Goring, which includes the villages of Goring, Gatehampton and Cleeve. The scale of development proposed is small and therefore the potential for environmental effects is also likely to be small and localised. However, potential impacts on the AONB, SSSIs and SAC need to be assessed.
(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 Goring NDP offers an opportunity to enhance the natural environment and the cultural heritage of the area through the proposals being considered. Potential impacts on the AONB, SSSIs and SAC need to be assessed.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	Potential impacts on the AONB, SSSIs and SAC need to be assessed.

³ Transboundary effects are understood to be in other Member States.

Appendix 4 – Responses from the statutory consultees

Environment Agency

creating a better place



South Oxfordshire District Council
Planning
Mitton Park
Abingdon
OX14 4SB

Our ref: WA/2006/000324/SE-12/SC1-L01

Date: 01 June 2016

Dear Ms Wooton,

SEA Screening Opinion for Goring Neighbourhood Development Plan

Thank you for consulting us on this matter. We received the letter on 03 May 2016 and we are now in a position to respond.

We agree with the conclusion of the screening opinion that a Strategic Environmental Assessment (SEA) is required for the Goring Neighbourhood Development Plan.

We note that allocations will be included in the plan and some of these will not of been through SEA previously. As such, the plan could potentially have a significant impact on the environment.

Yours sincerely,

Mr Jack Moeran
Planning Specialist

Direct dial 02030259655
Direct e-mail planning-wallingford@environment-agency.gov.uk

End



ea/lh/e/std

Historic England

Dear [REDACTED]

Thank you for consulting Historic England on the Initial Screening Opinion for the Goring Neighbourhood Plan. I'm happy to confirm our agreement that as the plan will be allocating sites for development that have not previously been assessed through SEA of a higher level, or equivalent plan and that the parish contains a number of heritage assets that could be affected that the plan should be subject to SEA. Given the small size of the parish and the presence of a number of sensitive heritage assets in surrounding parishes it is also appropriate to consider how the plan could affect heritage assets outside the plan area (particularly through impacts on their setting) which could also result in likely significant effects.

I hope these comments are of assistance to the District Council but would be pleased to answer any queries or provide more information that may be of assistance.

Yours faithfully

[REDACTED]

Historic Places Advisor (South East England) Historic England Guildford Tel.

[REDACTED]