

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 Cuddesdon and Denton Neighbourhood Development Plan

03 SEPTEMBER 2019

SUMMARY

Following consultation with statutory bodies, South Oxfordshire District Council (the 'Council') determines that the Cuddesdon and Denton Neighbourhood Development Plan (Cuddesdon and Denton NDP) does not require a Strategic Environmental Assessment (SEA).

INTRODUCTION

1. An initial screening opinion was used to determine whether or not the contents of the emerging Cuddesdon and Denton Neighbourhood Development Plan (Cuddesdon and Denton NDP) required a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC (the Directive) and associated Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations). A Habitats Regulation Screening Assessment is included in Appendix 2.
2. Any land use plan or programme 'which sets the framework for future development consent of projects' must be screened according to a set of criteria from Annex II of the Directive and Schedule 1 of the Regulations. These criteria include exceptions for plans 'which determine the use of a small area at local level' or which only propose 'minor modifications to a plan', if it is determined that the plan is unlikely to have significant environmental effects.
3. The initial screening opinion was subject to consultation with Historic England, the Environment Agency and Natural England. The results of the screening process are detailed in this Screening Statement.

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 Cuddesdon and Denton NDP against each criterion to ascertain whether a SEA is required.
4. Part of the screening process also includes the Habitats Regulations Assessment Screening, which can be found in Appendix 2. The Habitat Regulations Assessment (HRA) screening concluded that the Sydenham NDP is unlikely to have significant effects on Natura 2000 sites, either alone or in combination with other plans or projects, therefore, an Appropriate Assessment for the Cuddesdon and Denton NDP is not required.
5. Appendix 3 considers whether the plan is likely to have likely significant effects on the environment.
6. These two assessments feed into Table 1 and the SEA screening statement.
7. The council's screening opinion concluded that the implementation of the Cuddesdon and Denton NDP would not result in likely significant effects on the environment and therefore would not require an SEA.

CUDDESDON AND DENTON NEIGHBOURHOOD DEVELOPMENT PLAN

8. The Cuddesdon and Denton NDP will contain the following vision, objectives and policies:

Vision

Our vision is to maintain Cuddesdon and Denton as a unique and desirable place to live for people at all stages of their lives. We wish to conserve the village as a visually attractive and peaceful place to live, play, study, work or visit, whilst responding positively, within our capacity, to the national need for sustainable development.

Objectives

In order to achieve the above Vision, a number of objectives have been identified, as follows:

1. To conserve and enhance the village's character and setting, in particular its heritage assets, listed and unlisted.
2. To maintain the local gaps between settlements (Cuddesdon, Denton and Chippinghurst) to prevent their coalescence and to protect their distinctive individual character and setting.
3. To maintain a dark sky at night.
4. To ensure that new development is of high quality design; complements local character, particularly of adjoining houses; the

- massing of the neighbouring buildings and maintains the sense of openness and connection to the surrounding landscape.
5. To conserve and enhance the character of the surrounding open countryside and to maintain the far-reaching views.
 6. To protect and expand green infrastructure and the different habitats in the parish so as to enhance biodiversity.
 7. To ensure new development is within village boundary to protect existing farmland and jobs.
 8. To protect aquatic habitats from pollution so as to enhance biodiversity.
 9. Within the capacity of the village, to encourage development which provides houses which meet the needs of younger adults and their families at prices they can afford particularly for those with a local connection.
 10. To ensure any new developments are physically integrated with village; energy efficient and adapted to heatwaves.
 11. To avoid any developments in the flood plain
 12. To ensure adequate parking provision in any new development.
 13. To require new developments to be fitted with charging points for electric cars.
 14. To support the development of local businesses including homeworking within the capacity of the village.
 15. To encourage the provision of a bus service to Wheatley.
 16. To promote a safe cycling route to Oxford.
 17. To support and maintain communal village infrastructure
 18. To provide facilities for young people
 19. Conserve open spaces and designate sites for protection where appropriate.
 20. Identify the pub for protection as an asset of community value.

Policies

Policy CD1 – General Principles

Policy CD2 – Design Principles

Policy CD3 - Housing

Policy CD4 – Community Facilities

Policy CD5 – Local Green Spaces

Policy CD6 – Local Employment

Policy CD7 - Infrastructure

9. The Cuddesdon and Denton NDP will contain policies to maintain the character of the village and to specify design criteria for new houses.
10. Policies in the Cuddesdon and Denton NDP will aim to support sustainable development in the villages that will not adversely impact on the rural nature of the villages. Retaining the character and appearance of the villages is particularly important. The plan does not allocate any sites for housing.

11. Overall, we note that the plan does not allocate any sites for development and places great emphasis on conserving the character and appearance of the area.
12. It is therefore concluded that the implementation of the Cuddesdon and Denton NDP would not result in likely significant effects on the environment.

CONSULTATION RESPONSES

13. The Screening Opinion was sent to Natural England, the Environment Agency and Historic England on 4th February 2019 for a four week consultation period. The responses in full are in Appendix 4.
14. Historic England did not respond.
15. Natural England agree with the Initial Screening Opinion and consider that the plan does not require an SEA or Appropriate Assessment. However, should the Neighbourhood Plan decide to allocate sites for a significant number of new developments, the Screening Opinion would need to be reviewed.
16. The Environment Agency did not respond.

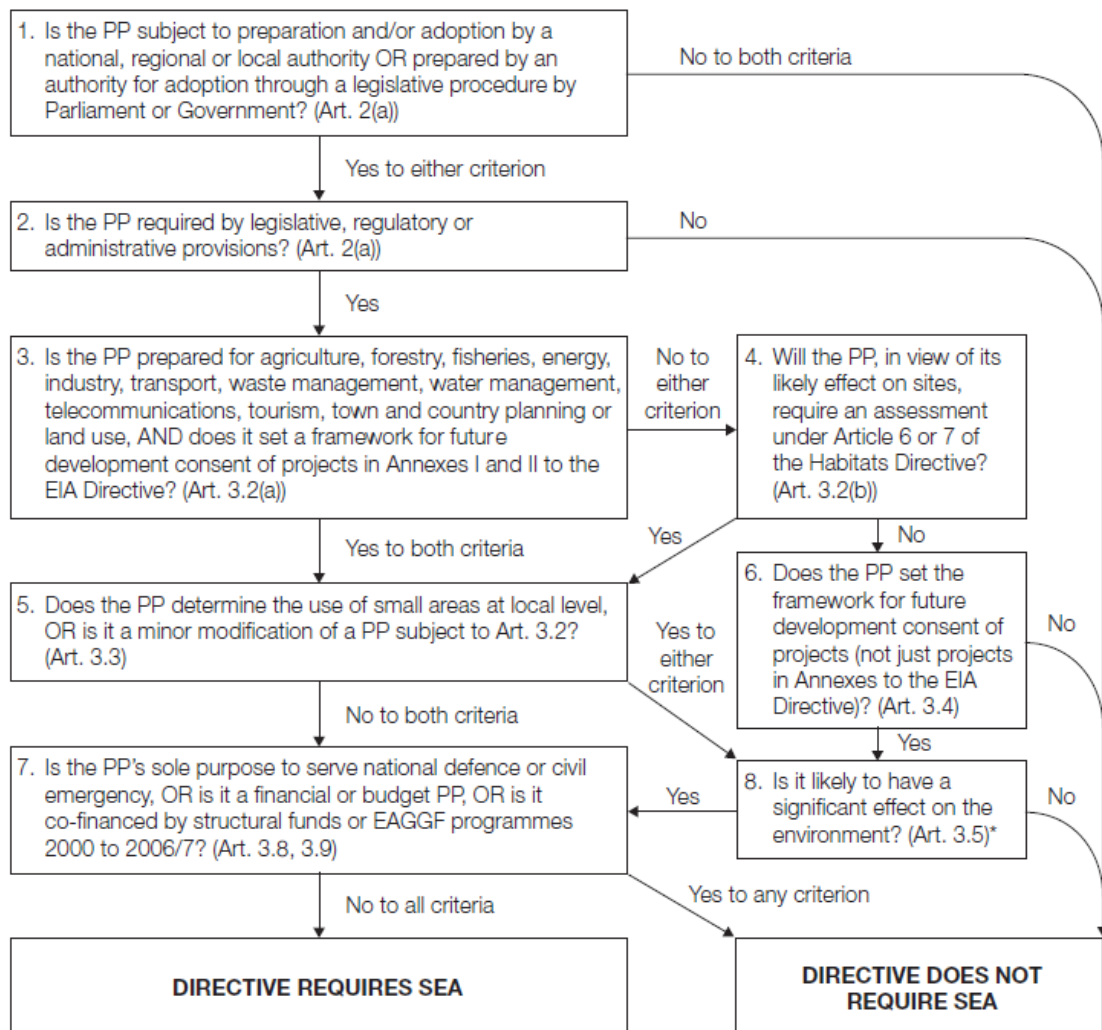
CONCLUSION

17. As a result of the screening undertaken by the council and the responses from the statutory consultees the following determination has been reached.
18. The Cuddesdon and Denton NDP is unlikely to have significant effects on Natura 2000 sites, either alone or in combination with other plans or programmes; therefore, an Appropriate Assessment for the Sydenham Neighbourhood Development Plan is not required.
19. Based on the assessment presented in Appendices 3, the Cuddesdon and Denton NDP is unlikely to have a significant effect on the environment.
20. The Cuddesdon and Denton NDP does not require a Strategic Environment Assessment.

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

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

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



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

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

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>	<p>Y</p>	<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 Cuddesdon and Denton NDP Steering Group, a working group who report to the Cuddesdon and Denton 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 (Referendums) (Amendment) Regulations 2016 • The Neighbourhood Planning (General) (Amendment) Regulations 2016 • The Neighbourhood Planning (General) (Amendment) Regulations 2017
<p>2. Is the NP required by legislative, regulatory or administrative provisions? (Art. 2(a))</p>	<p>Y</p>	<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</p>

		<p>environmental effects and hence whether SEA is required under the Directive.</p> <p>National Planning Practice Guidance (Paragraph: 027 Reference ID: 11-027-20150209) sets out that draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects. This assessment should be undertaken in accordance with the requirements set out in regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.</p>
3. Is the Neighbourhood Plan prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II (see Appendix 2) to the EIA Directive? (Art 3.2(a))	N	The Cuddesdon and Denton NDP is prepared for town and country planning and land use and will not set out a framework for future development of projects that would require an EIA.
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 Cuddesdon and Denton NDP is unlikely to have significant effects on Natura 2000 sites. See Habitat Regulations Assessment (HRA) Screening Opinion for the Sydenham 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 Cuddesdon and Denton 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 Cuddesdon and Denton NDP will include a series of policies to guide development within the village. 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	The plan is not likely to have significant effects on the environment. See assessment of the likely significance of effects on the environment in Appendix 3.

Appendix 2 - Habitat Regulations Assessment (HRA) Screening Statement for the Cuddesdon and Denton Neighbourhood Development Plan

INTRODUCTION

1. The Local Authority is the “competent authority” under the Conservation of Habitats and Species Regulations 2017, 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 Plan³ as its basis for assessment. From this, the Local Authority will determine whether the Sydenham 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.”

4. Regulations 105-106 of the Conservation of Habitats and Species Regulations 2017 state:

“105.—(1) Where a land use plan—

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).

³ South Oxfordshire Local Plan Habitats Regulations Assessment Report (March 2019)

- (a) *is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and*
- (b) *is not directly connected with or necessary to the management of the site, the plan-making authority for that plan must, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site's conservation objectives.*
- (2) *The plan-making authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies.*
- (3) *The plan-making authority must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate.*
- (4) *In the light of the conclusions of the assessment, and subject to regulation 107, the plan-making authority must give effect to the land use plan only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).*
- (5) *A plan-making authority must provide such information as the appropriate authority may reasonably require for the purposes of the discharge by the appropriate authority of its obligations under this Chapter.*
- (6) *This regulation does not apply in relation to a site which is—*
- (a) *a European site by reason of regulation 8(1)(c), or*
- (b) *a European offshore marine site by reason of regulation 18(c) of the Offshore Marine Conservation Regulations (site protected in accordance with Article 5(4) of the Habitats Directive).*

106.—(1) *A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 105 or to enable it to determine whether that assessment is required.*

(2) *In this regulation, “qualifying body” means a parish council, or an organisation or body designated as a neighbourhood forum, authorised for the purposes of a neighbourhood development plan to act in relation to a neighbourhood area as a result of section 61F of the TCPA 1990 (authorisation to act in relation to neighbourhood areas)(159), as*

applied by section 38C of the 2004 Planning Act (supplementary provisions)(160).

(3) Where the competent authority decides to revoke or modify a neighbourhood development plan after it has been made, it must for that purpose make an appropriate assessment of the implications for any European site likely to be significantly affected in view of that site's conservation objectives; and regulation 105 and paragraph (1) apply with the appropriate modifications in relation to such a revocation or modification.

(4) This regulation applies in relation to England only."

ASSESSMENT

5. There is 5 Special Area of Conservation (SACs) within 17km of the Cuddesdon and Denton Neighbourhood Development Plan. These are as follows:

Within South Oxfordshire

- Oxford Meadows SAC -8.6km
 - Little Wittenham SAC – 9.3km
 - Cothill Fen SAC – 13.3km
 - Chilterns Beechwoods SAC – 12.6km
 - Aston Rowant SAC – 12.8km
6. Detailed information about the location, qualifying features and vulnerabilities of the European sites included in the screening assessment is presented in Appendix 1 of South Oxfordshire Local Plan Habitats Regulations Assessment Report ([March 2019](#)).
 7. As required under Regulation 106 of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), the qualifying body (Sydenham Parish Council) provided the required information to enable South Oxfordshire District Council to determine whether the assessment under Regulation 105 is required. Consideration has been given to the potential for the development proposed by the neighbourhood plan to result in significant effects associated with:
 - Physical loss of/damage to habitat;
 - Non-physical disturbance e.g. noise/vibration or light pollution;
 - Air pollution;
 - Increased recreation pressure; and

- Changes to hydrological regimes.
8. The Plan does not allocate any sites for development or promote additional development beyond what is supported in the adopted Development Plan.

CONCLUSION

9. The Cuddesdon and Denton NDP is unlikely to have significant effects on Natura 2000 sites, either alone or in combination with other plans or projects, therefore, an Appropriate Assessment for the Cuddesdon and Denton 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 Cuddesdon and Denton 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 2034.
(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 Cuddesdon and Denton NDP. A basic condition of the Cuddesdon and Denton NDP is to contribute to the achievement of sustainable development.
(d) environmental problems relevant to the plan or programme; and	<p>The environmental impact of the proposals within the Cuddesdon and Denton NDP is likely to be minimal as the plan does not allocate any sites for development or support additional development beyond what is supported in the Development Plan. Policies in the Cuddesdon and Denton NDP will aim to support sustainable development in the village that will not adversely impact on the rural nature of the village. Retaining the character and appearance of the village is particularly important.</p> <p>The Cuddesdon and Denton NDP will contain policies to maintain the character of the village and to specify design criteria for new houses.</p> <p>Policies in the Cuddesdon and Denton NDP will aim to support sustainable development</p>

in the village that will not adversely impact on the rural nature of the village. Retaining the character and appearance of the village is particularly important.

Cuddesdon and Denton NDP contains the following environmental designations:

- *Listed buildings*
- *Flood Zones*
- *Archaeological constraints*
- *Ancient Woodland*
- *Green Belt*

There are 5 Special Areas of Conservation (SACs) within 17km of the Cuddesdon and Denton Neighbourhood Development Plan. These are as follows:

- Oxford Meadows SAC -8.6km
- Little Wittenham SAC – 9.3km
- Cothill Fen SAC – 13.3km
- Chilterns Beechwoods SAC – 12.6km
- Aston Rowant SAC – 12.8km

There are also the following SSSI's located within the following distances of the built up area of Cuddesdon and Denton:

- Littleworth Brick Pit SSSI – 2.1km
- Brasenose Wood Shotover SSSI - 3.2km
- Lyehill Quarry SSSI – 3.2km
- Holton Wood SSSI – 3.8km
- Stanton Great Wood SSSI – 5.3km
- Spartum Fen SSSI – 5.4km
- Lye Valley SSSI – 5.6km
- Rock Edge SSSI – 5.7km
- Magdalen Quarry SSSI- 5.8km

	Given the NDP is not allocating sites we are of the opinion the Neighbourhood Plan does not propose any development that is likely to harm these designations as the plan seeks to conserve the village, its character and setting. The policies in the Neighbourhood Plan will require these designations to be protected and therefore there would not be likely significant effects to the environment.
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	The proposed development in the Cuddesdon and Denton NDP has been judged not to have an impact on Community legislation.
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;	<p>The Cuddesdon and Denton NDP 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 through limited infill sites within the built up area.</p> <p>The plan proposes protecting local green spaces, key views and existing facilities. This will have positive cumulative benefits for the area. However, given the scale of what is proposed the positive effects are not likely to be significant.</p> <p>The plan is also likely to have positive social effects through the provision of residential development through infill and the protection of local green spaces.</p>
(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.

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

(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 NDP relates to the parish of Cuddesdon and Denton. The NDP is not allocating any sites for development and therefore as it will not promote any development that is above and beyond what is already supported in the Development Plan 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	<p>The Cuddesdon and Denton NDP offers an opportunity to enhance the natural environment and the cultural heritage of the area through the proposals being considered.</p> <p>The main vulnerability of the parish is the impact of householder and small scale developments within the village boundaries on the character and appearance of the Conservation Area, listed buildings and archaeological sites. However, given the limited amount of potential infill sites and their relationship to the designated areas and that the plan aims to ensure development conserves and enhances the Conservation Area through detailed design policies it is considered there would not be likely significant effects to the environment.</p>
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	There are no areas or landscapes with recognised national, Community or international protection status affected by the neighbourhood plan.

Appendix 4 – Statutory Consultee Responses

Natural England:

Date: 28 February 2019
Our ref: 272520



Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

South Oxfordshire District Council

BY EMAIL ONLY

Dear Sir or Madam,

Planning Consultation: Cuddesdon and Denton Neighbourhood Plan SEA Screening and HRA Screening

Thank you for your consultation on the above dated 4th February 2019.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where our interests would be affected by the proposals made.

In our review of the Cuddesdon and Denton Neighbourhood Plan SEA and HRA screenings we note that;

- The draft Neighbourhood Plan has not yet been prepared.
- The initial screening opinion states that "the plan does not allocate any sites for development"

Based on the initial screening opinion provided, we agree with the assessment that the Neighbourhood Plan does not require an SEA or Appropriate Assessment. However, should the Neighbourhood Plan decide to allocate a significant number of new developments, these screenings may need to be reviewed.

We would like to draw your attention to the requirement to conserve biodiversity and provide a net gain in biodiversity through planning policy (Section 40 of the Natural Environment and Rural Communities Act 2006 and sections 170 and 175 of the National Planning Policy Framework). Please ensure that any development policy in your plan includes wording to ensure "all development results in a biodiversity net gain for the parish".

The recently produced [Neighbourhood Plan for Benson](#), in South Oxfordshire provides an excellent example. We are of the opinion that the policy wording around the Environment, Green Space and Biodiversity is exemplar. We would recommend you considering this document, when reviewing yours.

Further Recommendations

Natural England would also like to highlight that removal of green space in favour of development may have serious impacts on biodiversity and connected habitat and therefore species ability to adapt to climate change. We recommend that the final local plan include:

- Policies around connected Green Infrastructure (GI) within the parish. Elements of GI such as open green space, wild green space, allotments, and green walls and roofs can all be used to create connected habitats suitable for species adaptation to climate change. Green infrastructure also provides multiple benefits for people including recreation, health and well-being, access to nature, opportunities for food growing, and resilience to climate change. Annex A provides examples of Green Infrastructure;
- Policies around Biodiversity Net Gain should propose the use of a biodiversity measure for development proposals. Examples of calculation methods are included in Annex A;

Annex A provides information on the natural environment and issues and opportunities for your Neighbourhood planning.

Yours sincerely

Milena Petrovic
Adviser
Sustainable Development
Thames Team

Environment Agency: