

# **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 Berinsfield Neighbourhood Development Plan**

**November 2014**

## **Introduction**

1. This screening report is used to determine whether or not the contents of the emerging Berinsfield Neighbourhood Development Plan require 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). These require an SEA to be undertaken on any land use plan or programme 'which sets the framework for future development consent of projects'.
2. However, there are exceptions to this requirement 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 National Planning Policy Framework, paragraph 167, advises that assessments should be proportionate and should not repeat policy assessment that has already taken place.
4. To assess whether an SEA is required a screening process must be undertaken based on a standard set of criteria. This must be subject to consultation with English Heritage, the Environment Agency and Natural England. The results of the screening process must be detailed in a Screening Statement, available to the public.

## **Berinsfield Neighbourhood Plan**

5. The Berinsfield Neighbourhood Plan will contain policies to encourage the regeneration of parts of the village, improve local infrastructure and create more green space, including areas for nature conservation and trees.
6. The plan seeks to allocate sites for a minimum of 109 houses, up to approximately 5000m<sup>2</sup> of employment, up to approximately 2000 m<sup>2</sup> of retail and up to 1000m<sup>2</sup> of community uses.

## **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. Table 1, in Appendix 1 sets out the criteria used for the assessment, along with an assessment of the scope of the Berinsfield Neighbourhood Development Plan against each criterion.
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. This process has been set out in Table 1 and followed to ascertain whether a SEA is required for the Berinsfield Neighbourhood Development Plan.
9. Also part of the screening process is the Habitats Regulations Assessment Screening, which can be found in Appendix 2, and the assessment of likely significance of effects on the environment, which can be found in Appendix 3. These two assessments feed into Table 1 and the SEA screening assessment.

## **Statutory Consultees**

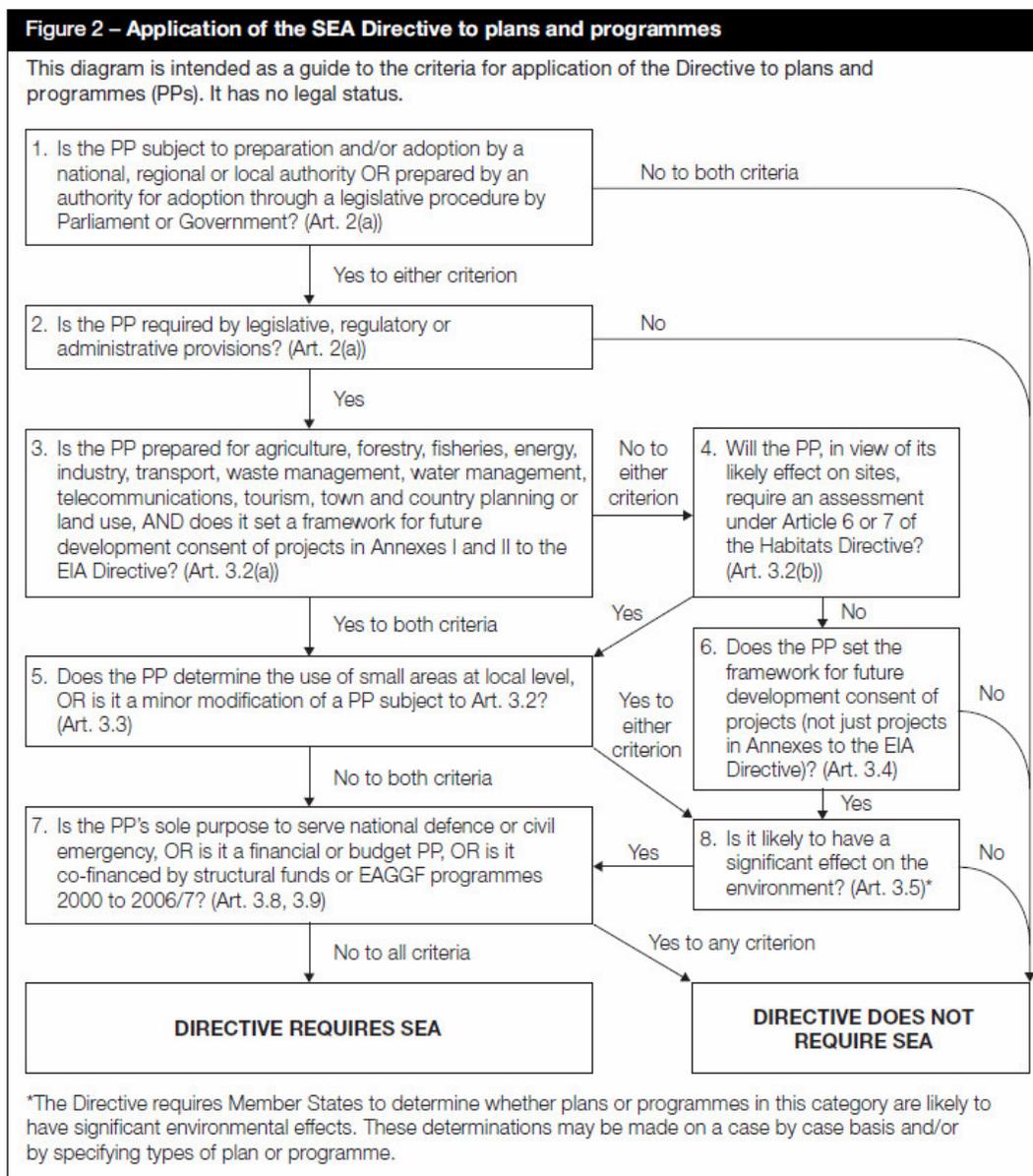
10. The initial Screening Opinion was sent to English Heritage, Natural England and the Environment Agency on 8 September 2014.
11. Natural England agreed that a Strategic Environmental Assessment is required for the Berinsfield Neighbourhood Plan.
12. The Environment Agency concluded there to be constraints for the neighbourhood area that are potentially significant and agreed that a Strategic Environmental Assessment is required for the Berinsfield Neighbourhood Plan.
13. English Heritage agreed that the development site allocations in the Berinsfield Neighbourhood Plan are likely to have significant effects on the environment and that therefore the Neighbourhood Plan should be subject to Strategic Environmental Assessment.

## **Conclusion**

14. The Berinsfield Neighbourhood Development Plan will have potential significant effects on Natura 2000 sites and, therefore, requires an Appropriate Assessment.
15. The District Council intend to address this by updating the Appropriate Assessment for the Submission Core Strategy to include the effects of allocations made to larger villages.

16. The Berinsfield Development Neighbourhood Plan seeks to allocate a minimum of 109 houses, up to approximately 5000m<sup>2</sup> of employment, up to approximately 2000m<sup>2</sup> of retail and up to 1000m<sup>2</sup> of community uses. There is a high probability that these allocations will have significant effects on the environment which are not likely to be reversible. There is also the pressure to intensify any allocated land-uses as a result of land being limited by the Green Belt. On this basis the Neighbourhood Plan should be accompanied by an assessment that examines the environmental impacts of allocating each site. The results of the assessment should then be used to determine which sites are appropriate to be allocated for development.
17. The Berinsfield Neighbourhood Development Plan is to determine the use of small areas at a local level.
18. It is determined that, as a result of the screening undertaken by the Council, a Strategic Environment Assessment is required for the Berinsfield Neighbourhood Plan, particularly to address potential environmental impacts of the allocations sought, and the location and intensity of these allocations.

## 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>	<p>Y</p>	<p>The preparation of and adoption of the Neighbourhood 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 Berinsfield Neighbourhood Development Plan Steering Group, a sub-committee of Berinsfield 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: The Neighbourhood Planning (General) Regulations 2012 and The Neighbourhood Planning (referendums) Regulations 2012.</p>
<p>2. Is the NP required by legislative, regulatory or administrative provisions? (Art. 2(a))</p>	<p>N</p>	<p>Whilst the Neighbourhood 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, tourism, town and country planning or land use, AND does it set a framework for</p>	<p>Y</p>	<p>The Neighbourhood Plan is prepared for town and country planning and land use and will set out a framework for future development in Berinsfield, including the location of housing, employment, retail and community uses which may fall under the projects referred to in Article 4(2) of the EIA Directive – listed at Annex II of the directive.</p>

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))	Y	See Habitat Regulations Assessment (HRA) Screening Opinion for the Berinsfield Neighbourhood Development Plan 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 Berinsfield Neighbourhood Development Plan 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 Berinsfield Neighbourhood Development Plan 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	N	n/a

structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)		
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	Y	See assessment of the likely significance of effects on the environment in Appendix 3.

# Appendix 2 - Habitat Regulations Assessment (HRA) Screening Opinion for the Berinsfield 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 Appropriate Assessment of South Oxfordshire District Council’s Submission Core Strategy and the Assessment of Habitat Sites document prepared in relation to the emerging Local Plan 2031 as its basis for assessment. From this, the Local Authority will determine whether the Berinsfield Neighbourhood Development Plan is likely to result in significant impacts on Natura 2000 sites either alone or in combination with other plans and policies and, therefore, whether an ‘Appropriate Assessment’ is required.

## Legislative Basis

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

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

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

<sup>2</sup> The South Oxfordshire Core Strategy (December 2012) and the South Oxfordshire Local Plan 2011 (January 2006).

## Assessment

4. There are six Special Areas of Conservation (SACs) considered to be within influencing distance<sup>3</sup> of the Berinsfield Neighbourhood Development Plan. These are as follows:

### Within South Oxfordshire

- Aston Rowant
- Chiltern Beechwoods
- Hartslock Wood
- Little Wittenham

### Outside of South Oxfordshire

- Cothill Fen (Vale of White Horse)
- Oxford Meadows (Oxford City)

5. Table 1 of the Screening Assessment of the South Oxfordshire District Council's Submission Core Strategy lists eight Core Strategy policies<sup>4</sup> that are identified as having potentially significant effects on these Natura 2000 sites; and Table 2 summarises the potential impacts arising from the plan or in combination with other plans on each of these Natura 200 sites.
6. Three of the policies identified in Table 1 can be applied to the Berinsfield Neighbourhood Plan Area. All three of these policies are strategic and, therefore, in order to meet the basic conditions of a neighbourhood plan, set out at paragraph 8(2) of Schedule 4B<sup>5</sup> of the Town and Country Planning Act 1990, the Berinsfield Neighbourhood Development Plan would need to be in general conformity with these policies.
7. Table 2 identifies the development of 11, 487 homes as one of the potential impacts arising from the Core Strategy. The scope of the Berinsfield Neighbourhood Development Plan includes identifying sites for housing development that makes up part of this requirement. Given this, and in line with the conclusion of the Screening Assessment of the Core Strategy, the Berinsfield Neighbourhood Plan in combination with other plans and projects will have potential significant effects for all six of the SACs within influencing distance.

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<sup>3</sup> 17 km – see paragraph 2.2 of the Appropriate Assessment of South Oxfordshire District Council's Submission Core Strategy (December 2012).

<sup>4</sup> Policies CSS1, CSG1, CSB1, CSDID2, CSDID3, CSHEN1, CSTHA2 & CSWAL2

<sup>5</sup> Inserted by Schedule 10 of the Localism Act 2011.

8. Although, the Appropriate Assessment of South Oxfordshire District Council's Submission Core Strategy concluded that none of the SACs would be adversely impacted by the plans and policies contained in the Core Strategy alone, or in combination with other plans and policies; it considers that it will be necessary to update the assessment as further policies within the Local Development Framework (Local Plan) are defined, particularly those associated with the allocation of housing developments within the larger villages.
9. Berinsfield is defined as a 'larger village' and the Berinsfield Neighbourhood Development Plan seeks to allocate housing, as well as other uses. The Appropriate Assessment of the Submission Core Strategy, therefore, needs to be updated in order to determine whether the allocations that the Berinsfield Neighbourhood Development Plan intends to make, would adversely impact on the SACs, either alone, or in combination with other plans and policies.

### **Conclusion**

10. The Berinsfield Neighbourhood Development Plan will have potential significant effects on Natura 2000 sites, therefore, an Appropriate Assessment for the Berinsfield Neighbourhood Development Plan will be required.
11. In order to address this, the District Council intends to prepare an update to the Appropriate Assessment of the Submission Core Strategy which will identify whether the allocations made to the larger villages would either alone, or in combination with other plans and policies, adversely impact any Natura 2000 sites.

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

<b>1. Characteristics of the Plan, having regard to:</b>	
(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 Berinsfield Neighbourhood Development Plan would, if adopted, form part of the Statutory Development Plan and as such does contribute to the framework for future development consent of projects. 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. This plan will set projects at a local scale 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;	The Berinsfield Neighbourhood Development Plan will have regard to National Policy and be in general conformity with the strategic policies of the district's development plan. It may also take account of the emerging Local Plan 2031 and Science Vale Area Action Plan. The designated area of the Berinsfield Neighbourhood Development Plan is 'washed over' by the Oxford Green Belt, which protects the special character and landscape setting of Oxford. The Berinsfield Neighbourhood Development Plan would be unable to allocate any sites within the Green Belt unless the sites/development are considered an 'exception' by paragraph 89 of the NPPF or the boundaries have been altered and the land removed from the Green Belt by the Local Plan 2031. The Berinsfield Neighbourhood Development Plan is unlikely to influence other Plans or Programmes within the Statutory Development Plan.
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The Berinsfield Neighbourhood Development Plan will contain policies to encourage the regeneration of parts of the village, improve local infrastructure and create more local green space. It also seeks to allocate a minimum of 109 houses, up to up to approximately 5000m <sup>2</sup> of employment, up to approximately 2000 m <sup>2</sup> of retail and up to 1000m <sup>2</sup> of community uses. These policies and allocations will have regard to national policy and be in general conformity with the strategic policies of the district's development

	<p>plan as required by the basic conditions. The plan will, therefore, be integrating a wide range of environmental considerations. National policy requires a presumption in favour of sustainable development, which should be seen as a golden thread through plan-making, including the Berinsfield Neighbourhood Development Plan. A basic condition of the plan is to contribute to the achievement of sustainable development.</p>
<p>(d) environmental problems relevant to the plan or programme; and</p>	<p>The designated area of the Berinsfield Neighbourhood Development Plan is 'washed over' by the Oxford Green Belt, which protects the special character and landscape setting of Oxford. The South Oxfordshire Core Strategy identified a need to undertake a local review of the Green Belt at Berinsfield. As part of the preparation of the emerging Local Plan 2031, the district council will be commissioning an assessment of the Green Belt, which will include consultation with the local community. The Berinsfield Neighbourhood Development Plan would be unable to allocate any sites within the Green Belt unless the sites/development are considered an 'exception' by paragraph 89 of the NPPF or the boundaries have been altered and the land removed from the Green Belt by the Local Plan 2031.</p> <p>It also contains the following environmental designations:</p> <ul style="list-style-type: none"> <li>• Nature and Conservation Target Areas</li> <li>• Local Wildlife site</li> </ul> <p>These designations are to the south of the village outside of the built up area. Both designations relate to a group of lakes/ponds formed from disused gravel pits. The Queenford Pit, which is within the designated neighbourhood plan area, is currently used for watersports. Although away from the built-up area of the village, the policies within the Berinsfield Neighbourhood Development have the potential to affect these local environmental designations.</p>
<p>(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example,</p>	<p>The Berinsfield Neighbourhood Development Plan is not directly relevant to any of these.</p>

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 Berinsfield Neighbourhood Development Plan is likely to have modest but enduring environmental effects. The effects are not likely to be reversible as they relate to development. However, they will be of a local scale. The plan seeks to ensure that these effects are positive in nature.
(b) the cumulative nature of the effects;	It is intended that the positive effects will have positive cumulative benefits for the area.
(c) the transboundary nature of the effects;	The designated plan area includes solely the village of Berinsfield, which is a contained settlement 'washed over' by the Green Belt. The purposes of the Green Belt will limit the transboundary nature of the plan.
(d) the risks to human health or the environment (for example, due to accidents);	There are no significant 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 Berinsfield Neighbourhood Development Plan relates to the parish of Berinsfield. The magnitude and spatial extent of the effects are likely to be local in scale.
(f) the value and vulnerability of the area likely to be affected due to: (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use; and	The main vulnerability of the area covered by the neighbourhood plan is the impact of development on the integrity of the Green Belt, which protects the special character and landscape setting of Oxford. The South Oxfordshire Core Strategy identified a need to undertake a local review of the Green Belt at Berinsfield. As part of the preparation of the emerging Local Plan 2031, the district council will be commissioning an assessment of the Green Belt, which will include consultation with the local community. The Berinsfield Neighbourhood Development Plan would be unable to allocate any sites within the Green Belt unless the sites/development are considered an 'exception' by paragraph 89 of the NPPF or the boundaries have been altered and the land removed from the Green Belt by the Local Plan 2031. Berinsfield is 'washed over' by the Green Belt, which potentially puts pressure on intensifying development on sites that are consider 'exceptions', e.g. infill and brownfield sites that do not have a greater

	impact on the openness of the GB and the purpose of including land within it than the existing development; or which are removed from the GB.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	The Berinsfield Neighbourhood Development Plan has the potential to affect the Oxford Green Belt; although it is unlikely that it will be able to allocate the majority of the development it is seeking to allocate without the land first being removed from the Green Belt by the emerging district Local Plan 2031.