

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 Wheatley Neighbourhood Development Plan

11 December 2017

SUMMARY

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

Introduction

1. In May 2017, an SEA screening opinion has been used to determine whether or not the contents of the emerging Wheatley Neighbourhood Development Plan (Wheatley 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 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 and is 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.
4. 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.
5. Table 1 in Appendix 1 sets out the criteria from the Practical Guide, along with an assessment of the Wheatley NDP against each criterion to ascertain whether a SEA is required.

6. 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.

7. These two assessments feed into Table 1 and the SEA screening statement.

Wheatley Neighbourhood Development Plan

Statutory consultees

8. The Screening Opinion was sent to Natural England, the Environment Agency and Historic England on 6 May for a consultation period lasting 4 weeks. The responses in full are at Appendix 4.

9. Although it was not the intention of the Wheatley neighbourhood plan to allocate sites for development, policies SP1, SP2, SP3 and the chapter on site assessment provide information that appears similar in nature to an allocation. For the purposes of screening the current version of the plan, it is therefore decided that the plan does contain allocation policies.

10. Historic England responded that the plan sets a principle for development through its allocation policies that had not been fully tested by the SA of the South Oxfordshire Local Plan and that development of the kind proposed was likely to have significant effects on heritage assets. They therefore considered that an SEA is required.

11. The Environment Agency considered that, if the Wheatley NDP is allocating sites in flood zones, then it would have likely significant environmental effects and require an SEA.

12. Natural England agreed with the Habitats Regulations screening opinion; that there are no likely significant effects on Natura 2000 sites and further Habitats Regulations Assessment is not necessary. Natural England referred to the Littleworth Pits SSSI and suggested that they would advise the Wheatley NDP steering group on how to protect this site.

13. Natural England based their assessment of significant likely effects, and SEA requirement, on the assumption that site allocations are not being made in the plan. It has since been decided that sites are being allocated in the plan. Since an SEA is required, it is not necessary to re-consult as any change to Natural England's position would not change the outcome of the decision.

Conclusion

14. As a result of the screening undertaken by the Council, the following determination has been reached.

15. The Wheatley NDP is unlikely to have significant effects on Natura 2000 sites, therefore, an Appropriate Assessment for the Wheatley Neighbourhood Development Plan is not required.

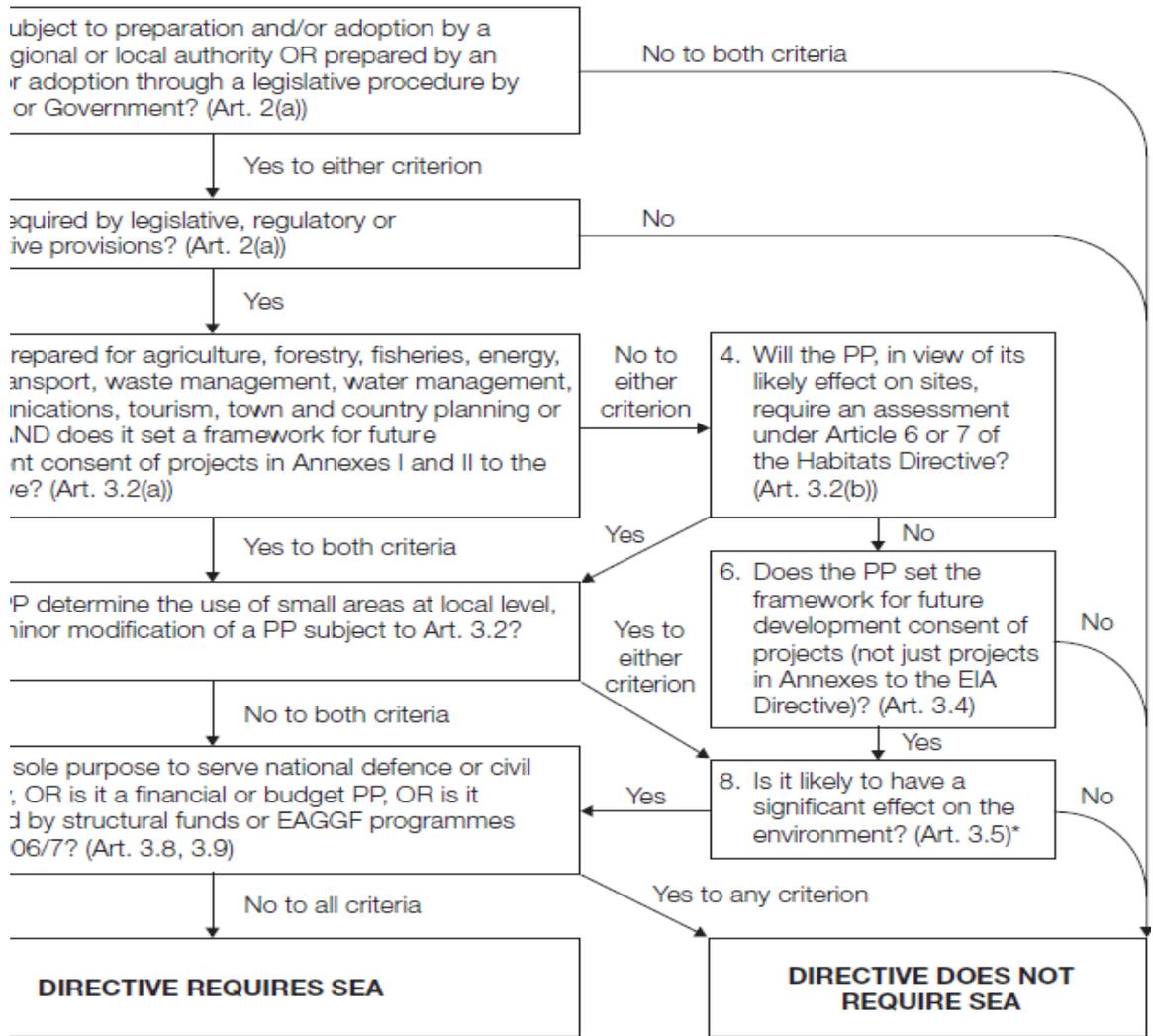
16. Based on the consultation response from Historic England and the Environment Agency, the Wheatley NDP may have the potential for likely significant effects on the environment.

17. It is therefore concluded that the Wheatley NDP requires a Strategic Environment Assessment.

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

Application of the SEA Directive to plans and programmes

This flowchart 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 type of plan or programme.

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

[Note to author – most of these boxes contain standard text –greyed out. Those where specific details need to be included are Qs 3,4,5 & 8]

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 Benson NDP Steering Group, a working group who report to the Benson 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
2. Is the NP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	<p>Whilst the Neighbourhood Development Plan is not a requirement and is optional under the provisions of the Town and Country Planning Act 1990 as amended by the Localism Act 2011, it will, if “made”, form part of the Development Plan for the District. It is therefore important that the screening process considers whether it is likely to have significant environmental effects and hence whether SEA is required under the Directive.</p>
3. Is the Neighbourhood Plan prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications,	Y	<p>The Wheatley NDP is prepared for town and country planning and land use and will set out a framework for future development in Wheatley, including the development of residential, retail and employment uses. These projects are potentially of the scale referred to in Article 4(2) of the</p>

<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))</p>		<p>EIA Directive – listed at Annex II of the directive. The establishment of a principle for development on the OBU site (Policij SP2), has already been assessed via the SA/SEA of the existing Local Development Plan and in the emerging Local Plan. National guidance states that duplication of assessment should be avoided and therefore SEA is not required in this case. In terms of the 'railway site', this is currently subject to a planning application that has not been decided yet. The type of redevelopment has not been tested by the SA/SEA of the emerging Local Plan or the existing Local Development Plan, but redevelopment of this site would be unlikely to have potential for negative significant effects to require an SEA due to its limited scale.</p> <p>Policy SP3 sets a principle for development/certain uses on land that might be taken out of the Green Belt. This has not been assessed in an SEA/SA and would be required since development on these sites has the potential for likely significant effects.</p>
<p>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))</p>	<p>N</p>	<p>The Wheatley NDP is unlikely to have significant effects on Natura 2000 sites. See Habitat Regulations Assessment (HRA) Screening Opinion for the Wheatley NDP in Appendix 2.</p>
<p>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)</p>	<p>N</p>	<p>The Wheatley NDP will determine the use of sites/small areas at a local level.</p>
<p>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)</p>	<p>Y</p>	<p>When made, the Wheatley NDP will include a series of policies to guide development within the village and would allocate sites for specific development. This will inform the determination of planning applications providing a framework for future development consent of projects.</p>
<p>7. Is the Neighbourhood Plan's sole</p>	<p>N</p>	<p>N/A</p>

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)		
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	Y	The potential for 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 Wheatley 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 Wheatley 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. There are no Special Areas of Conservation (SACs) within 5km³ of the Wheatley Neighbourhood Development Plan.
5. The Habitats Regulations Assessment for the emerging Local Plan concluded that the scale and type of development proposed in the emerging Local plan would be unlikely to have significant effects. In the March 2017 HRA, policy STRAT 10 for 500 houses at the OBU Wheatley campus was assessed, and it was concluded that it was unlikely that it would have significant effects. The scale of development promoted in the NDP is no larger than the 500 houses tested in the HRA of the Local Plan. Due to the distance that development being promoted through the Neighbourhood Plan is from Natura 2000 sites, it is considered that the Wheatley NDP does not require an appropriate assessment.

Conclusion

6. The Wheatley NDP is unlikely to have significant effects on Natura 2000 sites, therefore, an Appropriate Assessment for the Wheatley 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;	<p>The Wheatley 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 2033. There are site allocations for residential development proposed by the Wheatley NDP. The level of the development that the plan supports as part of its aspirations has been considered as part of the SEA and HRA of those higher level plans, and deemed insignificant. The location of the development promoted in the plan, whilst it is still a significant distance from Natura 2000 sites and would not require and appropriate assessment, would set a principle for development in an area that has not been tested by an SEA and that has potential for likely significant effects. Other policies in the plan would have an impact at a local scale.</p>
(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 Wheatley NDP. A basic condition of the Wheatley NDP is to contribute to the achievement of sustainable development.
(d) environmental problems relevant to the plan or programme; and	<p>Wheatley contains the following environmental designations:</p> <ul style="list-style-type: none"> • BAP priority habitat. • SSSI – within the parish • Local Wildlife site • Scheduled Monument • Conservation area

	<ul style="list-style-type: none"> • Local Heritage asset • Ecologically important area <p>The NDP sets aspirations for certain sites that are not prescriptive. Planning applications coming forward on these sites will be assessed as and when they come in. Flooding, conservation and ecological designations will be taken into account as part of the application process. The plan does not propose a scale of development in policy that exceeds those in the emerging local plan or Core Strategy and has been tested by their corresponding SA's.</p> <p>However, in policy SP3 it does set the principle for development in a location that is currently in Green Belt and untested by an SEA. There is potential for significantly harmful effects resulting from the plan in this regard.</p>
(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 Wheatley NDP has been judged not to have an impact on Community legislation. In the case of the OBU Wheatley Campus site, this has been included 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 Wheatley NDP is likely to have small but irreversible environmental effects, local in scale. The plan is also likely to have positive social effects by encouraging the provision of further housing and employment space through residential and light industrial development.
(b) the cumulative nature of the effects;	It is intended that the positive social effects of facilitating 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 ⁴ 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 Wheatley NDP relates to the parish of Wheatley, which includes the village of Wheatley. Development promoted in the plan is of a local nature, but its effects could have the potential for environmental effects in the surrounding parishes. However, these effects are not likely to be significant.
(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 Wheatley NDP offers an opportunity to enhance the natural environment and the cultural heritage of the area through the proposals being considered.
(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 – Responses from statutory consultees

Historic England

Dear ■■■

Thank you for consulting Historic England on the draft screening opinion for SEA of the Wheatley Neighbourhood Plan. It is the District Council's privilege to determine whether or not SEA should be required and, as such our views are only expressed as advice to inform that decision.

At present we would like to request some clarification of the assessment. Policies H1, SP1 - WHE18 SP2 - WHE25 and SP3 all appear to be a form of site allocation policy. If the plan policy relating to each of these sites states that a particular form of development on this land will be 'supported', a presumption in favour of its development is set, which is tantamount to an allocation.

Will the plan have likely significant environmental effects?

We have noted elsewhere in our response to the local plan that the OBU site contains a scheduled monument, whilst another scheduled monument and several listed buildings are located in an area where development of this site is likely to have a significant effect on their settings. This site is, of course, in the Greenbelt and, whilst it is previously developed land, a change of use may still have effects for the the purpose of the green belt, which need to be appropriately assessed to demonstrate the suitability of an alternative use. We are less familiar with the 'Railway' site but note that this is on the southern edge of the Wheatley Conservation Area and in close proximity to several listed buildings including the historic manor house.

In both cases there is also potential for the presence of non-designated heritage assets, including archaeological remains and, at the OBU site the remains of the former deer park. Development of both these sites has the potential to have significant environmental effects by affecting heritage assets either through direct impacts or indirectly through impacts to their settings. As such, it seems that the plan should be considered as requiring SEA. Nevertheless it may be that some further explanation of how these policies differ from 'allocations' could help to resolve this issue.

The three 'contingency sites' are all located in the green belt and, again, it will be necessary to demonstrate that appropriate assessment of the impacts of the proposed changes of use for the purposes of the greenbelt has been undertaken and influenced the plan policies. Along with the greenbelt review an SEA is the appropriate place for these assessments to be set out.

Have likely significant environmental effects been assessed through SEA of another 'higher level' document?

We are aware that the OBU site will have been considered through SEA/SA of the Local Plan, although we can't find any direct reference to it in the SA of the Preferred Option, and that the Neighbourhood Plan is not considering

allocating more development than the local plan. The preferred options plan policy actually leaves considerable responsibility for managing the effects of this site allocation to the neighbourhood plan and we would therefore suggest the council consider whether a second stage of assessment may be necessary to ensure the policy responds appropriately to the effects development could have on the historic environment and green belt policy.

Have other sites referred to in the Neighbourhood Plan also been assessed through the local plan SEA such that this process can already be considered to have been completed?

Have likely significant environmental effects of plan proposals and realistic alternatives been assessed and necessary mitigation measures for residual effects of preferred options been identified clearly and transparently in the plan making process in another way?

In circumstances where it can be demonstrated that the process of decision-making has been sufficiently rigorous with regard to understanding the environmental effects of the plan proposals, we have been prepared to agree that an 'official' SEA would not add to the process already undertaken, which may already be sufficient to meet the requirements of the regulations. However, at present I have not seen sufficient documentation of such a process to make this recommendation.

Have the Neighbourhood Plan steering group undertaken sufficient analysis of:

the plan area's environmental baseline,
potential alternative sites for allocation or site allocation criteria;
potential mitigation for any residual harm after taking into account the need to avoid or minimise harm to the conservation of heritage assets and the priority to be given to conservation of designated heritage assets in particular; and
A green belt review to demonstrate that the proposed changes of use are desirable and will not harm the green belt's purpose?

If we could review records of this process it might be considered to have already met the requirement of undertaking an SEA? We note, for example that policy SP2 provides requirements to mitigate potential harm to the designated heritage assets from the proposed development. Whilst we will be pleased to provide advice on enhancing the policy wording during the Regulation 14 and 16 consultations (which may result in some change to the policy wording to ensure it is robust) this does suggest that consideration has already been given to likely significant environmental effects and that appropriate mitigation through policy drafting has been pursued.

Could the policies be amended to provide greater clarity of their status and remove potential for likely significant environmental effects?

Alternatively, amendment to the policies to ensure they are focused on matters of design to implement the emerging local plan policy (taking account of the evidence presented for the emerging local plan and the stage that has reached) or consideration of applications for development of a rural exception site, could remove the potential for likely significant effects to the environment

in areas of interest to Historic England. This needs to be sufficiently clearly worded to not create a presumption in favour of development for a particular use that would be an allocation.

Finally, we do support the use of SEA as a powerful and positive tool to support the robust preparation of neighbourhood plans and, particularly where communities are concerned to allocate sites for development, we encourage them to engage positively with it. Preparing an SEA provides transparency in the decision-making process, as well as helping to demonstrate that the plan will promote sustainable development and be in conformity with the NPPF and Local plan strategic policies. If used well it can help to generate a more robust and defensible plan.

Please do contact me to discuss this further if there are any queries relating to our comments or if there is further information that could help to resolve any issues we have raised. We will be pleased to engage in a dialogue to help this plan to be delivered in a timely way.

Yours sincerely



[Historic Places Adviser](#) | [Historic Places](#) | [South East](#)

Natural England

Dear **Rachael**,

South Oxfordshire District Council SEA Screening opinion consultation – Wheatley Neighbourhood Development Plan

Thank you for your consultation on the above dated 18/05/2017

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 they consider our interests would be affected by the proposals made.

Natural England advises that, as the Wheatley Neighbourhood Plan does not allocate any sites for development, we do not foresee any significant impacts on designated sites that are not already addressed by the SEA of the emerging Local Plan. It is noted that Littleworth Pits SSSI is within the Neighbourhood Plan area, and that the plan seeks to protect this site. Natural England will provide a separate response to the current consultation on the Neighbourhood Plan and provide advice on any further policy wording that may be required to protect the SSSI.

We agree with the Habitats Regulations screening opinion; there are no likely significant effects on Natura 2000 sites and further Habitats Regulations Assessment is not necessary.

For clarification of any points in this letter, please contact **Rebecca Micklem** on **020822 57686**. For any further consultations on your plan, please contact: **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

Rebecca Micklem
Sustainable Development Thames Team

ENVIRONMENT AGENCY

Dear Rachael,
SEA Screening opinion consultation - Wheatley NDP

Thank you for consulting us with the SEA screening opinion document for the Wheatley Neighbourhood Plan.

For your information, I have also attached with this response the comments that we provided earlier this week to the Parish Council with comments on their draft Plan.

As you will see from that response, we are unclear whether the Neighbourhood Plan is allocating development sites in areas of flood risk, but this is the impression I have from reviewing the Plan. If this was the case, we believe that the Plan may have a significant environmental impact and may therefore require an SEA.

If you have any questions about this response, please do not hesitate to contact me.

Yours sincerely,
Clark Gordon
Sustainable Places Planning Specialist

SEA Screening Statement for Wheatley Neighbourhood Plan - Record of Delegated Decision

Decision made by	Adrian Duffield
Key decision?	No
Date of decision (same as date form signed)	
Name and job title of officer requesting the decision	Rachael Riach - Planning Policy Officer (Neighbourhood)
Decision	To approve the SEA screening statement for Wheatley NDP.
Reasons for decision	Each neighbourhood plan requires a Screening Opinion as part of our duties under the SEA Regulations. Following consultation with the statutory consultees (Historic England, Natural England and the Environment Agency), we are required to write and publish a Screening Statement stating the decision, the reasons behinds it, and the comments from statutory consultees.
Legal implications	We are required to ensure the correct screening processes have been completed under the SEA Regulations.
Financial implications	None
Background papers considered	SEA Screening Statement for Wheatley Neighbourhood Plan
Head of planning's signature To confirm the decision as set out in this notice.	<div style="text-align: right;">  </div> <p>Signature _____</p> <p>Date _____ 11/12/2017 _____</p>