

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 Tetsworth Neighbourhood Development Plan

14 OCTOBER 2019

SUMMARY

Following consultation with the statutory bodies, South Oxfordshire District Council (the 'Council') determines that Tetsworth Neighbourhood Development Plan (Tetsworth 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 Tetsworth Neighbourhood Development Plan (Tetsworth NDP) requires 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).
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 Tetsworth 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, The Habitat Regulations Assessment (HRA) screening concluded that the Tetsworth 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 Tetsworth NDP is not required.
5. Appendix 3 considers whether the plan is likely to have likely significant effects on the environment.
6. The assessments in Appendix 2 and Appendix 3 have fed into Table 1 and the SEA screening statement.
7. The council's screening opinion concluded that the implementation of the Tetsworth NDP would not result in likely significant effects on the environment and therefore would not require an SEA.

TETSWORTH NEIGHBOURHOOD DEVELOPMENT PLAN

8. The Tetsworth NDP will contain the following vision and objectives:

Vision

To sustain Tetsworth as an inclusive, rural community where residents want to live and with continuing attractiveness and a vibrant future.

Objectives

1. To maintain Tetsworth's nucleated settlement character by supporting a mix of high quality infill housing that reflects the housing types and tenures required by the local community and is in proportion with the size and rural character of the Parish.
2. To preserve the green spaces within and adjacent to the Tetsworth village settlement and the key views into and from its built-up area.
3. To protect the rural landscape character and setting of Tetsworth while supporting and enhancing local amenities and environmental assets.
4. To identify and support service improvements and infrastructure initiatives which could enhance the sustainability of Tetsworth.

Policies

TET1 Development within the Village Settlement and Surrounding Countryside

TET2 Settlement Character Areas and Design Criteria

TET3 Countryside Character Sectors

TET4 Key Views

TET5 Local Heritage Assets

TET6 Landmark Buildings

TET7 Green Spaces

TET8 Biodiversity and the Natural Environment

TET9 Residential Parking

9. The Tetsworth NDP will contain policies to maintain the character of the village and surrounding countryside and specifies design criteria for new buildings.
10. Policies in the Tetsworth NDP identify and seek to preserve and where possible enhance key views, heritage assets and designates Local Green Spaces. Retaining the character and appearance of the village is particularly important.
11. Policies in the Tetsworth NDP will aim to support sustainable development in the village through small scale infill development that will not adversely impact on the rural nature of the village. The plan does not define a formal settlement boundary however supporting text describes what areas would be considered within the village and appropriate for infill development.
12. 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.
13. It is therefore concluded that the implementation of the Tetsworth NDP would not result in likely significant effects on the environment.

CONSULTATION RESPONSES

14. The Screening Opinion was sent to Natural England, the Environment Agency and Historic England on 20th September 2019 for a four week consultation period. The responses in full are in Appendix 4.
15. Natural England agree with the Initial Screening Opinion and consider that the plan does not require an SEA or Appropriate Assessment.
16. Historic England agree with the council's view that the Tetsworth Neighbourhood Plan would not lead to significant effects on the historic environment and therefore the Tetsworth Neighbourhood Plan does not require a Strategic Environmental Assessment.

17. The Oxfordshire County Council did not have any comments on the SEA and HRA Screening Opinion.

CONCLUSION

18. As a result of the screening undertaken by the Council and the responses from the statutory consultees, the following determination has been reached.

19. The Tetsworth NDP is unlikely to have significant effects on Natura 2000 sites either alone or in combination with other plans or programs, therefore, an Appropriate Assessment for the Tetsworth Neighbourhood Development Plan is not required.

20. Based on the assessment presented in Appendices 1 & 3, the Tetsworth NDP is unlikely to have a significant effect on the environment.

21. The Tetsworth NDP does not require a Strategic Environment Assessment.

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
<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 Tetsworth NDP Steering Group, a working group who report to the Tetsworth 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 environmental effects and hence whether SEA is required under the Directive.</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 .
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 Tetsworth 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 Tetsworth NDP is unlikely to have significant effects on Natura 2000 sites. See Habitat Regulations Assessment (HRA) Screening Opinion for the Tetsworth 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 Tetsworth 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 Tetsworth 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 Opinion for the Tetsworth 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 ([March 2019](#)) of South Oxfordshire District Council’s emerging Local Plan³ as its basis for assessment. From this, the Local Authority will determine whether the Tetsworth 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.”

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

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](#))

“105 – (1) Where a land use plan –

- (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 of 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 revocation or modification.

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

ASSESSMENT

4. There is 3 Special Areas of Conservation (SACs) within 17km of the Tetsworth Neighbourhood Development Plan.
 - Aston Rowant SAC- 5.1km
 - Chiltern Beechwood SAC – 6.5km
 - Long Wittenham SAC – 14.8km

5. 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](#)).

6. As required under Regulation 106 of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), the qualifying body (Tetsworth 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.

7. The Plan does not allocate any sites for development or promote additional development beyond what is supported in the adopted Development Plan.

CONCLUSION

8. The Tetsworth 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 Tetsworth NDP is not 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 Tetsworth 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 Tetsworth NDP. A basic condition of the Tetsworth 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 Tetsworth NDP is likely to be minimal due to the scale of development proposed and the plan does not allocate sites. Policies in the Tetsworth 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 Tetsworth NDP will contain policies to maintain the character of the village and to specify design criteria for new houses.</p> <p>Policies in the Tetsworth 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>

Tetsworth NDP contains the following environmental designations:

- *Listed buildings*
- *Conservation Areas*
- *Local Heritage Assets*
- *Ancient Woodland*
- *BAP priority habitats*
- *Flood Zones*
- *Archaeological constraints*
- *Local Wildlife Sites*

There is 3 Special Areas of Conservation (SACs) within 17km of the Tetsworth Neighbourhood Development Plan.

- Aston Rowant SAC- 5.1km
- Chiltern Beechwood SAC – 6.5km
- Long Wittenham SAC – 14.8km

There are also the following SSSI's within 5km of the built up area of the Tetsworth Neighbourhood Development Plan. These are as follows:

- Spartum Fen SSSI – 2.7km
- Knightsbridge Lane SSSI -4.2km

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 Tetsworth 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 Tetsworth 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 to maintain the village character through setting design criteria. 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. The NDP is not allocating any sites for development and therefore it will not promote any development that is above and beyond what is already supported in the Development Plan</p>
(b) the cumulative nature of the effects;	It is intended that the positive social effects of providing residential development through infill 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 NDP relates to the parish of Tetsworth. The NDP is not allocating any sites for development and therefore it will not promote any development that is above and beyond what is already supported in the

⁴ Transboundary effects are understood to be in other Member States.

	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 Tetsworth 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 built up area on the character and appearance of the listed buildings, conservation area 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 character of the 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.	<i>There are no areas or landscapes with recognised national, Community or international protection status affected by the neighbourhood plan.</i>

APPENDIX 4 – STATUTORY CONSULTEE RESPONSES

NATURAL ENGLAND

Date: 16 September 2019
Our ref: 292886



BY EMAIL ONLY

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

T 0300 060 3900

Dear Ryan Hunt,

Consultation: Tetsworth Neighbourhood Development Plan - SEA & HRA CONSULTATION REQUEST

Thank you for your consultation on the above dated 22 August 2019 which was received by Natural England on the same date.

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.

Screening Request: Strategic Environmental Assessment and Habitats Regulations Assessment

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

For any queries relating to the specific advice in this letter only please contact **Lauren Schofield** on **020802 61443**. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely,

Lauren Schofield
Adviser
Sustainable Development
Thames Team

HISTORIC ENGLAND

Dear Ryan

Thank you for consulting Historic England on the draft screening statement for SEA of the Tetsworth Neighbourhood Plan.

Based on the information provided in the screening opinion I am happy to confirm that Historic England agree that the plan is unlikely to have significant environmental effects within areas of interest to our organisation.

We reserve the right to request a review of this opinion should the plan change significantly in scope at later stages of drafting.

Yours sincerely

Robert Lloyd-Sweet

Rob Lloyd-Sweet | Historic Places Adviser | South East England | Historic England

Cannon Bridge House | 25 Dowgate Hill | London | EC4R 2YA

Mobile: 07825 907288