

Bloxham Neighbourhood Development Plan

Screening Statement by Cherwell District Council on the need for a Strategic Environmental Assessment (SEA)

The need for SEA

1. The Strategic Environmental Assessment (SEA) Directive (2001/42/EC) requires an environmental assessment to be made of certain plans or programmes. The SEA Directive has been transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004.
2. As part of the independent examination of the Neighbourhood Plan, the independent examiner will test whether the making of the Bloxham Neighbourhood Plan is compatible with European Union obligations, including the SEA Directive.
3. Government advice in Paragraphs 27 and 28 of the Planning Practice Guidance (PPG) makes clear that *“Draft Neighbourhood Plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects”* through a screening process set out in Regulation 9 of the Environment Assessment of Plans and Programmes Regulations 2004. These include a requirement to consult the environmental assessment consultation bodies.
4. Following the screening, *“If likely significant effects are identified, an environmental report must be prepared in accordance with paragraphs (2) and (3) of Regulation 12 of the Environment Assessment of Plans and Programmes Regulations 2004”* (PPG, Paragraph 27). If it is concluded that *“... the plan is unlikely to have significant environmental effects (and accordingly it does not require an environmental assessment), a statement of the determination should be prepared* (PPG, Paragraph 28). A copy of the statement is then submitted for examination alongside the neighbourhood plan.

Purpose of the plan

5. The Draft Bloxham Neighbourhood Plan proposes policies to guide development within Bloxham Parish boundaries to 2031. The plan does not allocate development land. The policies seek to respond to those local issues identified in the plan’s baseline evidence and follow 4 themes:
 - Deliver the houses the village needs
 - Protect and enhance our rural heritage
 - Promote economic vitality
 - Ensure a safe, healthy, cohesive community
6. When the plan is adopted it will become part of the statutory development plan in Cherwell District and planning applications falling within the parish area will be determined in accordance with the development plan unless material considerations indicate otherwise.

SEA Screening criteria and procedure

7. Paragraphs ID: 11-026-20140306 and ID: 41-072-20140306 of the PPG confirm that that there is no legal requirement for a neighbourhood plan to have a sustainability appraisal. However, the parish council have prepared a Sustainability Report containing Bloxham Parish’s evidence on how the plan making process has considered sustainability issues.
8. The Sustainability Report details in Pages 7 and 8 how the parish council has taken into consideration SEA regulations, the EC Habitats Directive 1992 interpreted into British law by the Conservation of Habitats & Species Regulations 2010 and the Sustainability Appraisal for the Cherwell Local Plan 2011-2031 Part 1. The Sustainability Report includes a record of consultation with the environmental assessment consultation bodies. The Sustainability Report indicates that the draft plan was submitted to the 3 environmental

assessment consultation bodies at pre-publication stage asking for their formal opinion as to whether an SEA was required. Appendix 1 of the Sustainability Report contains the response from these consultation bodies noting that an SEA was not required.

9. Bloxham Parish Council has requested a SEA screening opinion of its draft neighbourhood plan and has worked with Cherwell District Council to provide information which would enable District Council officers to determine whether the draft neighbourhood plan will give rise to significant environmental effects and require an SEA.
10. The criteria for determining the significance of effects are listed in Schedule 1 Regulations (9 (2) (a) and 10 (4)(a) of the Environmental Assessment of Plans and Programmes Regulations 2004 . They relate to 2 main areas:
 - the scope and influence of the document and
 - the type of impact and area likely to be affected
11. The screening assessment has been undertaken using the criteria in Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004 and it is contained in Appendix 1 of this screening opinion.

Conclusion

12. It is considered that the draft neighbourhood plan is unlikely to result in any significant environmental effects and hence a SEA is not required.
13. The draft neighbourhood plan has taken into consideration the Sustainability Appraisal and HRA screening undertaken to support the Cherwell Local Plan 2011-2031 Part 1. The draft neighbourhood plan does not allocate land for development in addition to that already granted planning permission (since 31 March 2014) but it supports small scale growth within built-up limits allowed for by Cherwell Local Plan Policy Villages 1, albeit with additional restriction. Bloxham is located more than 20 km away from European designations for the purpose of the EC Habitats Directive 1992 and the Conservation of Habitats & Species Regulations 2010. It is concluded that an HRA is not required.
14. The three environment assessment consultation bodies (Historic England, Environment Agency and Natural England) have been consulted and agree with the conclusion of this screening opinion. Appendix 2 of this screening opinion contains the consultation bodies' responses.


Appendix 1. SEA screening

SEA Directive Criteria Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004	Summary of significant effects Scope and influence of the document	Is the Plan likely to have a significant environmen tal effect? Y/N
1. Characteristics of the neighbourhood plan having particular regard to:		
(a) The degree to which the Plan sets out a framework for projects and other activities, either with regard to the location, nature, size or operating conditions or by allocating resources.	<p>If the plan is brought into legal force it will become part of the statutory development plan in Cherwell District.</p> <p>The neighbourhood plan is prepared for land use purposes and covers the Bloxham Parish area. It accounts for the growth anticipated in the Cherwell Local Plan but does not specifically allocate land for development.</p> <p>Policy BL1 supports a proposal already with planning permission and Policy BL2 supports sites for minor development, infill and conversion as per policy Villages 1 in the adopted Cherwell Local Plan.</p> <p>The type of projects and or activities which the neighbourhood plan may set will be at parish level with limited resource implications.</p>	N
(b) The degree to which the Plan influences other plans and programmes including those in a hierarchy.	The neighbourhood plan takes into account planned growth identified in the Cherwell Local Plan 2011-2031 Part 1, its policies and Sustainability Appraisal. The policies in the neighbourhood plan need to be in conformity with the National Planning Policy Framework and in general conformity with the Cherwell Local Plan. The degree of influence on future strategic policies will be limited.	N
(c) The relevance of the Plan for the integration of environmental considerations in particular with a view to promoting sustainable development.	The neighbourhood plan proposes policies to address local issues identified in the plan's baseline evidence. The policies cover four main themes: •Deliver the houses the village	N

	<p>needs</p> <ul style="list-style-type: none"> •Protect and enhance our rural heritage •Promote economic vitality •Ensure a safe, healthy, cohesive community <p>The policies are intended to protect and or enhance the natural and historic environment and address specific local issues. The neighbourhood plan does not allocate land for development and it is limited geographically to the parish boundaries. The neighbourhood plan policies complement policies in the adopted Cherwell Local Plan rather than address new environmental considerations. This is illustrated in the sustainability matrix contained in the neighbourhood plan's Sustainability Report.</p>	
<p>(d) Environmental problems relevant to the Plan.</p>	<p>The Sustainability Report accompanying the neighbourhood plan identifies relevant local environmental matters in Chapter 5, Section D. This section identifies issues in relation to transport such as HGV use of the A361 running through the village and the mini-roundabout being over-capacity, flood risk and lack of school places.</p> <p>The parish council has liaised with the bodies responsible for the relevant infrastructure, prepared an Infrastructure Report and drafted neighbourhood plan policies seeking to address the identified issues such as BL3 on connectivity and policies BL6 and 7 on adaptation to climate change .</p> <p>The neighbourhood plan does not specifically allocate land for development and proposes policies to address local environmental issues. Given this and the localised nature of the plan, it is unlikely that significant environmental effects will arise.</p>	<p>N</p>

<p>(e) The relevance of the Plan for the implementation of Community legislation on the environment (for example plans and programmes related to waste management or water protection).</p>	<p>These are not directly relevant to the neighbourhood plan although the plan has been prepared in consultation with relevant organisations which would have to take into account of such legislation in the preparation of their own plans or programmes.</p>	<p>N</p>
<p>2. Characteristics of the effects and area likely to be affected having particular regard to:</p>		
<p>(a)The probability, duration, frequency and reversibility of the effects.</p>	<p>The neighbourhood plan accounts for the growth anticipated in the Cherwell Local Plan but does not specifically allocate land for development.</p> <p>Policy BL1 supports a proposal already with planning permission and Policy BL2 supports sites for minor development, infill and conversion as per policy Villages 1 in the adopted Cherwell Local Plan. Envisaged growth and policies in the Cherwell Local Plan 2011- 2031 have been the subject of Sustainability Appraisal incorporating SEA.</p>	<p>N</p>
<p>(b)The cumulative nature of the effects of the Plan.</p>	<p>The policies in the neighbourhood plan are expected to help the implementation at the local level of environmental policies in the adopted Cherwell Local Plan.</p>	<p>N</p>
<p>(c)The trans boundary nature of the effects of the Plan.</p>	<p>The administrative area of the neighbourhood plan is that of the parish boundary with no known significant effect on other parishes or on Districts outside Cherwell.</p>	<p>N</p>
<p>(d)The risks to human health or the environment (e.g. due to accident).</p>	<p>The neighbourhood plan policies seek to address locally identified issues without further development growth than that in the adopted Cherwell Local Plan. There are no known risks to human health or the environment as a result of the plan.</p> <p>One of the main aims of the plan is to address transport and traffic free connectivity which is likely to improve human health.</p>	<p>N</p>
<p>(e)The magnitude and spatial extent of the effects (geographic area and size of the population likely to be affected) by the Plan.</p>	<p>The plan covers the area of the parish of Bloxham with a population of 3,374 people according to the Census 2011.</p>	<p>N</p>

<p>(f)The value and vulnerability of the area likely to be affected by the Plan due to:</p> <ul style="list-style-type: none"> • Special natural characteristics or cultural heritage • Exceeded environmental quality standards or limit values • Intensive land use. 	<p>Chapter 5 of the neighbourhood plan's Sustainability Report identifies historic features such as St Mary's Church, and Bloxham's conservation area as well as environmental matters of local concern and the plan's policies seek to address their protection and enhancement through policies such as BL10 on conservation area, BL11 on the rural character of the village and BL12 on the importance of space and views and BL17 on protection of recreation spaces.</p> <p>The neighbourhood plan does not specifically allocate land for development (and therefore the additional consultations suggested by Natural England are not currently required for the specific purposes of this Screening Statement). It accounts for the growth already identified in the adopted Cherwell Local Plan and it is unlikely to result in intensive land use or exceed environmental quality standards or limit values.</p>	N
<p>(g)The effects of the Plan on areas or landscapes which have recognised national Community or international protected status.</p>	<p>Bloxham is located more than 20 km away from European designations for the purpose of the EC Habitats Directive 1992 and the Conservation of Habitats & Species Regulations 2010.</p> <p>There are no Areas of Outstanding Natural Beauty affected by the neighbourhood plan.</p>	N

Name of officer producing the screening opinion	Maria Garcia Dopazo Planning Policy Officer Cherwell District Council
Date of assessment	9 September 2015
Person requesting Screening Opinion	John Groves Bloxham Neighbourhood Plan Coordinator
Conclusion of assessment	Is an SEA required? No
Name of officer approving the Screening Opinion	

	Adrian Colwell Head of Strategic Planning and the Economy Cherwell District Council
Date of approval	9 September 2015

Appendix 2. Responses from environment assessment consultation bodies

Consultee	Date of consultation	Date of response
Jack Morean Planning Advisor Environment Agency	17.08.15	26.08.15 (Attached)
Victoria Kirkham Consultations Team Natural England	17.08.15	28.08.15 (Attached)
Robert Lloyd-Sweet Historic Places Adviser (South East England) Historic England	17.08.15	07.09.15 (Attached)

Shukri Masseri

From: Planning-Wallingford <planning-wallingford@environment-agency.gov.uk>
Sent: 26 August 2015 14:27
To: Shukri Masseri
Cc: finchamgroves@totalise.co.uk
Subject: RE: BLOXHAM NEIGHBOURHOOD PLAN - STRATEGIC ENVIRONMENTAL ASSESSMENT SCREENING

Dear Shruki,

Thank you for your email below. We note that the development being proposed through the plan period is minimal (20 dwellings plus existing approved developments). As such we would not have any significant concerns with what is proposed and agree that SEA is not necessary in this instance.

Thanks,

Jack Moeran
Planning Advisor

jack.moeran@environment-agency.gov.uk
01491 828367

Please note: The Development Management Procedure Order changed on 15 April. Responsibility for assessing surface water drainage proposals for [major applications](#) has passed to the relevant Lead Local Flood Authority (LLFA) from this date. We may still comment on surface water drainage concerning contamination or pollution prevention.

Our **flood risk standing advice** has been updated:
for local authorities <https://www.gov.uk/flood-risk-assessment-local-planning-authorities>
for developers <https://www.gov.uk/flood-risk-assessment-local-planning-authorities>

Oxfordshire Lead Local Flood Authority - sudsadoptions@oxfordshire.gov.uk

From: Shukri Masseri [mailto:Shukri.Masseri@Cherwell-DC.gov.uk]
Sent: 17 August 2015 09:50
To: Robert.LloydSweet@HistoricEngland.org.uk; david.hammond@naturalengland.org.uk; Moeran, Jack
Cc: finchamgroves@totalise.co.uk
Subject: BLOXHAM NEIGHBOURHOOD PLAN - STRATEGIC ENVIRONMENTAL ASSESSMENT SCREENING

Dear Sir/Madam

Bloxham Parish Council are preparing for the submission of their draft neighbourhood Plan and have produced an amended version following pre-submission consultation. The Parish Council have requested Cherwell District Council as the Local Planning Authority to screen the amended version to establish whether the plan might give rise to significant environmental effects. This process has been carried out in the attached report. As the relevant statutory bodies you are being formally consulted on the findings of the screening in the attached draft report. Your comments would be appreciated prior to the authority making a formal determination.

The latest version of the draft neighbourhood plan and supporting documents can be downloaded from the following website:

<http://bloxhamneighbourhoodplan.co.uk/post-consultation-documents/>

If you have any further queries then please do not hesitate to contact me.

Kind Regards

Shukri Masseri

Planning Officer

Strategic Planning and the Economy

Cherwell District Council

Email: shukri.masseri@cherwell-dc.gov.uk

Tel: 01295 221851

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Date: 28th August 2015
Our ref: 163214
Your ref: Bloxham Neighbourhood Plan



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BY EMAIL ONLY

Shukri.Masseri@Cherwell-DC.gov.uk

T 0300 060 3900

Dear Sir/Madam,

Screening consultation: BLOXHAM NEIGHBOURHOOD PLAN - STRATEGIC ENVIRONMENTAL ASSESSMENT SCREENING

Thank you for your consultation on the above dated and received by Natural England on 17th August 2015.

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

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (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.

Neighbourhood Plan

Guidance on the assessment of Neighbourhood Plans in light of the SEA Directive is contained within the National Planning Practice Guidance¹. The guidance highlights three triggers that may require the production of an SEA, for instance where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local 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 Charlotte Frizzell on 07824 597885. For any new consultations, or to provide further information on this consultation please send your correspondences to 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 faithfully,

Victoria Kirkham
Consultations Team

Shukri Masseri

From: Lloyd Sweet, Robert <Robert.LloydSweet@HistoricEngland.org.uk>
Sent: 07 September 2015 10:18
To: Shukri Masseri
Subject: RE: BLOXHAM NEIGHBOURHOOD PLAN - STRATEGIC ENVIRONMENTAL ASSESSMENT SCREENING

Dear Shukri

Thank you for consulting Historic England on the District Council's screening opinion for SEA of the Bloxham Neighbourhood Plan. For the reasons provided in our correspondence with the Parish Council, reproduced in their Sustainability Report, and without repeating them, I am happy to confirm that we agree with the Council's opinion that Strategic Environmental Assessment of the plan should not be required.

Please don't hesitate to contact me if you have any queries relating to Historic England's position or require any further information.

Yours sincerely

Robert Lloyd-Sweet

Historic Places Adviser (South East England) Historic England Guildford Tel. 01483 252028

From: Shukri Masseri [Shukri.Masseri@Cherwell-DC.gov.uk]
Sent: 17 August 2015 09:50
To: Lloyd Sweet, Robert; david.hammond@naturalengland.org.uk; jack.moeran@environment-agency.gov.uk
Cc: finchamgroves@totalise.co.uk
Subject: BLOXHAM NEIGHBOURHOOD PLAN - STRATEGIC ENVIRONMENTAL ASSESSMENT SCREENING

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Kind Regards

Shukri Masseri
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