

Appendix 3

SEA / SA Screening

**Screening Statement on the Determination of the need for
a Strategic Environmental Assessment (SEA)
and Habitats Regulation Assessment (HRA)**

**Cherwell Design Guide Supplementary Planning
Document (SPD)**

May 2018

1. The need for SEA

- 1.1. 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.
- 1.2. The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce Sustainability Appraisals (SA) for all local development documents to meet the requirement of the EU Directive on SEA. It is considered best practice to incorporate requirements of the SEA Directive into an SA.
- 1.3. Subsequently, the 2008 Planning Act removed the requirement to undertake a Sustainability Appraisal for a Supplementary Planning Document, but not the requirement for a Strategic Environmental Assessment. This is because SPD's do not normally introduce new policies or proposals or modify planning documents which have already been subject to Sustainability Appraisal.
- 1.4. Government advice in Paragraph: 008 Reference ID: 11-008-20140306 of the Planning Practice Guidance (PPG) makes clear that supplementary planning documents do not require a sustainability appraisal but they may require a strategic environmental assessment if they are likely to have significant environmental effects that have not been assessed during the preparation of the Local Plan.
- 1.5. This screening report is designed to determine whether or not the contents of the emerging Cherwell Design Guide Supplementary Planning Document (SPD) require a Strategic Environmental Assessment (SEA).

2. Purpose of the Cherwell Design Guide SPD

- 2.1. Cherwell Local Plan Part 1 (July 2015) identifies high quality and local distinctive design as being a key priority for new development. Local Plan Policy ESD15 sets out the Council's principles for the character of the build and historic environment in Cherwell.
- 2.2. Cherwell District Council has prepared the Design Guide to support the submission and determination of planning applications and housing delivery for new residential development, including strategic allocations. The Design Guide does not allocate sites nor introduce new policy, it guides the implementation of adopted Local Plan policy ESD15, providing clear guidance on the approach to design and master planning of residential sites in Cherwell.
- 2.3. The adopted Local Plan (July 2015) guides the development of significant new housing and business in Cherwell. The plan proposes 22,840 new homes in the District to 2031, with further growth being promoted as part of an emerging plan in the south of the District to address Oxford's unmet housing needs.
- 2.4. This SPD will help ensure that heritage, cultural and environmental assets across the District are sensitively considered and protected as part of the provision of new housing growth.
- 2.5. The SPD provides a list of topics which should be included in the analysis of development proposals, together with likely sources of information. These include:

views and sightlines, townscape character, landscape and topography, movement network and physical constraints. The SPD aims to guide development proposals on how to understand and respond positively to site characteristics and the surrounding context.

- 2.6. The SPD does not allocate land or create new policies but guides and provides further advice on the implementation of Policy ESD 15 of the adopted Cherwell Local Plan (July 2015) which has been subject to a Sustainability Appraisal including SEA and HRA screening.

3. SEA Screening criteria and procedure

- 3.1 To assess whether an SEA is required, Cherwell District Council must undertake a screening process to determine whether the SPD is likely to have significant environmental effects. The screening must be subject to consultation with Historic England, the Environment Agency and Natural England. Following consultation, the results of the screening process must be detailed in a Screening Statement, which is required to be made available to the public.
- 3.2 The criteria for determining the significance of effects are listed in Schedule 1 (9(2)(a) and 10(4)(a)) of the Environmental Assessment of Plans and Programmes Regulations 2004. They relate to:
 - the scope and influence of the document and
 - the type of impact and area likely to be affected
- 3.3 The screening assessment of the Cherwell Design Guide has been undertaken following 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.

Habitats Regulations Assessment (HRA) Screening

- 3.4 The Conservation of Habitats and Species Regulations (2017) consolidate the 2010 HRA Regulations with subsequent amendments. The Regulations require the assessment of the potential effects of a development plan on European sites including Special Protection Areas¹ (SPAs) and Special Areas of Conservation² (SACs), and consider whether these impacts are likely to be significant.
- 3.5 The Government also expects potential SPAs (pSPAs), candidate SACs (cSACs) and Ramsar sites³ to be included within the assessment.
- 3.6 There is one international site within Cherwell, the Oxford Meadows Special Area of Conservation. The site is located in the south-western corner of the district and is designated due to the low land hay meadow habitats it supports. There are four other

¹ SPAs are classified under the European Council Directive “on the conservation of wild birds” (79/409/EEC; ‘Birds Directive’) for the protection of wild birds and their habitats (including particularly rare and vulnerable species listed in Annex 1 of the Birds Directive, and migratory species);

² SACs are designated under the Habitats Directive and target particular habitats (Annex 1) and/or species (Annex II) identified as being of European importance

³ Ramsar sites support internationally important wetland habitats and are listed under the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention, 1971)

international sites within 20 km of Cherwell's boundary: Cothill Fen SAC, Little Wittenham SAC, Aston Rowant SAC and Chiltern Beechwoods SAC.

- 3.7 As noted in Section 2 above and **Appendix 1** of this Statement, the SPD promotes sustainable development in accordance with the NPPF and local plan policies. The adopted Local Plan policies have been subject to sustainability appraisal including SEA and HRA screening.
- 3.8 The Cherwell Local Plan Part 1 (2011-2031) Habitats Regulation Assessment: Stage 1 Screening (October 2014) notes that it is extremely unlikely that there will be any likely significant effect on Cothill Fen SAC, Little Wittenham SAC, Aston Rowant SAC and Chiltern Beechwoods SAC as a result of the Cherwell Local Plan 2011-2031 Part 1 .
- 3.9 The 2014 HRA Stage 1 Screening concluded that *'none of the 76 policies (or the proposals there in) present in the Cherwell District Council Submission Cherwell Local Plan incorporating Proposed Modifications (August 2014) will lead to likely significant effects on Oxford Meadows SAC, alone or in combination with other plans and projects'*.
- 3.10 A number of policies in the adopted Cherwell Local Plan may lead to development in the long term including the Villages policies which guide development in the rural areas. Policy Villages 1 indicates that proposals for development in Category A villages such as Weston on the Green will be considered suitable for minor development, infilling and conversions (only infilling and conversions in the Green Belt). The adopted Local Plan HRA Stage 1 Screening (2014) specifies that should planning applications arise as a result of these policies (policies without a quantum of development), *'all other policies within the Plan will be taken into account and used as the basis for decision making to determine the application. Therefore, any planning application would also have to take into account the possibility of likely significant effects on the qualifying features of the Oxford Meadow SAC resulting from the proposed works, through consideration of Policy ESD9 and ESD10 (which seek to safeguard and protect biodiversity and the natural environment). The Plan also commits to an HRA at the development control stage (as in accordance with the Protection and Enhancement of Biodiversity and the Natural Environment text supporting Policies ESD9 and ESD10). The HRA of any proposed development will have to prove that the work will not have any likely significant or adverse effects on the integrity Oxford Meadows SAC (or that effects can be adequately mitigated)'*.

4. Consultation

- 4.1 The Council consulted the three environmental assessment consultation bodies (Environment Agency, Natural England and Historic England) on the SEA screening report in November-December 2017. The three bodies confirm that no SEA is required. Their consultations responses are contained in **Appendix 2** of this screening statement.
- 4.2 Natural England specified that although the SPD is likely to have significant environmental effects, *'... it supplements parent policies in the Local Plan, which itself was subject to Strategic Environmental Assessment, and we consider this to be adequate'*.

- 4.3 The Screening Statement has been amended to reflect that the SPD is unlikely to result in a significant environmental effect that has not been covered in the Sustainability Appraisal and Habitats Regulations (HRA) screening of the adopted Cherwell Local Plan (July 2015).

5. Screening Outcome

- 5.1 The SPD intends to supplement the Cherwell Local Plan Policy ESD15 and provide guidance on the design of the built environment to ensure that development is delivered in accordance with the policies in the adopted Local Plan Part1 (July 2015).
- 5.2 It is considered that Cherwell Design Guide SPD is unlikely to result in any significant environmental effects that have not been covered in the Sustainability Appraisal and Habitats Regulations (HRA) screening of the adopted Cherwell Local Plan (July 2015). As such, the SPD does not require a Strategic Environmental Assessment (SEA) or HRA screening.
- 5.3 The Final Cherwell Design SPD takes into account comments received through consultation in November-December 2017. The consultation resulted on improvements to the SPD which are recorded in the SPD's Consultation Statement. These improvements do not change the screening outcome.

6.0 Conclusion

- 6.1 Following the screening outcome and consultation with the three environmental bodies, it is the council's opinion that the Cherwell Design Guide SPD does not require an SEA under the Assessment of Environmental Plans and Programmes Regulation (2014). The SPD supplements adopted Cherwell Local Plan Part 1 and helps guide the preparation of development schemes on character and design matters.

Appendix 1

Cherwell Design Guide SPD: Likely significant effects on the environment


SEA Directive Criteria Schedule 1 Environmental Assessment of Plans and Programmes Regulations 2004	Summary of significant effects Scope and influence of the document	Is the SPD likely to have a significant environmental effect? Y/N
1. Characteristics of the Cherwell Design Guide SPD having particular regard to:		
(a) The degree to which the SPD sets out a framework for projects and other activities, either with regard to the location, nature, size or operating conditions or by allocating resources.	The SPD intends to guide the implementation of Cherwell Local Plan Policy ESD15, providing design guidance to ensure that development is delivered in accordance with Local Plan policy. The SPD does not allocate land nor provides site specific guidance.	N
(b) The degree to which the SPD influences other plans and programmes including those in a hierarchy.	The SPD provides design guidance only and will support the delivery of sites allocated in the Cherwell Local Plan in accordance to the adopted Plan policies. As such it will guide the preparation and determination of planning applications but will not set new policy.	N
(c) The relevance of the SPD for the integration of environmental considerations in particular with a view to promoting sustainable development.	The SPD promotes sustainable development in accordance with the NPPF and local plan policies. The LP policies have been subject to sustainability appraisal including SEA and HRA screening.	N
(d) Environmental problems relevant to the SPD.	The SPD promotes sustainable development in accordance with the NPPF and local plan policies. The Design Guide provides design guidance on green infrastructure, SUDS and sustainable transport in accordance with adopted policy.	N
(e) The relevance of the SPD for the implementation of Community legislation on the environment (for example plans and programmes related to waste management or water protection).	These are not directly relevant to the Draft SPD although it 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.	N

2. Characteristics of the effects and area likely to be affected having particular regard to:		
(a)The probability, duration, frequency and reversibility of the effects.	The SPD guides the delivery of adopted Local Plan Policy ESD15. The Local Plan has been subject to a full Sustainability Appraisal, including SEA and HRA screening.	N
(b)The cumulative nature of the effects of the SPD.	The SPD seeks to ensure the design quality principles in Local Plan Policy ESD 15 are met. The SPD promotes the development of robust and sustainable communities.	N
(c)The trans boundary nature of the effects of the SPD.	The SPD applies to Cherwell DCs administrative area. There are no known likely significant effects on other districts.	N
(d)The risks to human health or the environment (e.g. due to accident).	<p>No significant risks to human health or the environment have been identified in the preparation of this SPD.</p> <p>The SPD promotes sustainable development, provides further guidance on the implementation of LP Policy ESD 15 on matters such as: green infrastructure, SUDS, sustainable transport and development patterns that improve health and wellbeing. This is likely to have a positive effect on residents' health.</p>	N
(e)The magnitude and spatial extent of the effects (geographic area and size of the population likely to be affected) by the SPD.	The SPD covers Cherwell's administrative area with a population of 141,900 people according to the 2011 Census.	N
(f)The value and vulnerability of the area likely to be affected by the SPD due to: <ul style="list-style-type: none"> • Special natural characteristics or cultural heritage • Exceeded environmental quality standards or limit values • Intensive land use. 	<p>There is one European site within the district: Oxford Meadows Special Area of Conservation (SAC). It is located in the south-western corner of the district and designated due to the lowland meadow habitats it supports. There are 18 Sites of Special Scientific Interest (SSSI) covering 1.03 % of the district, 13 Local Geological Sites, 2 Local Nature Reserves and 81 Local Wildlife sites.</p> <p>The Oxford Canal runs the length of the district and was designated a conservation area in 2012. It is an important feature of historic, biodiversity and recreational value.</p> <p>There are over 2,200 listed buildings in the district, 60 conservation areas (at the time of the Local Plan adoption), 36 Schedules Ancient Monuments (SAMs), 5 Registered</p>	N

	<p>Historic Parks and Gardens and 6 Historic Parks and Gardens. In 2012 Cherwell District Council identified 28 assets at risk in the Local Heritage at Risk Register.</p> <p>The adopted Local Plan (July 2015) guides the development of significant new housing and business in Cherwell.</p> <p>The Local Plan proposes 22,840 new homes in the District to 2031, with further growth being promoted as part of an emerging plan in the south of the District to address Oxford's unmet housing needs.</p> <p>This SPD will help ensure that heritage, cultural and environmental assets across the District are sensitively considered and protected as part of the provision of new housing growth.</p> <p>The SPD provides a list of topics which should be included in the analysis of development proposals, together with likely sources of information. These include: views and sightlines, townscape character, landscape and topography, movement network, physical constraints. The SPD aims to guide development proposals on how to understand and respond positively to site characteristics and the surrounding context.</p> <p>The SPD does not allocate land or create new policies but guides and provides further advice on the implementation of Policy ESD 15 of the adopted Cherwell Local Plan (July 2015).</p> <p>The SPD is unlikely to result in a significant environmental effect that has not been covered in the Sustainability Appraisal and Habitats Regulations (HRA) screening of the adopted Cherwell Local Plan (July 2015).</p>	
<p>(g)The effects of the SPD on areas or landscapes which have recognised national Community or international protected status.</p>	<p>Cherwell's Landscape Assessment (1995), the Oxfordshire Wildlife and Landscape Study (OWLS) and the more recent Landscape Sensitivity and Capacity Assessments supporting the adopted Cherwell Local Plan identify key land forms and specific features of value including: Agricultural setting and identity of outlying villages surrounding Banbury and Bicester, Ironstone ridges and valleys, the setting of</p>	<p>N</p>

	<p>the River Cherwell and Oxford canal, Former RAF Bicester and the Wretchwick deserted medieval village.</p> <p>Only a small part of the district is in the Cotswolds AONB, straddling the boundary of Sibford and Wroxton wards.</p> <p>The World Heritage Site of Blenheim Palace, with its Grade I Registered Park is outside Cherwell but close to the district's boundary to the west of Ship ton on Cherwell and Thrupp ward.</p> <p>The SPD require a robust analysis of any future housing site, and their effect on significant landscape areas which then will ensure the protection of landscape assets. The SPD includes principles designed to enhance development and as such it is likely to have a positive effect on the surrounding area and landscape.</p> <p>The SPD guides the implementation of adopted plan policy ESD 15, which has been subject to a Sustainability Appraisal including SEA and HRA screening. This SPD does not allocate new sites or bring new policy.</p> <p>The SPD is unlikely to result in a significant effect on any national or internationally recognised area or landscape that have not been covered in the Sustainability Appraisal and Habitats Regulations (HRA) screening of the adopted Cherwell Local Plan (July 2015).</p>	
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Name of officer producing the screening opinion	Maria Garcia Dopazo Principal Planning Policy Officer Place and Growth Directorate Cherwell and South Northamptonshire Councils
Date of assessment	20.11.17 (amended on 08.05.2018)
Person requesting Screening Opinion	Clare Mitchell Design and Conservation Team Leader Cherwell and South Northamptonshire District Councils
Conclusion of screening opinion	It is considered unlikely there will be any significant environmental effects arising from the Cherwell Design Guide SPD that were not covered/ addressed in the Sustainability

	Appraisal (including SEA and HRA) of the adopted Cherwell Local Plan (July 2015). As such, it is considered that the Cherwell Design Guide SPD does not require an SEA to be undertaken.
Name of officer approving the Screening Statement	Adrian Colwell  Executive Director for Place and Growth Cherwell and South Northamptonshire Councils
Date of approval	08 May 2018

Appendix 2

Consultation responses from three statutory environmental bodies: Environment Agency, Historic England and Natural England

Environmental Sustainability Consultation Body	Consulted on:	Response received on:
Environment Agency	23 November 2017	19 December 2017
Historic England	23 November 2017	20 December 2017
Natural England	23 November 2017	20 December 2017

Cherwell District Council
Strategic Planning and the Economy
Bodicote House
White Post Road
Bodicote
Banbury
OX15 4AA

[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]

Date: 19 December 2017

Dear Ms Dopazo

**Strategic Environmental Assessment Screening Opinion
Cherwell Design Guide Supplementary Planning Document (SPD)**

Thank you for your consultation, which we received on 23 November 2017.

We have reviewed the above document dated November 2017 and its accompanying Appendix 1.

We have no comments to make.

Yours sincerely

**Mrs Cathy Harrison
Planning Advisor**

[REDACTED]
[REDACTED]

End



Historic England

Ms Maria Garcia Dopazo
Principal Planning Officer
Planning Policy Team
Strategic Planning and the Economy
Cherwell District Council
Bodicote House, White Post Road
Bodicote, Banbury, OX15 4AA

[REDACTED]

20th December 2017

Dear Maria,

SEA and HRA Screening for Cherwell District Council Supplementary Planning Documents

Thank you for your e-mail of 23rd November seeking the opinion of Historic England on the need or otherwise for Strategic Environmental Assessment of the Council's Design Guide SPD and Developer Contributions SPD.

We have reviewed the Council's draft screening opinions for each of these SPDS. We consider that the Design Guide SPD is likely to have significant environmental effects - indeed that is its very purpose - unless it would have those effects there would seem little point in its production.

The SEA Directive makes no distinction between positive and negative environmental effects, so it could perhaps be argued that the Design Guide SPD should be subject to SEA. However, we note that that it supplements parent policies in the Local Plan, which itself was subject to Strategic Environmental Assessment, and we consider this to be adequate.

We agree that Developer Contributions SPD is less likely to have significant environmental effects and note that it too follows from parent policies in the Local Plan, which we again consider to be adequate.

Accordingly, we agree with the Council's opinions that Strategic Environmental Assessment is **not required** for either of these two Supplementary Planning Documents.

We hope these comments are helpful. Please contact me if you have any queries. We are submitting comments on the two SPDs themselves separately.

Thank you again for consulting Historic England.



[REDACTED]

Please note that Historic England operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available.



Kind regards,

A handwritten signature in black ink that reads "Martin Small". The signature is written in a cursive, slightly slanted style.

Martin Small
Principal Adviser, Historic Environment Planning
(Bucks, Oxon, Berks, Hampshire, IoW, South Downs National Park and Chichester)

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Please note that Historic England operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available.



Date: 20 December 2017
Our ref: 232256
Your ref: Design Guide SEA Screening



Ms Maria Garcia Dopazo
Planning Policy Team
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Cherwell District Council
Bodicote House
Bodicote, Banbury
Oxfordshire OX15 4AA



BY EMAIL ONLY



Dear Ms Dopazo


Cherwell Design Guide SEA Screening Opinion

Thank you for your email on the above dated and received by Natural England on 23rd November 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.

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.

For any new consultations, or to provide further information on this consultation please send your correspondences to 

Yours sincerely

Sharon Jenkins
Consultations Team