

**Banbury Vision & Masterplan Supplementary Planning Document (SPD) - Strategic
Environmental Assessment Screening Statement**

**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 of the:**

**Banbury Vision & Masterplan Supplementary Planning
Document (SPD)**

December 2016

1.0 Introduction

- 1.1 The requirement for a Strategic Environment Assessment (SEA) is set out in Government Planning Practice Guidance and Environmental Protection legislation (the Environmental Assessment of Plans and Programmes Regulations 2004). If the local planning authority determines that a plan is unlikely to have significant environmental effects through a screening process then a SEA will not be required.
- 1.2 To assess whether an SEA is required the Local Authority must undertake a screening process based on a standard set of criteria. This must be subject to consultation with Historic England, the Environment Agency and Natural England. The results of the screening process must be detailed in a Screening Statement, which is required to be made available to the public.
- 1.3 This screening statement is designed to determine whether or not the contents of the Banbury Vision & Masterplan Supplementary Planning Document (SPD) require a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.
- 1.4 Section 4 of this document provides an updated screening assessment of the likely significant environmental effects of the SPD and the need for a full SEA. This statement sets out Cherwell District Council's determination on the need for SEA for the SPD following changes to the SPD after public consultation. The screening statement for the draft SPD concluded that a Sustainability Appraisal to meet the requirements of the SEA Directive is not required for the Banbury Masterplan.

Purpose of the Masterplan

- 1.5 The adopted Cherwell Local Plan (2011-2031) – Part 1 contains a number of policies which are relevant to development at Banbury including those relating to housing employment, Banbury town centre and green infrastructure. As part of the Development Plan, the adopted Local Plan provides the strategic policy framework for development at Banbury and has been subject to SEA/SA.
- 1.6 Other documents identified in the Council's Local Development Scheme (LDS), including Local Plan Part 2 and a Partial Review of Local Plan Part 1, will also form part of the Development Plan and will be subject to SEA/SA where required.
- 1.7 The Banbury Vision & Masterplan supports the Local Plan Part 1 and provides a vision and initiatives that seek to improve the town. It identifies opportunities for development to inform other development plan documents but does not allocate sites for development or contain formal policies. It is also intended to be used as a guide for preparing site proposals and discusses matters which are not always land use based.

2.0 Legislative Background

- 2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations. Detailed Guidance can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005).
- 2.2 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.
- 2.3 However, the 2008 Planning Act removed the requirement to undertake a Sustainability Appraisal for a Supplementary Planning Document, but not 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.
- 2.4 This report focuses on screening for SEA and the criteria for establishing whether a full assessment is needed.

SEA Screening criteria and procedure

- 2.5 The SEA Directive requires SEA for plans when:
 - a) They "determine the use of small areas at local level or
 - b) Are minor modifications to the above plans or programmes..." and states that "...they should be assessed only where Member States determine that they are likely to have significant effects on the environment."
- 2.6 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
- 2.7 The Government's Planning Practice Guidance states:

'Supplementary planning documents do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already been assessed during the preparation of the Local Plan.

A strategic environmental assessment is unlikely to be required where a supplementary planning document deals only with a small area at a local level (see regulation 5(6) of the Environmental Assessment of Plans and Programmes Regulations 2004), unless it is considered that there are likely to be significant environmental effects.

Before deciding whether significant environment effects are likely, the local planning authority should take into account the criteria specified in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004 and consult the consultation bodies'. (Paragraph 008 Reference ID: 11-008-20140306 Revised 06.03.2014)

Screening and Consultation

- 2.8 In accordance with Regulations 9 of the Environmental Assessment for Plans and Programmes Regulations 2004, Cherwell District Council, as the Responsible Authority is required to determine whether the Banbury Vision and Masterplan SPD is likely to have significant environmental effects taking into account Schedule 1 of the Regulations. It is also required to consult with the consultation bodies (Environment Agency, Historic England and Natural England). Where the Responsible Authority determines that the plan or programme is unlikely to have significant environmental effects, and therefore does not need to be subject to full Strategic Environmental Assessment, it must prepare a statement showing the reasons for this determination.
- 2.9 Regulation 11 of the EA for Plans and Programmes Regulations 2004 requires the Responsible Authority to send to each consultation body a copy of the determination and its reasons for the determination in those cases where it is determined that SEA is not required. The Responsible Authority is also required to take steps as it considers appropriate to bring the determination to the attention of the public. The Responsible Authority shall keep a copy of the determination and accompanying statement of reasons for public inspection.

3.0 Criteria for Assessing the Effects of Supplementary Planning Documents

- 3.1 Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:

1. The characteristics of plans and programmes, having regard, in particular, to
 - 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 degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
 - the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
 - environmental problems relevant to the plan or programme,
 - the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection).

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:

- the probability, duration, frequency and reversibility of the effects,
- the cumulative nature of the effects,
- the transboundary nature of the effects,
- the risks to human health or the environment (e.g. due to accidents),

4.2 The table below shows the assessment of whether the Banbury Vision and Masterplan requires a full SEA. The questions below are drawn from the diagram above which sets out how the SEA Directive should be applied.

Table 1: Establishing the Need for SEA		
Stage	Y/N	Reason
1. Is the PP (plan or programme) 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	The SPD is being prepared by/for Cherwell District Council to develop further detail on and support the Cherwell Local Plan - Part 1 and to inform future work on development opportunities. It also reflects the County Council's Local Transport Plan (LTP4) which has been subject to SEA.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	The SPD is required by Cherwell District Council to develop more detail on and support the Cherwell Local Plan and to inform future work on development opportunities.
3. Is the PP 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 to the EIA Directive? (Art 3.2(a))	Y	The SPD is prepared for town and country planning and land use and provides a Vision for the future of Banbury. It will form part of a framework for future development consents but does not allocate land for development.
4. Will the PP, 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 SPD does not allocate land for development. The adopted Local Plan 2011-2031 and emerging Local Plan Part 2 have this role. The adopted Local Plan has been be subject to the requirements of the Habitats Directive and so will be Local Plan Part 2.
5. Does the PP 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)	N	The SPD identifies opportunities for small development sites and will guide the characteristics of development but does not determine their use. Local Plan Part 2 (and potentially a Neighbourhood Plan) has this role.
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	N	The SPD does not set the framework for future development consent of projects. Strategic road options are described in the SPD, but reflect LTP4 transport strategy for Banbury which has been subject to SEA. Options are being assessed separately by the

		County Council. The District Council as Local Planning Authority is required by the National Planning Policy Framework to 'identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice'. Any appropriate proposals will be shown in other Local Plan documents.
7. Is the PP'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 SPD will not have a significant effect on the environment. The SPD does not allocate land for development. The concepts and opportunities in the SPD are mainly small scale and other documents in the Council's Local Plan 2011-2031 have/will contain formal policies for Banbury and have/will be subject to SEA where necessary. Strategic road options are described in the SPD, but reflect LTP4 transport strategy for Banbury which has been subject to SEA. Options are being assessed separately by the County Council. The District Council as Local Planning Authority is required by the National Planning Policy Framework to 'identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice'. Any appropriate proposals will be shown in other Local Plan documents.

4.3 The likely effects of the Banbury Vision & Masterplan SPD on the environment have been assessed and are summarised in the table in Appendix 1.

5.0 Screening Outcome

5.1 An SEA Screening Statement was published at the same time as the public consultation on the draft Masterplan and sent to Historic England, the Environment Agency and Natural England. It concluded that a Sustainability Appraisal to meet the requirements of the SEA Directive is not required for the Banbury Masterplan. It considered that there will not be significant environmental effects arising from the Banbury Vision and Masterplan Supplementary Planning Document. These consultees have not identified a requirement to produce a sustainability appraisal to

meet the requirements of the SEA Directive. The responses are shown below. It is considered that the proposed changes to the Masterplan do not change these conclusions and sustainability appraisal is not required.

Statutory Body	Date of Response	Summary of Response
Historic England	1 April 2016	<ul style="list-style-type: none"> • Banbury has a sensitive historic environment, with many heritage assets. There is, therefore, potential for new development in either to have significant impacts on the historic environment. • Note that the Masterplan neither allocate sites for development nor contain formal policies. • Aware that the Local Plan Part 2, which will allocate sites for development and contain formal policies informed by the Masterplan will be a higher level plan and will itself be subject to Sustainability Appraisal incorporating Strategic Environmental Assessment. • Concur with the Council's opinion in respect of screening for Strategic Environmental Assessment that there are unlikely to be any significant (historic) environmental effects and therefore undertaking a full formal Strategic Environmental Assessment is not required.
Environment Agency	4 April 2016	<ul style="list-style-type: none"> • Note that SPD does not allocate sites for development. The concepts and opportunities in the draft SPD are mainly small scale and we appreciate that the SEA for Local Plan should cover these points sufficiently. • Agree with the screening statement that there will not be significant environmental effects arising from the Draft Banbury Vision and Masterplan Supplementary Planning Document. As such the SPD does not require a full SEA to be undertaken.
Natural England	6 May 2016	<ul style="list-style-type: none"> • Do not provide specific comments and provide general advise on: the provision of Green Infrastructure, biodiversity enhancement, landscape enhancement and design. <p>Natural England state that:</p> <ul style="list-style-type: none"> • SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance. • Natural England would, having looked at the screening document, have no dispute with the conclusions as made within Appendix 1 of the SEA screening document that the Banbury SPD does not require an SEA.

- 5.2 The SPD has taken into consideration the HRA screening undertaken to support Cherwell Local Plan Part 1, 2011-2031 including the assessment of 28 policies in the Plan that may lead to development in the long term. The SPD covers the Banbury area which is located more than 20 km away from the Oxford Meadows SAC. The SPD does not allocate land for development or contain formal policies for development proposals. It is considered that an HRA is not required.

Appendix 1: 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 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.	As part of the Development Plan, the adopted Local Plan Part 1 provides the framework for development at Banbury and has been subject to SEA/SA. Local Plan Part 2 will also form part of the formal development plan and will be subject to SEA/SA. The Vision and Masterplan supports the Local Plan. It identifies opportunities for development, including small scale site opportunities, to inform other development plan documents but does not allocate sites for development or contain formal policies. It is intended to be used as a guide for preparing proposals and discusses matters which are not always land use based.	N
(b) The degree to which the SPD influences other plans and programmes including those in a hierarchy.	The Vision and Masterplan will inform future work on development options for development plan documents but does not allocate new sites or contain formal policies. It sits below Adopted Local Plan policy in the hierarchy of planning 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 discussing matters such as enhancement of the river corridor, landscape and green infrastructure and explores sustainable growth.	N
(d) Environmental problems relevant to the SPD.	The Local Plan Sustainability Appraisal highlights the main environmental problems relevant to Banbury and the SPD supplements this	N

	discussing matters such as enhancement of the river corridor, landscape and green infrastructure and explores sustainable growth.	
(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).	The SPD is not directly relevant in the implementation of environmental plans such as the Oxfordshire Joint Municipal Waste Strategy and its effect will be limited.	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 does not allocate sites or contain formal policies for development proposals. The SPD follows Local Plan Part 1 and adds detail.	N
(b)The cumulative nature of the effects of the SPD.	The SPD does not allocate sites or contain formal policies for development proposals. The SPD aims to ensure the sustainability objectives of the Local Plan are met. The vision and initiatives in the Masterplan consider Banbury's environmental characteristics and set out an approach to protection and enhancement.	N
(c)The trans boundary nature of the effects of the SPD.	A Habitats Regulation Assessment was undertaken for the Local Plan Part 1 and concluded that growth in the Local Plan will not lead to likely significant effect on the Oxford Meadows Special Area of Conservation (SAC) alone or in combination with other projects. The SPD does not allocate sites or contain formal policies for development proposals. Trans-boundary effects will not be significant.	N
(d)The risks to human health or the environment (e.g. due to accident).	No significant risks to human health or the environment have been identified in the SPD preparation.	N
(e)The magnitude and spatial extent of the effects	Banbury and the Masterplan cover a fairly large area but the SPD does not	N

(geographic area and size of the population likely to be affected) by the SPD.	allocate sites or contain formal policies for development proposals.	
(f)The value and vulnerability of the area likely to be affected by the SPD due to: -Special natural characteristics or cultural heritage -Exceeded environmental quality standards or limit values -Intensive land use.	The SPD does not allocate sites or contain formal policies for development proposals. The strategy and opportunities in the Masterplan consider Banbury's environmental characteristics and set out an approach to protection and enhancement.	N
(g) The effects of the SPD on areas or landscapes which have recognised national Community or international protected status.	The SPD does not allocate sites or contain formal policies for development proposals. The vision and initiatives in the Masterplan consider Banbury's environmental characteristics and set out an approach to protection and enhancement.	N