



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

**West Oxfordshire District Council
Local Plan**

**Charlbury Neighbourhood Plan (CNP) 2031:
Consultation Draft September 2019**

**Strategic Environmental Assessment (SEA) &
Habitats Regulations Assessment (HRA)
Screening Report**

January 2020

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West Oxfordshire District Council Local Plan

Charlbury Neighbourhood Plan (CNP) 2031: Consultation Draft (September 2019) Strategic Environmental Assessment (SEA) & Habitats Regulations Assessment (HRA) Screening Report

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1.0 INTRODUCTION

Strategic Environmental Assessment (SEA); Sustainability Appraisal (SA) & Habitats Regulations Assessment (HRA)

- 1.1 Strategic Environmental Assessment (SEA)^{1 2} is a systematic process used during the preparation of plans and policies and it aims to provide a high level of protection for the environment; it contributes to the integration of environmental considerations in plan preparation with a view to promoting sustainable development.
- 1.2 Sustainability Appraisal (SA) is a process that similarly investigates plans and policies, including consideration of socio-economic factors in the same way as environmental factors and to the same level of detail. SA incorporating SEA is a mandatory requirement for Local Plans in accordance with planning legislation³ and paragraph 32 of the National Planning Policy Framework (revised July 2018)⁴. Government advises⁵ that an integrated approach is taken so that the SA process incorporates the requirements for SEA – and to the same level of detail.
- 1.3 There is no statutory requirement⁶ for Neighbourhood Plans to be subject to SA. However, a qualifying body must demonstrate how its plan will contribute to achieving sustainable development. In some limited circumstances, where a Neighbourhood Plan is likely to have significant environmental effects, it may require a SEA since the Localism Act 2011 requires neighbourhood plans to comply with EU legislation. This is determined through a SEA screening process by the responsible authority with regard to the SEA Directive and UK SEA Regulations – for this Neighbourhood Plan, the West Oxfordshire District Council (WODC).
- 1.4 Plan-makers are also required to consider whether a Habitats Regulations⁷ Assessment (HRA) is required. The aim of the HRA process is to assess the potential effects arising from a plan against the nature conservation objectives of any site designated for its nature conservation importance. The HRA process has its own legislative drivers and requirements and, while the different processes can inform each other, it is important that the HRA remains distinguishable from the wider SA/SEA process.

¹ EU Directive 2001/42/EC

² Environmental Assessment of Plans and Programmes Regulations, 2004

³ <http://www.legislation.gov.uk/uksi/2004/1633/contents/made>

⁴ Section 19(5) of the 2004 Act and Regulation 22(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012

⁵ <https://www.gov.uk/government/collections/revised-national-planning-policy-framework>

⁶ <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>

⁷ <http://planningguidance.communities.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/sustainability-appraisal-requirements-for-neighbourhood-plans/>

⁷ The Conservation of Habitats & Species Regulations 2010

<http://www.legislation.gov.uk/uksi/2010/490/contents/made>

- 1.5 The local planning authority has commissioned independent SA, SEA, HRA specialists Enfusion Ltd to undertake the SEA and HRA screening on behalf of the Council.

The West Oxfordshire Local Plan 2031

- 1.6 West Oxfordshire District Council (WODC) has prepared a new Local Plan⁸ (adopted September 2018) to guide future development in the Local Authority area during the period up to 2031. In accordance with legislative and policy requirements⁹, the Council must carry out a Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA) of its Local Plan. The SA/SEA of the Local Plan has been on-going since 2007 and was undertaken alongside the preparation of the plan.
- 1.7 The Local Plan¹⁰, together with its accompanying SA Report, HRA Report and other evidence, was submitted to the Planning Inspectorate in July 2015 for independent examination. The Main Modifications to the Local Plan were submitted to the Planning Inspectorate in March 2017 and after the resumed Examination Hearings and further consultation, the new WODC Local Plan to 2031 was adopted in September 2018 and accompanied by a SA Adoption Statement (September 2018).
- 1.8 A neighbourhood plan attains the same legal status as the Local Plan once it has been agreed at a referendum and is adopted or "made" (brought into legal force) by the local planning authority. At this point it becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise¹¹.

This SEA & HRA Screening Report

- 1.9 This document provides a screening determination of the need to carry out a SEA and an HRA of the Charlbury Neighbourhood Plan 2031 (CNP Consultation draft September 2019). West Oxfordshire District Council, as the "Responsible Authority"¹² under the SEA Regulations, and the "Competent Authority"¹³ under the HRA Regulations, is responsible for undertaking this screening process that will determine if the Neighbourhood Plan is likely to have any significant environmental effects and therefore, whether a SEA and an HRA is required. This Screening Report is being sent to the environmental consultation bodies (Environment Agency, Historic England & Natural England) for the statutory 5 weeks consultation period.

⁸<https://www.westoxon.gov.uk/localplan2031#>

⁹ Town & Country Planning Regulations (2011, 2012); National Planning Policy Framework (2012, revised 2018)

<https://www.gov.uk/government/publications/national-planning-policy-framework-2>

¹⁰ <https://www.westoxon.gov.uk/localplan2031#>

¹¹ PCPA 2004 section 38(6)

¹² The organisation that adopts ("makes") the neighbourhood plan

¹³ The organisation that ensures that the plan will not have any likely significant effects on the protected sites

2.0 LEGISLATIVE REQUIREMENTS & GUIDANCE; METHOD

Legislative Requirements

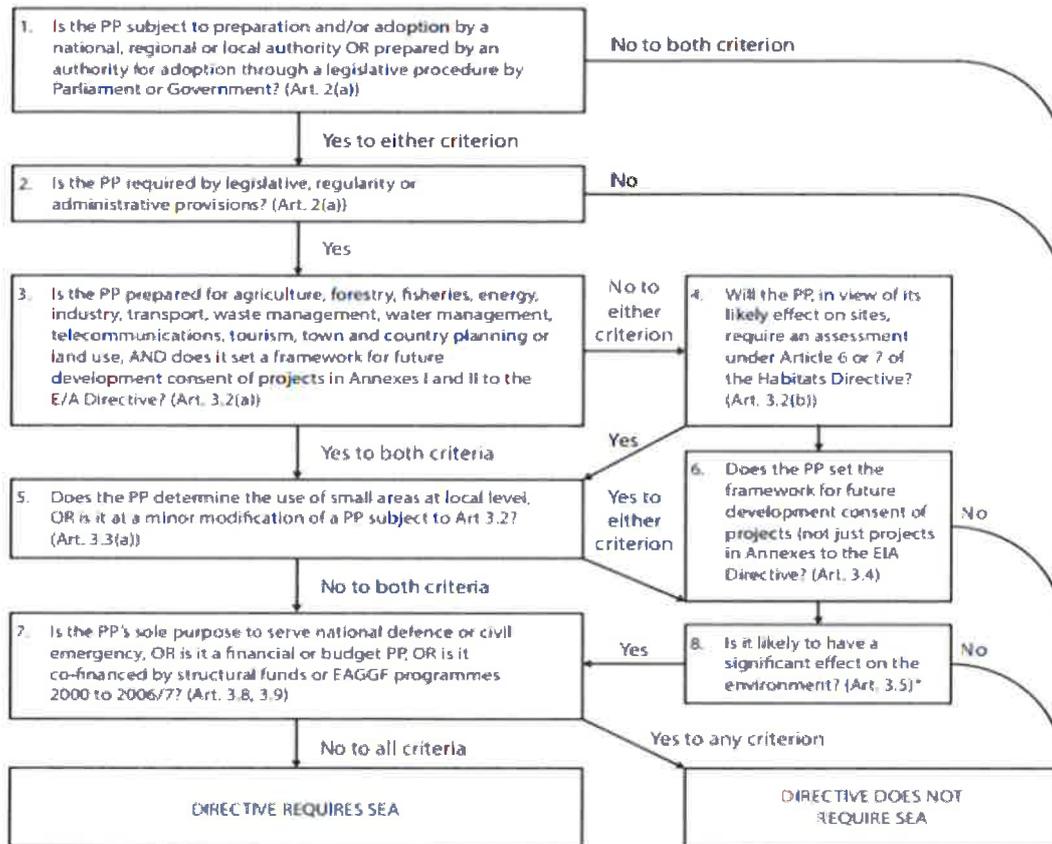
- 2.1 The Localism Act 2011 requires neighbourhood plans to comply with EU legislation. Regulation 5 of the SEA Regulations requires an environmental assessment of plans which:
1. *are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use (Regulation 5, para. (2)(a), and which set the framework for future development consent of projects listed in Annex I or II to Council Directive 85/337/EEC (EIA Directive) on the assessment of the effects of certain public and private projects on the environment (Regulation 5, para. (2)(b)*
 2. *in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive (92/43/EEC) (Regulation 5, para. (3)*
 3. *set the framework for future development consent of projects¹⁴ (Regulation 5, para. (4)(b)*
 4. *are determined to be likely to have significant environmental effects as determined under regulation 9(1) (Regulation 5, para. (4)(c)*
- 2.2 An environmental assessment need not be carried out for:
- a) *plans which determine the use of a small area¹⁵ at local level (Regulation 5, para. (6)(a); or*
 - b) *plans which are a minor modification¹⁶ to a plan or programme (Regulation 5, para. (6)(b) unless it has been determined under regulation 9(1) that the plan is likely to have significant environmental effects.*
- 2.3 Extant UK Government guidance provides a flow diagram with questions/criteria for the SEA Directive and its application to the plan-making process as follows:

¹⁴ European Commission guidance states that plans and programmes which *set the framework for future development consent of projects* would normally contain 'criteria or conditions which guide the way a consenting authority decides an application for development consent'. *Development consent* is defined in the EIA Directive as "the decision of the competent authority or authorities which entitled the developer to proceed with the project" (Article 1(2) of the EIA Directive).

¹⁵ European Commission guidance suggests that *plans which determine the use of small areas at local level* might include "a building plan which, for a particular, limited area, outlines details of how buildings must be constructed, determining, for example, their height, width or design"

¹⁶ 'Minor modifications' should be considered in the context of the plan or programme which is being modified and of the likelihood of their having significant environmental effects. A modification may be of such small order that it is unlikely to have significant environmental effects.

Figure 2.1: Flow Diagram¹⁷ for Determining if a Plan is likely to have Significant Environmental Effects



Note: The figure is intended as a guide to the criteria for application of the Directive to plans & programmes (PPs); it does not have legal status. Where a Neighbourhood Plan is likely to have a significant effect on the environment, a strategic environmental assessment (SEA) must be carried out and an Environmental Report (ER) prepared.

2.4 There is no legal requirement for a Neighbourhood Plan (NP)¹⁸ to have a Sustainability Appraisal as set out in section 19 of the Planning & Compulsory Purchase Act 2004. Government advises that in some limited circumstances, where a Neighbourhood Plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment. In order to decide whether a draft NP might have significant environmental effects, it must be screened at an early stage according to the requirements set out in regulation 9 of the SEA Regulations. This includes a requirement to consult with the SEA consultation bodies (in England - Environment Agency, Historic England, Natural England); each body is able to advise on particular topics relevant to its specific area of expertise and responsibility.

¹⁷ Based on ODPM 2005 - 'A Practical Guide to the SEA Directive' 2005

¹⁸ <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal#strategic-environmental-assessment-requirements-for-neighbourhood-plans>

Guidance on SA/SEA & HRA

- 2.5 The National Planning Policy Framework (NPPF) and Planning Practice Guidance (NPPG) advise that a Neighbourhood Plan:
- would need SEA "...in limited circumstances..."
 - should be screened early
 - screening should consult with the consultation bodies
 - if 'screened out', should have a 'statement of reasons' prepared
- 2.6 Whether a Neighbourhood Plan proposal requires a SEA, and (if so) the level of detail needed, will depend on what is proposed. Government guidance advises that a SEA may be required, for example, 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 is likely to have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.
- 2.7 Government planning guidance further advises that before deciding whether significant environmental effects are likely, the local planning authority should take into account the criteria specified in Schedule 1¹⁹ to the SEA Regulations (2004) and consult the statutory environmental consultation bodies. Schedule 1 sets out the criteria for determining likely significant effects on the environment taking into account the characteristics of plans and the characteristics of the effects and the area likely to be affected.
- 2.8 The qualifying body (ie WODC for the Charlbury NP 2031) is required to provide the following – to demonstrate that the basic condition²⁰ in the planning legislation has been met:
- "a statement of reasons for a determination... that the proposal is unlikely to have significant environmental effects; or
 - An environmental report²¹
- 2.9 Planning practice guidance²¹ also provides advice on HRA screening and the subsequent appropriate assessment stage of the process for neighbourhood planning. An appropriate assessment for a more strategic plan, such as the Local Plan, can consider the impacts on sites and confirm the suitability or likely success of mitigation measures for associated non-strategic policies and projects. An individual assessment of non-strategic policies and projects may

¹⁹ <http://www.legislation.gov.uk/uksi/2004/1633/schedule/1/made>

²⁰ A Neighbourhood Plan should not breach, and must be compatible with, European Union obligations in order for it to be legally compliant

²¹ <https://www.gov.uk/guidance/appropriate-assessment>

not be necessary in some limited cases where the strategic appropriate assessment is sufficiently robust. This needs to contain conclusions capable of removing all reasonable scientific doubt on the impacts of non-strategic policies, such as in neighbourhood plans.

Method

- 2.10 In order to be able to decide whether a SEA will be required, the Council needs to know about the policies and proposals in the Neighbourhood Plan, and in particular, as follows:
- how they might affect the environment, community or economy
 - whether they propose a higher level of development than is already identified in WODC planning policies
 - whether any of the proposals are likely to affect a "sensitive area", such as a Site of special Scientific Interest (SSSI) or European Site for nature conservation (Special Area of Conservation SAC, Special Protection Area SPA)
 - whether implementation of policies in the plan might lead to new development in the future
 - Whether the cumulative impact of the policies and proposals when assessed together may give rise to a likely significant effect, for example, several relatively small housing proposals may have cumulative significant effects on a nearby important wildlife habitat
- 2.11 Available information from Defra MAGIC maps, Environment Agency flood risk maps, the Council's evidence base for the WODC Local Plan and the evidence base for the CNP, together with professional judgment, was used to identify the sensitivity of the Charlbury area environment and whether significant effects are likely that have not been previously assessed through SA, such that an SEA would be required, and whether a HRA/appropriate assessment is necessary.

3.0 THE CHARLBURY NEIGHBOURHOOD PLAN 2031 (CNP)

Context

- 3.1 The Charlbury Neighbourhood Forum²² (CNF) is a group of volunteers preparing the CNP with support from, and on behalf of the Charlbury Town Council (CTC) - the qualifying body designated for the purpose of preparing the CNP and who have approved the plan before formal submission. The Charlbury Neighbourhood Forum oversees work on the Community Action Plan and the Neighbourhood Development Plan. The Charlbury Neighbourhood Development Plan Steering Group has been tasked with producing the Neighbourhood Development Plan, reporting to the Forum. A part-time project manager/coordinator supports both groups. West Oxfordshire District Council has provided technical planning support and information.
- 3.2 The neighbourhood planning process has been ongoing since 2013 with interactive engagement with the community through meetings, open days, stalls, questionnaires, and comments through the NPF website²³ with an interactive map²⁴ for comments and discussion. Opinions and discussions, together with other evidence including the Charlbury Character Assessment, biodiversity report, and the local housing needs study, informed the development of the draft CNP. After public consultation, the whole Parish of Charlbury was designated²⁵ as a Neighbourhood Area by the West Oxfordshire District Council on 17 September 2015 and the boundary is shown in the figure following:

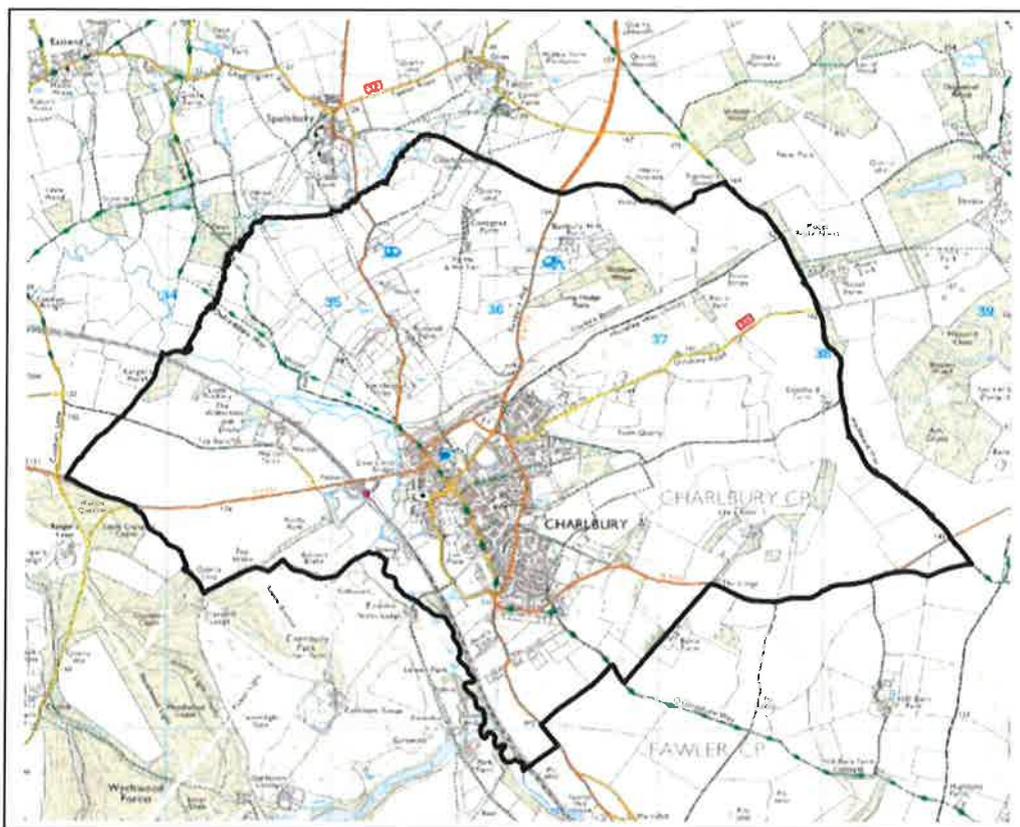
²² <http://www.charlburyneighbourhoodforum.org.uk/>

²³ http://www.charlburyneighbourhoodforum.org.uk/?page_id=151

²⁴ <http://www.charlburyneighbourhoodforum.org.uk/placecheck/charlbury/>

²⁵ Section 61G of the Town & Country Planning Act 1990 (as amended)

Figure 3.1: Boundary for the Area Designation of Charlbury Neighbourhood Area



3.3 The CNP must be in general conformity with the strategic policies set out in the West Oxfordshire Local Plan 2031²⁶(adopted September 2018). The pre-submission consultation draft CNP in line with Regulation 14 of the Neighbourhood Planning Regulations²⁷ was subject to public consultation during September and October 2019. Comments and responses have been considered in developing the final submission draft version of the CNP that will be submitted to WODC in line with Regulation 15. It is understood from the CNF that changes arising from recent consultation will not result in any fundamental amendments to the CNP. Therefore, this SEA & HRA screening has been carried out in consideration of the available draft of the CNP – the consultation drafted dated September 2019. This Report sets out the screening assessments and decisions to demonstrate that due processes have been followed in line with regulatory requirements.

The draft Charlbury NP 2031 (Consultation September 2019)

3.4 The Vision for the CNP 2031 has been proposed as follows:

²⁶<https://www.westoxon.gov.uk/localplan2031/>

²⁷ The Neighbourhood Planning (General) & Development Management Procedure Regulations (2016, as amended 2017) available at <http://www.legislation.gov.uk/uksi/2017/1243/contents/made>

Charlbury will continue to be a thriving, active community, welcoming and supportive to people of all ages and circumstances to live, work and visit. Future development will focus on supporting this primary vision whilst sustaining and enhancing the built and natural environment. The needs of the local community will be paramount in determining the scale and nature of future development whilst ensuring that Charlbury becomes a more sustainable and low carbon community recognising the global challenges of climate change and biodiversity. All future development must preserve Charlbury's strong landscape setting and respect its historic environment whilst ensuring that Charlbury continues to play an important role within the wider community as befits its good transport links and the range of services and facilities available.

- 3.5 The plan seeks to deliver the Vision through six Aims, each with 4-6 Objectives that provide a greater level of focus – as follows:

Aim 1: To promote and encourage Charlbury's outstanding community spirit
Aim 2: To address the challenge of climate change actively at the local level
Aim 3: To ensure that development in Charlbury is sustainable and meets the town's local housing and employment needs
Aim 4: To support Charlbury's roles as a Rural Service Centre
Aim 5: To conserve Charlbury's strong landscape setting and protect the environment
Aim 6: To secure a sustainable future for Charlbury's historic environment

- 3.6 The draft CNP 2031 sets out the legal framework and background to the Plan, describes the town and community today with challenges and aspirations for the future, and describes how the Plan has been prepared. Subsequent sections cover specific topics in detail, including the proposed policies to be applied to planning applications within the parish of Charlbury and several Community Aspirations to help guide priorities. Topics and policies are as follows:

Housing Policies

CH1 Meeting Needs
CH2 Affordable Homes
CH3 Lower-Cost Housing
CH4 Rural Exception Sites
CH5 Maintaining Affordable Homes
CH6 Size & Type of Homes
CH7 Mix of Social Rented Housing
CH8 Subdivision of Dwellings
CH9 Development in Residential Gardens
CH10 Needs of Older People & those with Disabilities

Economy, Community, Transport & Movement Policies

ECT1 Rural service Centre Role
ECT2 Protecting Retail, Employment & Services
ECT3 Home Working

ECT4 Sustainable Tourism
ECT5 Protection of Community Facilities
ECT6 Children's Play Areas
ECT7 Parking
ECT8 Station Car Park
ECT9 Walking & cycling
ECT10 Easy Access for All
ECT11 Public Transport
ECT12 Electric Vehicle Charging Points
ECT13 Sturt Road & The Slade
ECT14 Safe Travel to Charlbury Primary School
ECT15 Enstone Road Crossroads

Natural Environment & Green Space

NE1 Protecting the Cotswolds AONB
NE2 Protecting Important Views
NE3 Protecting the Evenlode Valley
NE4 Tranquillity & Dark Skies
NE5 Biodiversity & Trees
NE6 Green Infrastructure
NE7 Local Green Space
NE8 Flood Risk Management
NE9 Environmental Design Standards

Historic Environment & Locally Appropriate Design

HE1 Protecting Non-Designated Heritage Assets
HE2 Locally Appropriate Design
HE3 Archaeology

- 3.7 Consideration had been given to the allocation of development sites and a formal call for sites was issued. Response to this was poor and it coincided with revisions to the then emerging West Oxfordshire Local Plan 2031. In recognition of the special status of areas such as Charlbury within the Cotswolds AONB, and in line with the amendments to the Local Plan, it was agreed that no development sites would be proposed within the Charlbury Neighbourhood Plan but that a criteria-based approach would be taken to housing policy – and as explained in Appendix A of the CNP.
- 3.8 Appendix A details the housing need and policy analysis; Appendix B sets out the Charlbury Infrastructure Delivery Plan, which together with the Community Aspirations, provides a guide for the priorities for the potential use of developer contributions arising from Community Infrastructure Levy (CIL) funds, section 106 legal agreements and/or other sources. Appendix C is the Charlbury Design Guidance; Appendix D is the Proposed Local List; Appendix E provides additional buildings for Article 4 direction consideration; Appendix F details Local Green Space; Appendix G is a glossary and Appendix H provides acknowledgements.

4.0 SEA SCREENING ASSESSMENT

- 4.1 West Oxfordshire District Council, as the responsible authority, consider that the Charlbury Neighbourhood Plan (ENP) 2031 is within the scope of the SEA Regulations since it is a plan that:
- is subject to preparation or adoption by an authority at national, regional or local level (Regulation 2)
 - is prepared for town and country planning or land use and it is a plan that sets the framework for future development consent of projects generally (Regulation 5, para. 4)
 - will apply to a wider area other than a small area at local level and is not a minor modification to an existing plan or programme (Regulation 5, para. 6).

A determination under Regulation 9 is therefore required as to whether CNP 2031 is likely to have significant effects on the environment.

- 4.2 The screening requirements set out in Regulation 9 and Schedule 1 of the SEA Regulations include two sets of characteristics for determining the likely significance of effects on the environment:
- the characteristics of the plan itself and
 - the characteristics of the effects and of the area likely to be affected by the plan

Therefore, this screening assessment is structured in the following table according to the criteria specified in Schedule 1 of the Regulations:

Table 4.1: Screening Assessment of the draft CNP 2031 (Pre-Submission Consultation Draft September 2019)

Criteria (Schedule 1 SEA Regulations)	Are significant environmental effects likely? Yes/ No Justification and evidence	
1.The characteristics of plans, having regard, in particular, to:		
(a) the degree to which the plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating	Yes?	The NP does not allocate sites for development projects - in line with the Local Plan – and recognising that whilst there is no identified need for open market housing, there is a need for 23 lower cost houses in the period to 2021. Thus, the CNP does seek to influence housing development through a criteria-based approach and with Objectives & NP Policies that support the provision of more housing

Criteria (Schedule 1 SEA Regulations)	Are significant environmental effects likely? Yes/ No Justification and evidence	
conditions or by allocating resources		<p>options enabling key workers' accommodation, low cost housing, and more housing adapted to needs of elderly & disabled.</p> <p>The Local Plan recognises the particular environmental sensitivity with Charlbury located within the Cotswolds AONB – Policy H1 is based on past completions and commitments only with no reliance on future windfall development. Proposals will need to be considered on a case by case basis and will need to comply with other Local Plan Policies – especially OS2, H1, H2 and EH1. The Local Plan was subject to SA/SEA that concluded that there were no significant negative residual effects arising from Policies in the Plan.</p> <p>The CNP does seek to influence the framework for projects and other activities; and there is the potential for significant environmental effects – but some uncertainty of application here since higher level SA/SEA has been undertaken.</p>
(b) the degree to which the plan influences other plans and programmes including those in a hierarchy	No	The NP is prepared by the local community to influence development at the parish level. It does not strongly influence strategic plans higher up in the spatial planning hierarchy, although the District Council does need to consider the proposals in the NP during preparation of the Local Plan.
(c) the relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development	No	The NP is a spatial/land-use plan that seeks to promote the objectives of sustainable development. It is not specifically relevant as a plan for integrating environmental considerations. Any development proposed must be in accordance with the environmental protection policies in the adopted WOLP and the NPPF.
(d) environmental problems relevant to the plan	No	There are no specific environmental problems relevant to this plan that have not been identified and assessed through the higher-level Local Plan and its accompanying SA/SEA.
(e) the relevance of the plan for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	No	The NP is not relevant as a plan for implementing 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	No	This has been tested through SA/SEA at the Local Plan level & with strong mitigation measures through LP policies, the SA/SEA concluded that there will be no significant residual

Criteria (Schedule 1 SEA Regulations)	Are significant environmental effects likely? Yes/ No Justification and evidence	
effects		negative environmental effects.
(b) the cumulative nature of the effects	No	As above in 2(a)
(c) the transboundary nature of the effects	No	No significant transboundary effects with other EU countries are likely from the proposals.
(d) the risks to human health or the environment (for example, due to accidents)	No	No significant environmental effects are considered likely to risk 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);	No	The geographical size and numbers of dwellings proposed for the local developments that the CNP seeks to influence through Housing Policies CH1-10 is only to meet a locally identified need for lower cost housing – some 23 dwellings in the period to 2021. Therefore, no likely significant adverse effects.
(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;	No	As above
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	No	<p>The Charlbury NP area is not within or adjacent to any internationally designated areas²⁸ - the nearest European designated site Oxford Meadows SAC is some 13km to the south-east of Charlbury and there are no environmental pathways indicated. The HRA (June 2018)²⁹ of the Local Plan concluded that likely significant effects will not occur, either alone, or in combination, on any European designated site. HRA screening of the draft CNP concluded that there will not be any adverse effects on the integrity of designated sites due to the limited size and extent of any likely development in Charlbury and the distance from and/or absence of identified environmental pathways to any sites.</p> <p>The CNP area is located within the SSSI Impact Risk Zones for the Wychwood, Ditchley Road & Salt Way SSSIs. Wychwood SSSI³⁰ is the largest continuous area of ancient broadleaved forest in Oxfordshire, together with areas of limestone grassland and a series of four old marl lakes.</p>

²⁸ <https://magic.defra.gov.uk/MagicMap.aspx>

²⁹ <https://www.westoxon.gov.uk/localplan2031/#>

³⁰ <https://www.gov.uk/guidance/protected-areas-sites-of-special-scientific-interest>

Criteria (Schedule 1 SEA Regulations)	Are significant environmental effects likely? Yes/ No
	Justification and evidence
	<p>Ditchley Road SSSI is a geological designation cited for fossil-bearing limestones of the Clypeus Grit & the best complete (6 metres thick) section of Chipping Norton Limestone in Oxfordshire. The Salt Way SSSI consists of an ancient track together with species-rich grass verges and adjoining hedges that support a large population of the very rare plant downy woundwort <i>Stachys germanica</i>. The SA of the Local Plan considered that there should be sufficient mitigation provided by other LP Policies to reduce any potential negative effects to at least neutral. Policy EH3 Biodiversity & Geodiversity requires an overall net gain in biodiversity and impacts on geodiversity to be minimised. LP Policy EH6 Environmental Protection and Policy OS3 Prudent Use of Natural Resources also apply. The CNP provides more local guidance through NP Policy NE1 Biodiversity & Trees.</p> <p>The Charlbury NP area is entirely within the Cotswolds AONB³¹ and this national sensitivity is recognised by the Local Plan that avoids further allocated development in the AONB as set out in Policy H1. Other Policies apply - including LP Policy EH1 Development in the AONB & Policy EH2 Landscape Character. Further locally specific mitigation measures are provided through the CNP Policy NE1 Protecting the Cotswolds AONB.</p> <p>The village has a nationally designated Conservation Area³² with Listed Buildings & Scheduled Monuments. The SA of the Local Plan considered that there should be sufficient mitigation provided by other LP Policies to reduce any potential negative effects to at least neutral. Local Plan Policy OS4 High Quality Design & LP Policy EH9 Historic Environment provide clear mitigation measures; supported by NP Policies such as CNP Policy HE2 Locally Appropriate Design.</p> <p>The Local Plan was adopted in September 2018; it was subject to iterative SA/SEA and HRA that independent examination found to be sound. Therefore, the approach & policies in the CNP refer to Policies in the Local Plan that have been previously subject to SA/SEA (and HRA), found sound, and adopted. It is considered that the LP SA/SEA (& HRA) remain valid & that there is no new material or relevant information that should be considered.</p>

³¹ <https://magic.defra.gov.uk/MagicMap.aspx>

³² <https://www.westoxon.gov.uk/residents/planning-building/historic-buildings-conservation-areas/conservation-areas/>

5.0 SEA SCREENING DECISION

- 5.1 Regulation 9 of the SEA Regulations requires that the responsible authority shall determine whether or not a plan is likely to have significant environmental effects. The responsible authority shall:
- (a) take into account the criteria specified in Schedule 1 to these Regulations, and
 - (b) consult the consultation bodies
- 5.2 Where the responsible authority determines that the plan is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), it shall prepare a statement of its reasons for the determination.
- 5.3 West Oxfordshire District Council considers that the draft Charlbury Neighbourhood Plan (ENP2031, September 2019) is unlikely to have significant environmental effects and thus does not require a Strategic Environmental Assessment (SEA). This decision is made for the following key reasons:
- The likely significant effects on the environment in the Charlbury area were identified at an early stage of plan development during initial investigations for strategic options for the Local Plan – all subject to SA incorporating SEA. Mitigation measures for negative effects have been embedded in the Local Plan to 2031 (adopted September 2018) through the sub-area strategy Policy BC1 that avoids development in the area, recognising its particular environmental sensitivity. Further mitigation measures are provided through other Local Plan Policies such as H1, EH1, EH2, EH9 & OS4, as well as local CNP Policies NE1 & HE2 - ensuring that there will be no residual significant negative effects.
 - Likely significant effects have been previously assessed through SA incorporating SEA and therefore, further SEA of the CNP is not required.
 - There will not be any adverse effects on the integrity of European sites designated for nature conservation due to the limited size and extent of any likely development in Charlbury and the distance from and/or absence of identified environmental pathways to any designated sites.

6.0 HABITATS REGULATIONS ASSESSMENT (HRA) SCREENING

- 6.1 There are no Special Protection Areas (SPAs), Special Areas of Conservation (SACs) or Ramsar sites within or nearby to the Charlbury Neighbourhood Plan boundary³³ – the nearest European designated site Oxford Meadows SAC is some 13km to the south-east of Charlbury and there are no environmental pathways indicated. The HRA Report that accompanied the West Oxfordshire Local Plan to 2031 concluded that the development proposed in the Local Plan will not lead to likely significant effects either alone or in combination with other plans or programmes. The HRA studies³⁴ were updated in line with recent EU Court Judgments in 2018 and confirmed that the development proposed through the WODC Local Plan in the Burford-Charlbury sub-area and through implementation of the Local plan as a whole would not lead likely significant effects either alone or in combination with other plans or programmes. The updated HRA Report concluded that there will be no adverse effects on the integrity of any European site.
- 6.2 In consideration of the small geographical area of the CNP, and its distance from European sites outside the CNP and Local Plan boundaries, this HRA screening considers that the CNP is not likely to have significant effects on EU designated sites, either alone or in combination with other plans and projects. The implications of effects from planned development on the integrity of European sites has been previously tested through HRA of the Local Plan 2031. HRA screening of the draft CNP concludes that there will not be any adverse effects on the integrity of designated sites due to the limited size and extent of any likely development in Charlbury and the distance from and/or absence of identified environmental pathways to any sites. The HRA of the Local Plan remains valid and there is no new material and relevant information that should be considered.
- 6.3 This Screening Report is being sent to the environmental bodies for the formal 5 weeks consultation to demonstrate that due processes have been undertaken to screen the draft Charlbury Neighbourhood Plan 2031 (September 2019) with regard to HRA and SEA. Any comments received will be taken into account by the Council and the independent Planning Inspector.

³³ <https://magic.defra.gov.uk/MagicMap.aspx>

³⁴ <https://www.westoxon.gov.uk/media/1867474/West-Oxfordshire-Local-Plan-2018-HRA-June-2018.pdf>

Date: 02 March 2020
Our ref: 307071
Your ref: Charlbury Neighbourhood Plan - SEA Screening Opinion



Astrid.Harvey@publicagroup.uk

BY EMAIL ONLY

Hornbeam House
Crew e Business Park
Electra Way
Crew e
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Astrid,

Charlbury Neighbourhood Plan - SEA Screening Opinion

Thank you for your consultation on the above dated 27 January 2020 which was received by Natural England on the same day.

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 (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 Environmental Assessment of Plans and Programmes Regulations 2004 (as amended), is contained within the [National Planning Practice Guidance](#). 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.

Based on the information provided, whilst there are a number of sensitive natural assets within or near the NDP area, including the Cotswolds AONB and Wychwood, Ditchley Road and Salt Way SSSIs we can confirm that as the Neighbourhood Plan doesn't allocate any sites for development, any significant effects on these sensitive areas are unlikely or will already have been dealt with through the Local Plan HRA and SA.

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 Rebecca Micklem on 020822 57686. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely,

Rebecca Micklem
Lead Adviser Sustainable Development
Thames Team

Astrid Harvey

Subject: Charlbury Neighbourhood Plan SEA/HRA Screening Opinion

From: Lloyd Sweet, Robert [<mailto:Robert.LloydSweet@HistoricEngland.org.uk>]

Sent: 09 March 2020 11:36

To: Astrid Harvey

Subject: FW: Charlbury Neighbourhood Plan SEA/HRA Screening Opinion

Dear Astrid

Thank you for consulting Historic England on the SEA Screening opinion for the Charlbury Neighbourhood Plan. We recognise that the plan does not allocate land for development and agree that this means there are grounds to consider that it is unlikely to result in significant environmental effects. The plan does however seek to influence the location of future development within the parish and notwithstanding the SA/SEA of the local plan, which provides for allocations and strategic policy we are concerned that the potential for the influence of the plan's policies and the criteria set should be assessed to ensure the criteria approach does not place heritage assets and the historic environment under pressure without appropriate mitigation. In these circumstances there is a finely balanced judgement to be made. At present we feel that SEA is not justified but we will look closely at the policies in the plan and their potential implications for the location of development when it comes to the Regulation 16 consultation on the plan. There is a possibility (although remote) that this could result in a request to review the screening opinion, although we recognise that the direction of the plan is largely to protect the historic environment.

I hope these comments are of assistance to the District Council but would be pleased to answer any queries relating to them.

Yours sincerely

Robert Lloyd-Sweet

Robert Lloyd-Sweet | Historic Places Adviser | South East England | Historic England
Cannon Bridge House | 25 Dowgate Hill | London | EC4R 2YA
Mobile: 07825 907288

From: Astrid Harvey [<mailto:Astrid.Harvey@publicagroup.uk>]

Sent: 27 January 2020 15:45

Subject: Charlbury Neighbourhood Plan SEA/HRA Screening Opinion

THIS IS AN EXTERNAL EMAIL: do not click any links or open any attachments unless you trust the sender and were expecting the content to be sent to you

Dear Sir/Madam,

Charlbury Town Council are producing Neighbourhood Plan (Link: <https://charlburynp.org.uk/>) which West Oxfordshire District Council appointed consultants Enfusion to screen for the need for a Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment. Please find attached the Screening Opinion Report setting out our assessment that SEA/HRA are not required for Charlbury Neighbourhood Plan (CNP).

As one of the Statutory Consultees to the Neighbourhood Plan, I am writing to seek your confirmation as to whether you believe that the assessment that an SEA/HRA is required for Charlbury NP is correct. I would be grateful if you could review the Screening Opinion Report and provide me with any feedback and whether you consider the conclusions to be accurate and valid. The Neighbourhood Planning (General) Regulations (2011) set a 5 week consultation period for this consultation, the deadline for comments therefore falls on **Monday 2nd March 2020 at 5pm.**

