



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

**West Oxfordshire District Council
Local Plan 2031**

**Milton-under-Wychwood Neighbourhood Plan
(MuWNP) 2031:
Interim Pre-Submission Draft August 2021**

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

October 2021

enfusion



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- 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 (WOLP) 2031

- 1.6 West Oxfordshire District Council (WODC) has prepared a 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 and HRA of the Local Plan was undertaken alongside the preparation of the plan with SA/SEA and HRA Reports published as evidence to support at each stage of plan-making. The new WODC Local Plan to 2031 was adopted in September 2018 and accompanied by a SA Adoption Statement (September 2018).
- 1.7 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 otherwise¹⁰.

This SEA & HRA Screening Report

- 1.8 This document provides a screening determination of the need to carry out an SEA and an HRA of the Milton-under-Wychwood Neighbourhood Plan 2031 (MuWNP Interim Pre-Submission draft August 2021). West Oxfordshire District Council, as the "Responsible Authority"¹¹ under the SEA Regulations, and the "Competent Authority"¹² 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 an SEA and an HRA is required.
- 1.9 This Screening Report was sent to the environmental consultation bodies (Environment Agency, Historic England & Natural England) for the statutory 5 weeks consultation period, ending on 12 October 2021. Natural England (email 30 September 2021) advised that there are unlikely to be significant environmental effects for their areas of interest from the proposed plan. Historic England (email 8 October 2021) advised that a SEA would not be merited on grounds within their areas of interest.

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

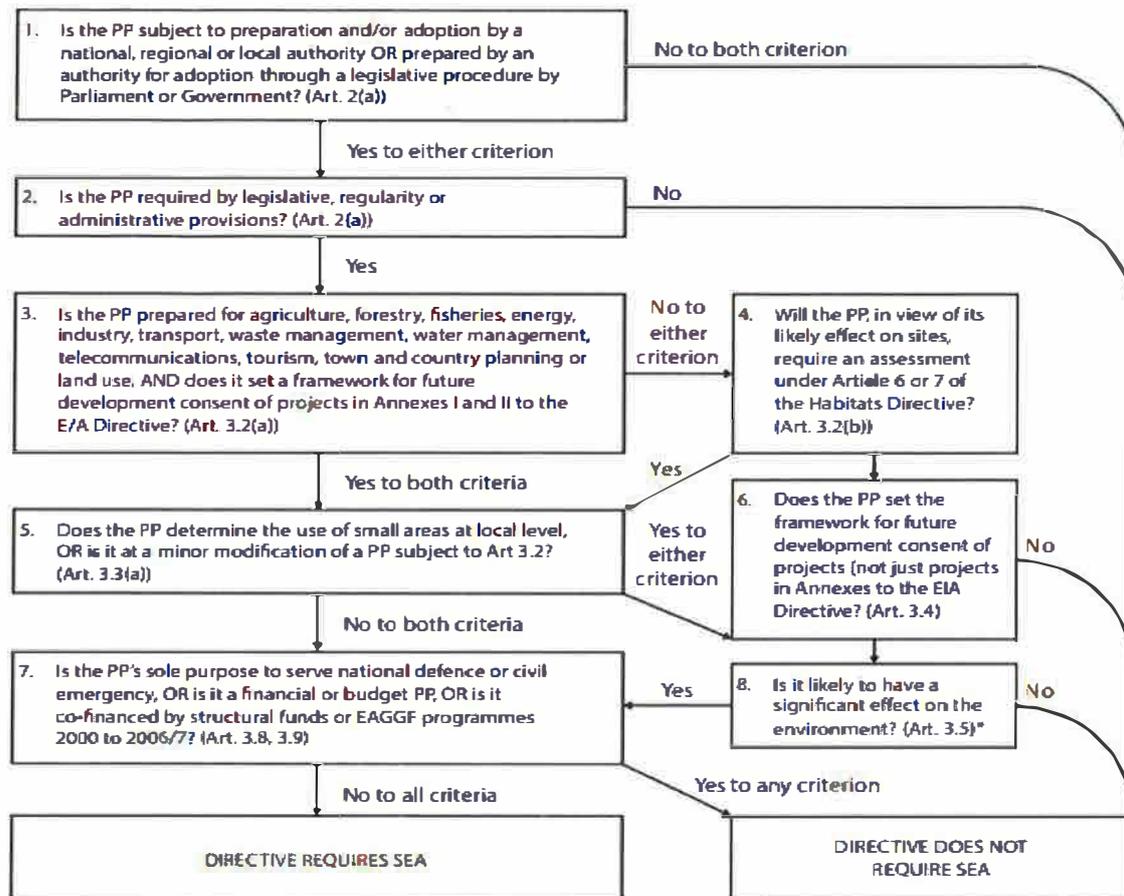
⁹ Town & Country Planning Regulations (2011, 2012); National Planning Policy Framework (2012, revised 2019)
<https://www.gov.uk/government/publications/national-planning-policy-framework-2>

¹⁰ PCPA 2004 section 38(6)

¹¹ The organisation that adopts ("makes") the neighbourhood plan

¹² The organisation that ensures that the plan will not have any likely significant effects on the integrity of the designated nature conservation sites

Figure 2.1: Flow Diagram¹⁶ 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)¹⁷ 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 can advise on particular topics relevant to its specific area of expertise and responsibility.

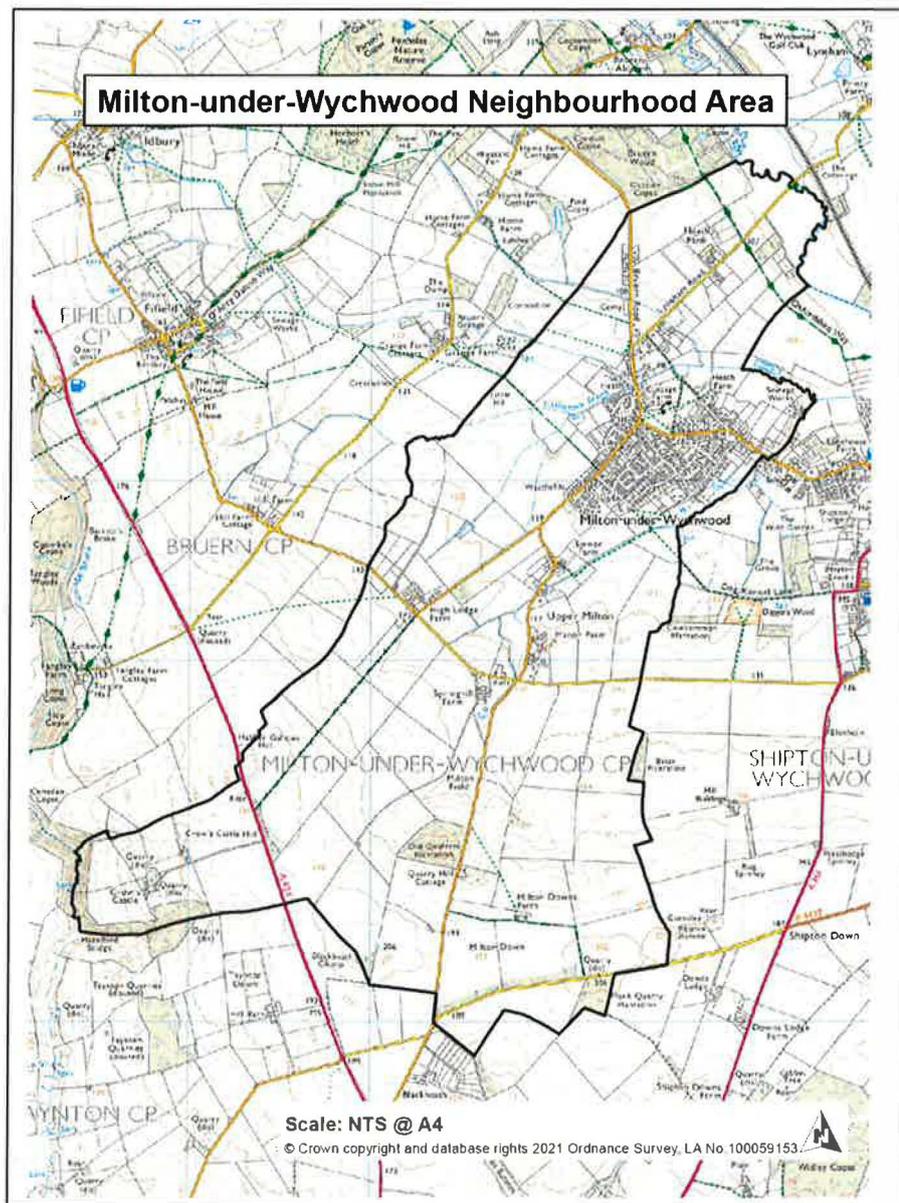
¹⁶ Based on ODPM 2005 - 'A Practical Guide to the SEA Directive' 2005

¹⁷ <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal#neighbourhood-plan-require-sustainability-appraisal>

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 WOLP planning policies
 - whether any of the proposals are likely to affect a "sensitive area", such as a Site of special Scientific Interest (SSSI) or designated 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 MuWNP, together with professional judgment, was used to identify the sensitivity of the Milton under Wychwood 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 an HRA/Appropriate Assessment is necessary.



- 3.3 The MuWNP must be in general conformity with the strategic policies set out in the West Oxfordshire Local Plan 2031²⁴(adopted September 2018). Milton-under-Wychwood is located within the Burford-Charlbury sub-area. The strategy for the sub-area, as set out in Policy BC1, acknowledges that the sub-area is covered largely by the AONB indicating a more restrictive approach to housing than other sub-areas. As set out in Policy H1, the amount of housing proposed for the sub-area is based on past completions and existing commitments only. This includes one site at Milton-under-Wychwood – Land south of High Street (62 dwellings – now substantially built and mostly occupied). No reliance is placed on future windfall development, but such development is not precluded in the WOLP. Policy OS2 explains that villages such as MuW are suitable for limited development which respects village

²⁴<https://www.westoxon.gov.uk/localplan2031#>

4.0 SEA SCREENING ASSESSMENT

4.1 West Oxfordshire District Council, as the responsible authority, consider that the Milton-under-Wychwood Neighbourhood Plan (MuWNP) 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 MuWNP 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 MuWNP 2031 (Interim Pre-Submission Consultation Draft August 2021)

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	No?	The NP does not propose allocation of sites for development projects & thus, the degree to which the plan sets a framework for new development projects is limited. However, the MuWNP does seek to influence housing development through requirements for design & location in Policies CH1-4, and by protecting land designated as Local Green Spaces (LGSs) Policy E2. The NP

Criteria (Schedule 1 SEA Regulations)	Are significant environmental effects likely? Yes/ No	
Justification and evidence		
(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 effects	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 negative environmental effects. The MuWNP does not propose allocation of sites for development projects. Whilst the MuWNP does cover areas that are of national designation for cultural heritage and landscape, no likely significant adverse effects have been identified.
(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 negative 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 MuWNP does not propose allocation of sites for development projects. The geographical size of the plan area is small, and the size of the population is small at 2,068 (MuW Ward estimated 2019) ²⁵ . 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. No likely significant negative effects on locally important characteristics – the MuWNP does not propose allocation of sites for development projects. The MuWNP has identified locally important village character & views (MuWNP Appendix 3) & over 30 non-designated heritage assets that it believes to be locally important (MuWNP Appendix 4). There are locally important habitats, including plantations, semi-improved grassland, species-poor hedgerows with trees & tree-lined watercourses.; also, parkland & lake at Bruern Estate (MuWNP appendix 11). MuWNP has identified 5 locally

²⁵

http://citypopulation.de/en/uk/southeastengland/wards/west_oxfordshire/E05006643__milton_under_wychwood/

Criteria (Schedule 1 SEA Regulations)	Are significant environmental effects likely? Yes/ No Justification and evidence
	<p>likely development in Milton-under-Wychwood and the distance from and/or absence of identified environmental pathways to any sites.</p> <p>The Wychwood National Nature Reserve (NNR) is located some 7km to the east of MuW – it is one of the largest areas of ancient semi-natural broadleaved woodland in Oxfordshire, mostly ash and oak. This area is also a nationally designated Site of Special Scientific Interest SSSI³² cited due to its ancient broadleaf forest, together with areas of limestone grassland & a series of 4 old marl lakes. The MuWNP area is outwith the impact zone of the SSSI.</p> <p>The Bould Wood SSSI³³ is some 2.3km to the north-west of the MuWNP area – cited for its ancient semi-natural woodland, mostly oak, varied soils supporting a diverse flora; also, habitats of a wet meadow, pond & 2 streams. The edge of MuW abuts the outer impact zone of the SSSI & significant environmental pathways are not indicated. LP Policy EH3 Biodiversity & Geodiversity avoids loss, deterioration or harm to locally important wildlife & habitats, including woodland – net gain in biodiversity is sought from new development.</p> <p>The NP area abuts the south bank of the River Evenlode which flows south to the neighbouring settlement of Shipton-under-Wychwood. Tributaries run from west to east through the NP area, including the Littlestock Brook in the north of the parish. The wider catchment of the Evenlode Water Body if not meeting its Water Quality Objectives under the EU Water Framework Directive – variously due to physical modifications and nutrient pollution³⁴. LP Policies to protect water quality & resources are provided through Policy EH8 Environmental Protection & EH7 Flood Risk.</p> <p>The SA of the Local Plan considered that there should be sufficient mitigation provided by LP Policies to reduce any potential negative effects on important biodiversity 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.</p> <p>The Local Plan was adopted in September 2018; it was subject to iterative SA/SEA and HRA that independent</p>

³² <https://magic.defra.gov.uk/MagicMap.aspx>

³³ <https://designatedsites.naturalengland.org.uk/PDFsForWeb/Citation/1001583.pdf>

³⁴ <https://environment.data.gov.uk/catchment-planning/>

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 Milton-under-Wychwood Neighbourhood Plan (MuWNP2031, August 2021) 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 NP 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 Burford-Charlbury sub-area strategy. LP Policy BC1 limits development in Milton-under-Wychwood to one non-strategic housing allocation (Land south of High Street – 62 dwellings with planning commitment made), recognising the particular sensitivities and character of the area, including its location wholly within the Cotswold AONB. Further mitigation measures are provided through other Local Plan Policies such as H1, EH1, EH2, EH9 & OS4 - ensuring that there will be no residual significant negative effects. The MuWNP does not propose to allocate any sites for development projects.
 - The MuWNP proposes to designate 5 Local Green Spaces for their protection and enhancement. The proposed LGSs have all been considered against criteria in the NPPF and supporting guidance; they have been identified through wide consultation. MuWNP Policy E2, together with WOLP Policies, will protect the locally important green spaces for recreational and wildlife uses with likely positive effects for human health and biodiversity. There will be no significant negative effects on the nationally designated and locally important environmental and cultural heritage assets and settings of the village.

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 Milton-under-Wychwood Neighbourhood Plan boundary³⁵ – the nearest European designated site Oxford Meadows SAC is over 25km to the south-east of the village 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 studies³⁶ 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 to 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 MuWNP, and its distance from European sites outside the MuWNP and Local Plan boundaries, this HRA screening considers that the MuWNP 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. The HRA of the Local Plan remains valid and there is no new material and relevant information that should be considered.

³⁵ <https://magic.defra.gov.uk/magicmap.aspx>

³⁶ <https://www.westoxon.gov.uk/media/1867474/West-Oxfordshire-Local-Plan-2018-HRA-June-2018.pdf>

Astrid Harvey

From: Lloyd Sweet, Robert <Robert.LloydSweet@HistoricEngland.org.uk>
Sent: 08 October 2021 16:15
To: Astrid Harvey
Subject: Fw: Milton Under Wychwood Neighbourhood Plan SEA/HRA Screening Opinion

Dear Astrid

Thank you for consulting Historic England on the draft screening statement for SEA of the Milton under Wychwood Neighbourhood plan.

Based on the information provided I'm happy to confirm Historic England's agreement that SEA would not be merited on grounds within our areas of interest. We do however reserve the right to request a review of this decision should the scope of the plan change to include site allocations or policies (such as settlement boundaries) that limit areas for development to locations likely to generate effects for heritage assets, or policies promoting change of use that create a significant pressure for change that would prejudice the conservation of the significance of heritage assets.

I would be happy to answer any queries with regard to these comments

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 <Astrid.Harvey@westoxon.gov.uk>
Sent: 07 September 2021 15:58
To: 'consultations@naturalengland.org.uk' <consultations@naturalengland.org.uk>; 'enquiries@environment-agency.gov.uk' <enquiries@environment-agency.gov.uk>; South East ePlanning <e-seast@HistoricEngland.org.uk>
Subject: Milton Under Wychwood 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,

Milton Under Wychwood Parish Council are producing Neighbourhood Plan (Link: <https://miltonunderwychwood-pc.gov.uk/neighbourhood-plan-2021/>) 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 Milton Under Wychwood Neighbourhood Plan (MuWNP).

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 not required for MuWNP 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

Date: 30 September 2021
Our ref: 366978
Your ref: Milton Under Wychwood Neighbourhood Plan SEA/HRA Screening
Opinion



Astrid.Harvey@westoxon.gov.uk

BY EMAIL ONLY

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Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Astrid,

Milton Under Wychwood Neighbourhood Plan SEA/HRA Screening Opinion

Thank you for your consultation on the above dated 07 September 2021 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.

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.