



# **Aston Abbots Neighbourhood Plan –**

**Pre-Regulation 14 Draft (Plan C, March  
2024)**

**Strategic Environmental Assessment and  
Habitats Regulations Assessment Screening**

**Final Screening Outcome**

**July 2024**

---

Last updated: 24 July 2024

Version: 1.1

Online version: <https://www.buckinghamshire.gov.uk/insert-link-to-policy>

---

# Contents

---

<b>1. Summary</b>	<b>5</b>
-------------------	----------

---

<b>2. Legislative Background and Criteria</b>	<b>7</b>
Legislative Background	7
Criteria for Assessing the Effects of Neighbourhood Development Plans	7

---

<b>3. The Aston Abbotts Neighbourhood Plan -Draft</b>	<b>9</b>
---	----------

---

<b>4. The SEA Screening Process</b>	<b>10</b>
Stage 1	11
Stage 2	12
Stage 3	12
Stage 4	12
Stage 5	16
Stage 6	16
Stage 7	17

---

<b>5. SEA Criteria for determining likely significance of effects</b>	<b>18</b>
Evaluation of the Aston Abbotts Neighbourhood Plan - Draft	18
The characteristics of plans and programmes	18
Characteristics of the effects and of the area likely to be affected	20

---

<b>6. Habitat Regulations Assessment Screening</b>	<b>23</b>
Introduction	23
The Habitats Regulations Assessment (HRA) process	23
People over Wind	26

---

<b>7. Stages of HRA</b>	<b>27</b>
Potential impacts and activities adversely affecting European sites	28

---

<b>8. HRA Screening of the Aston Abbotts Neighbourhood Plan - Draft</b>	<b>30</b>
Background	30

Interpretation of 'likely significant effect'	30
Assessment of the Draft Aston Abbotts Neighbourhood Plan	31
HRA screening outcome	32

---

<b>9. Conclusions</b>	<b>33</b>
-----------------------	-----------

---

<b>10. Consultation Responses</b>	<b>34</b>
-----------------------------------	-----------

10.1. Historic England	34
10.2. Natural England	35
10.3. Environment Agency	37

---

# 1. Summary

1. The Conservation of Habitats and Species Regulations 2017 (as amended) places a requirement for competent authorities – here the Council – to ascertain whether a plan or project will have any adverse effects on the integrity of European sites.
2. To assess whether a full Appropriate Assessment is required under the Conservation of Habitats and Species regulations 2017 (as amended), the Council has undertaken a screening assessment of the Aston Abbotts Draft Neighbourhood Plan.
3. Strategic Environmental Assessments (SEA) are a way of ensuring the environmental implications of decisions are considered before any decisions are made. The need for environmental assessment of plans and programmes is set out in the Environmental Assessment of Plans and Programmes Regulations 2004. Under these regulations, Neighbourhood Plans may require SEA if they could have significant environmental effects. A plan or project that has been identified as triggering an Appropriate Assessment is also required to undertake a Strategic Environmental Assessment (SEA).
4. To assess whether a SEA / HRA are required, the local planning authority must undertake a screening process. This must be subject to consultation with the three consultation bodies: 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.
5. If a Neighbourhood Plan as drafted is considered potential to have significant environmental effects through the screening process, then the conclusion will be that the preparation of a SEA and/ or Appropriate Assessment is necessary.
6. Buckinghamshire Council considers that, following this Draft Screening statement, the Aston Abbotts Neighbourhood Plan Draft does have potential to introduce significant environmental effects and so requires an SEA but does **not** require an HRA Appropriate Assessment.

7. A consultation took place with the statutory bodies and their conclusions will be reflected in the final report. The consultation took place with Natural England, The Environment Agency and Historic England for 4 weeks between 13 June 2024 and 11 July 2024.
8. The full screening statement follows.

## 2. Legislative Background and Criteria

### Legislative Background

9. 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.
10. Although a Sustainability Appraisal is not a requirement for a Neighbourhood Plan, part of meeting the 'Basic Conditions' which the plan is examined on, is to show how the plan achieves sustainable development. The Sustainability Appraisal process is an established method and a well recognised 'best practice' method for doing this. It is therefore advised, where an SEA is identified as a requirement, an SA should be incorporated with SEA, at a level of detail that is appropriate to the content of the Neighbourhood Plan.

### Criteria for Assessing the Effects of Neighbourhood Development Plans

11. Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out as follows (Source: Annex II of SEA Directive 2001/42/EC):
12. The characteristics of plans and programmes, having regard to:
  - the degree to which the plan or programme sets a framework for projects and other activities, either regarding 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 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).
13. Characteristics of the effects and of the area likely to be affected, having regard 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),
  - the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
  - the value and vulnerability of the area likely to be affected due to:
    - special natural characteristics or cultural heritage,
    - exceeded environmental quality standards or limit values,
    - intensive land-use,
  - the effects on areas or landscapes which have a recognised national, Community or international protection status.



### 3. The Aston Abbotts Neighbourhood Plan - Draft

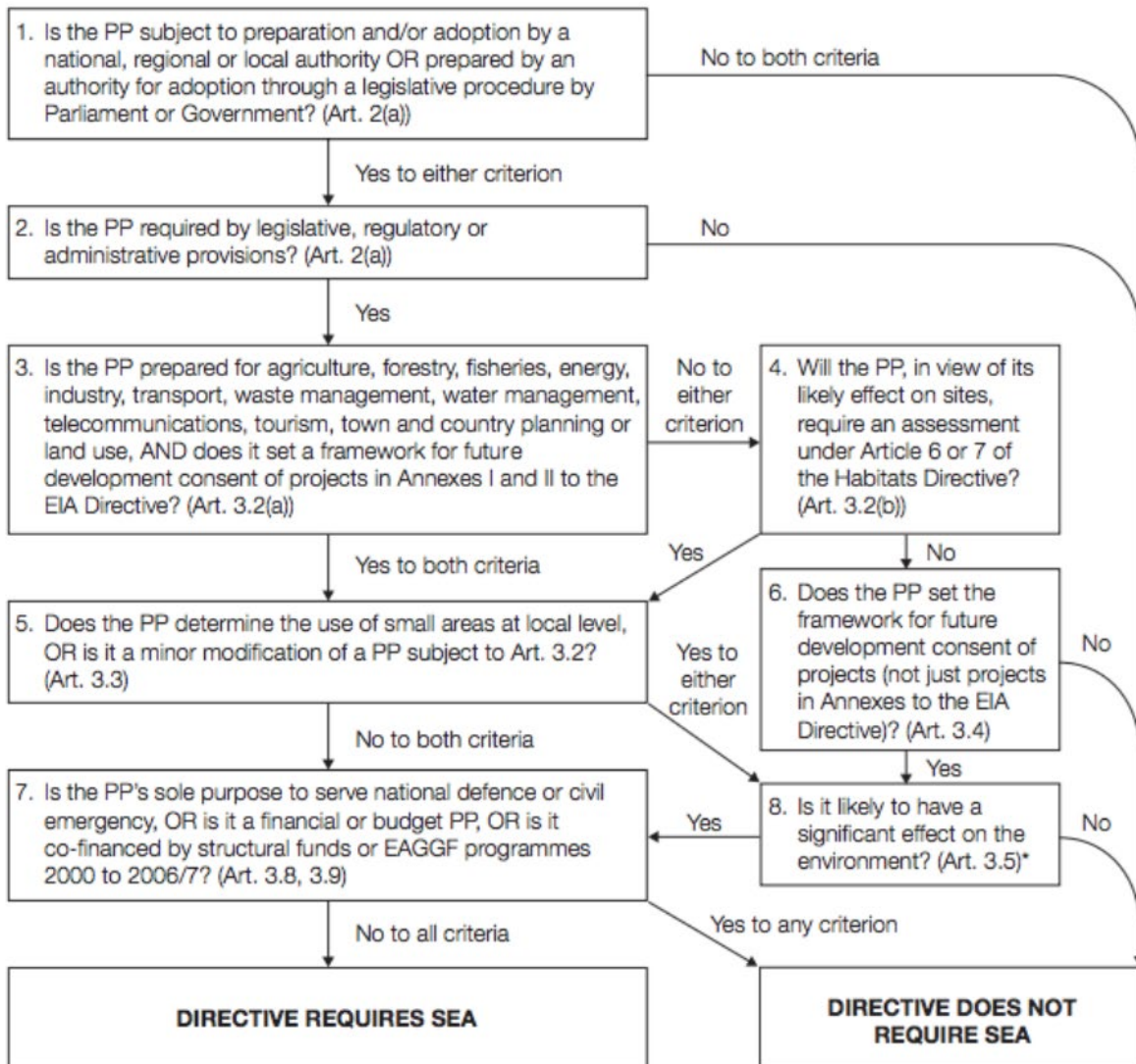
14. The parish council provided a version of the neighbourhood plan for screening on 15 May 2024. The version is a draft noted as 'Plan C, March 2024) and comes before the Pre-Submission stage. The plan:
  - covers the plan period to 2024-2035
  - Does not allocate any sites for development
  - designates 5 Local Green Spaces
  - contains policies on supporting infill and redevelopment within a settlement boundary; rural character included designated views of significance; the conservation area and its setting; Identified Local Heritage Assets; Protecting the Landscape; Biodiversity including providing at least 10% net gain; high quality Design (including Design codes) and Water and Energy Efficient Buildings; 4 defined Community Facilities to be retained; supporting new small Businesses and diversification of existing businesses; supporting provision of pedestrian, cycling and horse rider access and adherence of vehicle parking standards
15. The full draft has been provided with this screening assessment for the national consultees.

## 4. The SEA Screening Process

16. The requirement for a Strategic Environment Assessment (SEA) is set out in the “Environmental Assessment of Plans and Programmes Regulations 2004”. There is also practical guidance on applying European Directive 2001/42/EC produced by the former Government department for planning, the ODPM (now DLUHC). These documents have been used as the basis for this screening report.
17. Paragraph 008 of the DLUHC ‘Strategic environmental assessment and sustainability appraisal guidance’ states that “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 have been assessed during the preparation of the relevant strategic policies.”
18. The former ODPM practical guidance provides a checklist approach based on the SEA regulations to help determine whether SEA is required. This guide has been used as the basis on which to assess the need for SEA as set out below. Figure 2 sets out a flow diagram showing the process for assessing plans and programmes.

**Figure 2 – Application of the SEA Directive to plans and programmes**

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



\*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

19. The next section assesses the Neighbourhood Plan Draft against the questions set out in Figure 1 above to establish whether the Neighbourhood Plan is likely to require an SEA.

## Stage 1

20. Is the Neighbourhood Plan 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 of Government?  
(Article 2(a))

Response – Yes

Reason – The Neighbourhood Plan will be adopted (made) subject to passing examination and referendum, by a Local Planning Authority, Buckinghamshire Council)

## **Stage 2**

21. Is the Neighbourhood Plan required by legislative, regulatory, or administrative provisions? (Article 2(a))

Response – No

Reason - The Neighbourhood Development Plan is an optional plan produced by Aston Abbots Parish Council.

## **Stage 3**

22. Is the plan 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))

Response – No

Reason - The Neighbourhood Development Plan is prepared for town and country planning purposes, but it does not set a framework for future development consent of projects in Annexes I and II to the EIA Directive (Art 3.2(a)).

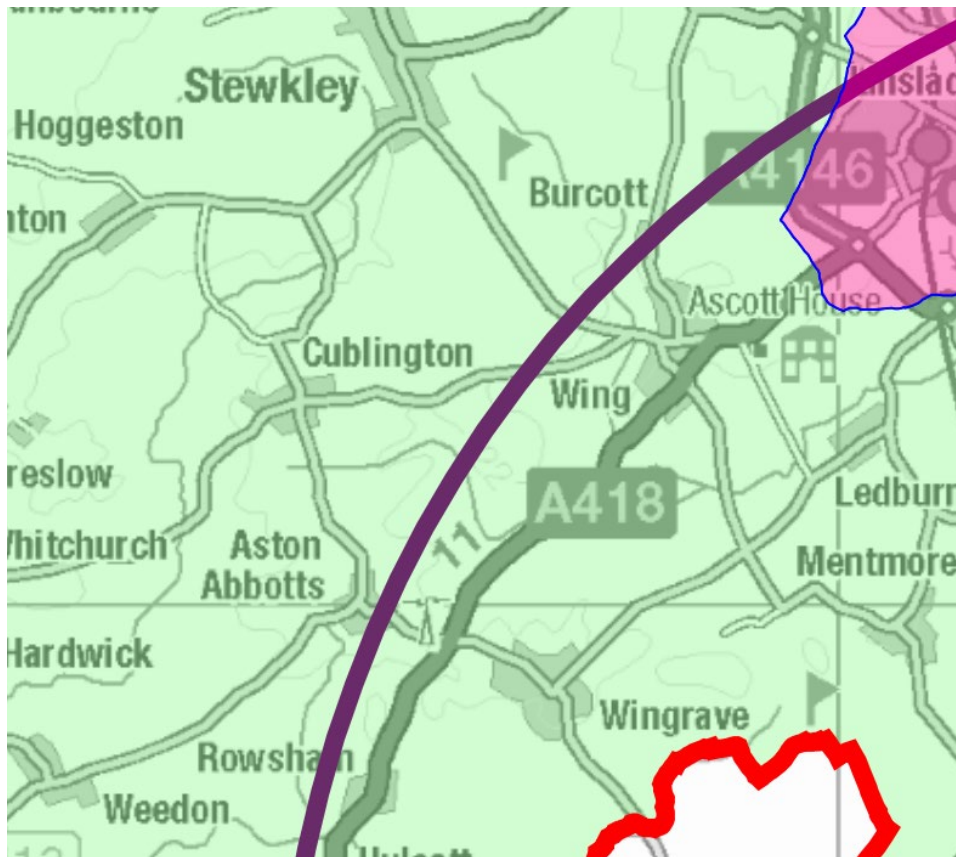
## **Stage 4**

23. Will the draft neighbourhood plan in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive?

Response – No

Reason – The neighbourhood plan will not be allocating any sites for development. It will be designating 5 Local Green Spaces. The plan will also have policies on supporting infill and redevelopment within a settlement boundary; rural character included designated views of significance; the conservation area and its setting; Identified Local Heritage Assets; Protecting the Landscape; Biodiversity including providing at least 10% net gain; high quality Design (including Design codes) and Water and Energy Efficient Buildings; 4 defined Community Facilities to be retained; supporting new small Businesses and diversification of existing businesses; supporting provision of pedestrian, cycling and horse rider access and adherence of vehicle parking standards. None of these policies should impact on a Special Area of Conservation or Special Protection Area. The nearest SAC, the Chiltern Beechwoods around Ringshall, is at least 11.9km away.

The parish does not include any area of Special Area of Conservation or Special Protection Area. Part of the east of the neighbourhood area (from the thick line on the map extract below to the A418) is in the Chiltern Beechwoods Zone of Influence (see more and ZOI map at [Chilterns Beechwoods SAC Zone of Influences \(dacorum.gov.uk\)](http://dacorum.gov.uk)). However, there would also be no adverse effects due to the nature of the plan not allocating any sites and distance to the Chiltern Beechwoods and distance to the Burnham Beeches, Windsor Forest and Great Park SAC or Richmond Park SAC or SPAs and RAMSAR sites.



**Map** showing Chiltern Beechwoods Zone of Influence in the vicinity of Aston Abbots. Source see PDF map on Dacorum website at [Chilterns Beechwoods SAC Zone of Influences \(dacorum.gov.uk\)](http://dacorum.gov.uk)

There have been recorded sightings of the following protected species in the parish. These are all species protected under either Schedule II, IV or V of the EU Habitats Directive 1992, transposed into UK law.

Species	Vernacular	European_I	Records	FirstRecord
Triturus cristatus	Great Crested Newt	EPS-HabReg-Sch2 & HabDir-A2*, HabDir-A4	1	2006
Chiroptera sp.	a bat species	EPS-HabReg-Sch2 & HabDir-A4	1	1996
Eptesicus serotinus	Serotine	EPS-HabReg-Sch2 & HabDir-A4	1	2004
Myotis nattereri	Natterer's Bat	EPS-HabReg-Sch2 & HabDir-A4	1	2010
Nyctalus noctula	Noctule Bat	EPS-HabReg-Sch2 & HabDir-A4	1	2010
Nyctalus noctula	Noctule Bat	EPS-HabReg-Sch2 & HabDir-A4	1	2004
Pipistrellus pipistrellus	Common Pipistrelle	EPS-HabReg-Sch2 & HabDir-A4	4	2004
Pipistrellus pipistrellus	Common Pipistrelle	EPS-HabReg-Sch2 & HabDir-A4	4	2004
Pipistrellus pipistrellus	Common Pipistrelle	EPS-HabReg-Sch2 & HabDir-A4	4	2004
Pipistrellus pipistrellus	Common Pipistrelle	EPS-HabReg-Sch2 & HabDir-A4	4	2004
Pipistrellus pipistrellus	Common Pipistrelle	EPS-HabReg-Sch2 & HabDir-A4	4	2004



Plecotus auritus	Brown Long-eared Bat	EPS-HabReg-Sch2 & HabDir-A4	2	2010
Plecotus auritus	Brown Long-eared Bat	EPS-HabReg-Sch2 & HabDir-A4	1	2010
Plecotus auritus	Brown Long-eared Bat	EPS-HabReg-Sch2 & HabDir-A4	1	2001
Plecotus auritus	Brown Long-eared Bat	EPS-HabReg-Sch2 & HabDir-A4	1	2001
Plecotus auritus	Brown Long-eared Bat	EPS-HabReg-Sch2 & HabDir-A4	2	2001

## Stage 5

24. Does the plan determine the use of small areas at local level, or is it a minor modification of a plan subject to Art. 3.2? (Art. 3.3)

Response –Yes

Reason - The neighbourhood plan will not be allocating any sites for development. It will be designating 5 Local Green Spaces. The plan will also have policies on supporting infill and redevelopment within a settlement boundary; rural character included designated views of significance; the conservation area and its setting; Identified Local Heritage Assets; Protecting the Landscape; Biodiversity including providing at least 10% net gain; high quality Design (including Design codes) and Water and Energy Efficient Buildings; 4 defined Community Facilities to be retained; supporting new small Businesses and diversification of existing businesses; supporting provision of pedestrian, cycling and horse rider access and adherence of vehicle parking standards.

## Stage 6

25. Does the plan set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)?

Response – Yes

Reason - The Neighbourhood Plan scope does intend to set a framework for future development consent of projects. The policies of the neighbourhood plan will be considered as part of the development plan alongside the local plan in force for this part of Buckinghamshire.



## Stage 7

26. Is the plan'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)

Response – No

Reason - The purpose of the Neighbourhood Plan is not for any of the projects listed in Art 3.8, 3.9.

## **5. SEA Criteria for determining likely significance of effects**

### **Evaluation of the Aston Abbots Neighbourhood Plan - Draft**

27. The following is an assessment under the SEA Directive Annex II: Criteria for determining likely significance of effects referred to in Article 3(5).

### **The characteristics of plans and programmes, having regard, in particular, to:**

28. a) the degree to which the plan or programme sets a framework for projects and other activities, either regarding the location, nature, size and operating conditions or by allocating resources

Likely to have significant environmental effects? – No

Reason - The neighbourhood plan will not be allocating any sites for development. It will be designating 5 Local Green Spaces. The plan will also have policies on supporting infill and redevelopment within a settlement boundary; rural character included designated views of significance; the conservation area and its setting; Identified Local Heritage Assets; Protecting the Landscape; Biodiversity including providing at least 10% net gain; high quality Design (including Design codes) and Water and Energy Efficient Buildings; 4 defined Community Facilities to be retained; supporting new small Businesses and diversification of existing businesses; supporting provision of pedestrian, cycling and horse rider access and adherence of vehicle parking standards.

29. b) the degree to which the plan or programme influences other plans and programmes, including those in a hierarchy

Likely to have significant environmental effects? – No

Reason - The Aston Abbots Draft Neighbourhood Plan, where possible, will respond to rather than influence other plans or programmes. A Neighbourhood Plan can only provide policies for the area it covers (in this

case the Aston Abbots parish) while the policies in the local plan in force in the Chiltern area of Buckinghamshire are the Vale of Aylesbury Local Plan (2021) and National Planning Policy Framework [National Planning Policy Framework - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/426273/NPPF-2019.pdf) provide a strategic context for the Aston Abbots Neighbourhood Plan to be in general conformity with.

None of the policies in the Neighbourhood Plan have any significant impact on other plans in neighbouring areas. The parish is 2.6km to the Buckinghamshire eastern boundary in the vicinity of Long Marston, Puttenham and the Tring 'salient'. The draft neighbourhood plan does not contain any allocated sites and is otherwise a plan that conserves, enhances and mitigates the socio-economic and environmental value.

29. c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development

Likely to have significant environmental effects? – No

Reason – The neighbourhood plan will not be allocating any sites for development. It will be designating 5 Local Green Spaces. The plan will also have policies on supporting infill and redevelopment within a settlement boundary; rural character included designated views of significance; the conservation area and its setting; Identified Local Heritage Assets; Protecting the Landscape; Biodiversity including providing at least 10% net gain; high quality Design (including Design codes) and Water and Energy Efficient Buildings; 4 defined Community Facilities to be retained; supporting new small Businesses and diversification of existing businesses; supporting provision of pedestrian, cycling and horse rider access and adherence of vehicle parking standards.

30. d) Environmental problems relevant to the plan or programme.

Likely to have significant environmental effects? – No

Reason – The draft neighbourhood plan does not contain any allocated sites and is otherwise a plan that conserves, enhances and mitigates the socio-economic and environmental value.

31. e) The relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection)

Likely to have significant environmental effects? – No

Reason - The Aston Abbots Neighbourhood Plan will be developed in general conformity with the Vale of Aylesbury Local Plan (2021), if relevant, also the Buckinghamshire Minerals and Waste Local Plan 2019 and the NPPF. The plan has no relevance to the implementation of community legislation.

## **Characteristics of the effects and of the area likely to be affected, having regard to:**

32. a) the probability, duration, frequency and reversibility of the effects

Likely to have significant environmental effects? – No

Reason - The neighbourhood plan will not be allocating any sites for development. It will be designating 5 Local Green Spaces. The plan will also have policies on supporting infill and redevelopment within a settlement boundary; rural character included designated views of significance; the conservation area and its setting; Identified Local Heritage Assets; Protecting the Landscape; Biodiversity including providing at least 10% net gain; high quality Design (including Design codes) and Water and Energy Efficient Buildings; 4 defined Community Facilities to be retained; supporting new small Businesses and diversification of existing businesses; supporting provision of pedestrian, cycling and horse rider access and adherence of vehicle parking standards.

33. b) The cumulative nature of the effects

Likely to have significant environmental effects? – No

Reason - It is highly unlikely there will be any negative cumulative effects of the policies, rather it could potentially have moderate positive effects. Any impact will be local in nature.

34. 2c) The trans-boundary nature of the effects

Likely to have significant environmental effects? – No

Reason – The neighbourhood plan will not be allocating any sites for development. It will be designating 5 Local Green Spaces. The plan will also have policies on supporting infill and redevelopment within a settlement boundary; rural character included designated views of significance; the conservation area and its setting; Identified Local Heritage Assets; Protecting the Landscape; Biodiversity including providing at least 10% net gain; high quality Design (including Design codes) and Water and Energy Efficient Buildings; 4 defined Community Facilities to be retained; supporting new small Businesses and diversification of existing businesses; supporting provision of pedestrian, cycling and horse rider access and adherence of vehicle parking standards.

35. 2d) The risks to human health or the environment (e.g., due to accidents)

Likely to have significant environmental effects? – No

Reason - No risks have been identified.

36. 2e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)

Likely to have significant environmental effects? – No

Reason - The Neighbourhood Area covers an area which is 932ha and contains a population is of 426 residents (2011 census). The neighbourhood plan will not be allocating any sites for development. It will be designating 5 Local Green Spaces. The plan will have policies on supporting infill and redevelopment within a settlement boundary and is not likely to have any significant effects including the countryside beyond Aston Abbots hamlet itself (including the areas more peripheral in the parish and nearer Dacorum Borough).

37. 2f) 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

III. intensive land-use

Likely to have significant environmental effects? – No

Reason – The neighbourhood plan will not be allocating any sites for development. It will be designating 5 Local Green Spaces. The plan will also have policies on supporting infill and redevelopment within a settlement boundary; rural character included designated views of significance; the conservation area and its setting; Identified Local Heritage Assets; Protecting the Landscape; Biodiversity including providing at least 10% net gain; high quality Design (including Design codes) and Water and Energy Efficient Buildings; 4 defined Community Facilities to be retained; supporting new small Businesses and diversification of existing businesses; supporting provision of pedestrian, cycling and horse rider access and adherence of vehicle parking standards.

The hamlet of Aston Abbots is in a Conservation Area. There are also several listed buildings including a Grade II listed Abbey off Moat Lane, Aston Abbots.

There is one area of Archaeological Notification Area, at Lower Burston Farm, the manor, park and mill are in the Notification Area. The remains are noted as Medieval. There are also 2 areas of Notification Area at the Aston Abbots hamlet too – village earthworks as part of a Medieval Settlement.

There are areas of fluvial and surface water flooding on the River Thame and the Hardwick Brook. These affect areas on two boundaries of the parish.

40. This screening opinion can be revisited as a full plan in draft is presented at the Pre-Submission stages and if it changes a significant extent as it moves through the later stages towards being made. When taken together (as is required by law) with relevant policies from the Local Plan policy and national planning policy, it is considered that the plan currently intended with no allocated sites would not be likely to give rise to significant environmental effects.
41. Therefore, a Strategic Environmental Assessment (SEA) is not needed.

## 6. Habitat Regulations Assessment Screening

### Introduction

42. The screening statement will consider whether the Draft Neighbourhood Development Plan requires a Habitats Regulations Assessment. This is a requirement of Regulation 106 of the Conservation of Habitats and Species Regulations 2017.

### The Habitats Regulations Assessment (HRA) process

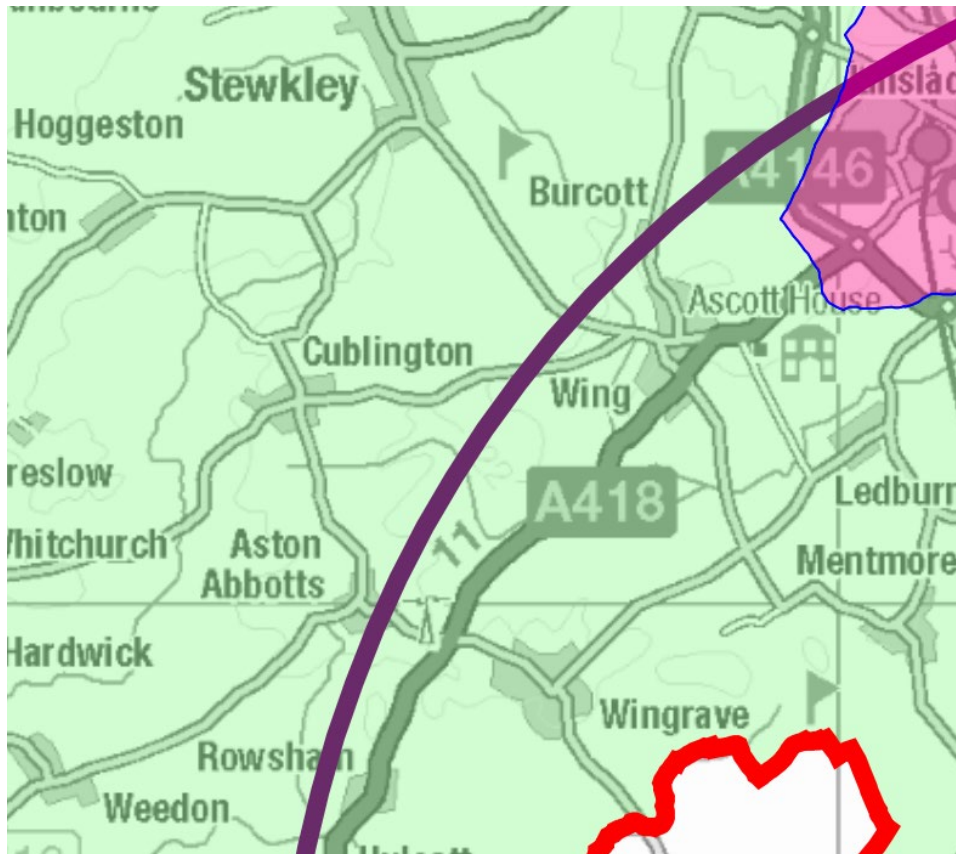
43. The application of HRA to neighbourhood plans is a requirement of the Conservation of Habitats and Species Regulations 2017, the UK's transposition of European Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive).
44. The HRA process assesses the potential effects of a land-use plan against the conservation objectives of any European sites designated for their importance to nature conservation. These sites form a system of internationally important sites throughout Europe and are known collectively as the 'Natura 2000 network'.
45. European sites provide valuable ecological infrastructure for the protection of rare, endangered or vulnerable natural habitats and species of exceptional importance within the EU. These sites consist of Special Areas of Conservation (SAC), designated under the Habitats Directive and Special Protection Areas (SPA), designated under European Directive 2009/147/EC on the conservation of wild birds (the Birds Directive). Additionally, Government policy requires that sites designated under the Ramsar Convention (The Convention on Wetlands of International Importance, especially as Waterfowl Habitat) are treated as if they are fully designated European sites for the purpose of considering development proposals that may affect them.

46. Under Regulation 106 of the Habitats Regulations, the assessment must determine whether a neighbourhood plan is likely to have a significant effect on a European Site. The process is characterised by the precautionary principle. The European Commission describes the principle as follows:

“If a preliminary scientific evaluation shows that there are reasonable grounds for concern that a particular activity might lead to damaging effects on the environment, or on human, animal or plant health, which would be inconsistent with protection normally afforded to these within the European Community, the Precautionary Principle is triggered.”
47. Decision-makers then must determine what action/s to take. They should take account of the potential consequences of no action, the uncertainties inherent in scientific evaluation, and should consult interested parties on the possible ways of managing the risk. Measures should be proportionate to the level of risk, and to the desired level of protection. They should be provisional in nature pending the availability of more reliable scientific data.
48. Action is then undertaken to obtain further information, enabling a more objective assessment of the risk. The measures taken to manage the risk should be maintained so long as scientific information remains inconclusive and the risk is unacceptable.
49. The hierarchy of intervention is important: where significant effects are likely or uncertain, plan makers must firstly seek to avoid the effect through for example, a change of policy. If this is not possible, mitigation measures should be explored to remove or reduce the significant effect. If neither avoidance, nor subsequently, mitigation is possible, alternatives to the plan should be considered. Such alternatives should explore ways of achieving the plan’s objectives that do not adversely affect European sites.
50. If no suitable alternatives exist, plan-makers must demonstrate under the conditions of Regulation 107 of the Habitats Regulations, that there are Imperative Reasons of Overriding Public Interest (IROPI) to continue with the proposal.
51. The parish does not include any area of Special Area of Conservation or Special Protection Area. Part of the east of the neighbourhood area (from the thick line on the map extract below to the A418) is in the Chiltern Beechwoods



Zone of Influence (see more and ZOI map at Chilterns Beechwoods SAC Zone of Influences (dacorum.gov.uk). However, there would also be no adverse effects due to the nature of the plan not allocating any sites and distance to the Chiltern Beechwoods and distance to the Burnham Beeches, Windsor Forest and Great Park SAC or Richmond Park SAC or SPAs and RAMSAR sites.



**Map** showing Chiltern Beechwoods Zone of Influence in the vicinity of Aston Abbots. Source see PDF map on Dacorum website at [Chilterns Beechwoods SAC Zone of Influences \(dacorum.gov.uk\)](https://www.dacorum.gov.uk/Chilterns-Beechwoods-SAC-Zone-of-Influences)

52. A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 105 or to enable it to determine whether that assessment is required. The information received is the March 2024 draft 'Plan C' (non-statutory) version of what will become a neighbourhood plan.
53. The Council must under Regulation 105 provide such information as the appropriate authority (Natural England) may reasonably require for the

purposes of the discharge by the appropriate authority of its obligations. That information is this screening recommendation and March 2024 'Plan C' draft version (non-statutory) version of what will become the neighbourhood plan.

## **People over Wind**

54. The HRA Screening in light of the 2017 'People over Wind' Court of Justice of the European Union (CJEU) case which ruled that where there would be likely significant effects at the HRA Stage 1 Screening stage, mitigation measures (specifically measures which avoid or reduce adverse effects) should be assessed as part of an Appropriate Assessment and should not be considered at the screening stage.
  
55. The Council considers that in re-applying the criteria in section 8 of this HRA Screening on the likely the screening outcome and considering the 'People over Wind' CJEU case, there are not likely to be likely significant effects. The neighbourhood plan will not be allocating sites for development. It is to contain policies on parish-wide design coding, identifying Local Heritage Assets, Areas of Special Character, important green infrastructure assets, the sustainable travel network, community facilities and commercial assets to protect and where possible enhance, incentivising Zero Carbon Buildings, and encouraging smaller homes, all limited to the existing planning policy context.

## 7. Stages of HRA

### **Stage 1: Screening (the ‘Significance Test’) that is this current stage**

56. Task - Description of the plan. Identification of potential effects on European Sites. Assessing the effects on European Sites.
57. Outcome - Where effects are unlikely, prepare a ‘finding of no significant effect report’. Where effects judged likely, or lack of information to prove otherwise, proceed to Stage 2.

### **Stage 2: Appropriate Assessment (the ‘Integrity Test’) – If Screening Outcome says needed**

58. Task - Gather information (plan and European Sites). Impact prediction. Evaluation of impacts in view of conservation objectives. Where impacts considered to affect qualifying features, identify alternative options. Assess alternative options. If no alternatives exist, define and evaluate mitigation measures where necessary.
59. Outcome - Appropriate assessment report describing the plan, European site baseline conditions, the adverse effects of the plan on the European site, how these effects will be avoided through, firstly, avoidance, and secondly, mitigation including the mechanisms and timescale for these mitigation measures. If effects remain after all alternatives and mitigation measures have been considered proceed to Stage 3.

### **Stage 3: Assessment where no alternatives exist and adverse impacts remain taking into account mitigation**

60. Task - Identify ‘imperative reasons of overriding public interest’ (IROPI). Identify potential compensatory measures.
61. Outcome - This stage should be avoided if at all possible. The test of IROPI and the requirements for compensation are extremely onerous.

# Potential impacts and activities adversely affecting European sites

## Broad categories and examples of potential impacts on European sites

62. **Physical loss.** Removal (including offsite effects, e.g., foraging habitat), Smothering, Habitat degradation
63. **Physical Damage.** Sedimentation / silting, Prevention of natural processes, Habitat degradation, Erosion, Trampling, Fragmentation, Severance / barrier effect, Edge effects, Fire
64. **Non-physical (and indirect) disturbance.** Noise, Vibration, Visual presence, Human presence, Light pollution
65. **Water table/availability.** Drying, Flooding / storm water, Water level and stability, Water flow (e.g., reduction in velocity of surface water, Barrier effect (on migratory species))
66. **Toxic contamination.** Water pollution, Soil contamination, Air pollution
67. **Non-toxic contamination.** Nutrient enrichment (e.g., of soils and water), Algal blooms, Changes in salinity, Changes in thermal regime, Changes in turbidity, Air pollution (dust)
68. **Biological disturbance,** Direct mortality, Out-competition by non-native species, Selective extraction of species, Introduction of disease, Rapid population fluctuations, Natural succession

## Examples of activities responsible for impacts

(Paragraphs correspond to categories above in bold)

69. Development (e.g., housing, employment, infrastructure, tourism), Infilling (e.g., of mines, water bodies), Alterations or works to disused quarries, Structural alterations to buildings (bat roosts), Afforestation, Tipping,

- Cessation of or inappropriate management for nature conservation, Mine collapse
70. Flood defences, Dredging, Mineral extraction, Recreation (e.g., motor cycling, cycling, walking, horse riding, water sports, caving), Development (e.g., infrastructure, tourism, adjacent housing etc.), Vandalism, Arson, Cessation of or inappropriate management for nature conservation
  71. Development (e.g., housing, industrial), Recreation (e.g., dog walking, water sports), Industrial activity, Mineral extraction, Navigation, Vehicular traffic, Artificial lighting (e.g., street lighting)
  72. Water abstraction, Drainage interception (e.g., reservoir, dam, infrastructure and other development), Increased discharge (e.g., drainage, runoff)
  73. Agrochemical application and runoff, Navigation, Oil / chemical spills, Tipping, Landfill, Vehicular traffic, Industrial waste / emissions
  74. Agricultural runoff, Sewage discharge, Water abstraction, Industrial activity, Flood defences, Navigation, Construction
  75. Development (e.g., housing areas with domestic and public gardens), Predation by domestic pets, Introduction of non-native species (e.g., from gardens), Fishing, Hunting, Agriculture, Changes in management practices (e.g., grazing regimes, access controls, cutting/clearing)

## 8. HRA Screening of the Aston Abbotts Neighbourhood Plan - Draft

### Background

76. The first stage in carrying out an Appropriate Assessment for the Habitats Directive is screening, by determining whether the plan is likely to have any significant effect on a European site, either alone or in combination with other plans and projects.

### Interpretation of ‘likely significant effect’

77. Relevant case law helps to interpret when effects should be considered as being likely to result in a significant effect, when carrying out a HRA of a plan. In the Waddenzee case, the European Court of Justice ruled on the interpretation of Article 6(3) of the Habitats Directive (translated into Reg. 102 in the Habitats Regulations), including that:

- An effect should be considered ‘likely’, “if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site” (para 44).
- An effect should be considered ‘significant’, “if it undermines the conservation objectives” (para 48).
- Where a plan or project has an effect on a site “but is not likely to undermine its conservation objectives, it cannot be considered likely to have a significant effect on the site concerned” (para 47).

78. An opinion delivered to the Court of Justice of the European Union commented that:

“The requirement that an effect in question be ‘significant’ exists in order to lay down a de minimis threshold. Plans or projects that have no appreciable effect on the site are thereby excluded. If all plans or projects capable of having any effect whatsoever on the site were to be caught by Article 6(3), activities on or near the site would risk being impossible by reason of legislative overkill.”

79. This opinion (the 'Sweetman' case) therefore allows for the authorisation of plans and projects whose possible effects, alone or in combination, can be considered 'trivial' or de minimis; referring to such cases as those "which have no appreciable effect on the site". In practice such effects could be screened out as having no likely significant effect; they would be 'insignificant'.

## **Assessment of the Draft Aston Abbotts Neighbourhood Plan**

80. Section 3 of this screening assessment summarises the draft plan and the draft plan is provided in full for the screening outcome along with this screening assessment.
81. The parish does not include any area of Special Area of Conservation or Special Protection Area. Although part of the neighbourhood area is in the Chiltern Beechwoods SAC Zone of Influence for recreational disturbance at Ashridge Commons and Woods SSSI, the nearest part of the parish is still 11.9km away to the SAC. There would also be no adverse effects due to the nature of the plan and distance from the Burnham Beeches, Windsor Forest and Great Park SACs or Richmond Park SAC or SPAs and RAMSAR sites.
82. The neighbourhood plan will not be allocating any sites for development. It will be designating 5 Local Green Spaces. The plan will also have policies on supporting infill and redevelopment within a settlement boundary; rural character included designated views of significance; the conservation area and its setting; Identified Local Heritage Assets; Protecting the Landscape; Biodiversity including providing at least 10% net gain; high quality Design (including Design codes) and Water and Energy Efficient Buildings; 4 defined Community Facilities to be retained; supporting new small Businesses and diversification of existing businesses; supporting provision of pedestrian, cycling and horse rider access and adherence of vehicle parking standards.
83. In terms of 'in combination effects' it is not considered there would be any in-combination effects of the neighbourhood plan when added to local plans in force in Buckinghamshire, adjacent Council areas or neighbourhood plans. The nearest strategic-scale development, allocated in the Vale of Aylesbury

Local Plan as sites AGT6 – Kingsbrook (2,450 homes, 10ha employment land) is 4.4km to the south close to Bierton.

## HRA screening outcome

84. The draft neighbourhood plan does not contain any allocated sites and is otherwise a plan that conserves, enhances and mitigates the socio-economic and environmental value. The details of the draft plan are set out in the draft 'Plan C' attached to this screening and summarised in para 14 of this screening assessment.
85. The parish does not include any area of Special Area of Conservation or Special Protection Area. Although part of the neighbourhood area is in the Chiltern Beechwoods SAC Zone of Influence for recreational disturbance at Ashridge Commons and Woods SSSI, the nearest part of the parish is still 11.9km away to the SAC. There would also be no adverse effects due to the nature of the plan and distance from the Burnham Beeches, Windsor Forest and Great Park SACs or Richmond Park SAC or SPAs and RAMSAR sites.
86. The Neighbourhood Plan draft, due to there being no allocated sites for development, the policies for any windfall housing to be integrated into the settlement boundary and with other policies of conservation and enhancement is not likely to lead to potential adverse effects on a European site. The nearest site is 11.9km away to the east (the Chiltern Beechwoods near Ringshall). An Appropriate Assessment does not need to be carried out to test the effects of this draft plan.
87. Therefore, **no** HRA stage 2 (Appropriate Assessment) is deemed required.



## 9. Conclusions

88. Based on the above assessment, the screening outcome is that the Aston Abbots Draft Neighbourhood Plan does not require a Strategic Environmental Assessment (SEA) and does not need to proceed to Stage 2 of a Habitats Regulations Assessment- an Appropriate Assessment.
89. The above recommendation of the Council in the Final Screening Outcome is supported by the responses received by a formal consultation with Natural England, Historic England and the Environment Agency. Only Natural England are asked to comment on the HRA element.

# 10. Consultation Responses

## 10.1. Historic England

Received 02 07 24

Dear David Broadley

### Aston Abbots Neighbourhood Plan SEA Screening Opinion

Thank you for inviting Historic England to comment on this consultation. As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process. For the purposes of this consultation, Historic England will confine its advice to the question, "Is it (the Aston Abbots Neighbourhood Plan ) likely to have a significant effect on the historic environment?". Our comments are based on the information supplied.

The information supplied indicates that the plan will not have any significant effects on the historic environment.

On the basis of the information supplied, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of 'SEA' Directive], Historic England concurs with the Council that the preparation of a Strategic Environmental Assessment is not required.

The views of the other two statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made.

I should be pleased if you can send a copy of the determination as required by REG 11 of the Environmental Assessment of Plans and Programmes Regulations 2004.

We should like to stress that this opinion is based on the information provided by you with your correspondence. To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the SEA process and, potentially, object to specific proposals which may subsequently arise (either as a result of this consultation or in later versions of the plan) where we consider that, despite the SEA, these would have an adverse effect upon the environment.

Historic England strongly advises that the conservation and archaeological staff of the relevant local authorities are closely involved throughout the preparation of the plan and its assessment. They are best placed to advise on; local historic environment issues and priorities, including access to data held in the Historic Environment Record (HER), how the allocation, policy or proposal can be tailored to minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.

Please do contact me, via email if you have any queries.

Yours sincerely

**Louise Dandy**

Historic Places Adviser

Our ref: PL00796241

Your ref: Aston Abbots Neighbourhood Plan SEA

Main: 020 7973 3700 [e-seast@historicengland.org.uk](mailto:e-seast@historicengland.org.uk)

[louise.dandy@historicengland.org.uk](mailto:louise.dandy@historicengland.org.uk)

## 10.2. Natural England

Received 17 06 24

Dear David,

Planning consultation: SEA & HRA Aston Abbots Neighbourhood Plan

Our ref: 478954

Thank you for your consultation on the above dated 12 June 2024 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.

Based on the plan submitted, Natural England agree with the assessment that the Aston Abbotts Neighbourhood Plan does not require an SEA or HRA.

Should the proposal change, please consult us again.

Please contact me if you have any further queries.

Yours sincerely,

Tajinder Lachhar

Nature Recovery Adviser

Thames Solent Area Team

Natural England, 2 Marsham Street

London, SW1P 4DF, 07733 689 797

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

### **10.3. Environment Agency**

No response received