



Beaconsfield Draft Neighbourhood Plan – Strategic Environmental Assessment and Habitats Regulations Assessment Screening

Final Screening Outcome

February 2023

Last updated: 8 February 2023

Version: 1.1

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

Contents

1. Summary	4
-------------------	----------

2. Legislative Background and Criteria	6
Legislative Background	6
Criteria for Assessing the Effects of Neighbourhood Development Plans	6

3. The Beaconsfield Draft Neighbourhood Plan	8
---	----------

4. The SEA Screening Process	10
Stage 1	11
Stage 2	12
Stage 3	12
Stage 4	12
Stage 5	15
Stage 6	15
Stage 7	15

5. SEA Criteria for determining likely significance of effects	16
Evaluation of the Beaconsfield Draft Neighbourhood Plan -	16
The characteristics of plans and programmes	16
Characteristics of the effects and of the area likely to be affected	18

6. SEA Screening Opinion	21
---------------------------------	-----------

7. Habitat Regulations Assessment Screening	22
Introduction	22
The Habitats Regulations Assessment (HRA) process	22
People over Wind	25

8. Stages of HRA	26
Potential impacts and activities adversely affecting European sites	27

9. HRA Screening of the Draft Beaconsfield Neighbourhood Plan	29
--	-----------

Background	29
Interpretation of 'likely significant effect'	29
Assessment of the Draft Beaconsfield Neighbourhood Plan	30
HRA screening outcome	31

10. Conclusions	33
------------------------	-----------

Consultation Responses	34
-------------------------------	-----------

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 Beaconsfield 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 Beaconsfield Draft Neighbourhood Plan does **not** have potential to introduce significant environmental effects and does **not** require an Appropriate Assessment or an SEA.

7. A consultation took place with the statutory bodies and their conclusions are reflected in the final report. The consultation took place with Natural England, The Environment Agency and Historic England for 5 weeks between 30 December 2022 and 3 February 2023.
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 Beaconsfield Draft Neighbourhood Plan

14. The Town Council consulted on a Regulation 14 (Pre Submission) Neighbourhood Plan in September 2022. A version of the changes intended for the next Submission stage has been shared with Buckinghamshire Council (December 2022) and it is this version that is screened in this SEA/HRA screening statement. This version of the plan is attached with this draft screening report for the benefit of the statutory consultees.
15. The plan contains no site allocations and does not set a housing target. Limited new development will be confined to the Beaconsfield town boundary covering the extent of the town within the parish. Outside the town, the plan has a more protection and conservation approach with designated local green space areas, a green infrastructure network, areas of special character, a design code, zero carbon buildings, designated heritage assets and support for sustainable transport.
16. In terms of policies in the plan, there will be:
 - a town boundary for Beaconsfield restricting new development. Within the defined 'Town', the focus is for using brownfield land and for gentle densification in the New Town to contribute to bolstering and sustaining its vitality and viability as the primary centre for retail and other town centre uses. Old Town will serve as a secondary centre for town centre uses with a special clustering of café/restaurant, public house and niche retail uses. The local centre at Holtspur will continue to help meet the day-to-day needs of the local community as a '20-minute neighbourhood'. Outside these 3 centres, but still in the Town boundary are established suburban residential areas where plot redevelopment and infill will be acceptable in principle.
 - 6 local green space designations. (1) St. Michael's Green (2) The Oval (3) Walk Wood (4) Holtspur Recreation Ground Walk Wood (5) Market Square Garden, Aylesbury End (6) Malthouse Square Playground

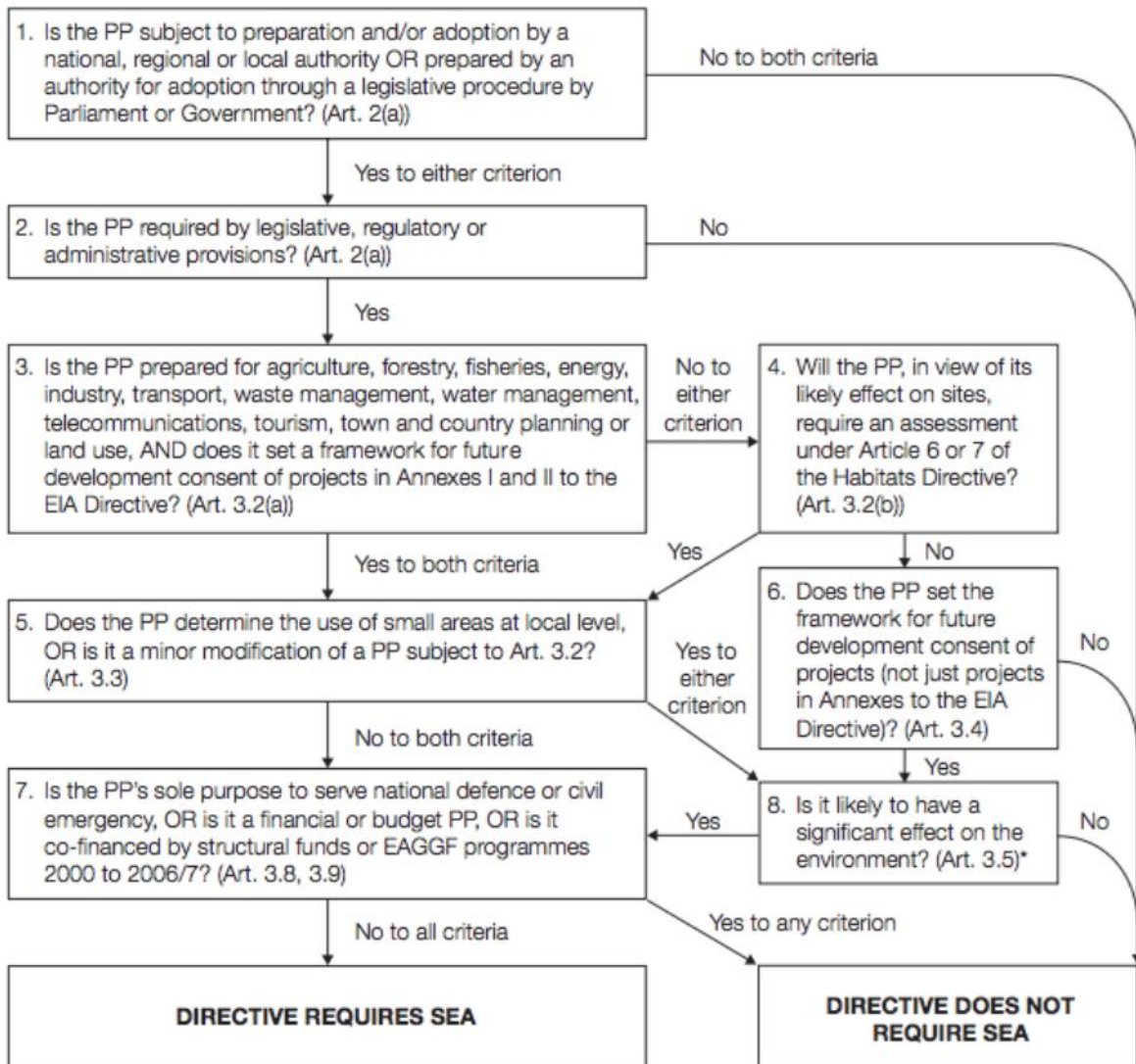
- a defined Green Infrastructure Network. The Network comprises the town's variety of green spaces, ancient woodland, trees and hedgerows, water bodies, assets of biodiversity value, children's play areas, recreational playing fields, and off-street footways, cycleways and bridleways.
- a policy seeking Zero Carbon buildings. All development must be 'zero carbon ready by design' to minimise the amount of energy needed to heat and cool buildings through landform, layout, building orientation, massing and landscaping.
- requiring development has full regard to the Beaconsfield Design Code. The Code has brought together in one place a range of guidance published by the former South Bucks District and former Buckinghamshire County Councils since 2007 but only some of which has been adopted as supplementary planning guidance for development management purposes. It also aligns well with the wider Chilterns Design Guide.
- defined Local Heritage Assets (listed in Appendix B of the plan) and 3 Areas of Special Character that development must have regard to
- A policy prioritising walking and cycling movement and for longer journeys, public and shared forms over the private car
- On housing schemes of 3 or more dwellings, to provide half as small homes of 1 or 2 bedrooms

4. The SEA Screening Process

17. 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.
18. 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.”
19. 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.

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

Stage 1

21. 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

28. 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 Beaconsfield Town Council.

Stage 3

29. 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

30. 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 plan contains no site allocations and does not set a housing target. Limited new development will be confined to the Beaconsfield town boundary covering the extent of the town within the parish. Outside the town, the plan has a more protection and conservation approach with designated local green space areas, a green infrastructure network, areas of special character, a design code, zero carbon buildings, designated heritage assets and support for sustainable transport.

The parish is 0.7km from the Burnham Beeches Special Area of Conservation. There is not considered to be any likely impact on this SAC given there is no development proposed in the neighbourhood plan. There would be some positive impacts given the proposed policies prioritising walking and cycling and creation of a green infrastructure network in the parish.

Please see this link to get to the Burnham Beeches Special Area of Conservation Strategic Access Management and Monitoring Strategy Supplementary Planning Document Adopted November 2020

<https://www.bing.com/ck/a?!&&p=d1fbb0a7eb17f421JmltdHM9MTY3MTA2MjQwMCZpZ3VpZD0zMmVhZGNiNy05YTY5LTYwOWQtM2NjMi1jZGQ0OUIxNjYxNDcmaW5zaWQ9NTI3Ng&ptn=3&hsh=3&fclid=32eadcb7-9a69-609d-3cc2-cdd49b166147&psq=adopted+burnahm+beeches+SPD&u=a1aHR0cHM6Ly93d3cuY2hpbHRlcm4uZ292LnVrL21IZGhLzE1ODU4L0J1cm5oYW0tQmVIY2hlcY1TUEQvcGRmL0J1cm5oYW1fQmVIY2hlc19TUERfU01fVjhfMjgwNzlwMjAucGRmP209NjM3MzE1MjgwMzc2NTcwMDAw&ntb=1>

The parish is 16.7km from the Ashridge Commons and Woods SSSI part of the Chiltern Beechwoods SAC. Therefore the parish is not in the 12.6km Zone of Influence of the Ashridge Commons and Woods SSSI or the 1.7km ZOI to the Tring Woodlands SSSI (see the recreational pressures issue affecting these SSSIs confirmed in March 2022 [Chilterns Beechwoods Special Area of Conservation \(dacorum.gov.uk\)](https://www.dacorum.gov.uk)) There would also be no adverse effects due to the nature of the plan and distance on the Windsor Forest and Great Park SAC or Richmond Park SAC or SPAs and RAMSAR sites.

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
Rana temporaria	Common Frog	HabDir-A5
Rana temporaria	Common Frog	HabDir-A5
Triturus cristatus	Great Crested Newt	EPS-HabReg-Sch2 & HabDir-A2*,HabDir-A4
Triturus cristatus	Great Crested Newt	EPS-HabReg-Sch2 & HabDir-A2*,HabDir-A4
Triturus cristatus	Great Crested Newt	EPS-HabReg-Sch2 & HabDir-A2*,HabDir-A4
Triturus cristatus	Great Crested Newt	EPS-HabReg-Sch2 & HabDir-A2*,HabDir-A4
Triturus cristatus	Great Crested Newt	EPS-HabReg-Sch2 & HabDir-A2*,HabDir-A4
Lucanus cervus	Stag Beetle	HabDir-A2*
Lucanus cervus	Stag Beetle	HabDir-A2*
Lucanus cervus	Stag Beetle	HabDir-A2*
Euplagia quadripunctaria	Jersey Tiger	HabDir-A2*
Euplagia quadripunctaria	Jersey Tiger	HabDir-A2*
Muscardinus avellanarius	Hazel Dormouse	EPS-HabReg-Sch2 & HabDir-A4
Muscardinus avellanarius	Hazel Dormouse	EPS-HabReg-Sch2 & HabDir-A4
Myotis sp.	Myotis bat sp.	EPS-HabReg-Sch2 & HabDir-A4
Nyctalus noctula	Noctule Bat	EPS-HabReg-Sch2 & HabDir-A4
Pipistrellus pipistrellus	Common Pipistrelle	EPS-HabReg-Sch2 & HabDir-A4
Pipistrellus pipistrellus	Common Pipistrelle	EPS-HabReg-Sch2 & HabDir-A4
Pipistrellus pipistrellus	Common Pipistrelle	EPS-HabReg-Sch2 & HabDir-A4
Pipistrellus pipistrellus	Common Pipistrelle	EPS-HabReg-Sch2 & HabDir-A4
Pipistrellus pipistrellus	Common Pipistrelle	EPS-HabReg-Sch2 & HabDir-A4
Pipistrellus pipistrellus	Common Pipistrelle	EPS-HabReg-Sch2 & HabDir-A4
Pipistrellus pipistrellus	Common Pipistrelle	EPS-HabReg-Sch2 & HabDir-A4
Pipistrellus pipistrellus	Common Pipistrelle	EPS-HabReg-Sch2 & HabDir-A4
Pipistrellus pipistrellus	Common Pipistrelle	EPS-HabReg-Sch2 & HabDir-A4
Pipistrellus pygmaeus	Soprano Pipistrelle	EPS-HabReg-Sch2 & HabDir-A4
Pipistrellus pygmaeus	Soprano Pipistrelle	EPS-HabReg-Sch2 & HabDir-A4
Pipistrellus sp.	Pipistrelle species	EPS-HabReg-Sch2 & HabDir-A4
Pipistrellus sp.	Pipistrelle species	EPS-HabReg-Sch2 & HabDir-A4
Pipistrellus sp.	Pipistrelle species	EPS-HabReg-Sch2 & HabDir-A4
Pipistrellus sp.	Pipistrelle species	EPS-HabReg-Sch2 & HabDir-A4
Plecotus auritus	Brown Long-eared Bat	EPS-HabReg-Sch2 & HabDir-A4
Plecotus auritus	Brown Long-eared Bat	EPS-HabReg-Sch2 & HabDir-A4
Plecotus sp.	Long-eared bats	EPS-HabReg-Sch2 & HabDir-A4
Ruscus aculeatus	Butcher's-broom	HabDir-A5
Ruscus aculeatus	Butcher's-broom	HabDir-A5

Stage 5

31. 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 – No

Reason - The plan contains no site allocations and does not set a housing target. Limited new development will be confined to the Beaconsfield town boundary covering the extent of the town within the parish. Outside the town, the plan has a more protection and conservation approach with designated local green space areas, a green infrastructure network, areas of special character, a design code, zero carbon buildings, designated heritage assets and support for sustainable transport.

Stage 6

32. 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

33. 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 Beaconsfield Draft Neighbourhood Plan -

34. 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:

35. 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 plan contains no site allocations and does not set a housing target. Limited new development will be confined to the Beaconsfield town boundary covering the extent of the town within the parish. Outside the town, the plan has a more protection and conservation approach with designated local green space areas, a green infrastructure network, areas of special character, a design code, zero carbon buildings, designated heritage assets and support for sustainable transport.

36. 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 Beaconsfield 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 Beaconsfield Town Council area) while the policies in the local plan in force in the South Buckinghamshire area of Buckinghamshire (https://www.buckinghamshire.gov.uk/documents/9734/South_Bucks_local_plan_j4D6YG4.pdf)

[https://www.buckinghamshire.gov.uk/documents/9739/South Bucks Core Strategy - Adopted February 2011 bb48FA7.pdf](https://www.buckinghamshire.gov.uk/documents/9739/South_Bucks_Core_Strategy_-_Adopted_February_2011_bb48FA7.pdf)) and National level provide a strategic context for the Beaconsfield 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 including Slough. There is no new development identified, there will be Local Green Spaces within the Town Council area of Beaconsfield, some new development would have policy support in the Beaconsfield Town itself but otherwise just largely conservation and restraint policies on planning 'topics' such as zero carbon buildings and designating local heritage assets and a green infrastructure network. There will no impact on the Burnham Beeches SAC as any new development would come forward in Beaconsfield Town itself in a defined Town boundary area.

37. 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 plan contains no site allocations and does not set a housing target. Limited new development will be confined to the Beaconsfield town boundary covering the extent of the town within the parish. Outside the town, the plan has a more protection and conservation approach with designated local green space areas, a green infrastructure network, areas of special character, a design code, zero carbon buildings, designated heritage assets and support for sustainable transport.

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

Likely to have significant environmental effects? – No

Reason – The plan contains no site allocations and does not set a housing target. Limited new development will be confined to the Beaconsfield town boundary covering the extent of the town within the parish. Outside the town, the plan has a more protection and conservation approach with designated local green space areas, a green infrastructure network, areas of special

character, a design code, zero carbon buildings, designated heritage assets and support for sustainable transport.

38. 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 Draft Beaconsfield Neighbourhood Plan will be developed in general conformity with the policies in use from the South Buckinghamshire Local Plan (Adopted 1999, Consolidated 2007, 2011) and South Buckinghamshire Core Strategy 2011), the Buckinghamshire Minerals and Waste Local Plan 2019 and national policy. 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:

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

Likely to have significant environmental effects? – No

Reason - The plan contains no site allocations and does not set a housing target. Limited new development will be confined to the Beaconsfield town boundary covering the extent of the town within the parish. Outside the town, the plan has a more protection and conservation approach with designated local green space areas, a green infrastructure network, areas of special character, a design code, zero carbon buildings, designated heritage assets and support for sustainable transport.

40. 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.

41. 2c) The trans-boundary nature of the effects

Likely to have significant environmental effects? – No

Reason - The plan contains no site allocations and does not set a housing target. Limited new development will be confined to the Beaconsfield town boundary covering the extent of the town within the parish. Outside the town, the plan has a more protection and conservation approach with designated local green space areas, a green infrastructure network, areas of special character, a design code, zero carbon buildings, designated heritage assets and support for sustainable transport.

42. 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.

43. 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 1,966 ha and contains a population is of 12,080 residents (2011 census). The plan contains no site allocations and does not set a housing target. Limited new development will be confined to the Beaconsfield town boundary covering the extent of the town within the parish. Outside the town, the plan has a more protection and conservation approach with designated local green space areas, a green infrastructure network, areas of special character, a design code, zero carbon buildings, designated heritage assets and support for sustainable transport.

44. 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 plan contains no site allocations and does not set a housing target. Limited new development will be confined to the Beaconsfield town boundary covering the extent of the town within the parish. Outside the town, the plan has a more protection and conservation approach with designated local green space areas, a green infrastructure network, areas of special character, a design code, zero carbon buildings, designated heritage assets and support for sustainable transport.

Hall Barn, just to the south of Beaconsfield town is a considerable sized post medieval park and an Archaeological Notification area.

45. 2g) The effects on areas or landscapes which have a recognised national, community or international protection status

Likely to have significant environmental effects? – No

Reason – There is no nationally designated landscape (AONB) and there's no local landscape designations. The rural areas of the parish are in the Green Belt with the main built-up areas - Beaconsfield town - are excluded from it. The plan contains no site allocations and does not set a housing target. Limited new development will be confined to the Beaconsfield town boundary covering the extent of the town within the parish. Outside the town, the plan has a more protection and conservation approach with designated local green space areas, a green infrastructure network, areas of special character, a design code, zero carbon buildings, designated heritage assets and support for sustainable transport.

6. SEA Screening Opinion

47. The parish is in proximity to the Burnham Beeches SAC providing a sensitive context for embarking on preparing a neighbourhood plan. A significant area is the parish is protected by the Green Belt limiting what can be achieved in terms of housing growth in this parish. Nevertheless, the draft plan can have a significant impact on the type of limited development in Beaconsfield town that takes place and in a parish as a whole helping to promote good design, walking and cycling and use of public transport, use of green infrastructure, and green spaces, conserving local heritage and the area's special character.
48. The plan contains no site allocations and does not set a housing target. Limited new development will be confined to the Beaconsfield town boundary covering the extent of the town within the parish. Outside the town, the plan has a more protection and conservation approach with designated local green space areas, a green infrastructure network, areas of special character, a design code, zero carbon buildings, designated heritage assets and support for sustainable transport.
49. 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 currently would be not likely to give rise to significant environmental effects.
50. Therefore, a Strategic Environmental Assessment (SEA) is **not** needed.

7. Habitat Regulations Assessment Screening

Introduction

51. 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

52. 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).
53. 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'.
54. 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.

55. 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.”
56. 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.
57. 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.
58. 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.
59. 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.
60. The parish is 0.7km from the Burnham Beeches Special Area of Conservation. There is not considered to be any likely impact on this SAC

given there is no development proposed in the neighbourhood plan. There would be some positive impacts given the proposed policies prioritising walking and cycling and creation of a green infrastructure network in the parish.

61. Please see this link to get to the Burnham Beeches Special Area of Conservation Strategic Access Management and Monitoring Strategy Supplementary Planning Document Adopted November 2020
<https://www.bing.com/ck/a?!&&p=d1fbb0a7eb17f421JmltdHM9MTY3MTA2MjQwMCZpZ3VpZD0zMmVhZGNIY05YTY5LTlywOWQtM2NjMi1jZGQ0OWIxNjYxNDcmaW5zaWQ9NTI3Ng&ptn=3&hsh=3&fclid=32eadcb7-9a69-609d-3cc2-cdd49b166147&psq=adopted+burnahm+beeches+SPD&u=a1aHR0cHM6Ly93d3cuY2hpbHRlcm4uZ292LnVrL21IZGhhLzE1ODU4L0J1cm5oYW0tQmVIY2hlcY1TUEQvcGRmL0J1cm5oYW1fQmVIY2hlc19TUERfU01fVjhfMjgwNzlwMjAucGRmP209NjM3MzE1MjgwMzc2NTcwMDAw&ntb=1>
62. The parish is 16.7km from the Ashridge Commons and Woods SSSI part of the Chiltern Beechwoods SAC. Therefore, the parish is not in the 12.6km Zone of Influence of the Ashridge Commons and Woods SSSI or the 1.7km ZOI to the Tring Woodlands SSSI (see the recreational pressures issue affecting these SSSIs confirmed in March 2022 Chilterns Beechwoods Special Area of Conservation (dacorum.gov.uk) There would also be no adverse effects due to the nature of the plan and distance on the Windsor Forest and Great Park SAC or Richmond Park SAC or SPAs and RAMSAR sites.
63. 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 a scope of the plan draft (non-statutory) version of what will become a neighbourhood plan
64. 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 the draft version (early

version of what will become the Regulation 15 Submission) of what will become the neighbourhood plan.

People over Wind

65. 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 taken into account at the screening stage

66. 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 plan contains no site allocations and does not set a housing target. Limited new development will be confined to the Beaconsfield town boundary covering the extent of the town within the parish. Outside the town, the plan has a more protection and conservation approach with designated local green space areas, a green infrastructure network, areas of special character, a design code, zero carbon buildings, designated heritage assets and support for sustainable transport.

8. Stages of HRA

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

- 67. Task - Description of the plan. Identification of potential effects on European Sites. Assessing the effects on European Sites.
- 68. 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

- 69. 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.
- 70. 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

- 71. Task - Identify ‘imperative reasons of overriding public interest’ (IROPI). Identify potential compensatory measures.
- 72. 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

73. **Physical loss.** Removal (including offsite effects, e.g., foraging habitat), Smothering, Habitat degradation
74. **Physical Damage.** Sedimentation / silting, Prevention of natural processes, Habitat degradation, Erosion, Trampling, Fragmentation, Severance / barrier effect, Edge effects, Fire
75. **Non-physical (and indirect) disturbance.** Noise, Vibration, Visual presence, Human presence, Light pollution
76. **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)
77. **Toxic contamination.** Water pollution, Soil contamination, Air pollution
78. **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)
79. **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)

80. 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
81. 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
 82. 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)
 83. Water abstraction, Drainage interception (e.g., reservoir, dam, infrastructure and other development), Increased discharge (e.g., drainage, runoff)
 84. Agrochemical application and runoff, Navigation, Oil / chemical spills, Tipping, Landfill, Vehicular traffic, Industrial waste / emissions
 85. Agricultural runoff, Sewage discharge, Water abstraction, Industrial activity, Flood defences, Navigation, Construction
 86. 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)

9. HRA Screening of the Draft Beaconsfield Neighbourhood Plan

Background

87. 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’

88. 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).

89. 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.”

90. 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 Beaconsfield Neighbourhood Plan

91. The plan itself (early ‘Submission’ version) has been sent to the consultees with this draft screening assessment and is also summarised in Section 3 paras 14-16 of this screening assessment.
92. The parish is 0.7km from the Burnham Beeches Special Area of Conservation. There is not considered to be any likely impact on this SAC given there is no development proposed in the neighbourhood plan. There would be some positive impacts given the proposed policies prioritising walking and cycling and creation of a green infrastructure network in the parish.
93. Please see this link to get to the Burnham Beeches Special Area of Conservation Strategic Access Management and Monitoring Strategy Supplementary Planning Document Adopted November 2020
<https://www.bing.com/ck/a?!&&p=d1fbb0a7eb17f421JmltdHM9MTY3MTA2MjQwMCZpZ3VpZD0zMmVhZGNIY05YTY5LTywOWQtM2NjMi1jZGQ0OWIxNjYxNDcmaW5zaWQ9NTI3Ng&ptn=3&hsh=3&fclid=32eadcb7-9a69-609d-3cc2-cdd49b166147&psq=adopted+burnham+beeches+SPD&u=a1aHR0cHM6Ly93d3cuY2hpbHRlcm4uZ292LnVrL21lZGhLzE1ODU4L0J1cm5oYW0tQmVIY2hlc1TUEQvcGRmL0J1cm5oYW1fQmVIY2hlc19TUERfU01fVjhfMjgwNzlwMjAucGRmP209NjM3MzE1MjgwMzc2NTcwMDAw&ntb=1>
94. The parish is 16.7km from the Ashridge Commons and Woods SSSI part of the Chiltern Beechwoods SAC. Therefore, the parish is not in the 12.6km Zone of Influence of the Ashridge Commons and Woods SSSI or the 1.7km ZOI to the Tring Woodlands SSSI (see the recreational pressures issue affecting these SSSIs confirmed in March 2022 Chilterns Beechwoods

Special Area of Conservation (dacorum.gov.uk) There would also be no adverse effects due to the nature of the plan and distance on the Windsor Forest and Great Park SAC or Richmond Park SAC or SPAs and RAMSAR sites.

95. The plan contains no site allocations and does not set a housing target. Limited new development will be confined to the Beaconsfield town boundary covering the extent of the town within the parish. Outside the town, the plan has a more protection and conservation approach with designated local green space areas, a green infrastructure network, areas of special character, a design code, zero carbon buildings, designated heritage assets and support for sustainable transport.
96. 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.

HRA screening outcome

97. The Beaconsfield Draft Neighbourhood Plan is not looking to allocate any sites or set a housing target for further development. There would just be policy support for limited new development of town centre uses to support the function of existing retail centres and infill housing or ploy redevelopment in the housing areas all confined to a Beaconsfield town boundary. Outside the town, the plan has a more protection and conservation approach with designated local green space areas, a green infrastructure network, areas of special character, a design code, zero carbon buildings, designated heritage assets and support for sustainable transport. The area outside the defined town boundary is all protected as Green Belt under the local plan.
98. Although the Burnham Beeches SAC is only 0.7km from the Beaconsfield Town Council parish boundary , the draft plan is not envisaged to have any likely significant effects on the SAC. Other European sites (SAC or SPA) are much further away and there is not considered to be any cumulative impact from adopted local plans in Buckinghamshire or other council areas, any neighbourhood plans or other programmes. The Neighbourhood Plan is not

likely to lead to potential adverse effects on a European site that needs investigating by the preparation of an Appropriate Assessment.

99. Therefore, **no** HRA stage 2 (Appropriate Assessment) is deemed required.

10. Conclusions

100. Based on the above assessment, the screening outcome is that the Draft Beaconsfield Neighbourhood Plan requires neither a Strategic Environmental Assessment (SEA) or a under HRA any need to proceed to Stage 2 of HRA- an Appropriate Assessment.
101. The Council's conclusion reflects the consultation response on the draft screening from Natural England.

11. Consultation Responses

11.1. Natural England

Received 26.01.23

Dear David

Our ref: 417087

Thank you for your recent consultation relating to the Beaconsfield Neighbourhood Plan - SEA/HRA Screening.

Please find attached our response.

Kind Regards,

Ellen

Ellen Satchwell

Sustainable Development Lead Adviser

Thames Solent Team | Natural England

Attachment:

Buckinghamshire Council BY EMAIL ONLY Customer Services Hornbeam House
Crewe Business Park Electra Way Crewe Cheshire CW1 6GJ T 0300 060 3900

Dear David Broadley,

Beaconsfield Draft Neighbourhood Plan – Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening

Thank you for your consultation on the above dated 30 December 2022 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.

SEA and HRA Screening

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

Other advice

Burnham Beeches Special Area of Conservation (SAC)

We recognise that the Neighbourhood plan will not allocate development within the area. However, development coming forward in the future between 500 metres to 5.6km from Burnham Beeches SAC, will require a Habitats Regulations Assessment to determine Likely Significant Effect.

Mitigation measures will be necessary to rule out adverse effects on integrity. This should be in line with Adopted Burnham Beeches Avoidance and Mitigation Strategy Supplementary Planning Document.

[Burnham Beeches Adopted SPD 1_Ovzjql.pdf \(amazonaws.com\)](#)

Chilterns Area of Outstanding Natural Beauty (AONB) proposed extension

The plan area is within a proposed area of search which Natural England is considering as a possible boundary variation to the Chilterns Area of Outstanding Natural Beauty (AONB). Although the assessment process does not confer any additional planning protection, paragraph 174 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should protect and enhance valued landscapes and recognise the intrinsic character and beauty of the countryside. Natural England advises that this area should be considered as a valued landscape with appropriate Local Plan policies to protect and enhance its intrinsic character and natural beauty Furthermore, Paragraph 176 of the NPPF states that development in the settings of AONBs should be sensitively located and designed to avoid or minimise impacts on the designated areas. Page 2 of 2 An extension to an existing AONB is formally designated once a variation Order, made by Natural England, is confirmed by the Defra Secretary of State. Following the issue of the designation Order by Natural England but prior to confirmation by the Secretary of State, any area that is subject to a variation Order would carry great weight in plan-making and as a material consideration in planning decisions.

For more information about the boundary review process, please read these Frequently Asked Questions. [Chilterns-AONB-FAQs-July-2022-v5.pdf \(chilternsaonb.org\)](#)

Should the proposal change, please consult us again.

If you have any queries relating to the advice in this letter please contact me at ellen.satchwell@naturalengland.org.uk .

Yours sincerely,

Ellen Satchwell

Sustainable Development Lead Adviser Thames Solent Team

11.2. Historic England

No response received.

11.3. Environment Agency

No response received.