



Burnham Neighbourhood Plan –

Pre-Regulation 14 scope, July 2024

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

Final Screening Outcome

November 2024

Last updated: 22 November 2024

Version: 1.1

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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 a scope for a Burnham 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 Screening statement, the Burnham Neighbourhood Plan scope does **not** have potential to introduce significant environmental effects and so does **not** require an SEA Strategic Environmental Assessment nor an HRA Appropriate Assessment.

7. A consultation took place with the statutory bodies and their conclusions are reflected in this final report. The consultation took place with Natural England, The Environment Agency and Historic England for 5 weeks between 9 October 2024 and 14 November 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. The 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 Burnham Neighbourhood Plan -scope

14. The parish council through their agent provided a letter outlining a scope for screening on 25 July 2024. The plan:

- covers the plan period to 2042
- Does not allocate any sites for development

15. The plan will contain policies on:-

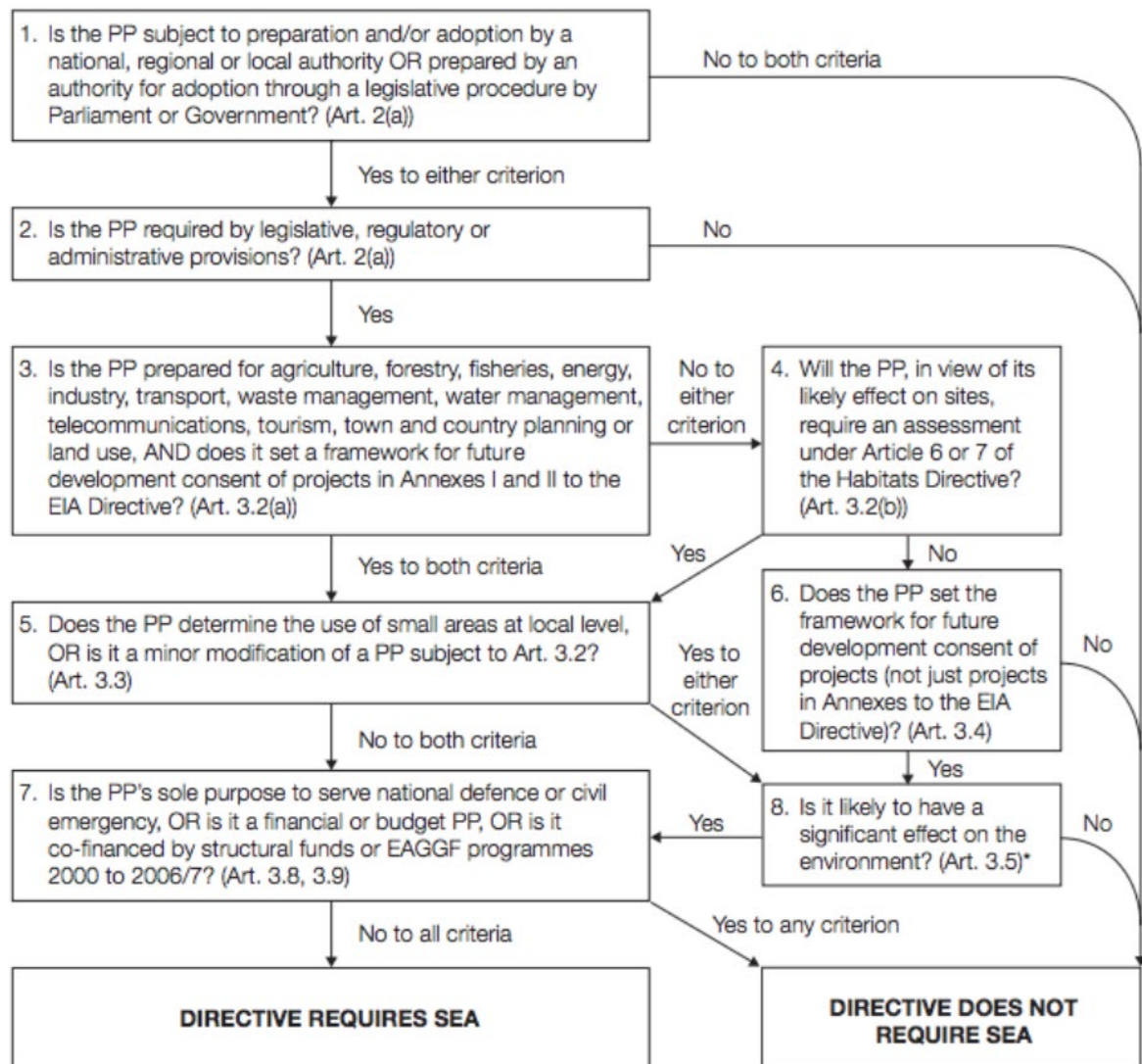
- parish-wide design coding,
- important green infrastructure assets including designating local green spaces,
- the sustainable travel network, community facilities and the high street to protect and where possible enhance these,
- and on incentivising Zero Carbon Buildings, all limited to reflect the existing planning policy context.

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 Burnham 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

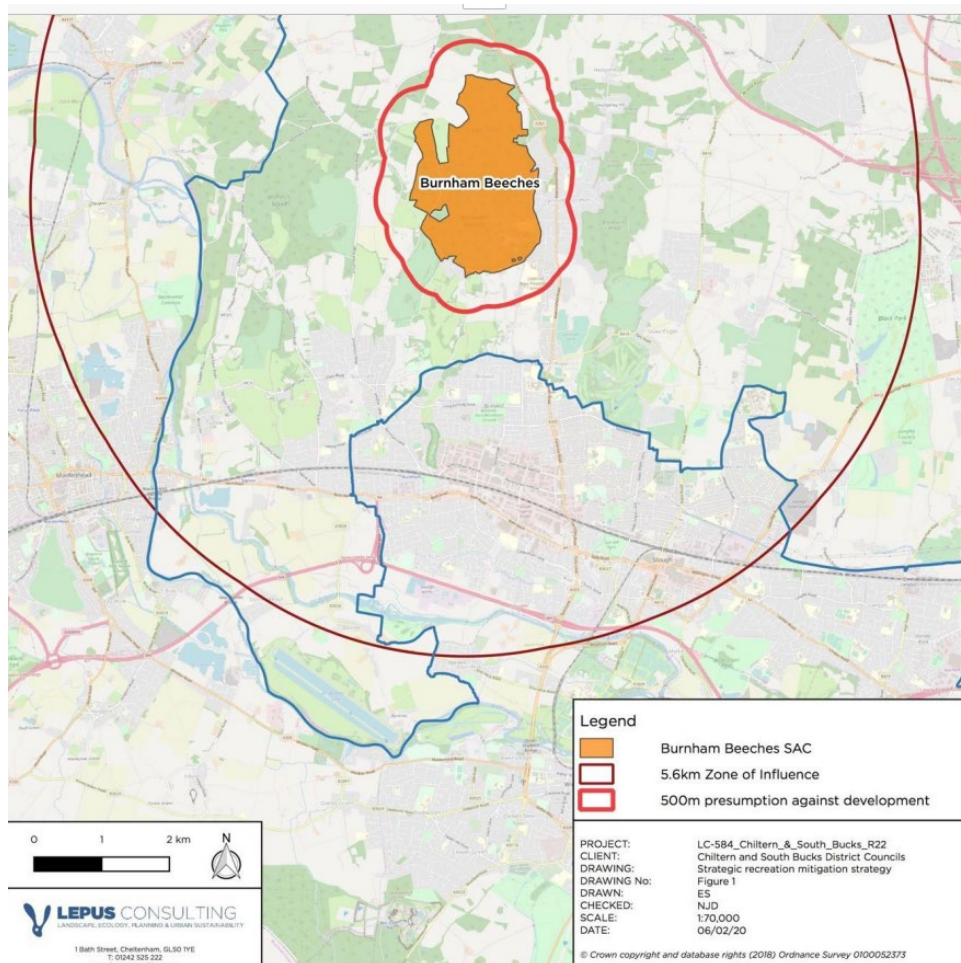
Reason - The Neighbourhood Development Plan is prepared for town and country planning purposes, but it does not set a framework for future development consent of projects in Annexes I and II to the EIA Directive (Art 3.2(a)).

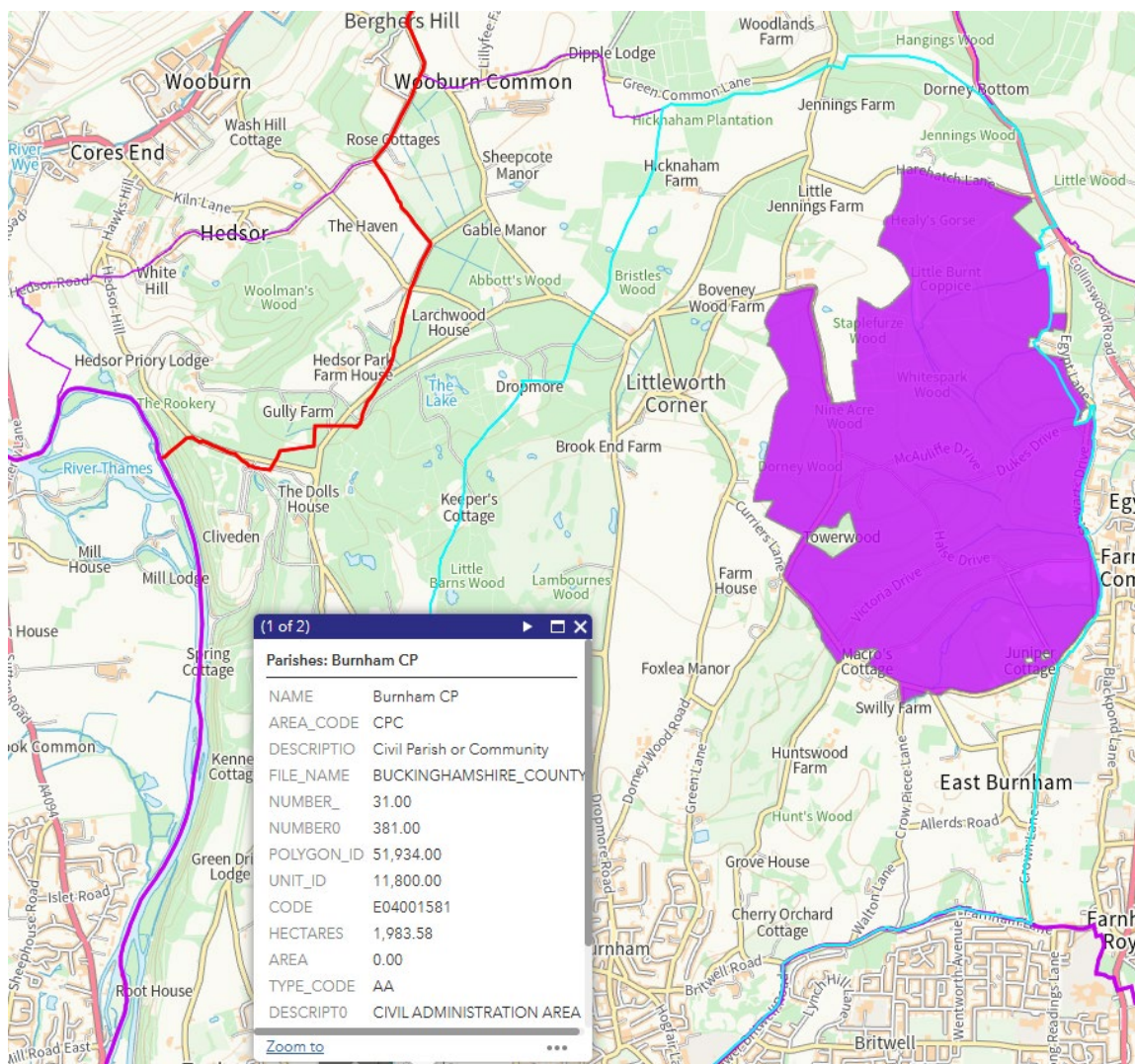
Stage 4

23. Will the 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 local green spaces . It is also likely to contain policies on parish-wide design coding, important green infrastructure assets including designating local green spaces, the sustainable travel network, community facilities and the high street to protect and where possible enhance these, and on incentivising Zero Carbon Buildings, all limited to reflect the existing planning policy context. None of these policies should impact on a Special Area of Conservation or Special Protection Area. The nearest SAC, Burnham Beeches is in the neighbourhood area. A Supplementary Planning Document adopted in 2020 sets out the 5.6km Zone of Influence for the mitigation strategy [https://buckinghamshire.gov-uk.s3.amazonaws.com/documents/Burnham_Beeches_Adopted_SPD_1_u_r0JiMw_HURqdJZ.pdf](https://buckinghamshire.gov.uk.s3.amazonaws.com/documents/Burnham_Beeches_Adopted_SPD_1_u_r0JiMw_HURqdJZ.pdf)





The neighbourhood area includes almost the entirety of the Burnham Beeches SAC. However, there would also be no adverse effects due to the nature of the plan not allocating any sites. There would be no effects on another other Protected Sites due to distance to the Chiltern Beechwoods SAC, Windsor Forest and Great Park SAC or Richmond Park SAC or any 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.

| Group_ | Vernacular | European_I | Latest Record |
|-------------------------|-------------|------------|---------------|
| Amphibians and reptiles | Common Frog | HabDir-A5 | 2000 |

| | | | |
|-------------------------|--------------------|--|------|
| Amphibians and reptiles | Common Frog | HabDir-A5 | 1999 |
| Amphibians and reptiles | Common Frog | HabDir-A5 | 2000 |
| Amphibians and reptiles | Common Frog | HabDir-A5 | 2012 |
| Amphibians and reptiles | Common Frog | HabDir-A5 | 2007 |
| Amphibians and reptiles | Common Frog | HabDir-A5 | 2006 |
| Amphibians and reptiles | Common Frog | HabDir-A5 | 2012 |
| Amphibians and reptiles | Common Frog | HabDir-A5 | 2006 |
| Amphibians and reptiles | Common Frog | HabDir-A5 | 2022 |
| Amphibians and reptiles | Common Frog | HabDir-A5 | 2008 |
| Amphibians and reptiles | Common Frog | HabDir-A5 | 2008 |
| Amphibians and reptiles | Common Frog | HabDir-A5 | 2009 |
| Amphibians and reptiles | Common Frog | HabDir-A5 | 2003 |
| Amphibians and reptiles | Common Frog | HabDir-A5 | 2007 |
| Amphibians and reptiles | Great Crested Newt | EPS-HabReg-Sch2 & HabDir-A2*,HabDir-A4 | 2008 |
| Amphibians and reptiles | Great Crested Newt | EPS-HabReg-Sch2 & HabDir-A2*,HabDir-A4 | 2019 |
| Amphibians and reptiles | Great Crested Newt | EPS-HabReg-Sch2 & HabDir-A2*,HabDir-A4 | 2008 |
| Amphibians and reptiles | Great Crested Newt | EPS-HabReg-Sch2 & HabDir-A2*,HabDir-A4 | 2008 |
| Amphibians and reptiles | Great Crested Newt | EPS-HabReg-Sch2 & HabDir-A2*,HabDir-A4 | 2008 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 1998 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2007 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 1998 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2006 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2006 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2018 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2018 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2018 |

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| Insects: beetles | Stag Beetle | HabDir-A2* | 2018 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2018 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2019 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2006 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2018 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2016 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2015 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2015 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2016 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2015 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2018 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2018 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 1990 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2006 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2007 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2006 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2006 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2011 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2006 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2000 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2002 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 1999 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2006 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2004 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 1998 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 1998 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2002 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2007 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 1998 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 1998 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2002 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2019 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2019 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 1998 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2019 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2002 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2002 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2019 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 1998 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2019 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2018 |

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|--------------------------------|-----------------|-----------------------------|------|
| Insects: beetles | Stag Beetle | HabDir-A2* | 2016 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 1998 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2015 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2016 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2015 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 1998 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 1998 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2018 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2007 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2018 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2018 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2006 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 1998 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2007 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 1998 |
| Insects: beetles | Stag Beetle | HabDir-A2* | 2006 |
| Insects: Lepidoptera: moths | Jersey Tiger | HabDir-A2* | 2018 |
| Insects: Lepidoptera: moths | Jersey Tiger | HabDir-A2* | 2020 |
| Insects: Lepidoptera: moths | Jersey Tiger | HabDir-A2* | 2019 |
| Lichens | a lichen | HabDir-A5 | 1991 |
| Mammals | a bat species | EPS-HabReg-Sch2 & HabDir-A4 | 2008 |
| Mammals | Serotine | EPS-HabReg-Sch2 & HabDir-A4 | 1991 |
| Mammals | Serotine | EPS-HabReg-Sch2 & HabDir-A4 | 2006 |
| Mammals | Western Polecat | HabReg-Sch4 & HabDir-A5 | 2010 |
| Mammals | Daubenton's Bat | EPS-HabReg-Sch2 & HabDir-A4 | 1999 |
| Mammals | Daubenton's Bat | EPS-HabReg-Sch2 & HabDir-A4 | 1998 |
| Mammals | Daubenton's Bat | EPS-HabReg-Sch2 & HabDir-A4 | 1999 |
| Mammals | Daubenton's Bat | EPS-HabReg-Sch2 & HabDir-A4 | 2006 |
| Mammals | Natterer's Bat | EPS-HabReg-Sch2 & HabDir-A4 | 1997 |
| Mammals | Natterer's Bat | EPS-HabReg-Sch2 & HabDir-A4 | 1997 |

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|---------|------------------------------------|-----------------------------|------|
| Mammals | Natterer's Bat | EPS-HabReg-Sch2 & HabDir-A4 | 1991 |
| Mammals | Myotis bat sp. | EPS-HabReg-Sch2 & HabDir-A4 | 1999 |
| Mammals | Myotis bat sp. | EPS-HabReg-Sch2 & HabDir-A4 | 2011 |
| Mammals | Myotis bat sp. | EPS-HabReg-Sch2 & HabDir-A4 | 1999 |
| Mammals | Myotis bat sp. | EPS-HabReg-Sch2 & HabDir-A4 | 1999 |
| Mammals | Myotis bat sp. | EPS-HabReg-Sch2 & HabDir-A4 | 1999 |
| Mammals | Myotis bat sp. | EPS-HabReg-Sch2 & HabDir-A4 | 1999 |
| Mammals | Myotis bat sp. | EPS-HabReg-Sch2 & HabDir-A4 | 1999 |
| Mammals | Myotis bat sp. | EPS-HabReg-Sch2 & HabDir-A4 | 1999 |
| Mammals | Myotis bat sp. | EPS-HabReg-Sch2 & HabDir-A4 | 1999 |
| Mammals | Leisler's Bat / Lesser Noctule Bat | EPS-HabReg-Sch2 & HabDir-A4 | 2006 |
| Mammals | Noctule Bat | EPS-HabReg-Sch2 & HabDir-A4 | 2007 |
| Mammals | Noctule Bat | EPS-HabReg-Sch2 & HabDir-A4 | 1995 |
| Mammals | Noctule Bat | EPS-HabReg-Sch2 & HabDir-A4 | 1997 |
| Mammals | Noctule Bat | EPS-HabReg-Sch2 & HabDir-A4 | 1994 |
| Mammals | Noctule Bat | EPS-HabReg-Sch2 & HabDir-A4 | 1999 |
| Mammals | Noctule Bat | EPS-HabReg-Sch2 & HabDir-A4 | 1994 |
| Mammals | Noctule Bat | EPS-HabReg-Sch2 & HabDir-A4 | 1994 |
| Mammals | Noctule Bat | EPS-HabReg-Sch2 & HabDir-A4 | 1994 |
| Mammals | Noctule Bat | EPS-HabReg-Sch2 & HabDir-A4 | 2007 |
| Mammals | Noctule Bat | EPS-HabReg-Sch2 & HabDir-A4 | 2019 |
| Mammals | Noctule Bat | EPS-HabReg-Sch2 & HabDir-A4 | 2007 |

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|---------|---------------------|-----------------------------|------|
| Mammals | Noctule Bat | EPS-HabReg-Sch2 & HabDir-A4 | 2007 |
| Mammals | Common Pipistrelle | EPS-HabReg-Sch2 & HabDir-A4 | 1996 |
| Mammals | Common Pipistrelle | EPS-HabReg-Sch2 & HabDir-A4 | 1999 |
| Mammals | Common Pipistrelle | EPS-HabReg-Sch2 & HabDir-A4 | 1999 |
| Mammals | Common Pipistrelle | EPS-HabReg-Sch2 & HabDir-A4 | 1997 |
| Mammals | Common Pipistrelle | EPS-HabReg-Sch2 & HabDir-A4 | 1999 |
| Mammals | Common Pipistrelle | EPS-HabReg-Sch2 & HabDir-A4 | 1998 |
| Mammals | Common Pipistrelle | EPS-HabReg-Sch2 & HabDir-A4 | 1998 |
| Mammals | Common Pipistrelle | EPS-HabReg-Sch2 & HabDir-A4 | 1999 |
| Mammals | Common Pipistrelle | EPS-HabReg-Sch2 & HabDir-A4 | 1999 |
| Mammals | Common Pipistrelle | EPS-HabReg-Sch2 & HabDir-A4 | 1993 |
| Mammals | Common Pipistrelle | EPS-HabReg-Sch2 & HabDir-A4 | 1995 |
| Mammals | Common Pipistrelle | EPS-HabReg-Sch2 & HabDir-A4 | 1998 |
| Mammals | Common Pipistrelle | EPS-HabReg-Sch2 & HabDir-A4 | 2019 |
| Mammals | Common Pipistrelle | EPS-HabReg-Sch2 & HabDir-A4 | 2007 |
| Mammals | Common Pipistrelle | EPS-HabReg-Sch2 & HabDir-A4 | 2010 |
| Mammals | Common Pipistrelle | EPS-HabReg-Sch2 & HabDir-A4 | 2010 |
| Mammals | Soprano Pipistrelle | EPS-HabReg-Sch2 & HabDir-A4 | 2007 |
| Mammals | Soprano Pipistrelle | EPS-HabReg-Sch2 & HabDir-A4 | 2011 |
| Mammals | Soprano Pipistrelle | EPS-HabReg-Sch2 & HabDir-A4 | 2007 |
| Mammals | Soprano Pipistrelle | EPS-HabReg-Sch2 & HabDir-A4 | 2007 |
| Mammals | Soprano Pipistrelle | EPS-HabReg-Sch2 & HabDir-A4 | 2009 |

| | | | |
|-------------------------------|----------------------|-----------------------------|------|
| Mammals | Soprano Pipistrelle | EPS-HabReg-Sch2 & HabDir-A4 | 2007 |
| Mammals | Pipistrelle species | EPS-HabReg-Sch2 & HabDir-A4 | 2010 |
| Mammals | Pipistrelle species | EPS-HabReg-Sch2 & HabDir-A4 | 2010 |
| Mammals | Brown Long-eared Bat | EPS-HabReg-Sch2 & HabDir-A4 | 1998 |
| Mammals | Brown Long-eared Bat | EPS-HabReg-Sch2 & HabDir-A4 | 2011 |
| Mammals | Brown Long-eared Bat | EPS-HabReg-Sch2 & HabDir-A4 | 1999 |
| Mammals | Brown Long-eared Bat | EPS-HabReg-Sch2 & HabDir-A4 | 1999 |
| Mammals | Brown Long-eared Bat | EPS-HabReg-Sch2 & HabDir-A4 | 1997 |
| Mammals | Brown Long-eared Bat | EPS-HabReg-Sch2 & HabDir-A4 | 1999 |
| Mammals | Brown Long-eared Bat | EPS-HabReg-Sch2 & HabDir-A4 | 1995 |
| Plants | Butcher's-broom | HabDir-A5 | 2014 |
| Plants | Butcher's-broom | HabDir-A5 | 2014 |
| Plants | Butcher's-broom | HabDir-A5 | 2020 |
| Plants | Butcher's-broom | HabDir-A5 | 1991 |
| Plants | Butcher's-broom | HabDir-A5 | 1990 |
| Plants | Butcher's-broom | HabDir-A5 | 1992 |
| Plants | Butcher's-broom | HabDir-A5 | 2016 |
| Plants | Butcher's-broom | HabDir-A5 | 2015 |
| Plants | Butcher's-broom | HabDir-A5 | 1998 |
| Plants | Butcher's-broom | HabDir-A5 | 1998 |
| Plants | Butcher's-broom | HabDir-A5 | 1998 |
| Plants: mosses and liverworts | Large White-moss | HabDir-A5 | 1999 |
| Plants: mosses and liverworts | Large White-moss | HabDir-A5 | 1996 |
| Plants: mosses and liverworts | Large White-moss | HabDir-A5 | 1999 |
| Vertebrates | bats | EPS-HabReg-Sch2 & HabDir-A4 | 1991 |
| Vertebrates | bats | EPS-HabReg-Sch2 & HabDir-A4 | 1997 |
| Vertebrates | bats | EPS-HabReg-Sch2 & HabDir-A4 | 1997 |

| | | | |
|-------------|------|-----------------------------|------|
| Vertebrates | bats | EPS-HabReg-Sch2 & HabDir-A4 | 1997 |
| Vertebrates | bats | EPS-HabReg-Sch2 & HabDir-A4 | 1997 |
| Vertebrates | bats | EPS-HabReg-Sch2 & HabDir-A4 | 1993 |
| Vertebrates | bats | EPS-HabReg-Sch2 & HabDir-A4 | 1997 |
| Vertebrates | bats | EPS-HabReg-Sch2 & HabDir-A4 | 1999 |
| Vertebrates | bats | EPS-HabReg-Sch2 & HabDir-A4 | 2008 |
| Vertebrates | bats | EPS-HabReg-Sch2 & HabDir-A4 | 1995 |
| Vertebrates | bats | EPS-HabReg-Sch2 & HabDir-A4 | 1998 |
| Vertebrates | bats | EPS-HabReg-Sch2 & HabDir-A4 | 1997 |
| Vertebrates | bats | EPS-HabReg-Sch2 & HabDir-A4 | 1998 |
| Vertebrates | bats | EPS-HabReg-Sch2 & HabDir-A4 | 1994 |
| Vertebrates | bats | EPS-HabReg-Sch2 & HabDir-A4 | 1998 |
| Vertebrates | bats | EPS-HabReg-Sch2 & HabDir-A4 | 1998 |
| Vertebrates | bats | EPS-HabReg-Sch2 & HabDir-A4 | 1998 |
| Vertebrates | bats | EPS-HabReg-Sch2 & HabDir-A4 | 1996 |
| Vertebrates | bats | EPS-HabReg-Sch2 & HabDir-A4 | 1991 |
| Vertebrates | bats | EPS-HabReg-Sch2 & HabDir-A4 | 1991 |
| Vertebrates | bats | EPS-HabReg-Sch2 & HabDir-A4 | 1991 |
| Vertebrates | bats | EPS-HabReg-Sch2 & HabDir-A4 | 1991 |
| Vertebrates | bats | EPS-HabReg-Sch2 & HabDir-A4 | 1991 |

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 local green spaces . It is also likely to contain policies on parish-wide design coding, important green infrastructure assets including designating local green spaces, the sustainable travel network, community facilities and the high street to protect and where possible enhance these, and on incentivising Zero Carbon Buildings, all limited to reflect the existing planning policy context.

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 Burnham Neighbourhood Plan - Scope

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 local green spaces . It is also likely to contain policies on parish-wide design coding, important green infrastructure assets including designating local green spaces, the sustainable travel network, community facilities and the high street to protect and where possible enhance these, and on incentivising Zero Carbon Buildings, all limited to reflect the existing planning policy context.

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 Burnham 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 Burnham parish) while the policies in the local plan in force in the South Buckinghamshire area of Buckinghamshire are:

- the South Buckinghamshire Local Plan Adopted March 1999

Consolidated September 2007 and February 2011 and the

- South Buckinghamshire LDF Core Strategy 2011

National guidance is provided in the National Planning Policy Framework [National Planning Policy Framework - Guidance - GOV.UK \(www.gov.uk\)](http://www.gov.uk) (there is also a draft replacement version currently) which provide a strategic context for the Burham 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 neighbourhood area is adjacent the Buckinghamshire boundary with Slough and Berkshire. However the scope for a 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 local green spaces . It is also likely to contain policies on parish-wide design coding, important green infrastructure assets including designating local green spaces, the sustainable travel network, community facilities and the high street to protect and where possible enhance these, and on incentivising Zero Carbon Buildings, all limited to reflect the existing planning policy context.

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

Likely to have significant environmental effects? – No

Reason – The neighbourhood plan scope 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 Burnham Neighbourhood Plan will be developed in general conformity with the adopted development plans covering the South Buckinghamshire area of Bucks and 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 local green spaces . It is also likely to contain policies on parish-wide design coding, important green infrastructure assets including designating local green spaces, the sustainable travel network, community facilities and the high street to protect and where possible enhance these, and on incentivising Zero Carbon Buildings, all limited to reflect the existing planning policy context.

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 local green spaces . It is also likely to contain policies on parish-wide design coding, important green infrastructure assets including designating local green spaces, the sustainable travel network, community facilities and the high street to protect and where

possible enhance these, and on incentivising Zero Carbon Buildings, all limited to reflect the existing planning policy context.

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 1,983ha and contains a population is of 12,526 residents (2021 census). The neighbourhood plan will not be allocating any sites but it will be designating local green spaces . It is also likely to contain policies on parish-wide design coding, important green infrastructure assets including designating local green spaces, the sustainable travel network, community facilities and the high street to protect and where possible enhance these, and on incentivising Zero Carbon Buildings, all limited to reflect the existing planning policy context. The plan will not have any significant effects on neighbouring parishes, the remainder of Buckinghamshire or adjacent areas of Berkshire.

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 but it will be designating local green spaces . It is also likely to contain policies on parish-wide design coding, important green infrastructure assets including designating local green spaces, the sustainable travel network, community facilities and the high street to protect and where possible enhance these, and on incentivising Zero Carbon Buildings, all limited to reflect the existing planning policy context.

The built-up area of Burnham is inset from the Green Belt. The Neighbourhood Area (NA) includes 2 Conservation Areas, Listed Buildings, priority habitats as well as areas subject to surface water flooding.

The NA includes the majority of the Burnham Beeches Special Area of Conservation (SAC) & Site of Special Scientific Interest (SSSI) which forms part of the National Site Network (formerly Natura 2000 sites). Parts of the Chiltern Beechwoods SAC, The Windsor Forest & Great Park SAC, and the South West London Waterbodies SPA lie within 10km of the NA. It is noted that the provisions of the adopted Burnham Beeches SPD continue to apply.

Littleworth Common SSSI also lies within the NA.

The M40 Air Quality Management Area is also in close proximity to the NA. Parts of the NA are also included within the South Bucks Heaths & Parklands Biodiversity Opportunity Area.

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

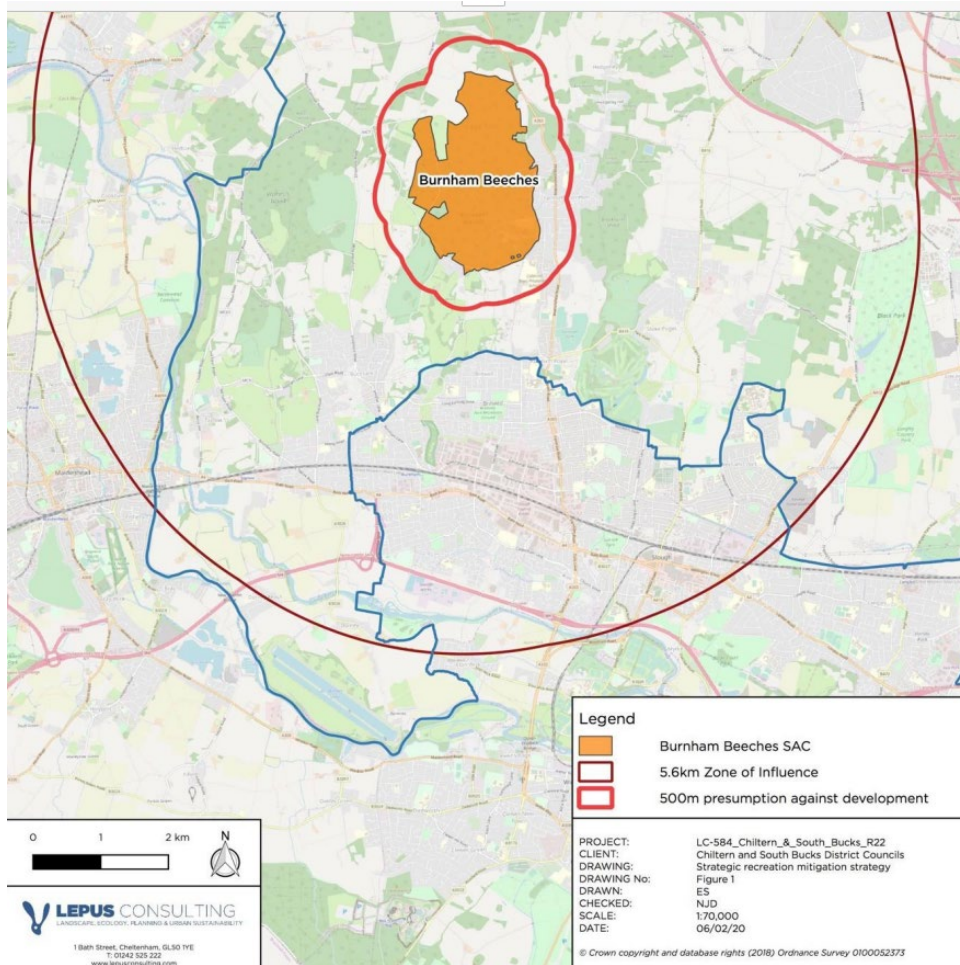
Introduction

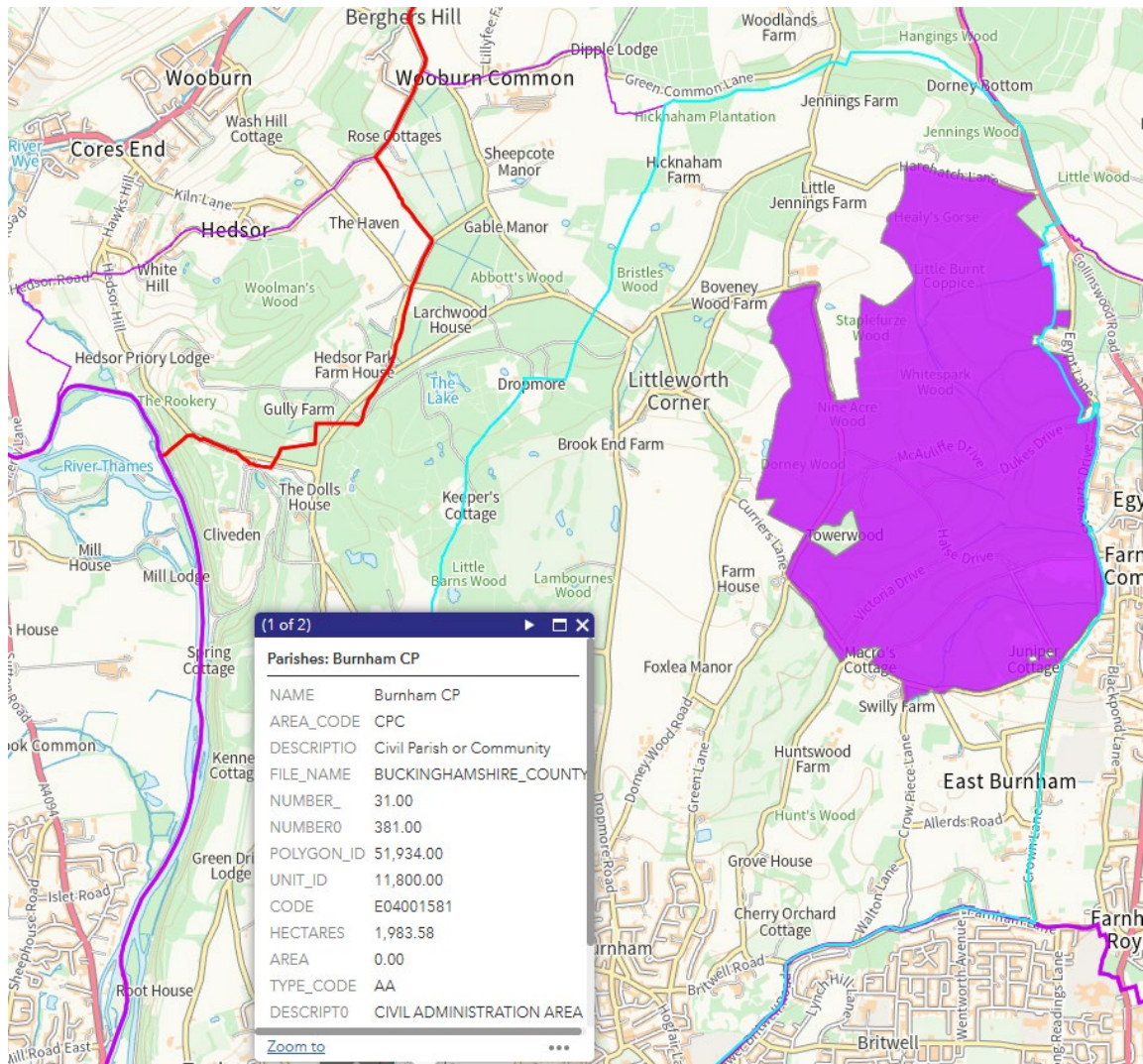
42. The screening statement will consider whether the Neighbourhood Plan Scope requires a Habitats Regulations Assessment. This is a requirement of Regulation 106 of the Conservation of Habitats and Species Regulations 2017.

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 nearest SAC, Burnham Beeches is in the neighbourhood area. A Supplementary Planning Document adopted in 2020 sets out the 5.6km Zone of Influence for the mitigation strategy <https://buckinghamshire-gov->





The neighbourhood area includes almost the entirety of the Burnham Beeches SAC. However, there would also be no adverse effects due to the nature of the plan not allocating any sites. There would be no effects on another other Protected Sites due to distance to the Chiltern Beechwoods SAC, Windsor Forest and Great Park SAC or Richmond Park SAC or any SPAs and RAMSAR sites.

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 July 2024 scoping letter from the neighbourhood planning group's agent of what will become a neighbourhood plan.

People over Wind

53. 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.
54. 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 any sites for development. It will be designating local green spaces . It is also likely to contain policies on parish-wide design coding, important green infrastructure assets including designating local green spaces, the sustainable travel network, community facilities and the high street to protect and where possible enhance these, and on incentivising Zero Carbon Buildings, all limited to reflect 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 Burnham Neighbourhood Plan - Scope

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 Burnham Neighbourhood Plan - Scope

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 nearest SAC, Burnham Beeches is in the neighbourhood area. A Supplementary Planning Document adopted in 2020 sets out the 5.6km Zone of Influence for the mitigation strategy [https://buckinghamshire-gov-uk.s3.amazonaws.com/documents/Burnham Beeches Adopted SPD 1 ur0JiMw_HURqdJZ.pdf](https://buckinghamshire-gov-uk.s3.amazonaws.com/documents/Burnham_Beeches_Adopted_SPD_1_ur0JiMw_HURqdJZ.pdf) The neighbourhood area includes almost the entirety of the Burnham Beeches SAC. However, there would also be no adverse effects due to the nature of the plan not allocating any sites. There would be no effects on another other Protected Sites due to distance to the Chiltern Beechwoods SAC, Windsor Forest and Great Park SAC or Richmond Park SAC or any SPAs and RAMSAR sites.
82. The neighbourhood plan will not be allocating any sites for development. It will be designating local green spaces . It is also likely to contain policies on parish-wide design coding, important green infrastructure assets including designating local green spaces, the sustainable travel network, community facilities and the high street to protect and where possible enhance these, and on incentivising Zero Carbon Buildings, all limited to reflect the existing planning policy context.
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 or adjacent areas of Berkshire.

HRA screening outcome

84. The draft neighbourhood plan does not contain any allocated sites and is otherwise a plan that will conserve, enhance and mitigate the socio-economic and environmental value. The details of the plan scope are summarised in paragraphs 14 and 15 of this screening assessment.
85. The neighbourhood area includes almost the entirety of the Burnham Beeches SAC. However, there would also be no adverse effects due to the nature of the plan not allocating any sites. There would be no effects on another other Protected Sites due to distance to the Chiltern Beechwoods SAC, Windsor Forest and Great Park SAC or Richmond Park SAC or any SPAs and RAMSAR sites.
86. The plan itself whilst having no allocated sites for development will be designating local green spaces . It is also likely to contain policies on parish-wide design coding, important green infrastructure assets including designating local green spaces, the sustainable travel network, community facilities and the high street to protect and where possible enhance these, and on incentivising Zero Carbon Buildings, all limited to reflect the existing planning policy context.
87. It is not considered the plan will have any likely significant effects on a Protected Site and so an Appropriate Assessment does not need to be carried out to test the effects of the plan. Nevertheless the draft plan that emerges will be checked for consistency with the scope that was presented for this screening assessment.
88. Therefore, based on the information provided, the overall HRA screening conclusions is **no** HRA stage 2 (Appropriate Assessment) is deemed required.

9. Conclusions

89. Based on the above assessment, the screening outcome is that the Burnham Neighbourhood Plan – Scope 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.
90. The Final Screening Outcome has been informed by a formal consultation with Natural England, Historic England and the Environment Agency. Only Natural England were asked to comment on the HRA element.

Consultation Responses

9.1. Natural England

Response received 24 October 2024.

Date: 24 October 2024
Our ref: 490144
Your ref: Burnham Neighbourhood Plan - Draft SEA and HRA Screening



Buckinghamshire Council

BY EMAIL ONLY

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CW1 6GJ

T 0300 060 3900

Dear Sir / Madam

Burnham Neighbourhood Plan

Thank you for your consultation on the above dated 09 October 2024 which was received by Natural England on 09 October 2024

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Screening Request: Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA)

It is Natural England's advice, on the basis of the material supplied with the consultation, that:

- **significant effects on statutorily designated nature conservation sites or landscapes are unlikely; and,**
- **significant effects on Habitats sites¹, either alone or in combination, are unlikely.**

The proposed neighbourhood plan is unlikely to significantly affect any Site of Special Scientific Interest (SSSI), Marine Conservation Zone (MCZ), Special Areas of Conservation (SAC), Special Protection areas (SPA), Ramsar wetland or sites in the process of becoming SACs or SPAs ('candidate SACs', 'possible SACs', 'potential SPAs') or a Ramsar wetland. The plan area is unlikely to have a significant effect on a National Park, Area of Outstanding Natural Beauty or Heritage Coast, and is unlikely to impact upon the purposes for which these areas are designated or defined.

Guidance on the assessment of Neighbourhood Plans, in line with the Environmental Assessment of Plans and Programmes Regulations 2004 is contained within the [Planning Practice Guidance](#). This identifies three triggers that may require the production of an SEA:

¹ Habitats sites are those referred to in the [National Planning Policy Framework](#) (Annex 2 - glossary) as "any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites".

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

Natural England does not hold information on the location of significant populations of protected species, so is unable to advise whether this plan is likely to affect protected species to such an extent as to require an SEA. Further information is included in Natural England's [standing advice](#) on protected species.

Furthermore, Natural England does not routinely maintain locally specific data on all environmental assets. The plan may have environmental impacts on priority species and/or habitats, local wildlife sites, soils and best and most versatile agricultural land, or on local landscape character that may be sufficient to warrant an SEA. Information on ancient woodland, ancient and veteran trees is set out in Natural England/Forestry Commission [standing advice](#).

We therefore recommend that advice is sought from your ecological, landscape and soils advisers, local record centre, recording society or wildlife body on the local soils, best and most versatile agricultural land, landscape, geodiversity and biodiversity receptors that may be affected by the plan before determining whether a SEA is necessary.

Natural England reserves the right to provide further advice on the environmental assessment of the plan. This includes any third party appeal against any screening decision you may make. If a SEA is required, Natural England must be consulted at the scoping and environmental report stages.

Please send any new consultations, or further information on this consultation to consultations@naturalengland.org.uk

Yours sincerely

Ben Ramachandra
Nature Recovery Officer
Thames Solent Area Team

Annex A –Natural England general advice

Protected Landscapes

Paragraph 182 of the [National Planning Policy Framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/policies/national-planning-policy-framework) (NPPF) requires great weight to be given to conserving and enhancing landscape and scenic beauty within Areas of Outstanding Natural Beauty (known as National Landscapes), National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 183 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering relevant development proposals. Section 245 of the [Levelling-up and Regeneration Act 2023 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2023/1/section/245) places a duty on relevant authorities (including local planning authorities) to seek to further the statutory purposes of a National Park, the Broads or an Area of Outstanding Natural Beauty in England in exercising their functions. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The local planning authority should carefully consider any impacts on the statutory purposes of protected landscapes and their settings in line with the NPPF, relevant development plan policies and the Section 245 duty. The relevant National Landscape Partnership or Conservation Board may be able to offer advice on the impacts of the proposal on the natural beauty of the area and the aims and objectives of the statutory management plan, as well as environmental enhancement opportunities. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to development and its capacity to accommodate proposed development.

Wider landscapes

Paragraph 180 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Guidelines for Landscape and Visual Impact Assessment \(GLVIA3\) - Landscape Institute](https://www.landscapelinstitute.org.uk/guidelines-for-landscape-and-visual-impact-assessment-glvia3/) for further guidance.

Biodiversity duty

Section 40 of the [Natural Environment and Rural Communities Act 2006 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2006/1/section/40) places a duty on the local planning authority to conserve and enhance biodiversity as part of its decision making. We refer you to the [Complying with the biodiversity duty - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/complying-with-the-biodiversity-duty) for further information.

Designated nature conservation sites

Paragraphs 186-188 of the NPPF set out the principles for determining applications impacting on Sites of Special Scientific Interest (SSSI) and habitats sites (Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). Both the direct and indirect impacts of the development should be considered. A Habitats Regulations Assessment is needed where a proposal might affect a habitat site (see [Habitats regulations assessments: protecting a European site - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/habitats-regulations-assessments-protecting-a-european-site) and Natural England must be consulted on 'appropriate assessments' (see [Appropriate assessment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/appropriate-assessment) for more information for planning authorities).

Natural England must also be consulted where development is in or likely to affect a SSSI and provides advice on potential impacts on SSSIs either via the [SSSI Impact Risk Zones \(England\) \(arcgis.com\)](https://arcgis.com) or as standard or bespoke consultation responses. Section 28G of the Wildlife and Countryside Act 1981 places a duty on all public bodies to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the features for which an SSSI has been notified ([Sites of special scientific interest: public body responsibilities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/sites-of-special-scientific-interest-public-body-responsibilities)).

Protected Species

Natural England has produced [Protected species and development: advice for local planning authorities \(gov.uk\)](https://www.gov.uk/government/publications/protected-species-and-development-advice-for-local-planning-authorities) (standing advice) to help planning authorities understand the impact of particular developments on protected species.

Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. A protected species licence may be required in certain cases. We refer you to [Wildlife licences: when you need to apply - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/wildlife-licences-when-you-need-to-apply) for more information.

Local sites and priority habitats and species

The local planning authority should consider the impacts of the proposed development on any local wildlife or geodiversity site, in line with paragraphs 180, 181 and 185 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity to help nature's recovery. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local environmental records centre, wildlife trust, geoconservation groups or recording societies. Emerging [Local nature recovery strategies - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/local-nature-recovery-strategies) may also provide further useful information.

Those habitats and species which are of particular importance for nature conservation are included as 'priority habitats and species' in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest on the Magic website or as Local Wildlife Sites. We refer you to [Habitats and species of principal importance in England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/habitats-and-species-of-principal-importance-in-england) for a list of priority habitats and species in England. You should consider priority habitats and species when applying your 'biodiversity duty' to your policy or decision making

Natural England does not routinely hold priority species data. Such data should be collected when impacts on priority habitats or species are considered likely.

Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. We refer you to the [Brownfield Hub - Buglife](https://www.gov.uk/guidance/brownfield-hub-buglife) for more information and Natural England's [Open Mosaic Habitat \(Draft\) - data.gov.uk](https://data.gov.uk/dataset/open-mosaic-habitat-inventory) (Open Mosaic Habitat inventory), which can be used as the starting point for detailed brownfield land assessments.

Biodiversity and wider environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 180(d), 185 and 186. Major development (defined in the [National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.gov.uk/guidance/national-planning-policy-framework) glossary) is required by law to deliver a biodiversity gain of at least 10% from 12 February 2024 and this requirement is expected to be extended to smaller scale development in spring 2024. For nationally significant infrastructure projects (NSIPs), it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

For further information on the timetable for mandatory biodiversity net gain, we refer you to [Biodiversity Net Gain moves step closer with timetable set out - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain-moves-step-closer-with-timetable-set-out). [Biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain) provides more information on biodiversity net gain and includes a link to the draft [Biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain) Planning Practice Guidance.

The statutory biodiversity metric should be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. We refer you to [Calculate biodiversity value with the statutory biodiversity metric - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/calculate-biodiversity-value-with-the-statutory-biodiversity-metric) for more information. For small development sites, [The Small Sites Metric - JP040 \(naturalengland.org.uk\)](https://naturalengland.org.uk/the-small-sites-metric) may be used. This is a simplified version of the statutory biodiversity metric and is designed for use where certain criteria are met.

The mitigation hierarchy as set out in paragraph 186 of the NPPF should be followed to firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered.

Where off-site delivery of biodiversity gain is proposed on a special site designated for nature (e.g. a SSSI or habitats site) prior consent or assent may be required from Natural England. More information is available on [Sites of Special Scientific Interest: managing your land](https://www.gov.uk/guidance/sites-of-special-scientific-interest-managing-your-land). Development also provides opportunities to secure wider biodiversity enhancements and environmental

gains, as outlined in the NPPF (paragraphs 8, 74, 108, 124, 180, 181 and 186). Opportunities for enhancement might include incorporating features to support specific species within the design of new buildings such as swift or bat boxes or designing lighting to encourage wildlife.

[The Environmental Benefits from Nature Tool - Beta Test Version - JP038 \(naturalengland.org.uk\)](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the statutory biodiversity metric.

[Natural environment - GOV.UK \(www.gov.uk\)](#) provides further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain.

Ancient woodland, ancient and veteran trees

The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 186 of the NPPF. The [Natural England Access to Evidence - Ancient woodlands Map](#) can help to identify ancient woodland. Natural England and the Forestry Commission have produced [Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK \(www.gov.uk\)](#) (standing advice) for planning authorities. It should be considered when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 180 and 181). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in the [Guide to assessing development proposals on agricultural land - GOV.UK \(www.gov.uk\)](#). [Find open data - data.gov.uk](#) on Agricultural Land Classification or use the information available on [MAGIC \(defra.gov.uk\)](#).

The Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites \(publishing.service.gov.uk\)](#) provides guidance on soil protection, and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling, we refer you to [Reclaim minerals extraction and landfill sites to agriculture - GOV.UK \(www.gov.uk\)](#), which provides guidance on soil protection for site restoration and aftercare. The [Soils Guidance \(quarrying.org\)](#) provides detailed guidance on soil handling for mineral sites.

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Green Infrastructure

For evidence-based advice and tools on how to design, deliver and manage green and blue infrastructure (GI) we refer you to [Green Infrastructure Home \(naturalengland.org.uk\)](#) (the Green Infrastructure Framework). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

Development should be designed to meet the 15 [GI How Principles \(naturalengland.org.uk\)](#). The GI Standards can be used to inform the quality, quantity and type of GI to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority GI strategies should be delivered where appropriate.

The [Green Infrastructure Map \(naturalengland.org.uk\)](#) and [GI Mapping Analysis \(naturalengland.org.uk\)](#) are GI mapping resources that can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

Access and Recreation:

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths, together with the creation of new footpaths and bridleways should be considered. Links to urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

Rights of Way, Access land, Coastal access and National Trails:

Paragraphs 104 and 180 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development.

Consideration should also be given to the potential impacts on any nearby National Trails. We refer you to [Find your perfect trail, and discover the land of myths and legend - National Trails](#) for information including contact details for the National Trail Officer.

The King Charles III England Coast Path (KCIIIECP) is a National Trail around the whole of the English Coast. It has an associated coastal margin subject to public access rights. Parts of the KCIIIECP are not on Public Rights of Way but are subject to public access rights. Consideration should be given to the impact of any development on the KCIIIECP and the benefits of maintaining a continuous coastal route.

Appropriate mitigation measures should be incorporated for any adverse impacts on Rights of Way, Access land, Coastal access, and National Trails.

Further information is set out in the Planning Practice Guidance on the [Natural environment - GOV.UK \(www.gov.uk\)](#).

9.2. Historic England

Response Received 29 October 2024.

By email only to: Neighbourhoodplanning@buckinghamshire.gov.uk

Our ref: PL00797142

Your ref: Burnham Neighbourhood Plan SEA

Main: 020 7973 3700

e-seast@historicengland.org.uk

louise.dandy@historicengland.org.uk

Date: 29/10/2024

Burnham 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 Burnham 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. We also note that the plan does not propose to allocate any new sites for development.

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

9.3. Environment Agency

No response was received.