



Granborough Neighbourhood Plan

**SEA and HRA Screening Opinion by
Buckinghamshire Council for consultation in
accordance with the European Directive
2001/42/EC and associated Environmental
Assessment of Plans and Programmes
Regulations 2004**

and

**European Directive 92/43/EEC and Regulation
106 of The Conservation of Habitats and Species
Regulations 2017**

FINAL version

Date: December 2020

GRANBOROUGH NEIGHBOURHOOD PLAN - SCOPE

November 2020

Strategic Environmental Assessment (SEA) Screening

Habitats Regulations Assessment (HRA) Screening

Contents

Part One - SEA

1. Introduction	4
2. Legislative Background	4
3. Criteria for Assessing the Effects of Supplementary Planning Documents	4
4. Assessment	6
5. Screening Outcome	13

Part Two - HRA

1. Introduction	14
2. The Habitats Regulations Assessment (HRA) process	14
3. People Over Wind	16
4. Assessment Process	17
5. Assessment of Granborough Draft Scope Neighbourhood Plan	20
6. Screening Outcome	21

Appendices

Appendix 1 – statutory consultation responses	22
Appendix 2 - Note on the ‘People over Wind’ Court of Justice of the European Union (CJEU) case	26

(Blank page)

Strategic Environmental Assessment Screening

1. Introduction

- 1.1 This screening statement considers whether the scope of the Granborough Neighbourhood Plan requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.
- 1.2 The screening process is based upon consideration of standard criteria to determine whether the plan is likely or not to have “significant environmental effects”. The result of Buckinghamshire Council’s (BC) screening process is detailed in this Screening Statement.
- 1.3 The legislative background set out below outlines the regulations that require the need for this screening exercise. Section 4, provides a screening assessment of the likely significant environmental effects of the policies in the Granborough Neighbourhood Plan and the need for a full Strategic Environmental Assessment.

2. Legislative Background

- 2.1 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.
- 2.2 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.

3. Criteria for Assessing the Effects of Neighbourhood Development Plans

- 3.1 Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below¹:

¹ Source: Annex II of SEA Directive 2001/42/EC

1. The characteristics of plans and programmes, having regard, in particular, to:

- the degree to which the plan or programme sets a framework for projects and other activities, either with regard to 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 in particular 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).

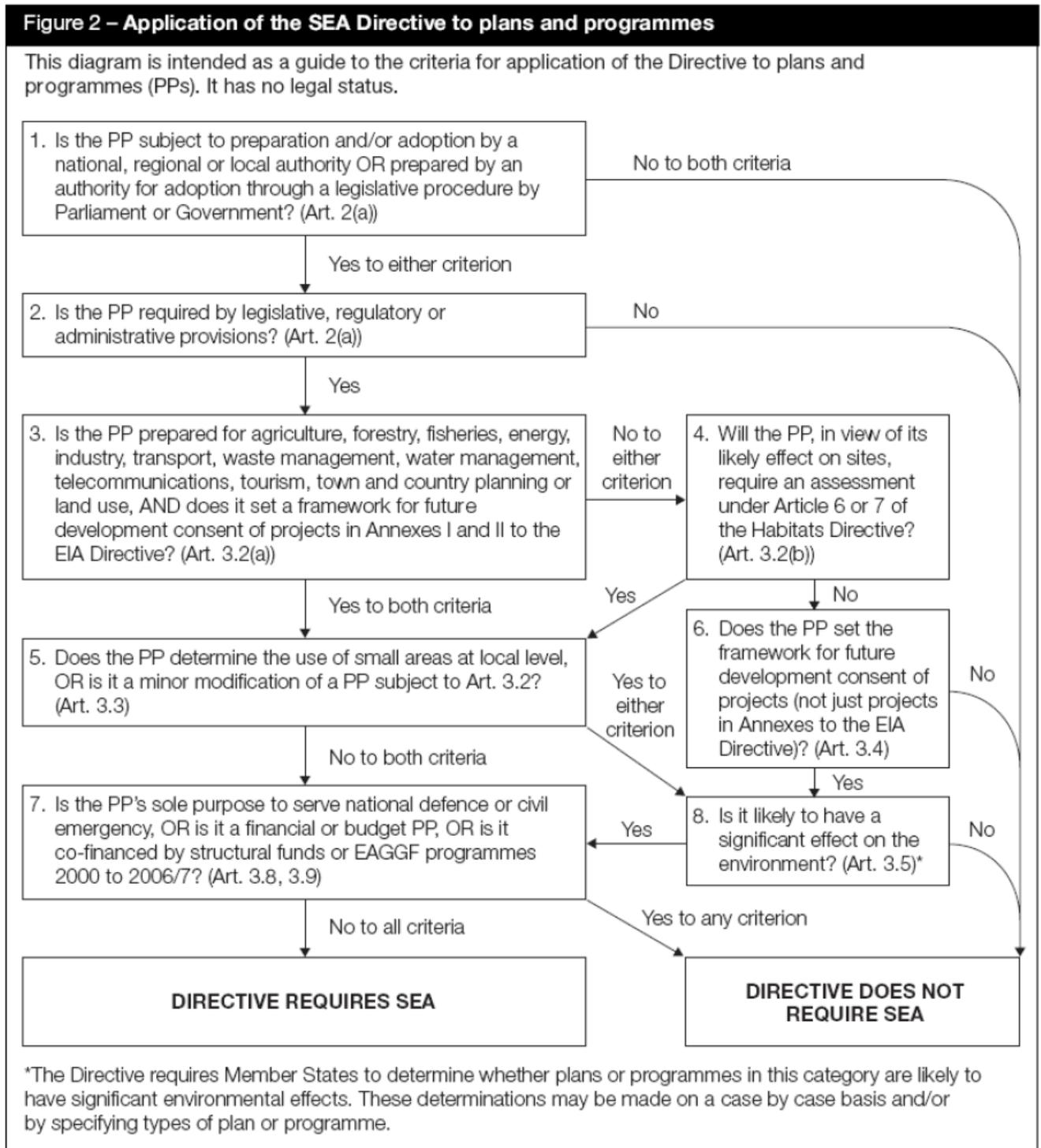
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:

1. the probability, duration, frequency and reversibility of the effects,
2. the cumulative nature of the effects,
3. the transboundary nature of the effects,
4. the risks to human health or the environment (e.g. due to accidents),
5. the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
6. the value and vulnerability of the area likely to be affected due to:
7. special natural characteristics or cultural heritage,
8. exceeded environmental quality standards or limit values,
9. intensive land-use,

the effects on areas or landscapes which have a recognised national, Community or international protection status.

4. Assessment

4.1 The diagram below illustrates the process for screening a planning document to ascertain whether a full SEA is required.



4.2 The table below shows the assessment of whether or not the Granborough Neighbourhood Plan (November 2020 scope) will require a full SEA. The questions below are drawn from the diagram above which sets out how the SEA Directive should be applied. The Parish Council has given Buckinghamshire Council an early scope of a plan. This is what the screening is based on.

4.3 The scope neighbourhood plan contains the following policies and proposals:

- A policy to define sustainable development in Granborough parish including guidance on the high standard of design in development meeting wider character, energy and water efficiency, avoiding adverse impacts on wildlife and infrastructure and avoiding development intruding into the open countryside
- A policy to protect the natural and historic landscape in Granborough
- A policy to protect and enhance local heritage assets which will be defined
- A policy to protect and enhance natural features including achieving a biodiversity net gain through development
- Designating specific local green spaces to be protected for their value
- Supporting housing development within a defined settlement boundary of Granborough village subject to meeting policy criteria
- Policies on development providing for the needs of pedestrians, cyclists and horseriders and also to avoid adverse impacts from traffic on the wider area
- A policy seeking to resist the loss of the Crown PH and other community facilities unless such uses are no longer viable but also to encourage new community facilities

4.4 The assessment on SEA requirement or not follows:

Table 1: Establishing the Need for SEA		
Stage	Y/ N	Reason
1. Is the 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 or Government? (Art. 2(a))	Y	The Neighbourhood Development Plan will be adopted (made) subject to passing examination and referendum, by a Local Planning Authority, Buckinghamshire Council)
2. Is the plan required by legislative, regulatory or administrative provisions? (Art. 2(a))	N	The Neighbourhood Development Plan is an optional plan produced by Granborough Parish Council

<p>3. 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))</p>	<p>N</p>	<p>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)).</p>
<p>4. Will the plan, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))</p>	<p>N</p>	<p>There are no areas of Natura 2000 sites (Special Areas of Conservation or Special Protection Areas) in the parish. The nearest such site is 19.6km near Ellesborough or 21.1km away near Ivinghoe and Pitstone.</p> <p>There are sightings of the following in the parish. These are all protected species under Schedule IV or V of the EU Habitats Directive 1992</p> <ul style="list-style-type: none"> • 2 Great Crested Newts • 1 Spined Loach • 1 Bullhead • 3 bat species • 12 common pipistrelles • 1 soprano pipistrelle • 2 Pipistrelle species • 2 brown long eared bats <p>In terms of Natura 2000 sites however there would not be any impact on the Natura 2000 sites given the distance to the nearest SAC. This impact can be subject to re-screening at a later stage of the plan before it is made.</p>
<p>5. 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)</p>	<p>Y</p>	<p>The scope of a Neighbourhood Plan indicated by the parish council does NOT intend to allocate specific sites for new housing and does not intend to set a housing target to be met by provision within the neighbourhood plan. But the</p>

		plan does allow for small scale housing within the settlement (Granborough village) boundary.
6. Does the plan set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	Y	The Neighbourhood Plan scope does intend to set a framework for future development consent of projects. The policies of the neighbourhood plan will be take into account as part of the development plan alongside the local plan in force for this part of Buckinghamshire.
7. Is the plans 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)	N	The purpose of the Neighbourhood Plan is not for any of the projects listed in Art 3.8, 3.9.
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	N	The scope of a Neighbourhood Plan indicated by the parish council does NOT intend to allocate specific sites for new housing and does not intend to set a housing target to be met by provision within the neighbourhood plan.
1 (a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	N	The Granborough Neighbourhood Plan – scope intends to set out a spatial vision for the designated Neighbourhood Area and provide objectives and policies to guide sustainable development coming forward. However the plan is not intending allocating any sites for development.
1 (b) the degree to which the plan or programme influences other plans or programmes including those in a hierarchy.	N	The Granborough 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 Granborough parish) while the policies at the Aylesbury Vale area of Buckinghamshire and National level provide a strategic context for the

		<p>Granborough Neighbourhood Plan to be in general conformity with.</p> <p>None of the policies in the Neighbourhood Plan have a direct impact on other plans in neighbouring areas.</p>
1 (c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	N	<p>Proposals will need to be set out in the Granborough Neighbourhood Plan to balance environmental, social and economic considerations of sustainable development. The scope of the Granborough plan envisaged does have a policy to promote sustainable development.</p> <p>It is considered that the Granborough Neighbourhood Plan, intending to incorporate sensitive and mitigating policies to address constraints may have a positive impact on local environmental assets and places valued by local people in the Neighbourhood Area.</p>
1(d) environmental problems relevant to the plan	N	<p>The Granborough Neighbourhood Plan is not allocating any land for development and is unlikely to give rise to significant additional car movements.</p> <p>There are no Air Quality Management Areas within or near to the Neighbourhood Area.</p>
1 (e) 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)	N	<p>The Granborough Neighbourhood Plan is to be developed in general conformity with the AVDLP 2004) saved policies (Vale of Aylesbury Local Plan once adopted expected spring summer 2021), the Buckinghamshire Minerals and Waste Local Plan 2019 and national policy. The plan has no relevance to the implementation of</p>

		community legislation.
2 (a) the probability, duration, frequency and reversibility of the effects	N	<p>As the Granborough Neighbourhood Plan is not proposing to allocate land for development there is unlikely to be any significant environmental change involved in meeting the needs of people living and working in the parish. The plan will in any case contain policies to avoid for example adverse impacts on landscape, heritage, existing built character, biodiversity and from traffic.</p> <p>Any future housing development in the parish will be restricted to small scale sites within and in keeping with existing development in a Granborough village settlement boundary.</p> <p>The plan will be supporting community facilities in the parish – new and existing.</p> <p>It is highly unlikely these will be significant and have any irreversible damaging environmental impacts associated with the Granborough Neighbourhood Plan.</p>
2 (b) the cumulative nature of the effects	N	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.
2 (c) the trans boundary nature of the effects	N	Effects will be local with no expected impacts on neighbouring areas.
2 (d) the risks to human health or the environment (e.g. due to accidents)	N	No risks have been identified.
2 (e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	N	The Neighbourhood Area covers an area which is 637 ha and contains a population is of 545 residents (2011 census). The neighbourhood plan is not allocating any

		community legislation.
2 (a) the probability, duration, frequency and reversibility of the effects	N	<p>As the Granborough Neighbourhood Plan is not proposing to allocate land for development there is unlikely to be any significant environmental change involved in meeting the needs of people living and working in the parish. The plan will in any case contain policies to avoid for example adverse impacts on landscape, heritage, existing built character, biodiversity and from traffic.</p> <p>Any future housing development in the parish will be restricted to small scale sites within and in keeping with existing development in a Granborough village settlement boundary.</p> <p>The plan will be supporting community facilities in the parish – new and existing.</p> <p>It is highly unlikely these will be significant and have any irreversible damaging environmental impacts associated with the Granborough Neighbourhood Plan.</p>
2 (b) the cumulative nature of the effects	N	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.
2 (c) the trans boundary nature of the effects	N	Effects will be local with no expected impacts on neighbouring areas.
2 (d) the risks to human health or the environment (e.g. due to accidents)	N	No risks have been identified.
2 (e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	N	The Neighbourhood Area covers an area which is 637 ha and contains a population is of 545 residents (2011 census). The neighbourhood plan is not allocating any

			landscape and protect designated local green spaces which will have a positive effect environmentally and help protect the rural character of Granborough.
	2 (g) the effects on areas or landscapes which have a recognised national, community or international protection status	N	The Granborough Neighbourhood Plan Area is not within an designated local landscape or an Area of Outstanding Natural Beauty or other recognised landscape.

5. Screening Outcome - SEA Not Needed

- 5.1 The scope for a Granborough Neighbourhood Development Plan is not intending to allocate sites for housing or other development or identify a housing target. The plan is unlikely to have significant environmental effects on Granborough parish and surrounding area including the existing natural and built heritage.
- 5.2 The plan intends to contain policies to restrict housing to within the existing Granborough village and also to ensure harm to the wider environment is avoided. Local Green Spaces will be designated for their special value and will have protection against other non conforming uses. There will be wider plan policies including on environmental protection and areas such as harm from increased traffic. The policies in the adopted local plan will also apply.
- 5.3 This screening opinion can be revisited once if the plan changes in any 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 currently would NOT be likely to give rise to significant environmental effects.
- 5.4 Therefore a Strategic Environmental Assessment (SEA) is NOT needed.

Habitat Regulations Assessment (HRA)

1. Introduction

- 1.1 The screening statement will consider whether the scope for a Neighbourhood Development Plan requires a Habitats Regulations Assessment. This is a requirement of Regulation 106 of the Conservation of Habitats and Species Regulations 2017²

2. The Habitats Regulations Assessment (HRA) process

- 2.1 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).
- 2.2 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'.
- 2.3 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.
- 2.4 Under Regulation 106 of the Habitats Regulations, the assessment must determine whether or not 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,

² <https://www.legislation.gov.uk/ukxi/2017/1012/regulation/106/made>

animal or plant health, which would be inconsistent with protection normally afforded to these within the European Community, the Precautionary Principle is triggered.”

- 2.5 Decision-makers then have to 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.
- 2.6 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.
- 2.7 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.
- 2.8 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. The following European site was identified using a 20km area of search around the Granborough Neighbourhood Area as well as including sites which are potentially connected (e.g. hydrologically) beyond this distance:

Chiltern Beechwoods Special Area of Conservation (SAC)

The nearest part of the Chiltern Beechwoods SAC to the Granborough parish are:

- 19.6km near Ellesborough or
- 21.1km away near Ivinghoe and Pitstone

2.9A 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

2.10 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 a scope of the plan draft version (non-statutory) version of what will become the neighbourhood plan.

3. People over Wind

- 3.1 The HRA Screening in light of the 2017 ‘People over Wind’ Court of Justice of the European Union (CJEU) case³ 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.
- 3.2 The Council considers that in re-applying the criteria in para 4.2 of this HRA Screening on the likely the screening outcome and considering the ‘People over Wind’ CJEU case, there would be *still no likely significant effect* because there are no land allocations and development coming forward is restricted to within development settlement boundaries.

³ Case C 323/17, REQUEST for a preliminary ruling under Article 267 TFEU from the High Court (Ireland), made by decision of 10 May 2017, received at the Court on 30 May 2017, in the proceedings People Over Wind, Peter Sweetman

4. Assessment Process

4.1 Stage of HRA Screening

Stage	Task	Outcome
Stage 1: Screening (the 'Significance Test') that is this current stage	Description of the plan. Identification of potential effects on European Sites. Assessing the effects on European Sites.	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.

4.2 Potential impacts and activities adversely affecting European sites

Broad categories and examples of potential impacts on European sites	Examples of activities responsible for impacts
<p>Physical loss</p> <ul style="list-style-type: none"> • Removal (including offsite effects, e.g. foraging habitat) • Smothering • Habitat degradation 	<p>Development (e.g. housing, employment, infrastructure, tourism)</p> <p>Infilling (e.g. of mines, water bodies)</p> <p>Alterations or works to disused quarries</p> <p>Structural alterations to buildings (bat roosts)</p> <p>Afforestation</p> <p>Tipping</p> <p>Cessation of or inappropriate management for nature conservation</p> <p>Mine collapse</p>
<p>Physical damage</p> <ul style="list-style-type: none"> • Sedimentation / silting • Prevention of natural processes • Habitat degradation • Erosion • Trampling 	<p>Flood defences</p> <p>Dredging</p> <p>Mineral extraction</p> <p>Recreation (e.g. motor cycling, cycling, walking, horse riding, water sports,</p>

Broad categories and examples of potential impacts on European sites	Examples of activities responsible for impacts
<ul style="list-style-type: none"> • Fragmentation • Severance / barrier effect • Edge effects • Fire 	<p>caving)</p> <p>Development (e.g. infrastructure, tourism, adjacent housing etc.)</p> <p>Vandalism</p> <p>Arson</p> <p>Cessation of or inappropriate management for nature conservation</p>
<p>Non-physical (and indirect) disturbance</p> <ul style="list-style-type: none"> • Noise • Vibration • Visual presence • Human presence • Light pollution 	<p>Development (e.g. housing, industrial)</p> <p>Recreation (e.g. dog walking, water sports)</p> <p>Industrial activity</p> <p>Mineral extraction</p> <p>Navigation</p> <p>Vehicular traffic</p> <p>Artificial lighting (e.g. street lighting)</p>
<p>Water table/availability</p> <ul style="list-style-type: none"> • Drying • Flooding / storm water • Water level and stability • Water flow (e.g. reduction in velocity of surface water) • Barrier effect (on migratory species) 	<p>Water abstraction</p> <p>Drainage interception (e.g. reservoir, dam, infrastructure and other development)</p> <p>Increased discharge (e.g. drainage, runoff)</p>
<p>Toxic contamination</p> <ul style="list-style-type: none"> • Water pollution • Soil contamination • Air pollution 	<p>Agrochemical application and runoff</p> <p>Navigation</p> <p>Oil / chemical spills</p>

Broad categories and examples of potential impacts on European sites	Examples of activities responsible for impacts
	Tipping Landfill Vehicular traffic Industrial waste / emissions
Non-toxic contamination <ul style="list-style-type: none"> • Nutrient enrichment (e.g. of soils and water) • Algal blooms • Changes in salinity • Changes in thermal regime • Changes in turbidity • Air pollution (dust) 	Agricultural runoff Sewage discharge Water abstraction Industrial activity Flood defences Navigation Construction
Biological disturbance <ul style="list-style-type: none"> • Direct mortality • Out-competition by non-native species • Selective extraction of species • Introduction of disease • Rapid population fluctuations • Natural succession 	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)

Interpretation of ‘likely significant effect’

4.3 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.

4.4 In the Waddenzee case⁴, 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).

4.5 An opinion delivered to the Court of Justice of the European Union⁵ commented that:

“The requirement that an effect in question be ‘significant’ exists in order to lay down a de minimus 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.”

4.6 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 minimus; 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’.

5. Assessment of the draft scope for Neighbourhood Plan

5.1 The plan area is at least 19km from the nearest SAC site. The parish council are not proposing to allocate sites for new development. The plan scope would restrict new housing to be infill or redevelopment plots in character complimentary to existing village and located within a defined boundary of Granborough village.

5.2 The parish council intends to have a range of policies as follows which will help to control the extent of development to ensure it is sustainable and mitigate against the adverse effects of development:

- A policy to define sustainable development in Granborough parish including guidance on the high standard of design in development meeting wider character, energy and water efficiency, avoiding adverse impacts on wildlife and infrastructure and avoiding development intruding into the open countryside

⁴ ECJ Case C-127/02 “Waddenzee” Jan 2004.

⁵ Advocate General’s Opinion to CJEU in Case C-258/11 Sweetman and others v An Bord Pleanala 22nd Nov 2012.

- A policy to protect the natural and historic landscape in Granborough
- A policy to protect and enhance local heritage assets which will be defined
- A policy to protect and enhance natural features including achieving a biodiversity net gain through development
- Designating specific local green spaces to be protected for their value
- Supporting housing development within a defined settlement boundary of Granborough village subject to meeting policy criteria
- Policies on development providing for the needs of pedestrians, cyclists and horseriders and also to avoid adverse impacts from traffic on the wider area
- A policy seeking to resist the loss of the Crown PH and other community facilities unless such uses are no longer viable but also to encourage new community facilities

5.3 In terms of 'in combination effects', the emerging local plan, the Vale of Aylesbury Local Plan currently post-Modifications but at examination, the VALP HRA, has considered the effects of growth 2013-2033 outlined in the VALP upon European sites and no Stage 2 HRA was necessary. The VALP examiner has not indicated any inadequacy as to the HRA reports and process followed for the VALP.

5.4 The condition of the Chiltern Beechwoods SAC has been set out in the HRA for the VALP <https://www.aylesburyvaldc.gov.uk/habitats-regulations-assessment>

5.5 From the plan proposals there are not considered to be any adverse impacts to SAC sites as described as potential in para 4.2 above.

6. Screening Outcome for the Granborough Neighbourhood Development Plan - No Habitats Regulations Assessment required.

6.1 The draft scope for a Granborough neighbourhood plan, which does not propose to allocate any land for development, is not anticipated to have a significant effect on any European Sites, in this case the Chiltern Beechwoods SAC. The plan intends to restrict future housing growth housing through a settlement boundary to Granborough village. Development proposals would need to comply with policy criteria so the housing coming forward will be infill and brownfield redevelopment plots within the village. Vulnerabilities of the SAC are not likely to be exacerbated by an increase in population (e.g. air quality, visitor disturbance, recreation), there are no anticipated likely significant effects of the draft Neighbourhood Plan policies or areas for development on Chilterns Beechwoods SAC. The Neighbourhood Plan is not likely to lead to adverse effects on any European sites alone or in-combination. There is no requirement to prepare an appropriate assessment.

Appendix 1 – Statutory Consultation Responses to the SEA and HRA Screening

A 28 day consultation period with Natural England, the Environment Agency and Historic England took place 20 November 2020 to 18 December 2020.

RESPONSES

1. Environment Agency Received 17.12.20

Dear David,

Thank you for consulting us on the Granborough Neighbourhood Plan. Please see attachment for a copy of our response.

If you have any queries, please don't hesitate to contact me.

Kind regards,

Michelle Kidd - Planning Advisor

Area Sustainable Places Team

The Environment Agency

Address: Red Kite House, Howbery Park, Wallingford, OX10 8BD.

Tel: 02030259712

Email: planning_THM@environment-agency.gov.uk

Web: www.environment-agency.gov.uk

Dear Mr Broadley

Granborough Neighbourhood Plan- SEA and HRA Screening Opinion

Thank you for consulting the Environment Agency on the screening opinion SEA screening report for the Granborough Neighbourhood Plan. We are a statutory consultee in the SEA process and aim to reduce flood risk and protect and enhance the water environment. Based on our review of the draft plan, we think there are potential significant environmental effects that relate to the Neighbourhood Plan area.

We have identified that the neighbourhood plan area will be affected by the following environmental constraints:

Flood risk

There are areas of Flood Zones 2 and 3 that surround the village of Granborough. The consultation did not include a site plan. So we are uncertain whether the neighbourhood plan area falls within Flood Zones 2 and 3. If it does this will need to be included as a constraint in any future neighbourhood plan documents. However the neighbourhood plan does not propose site allocations. Therefore the fluvial flood risk proposed by the neighbourhood plan should be minimal.

Watercourses

The watercourses are designated as ordinary watercourses. Developments within or adjacent to this watercourse should not cause further deterioration and should seek to improve the water quality based on the recommendations of the Thames River Basin Management Plan. An assessment of the potential impacts of the neighbourhood plan on this watercourse under WFD should be included within the SEA/SA appraisal.

Further Information

For your information we have published joint advice with Natural England, English Heritage and the Forestry Commission on neighbourhood planning which sets out sources of environmental information and ideas on incorporating the environment into plans.

This is available at:

http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/LIT_6524_7da381.pdf

Final Comments

Once again, thank you for contacting us. Our comments are based on our available records and the information as submitted to us.

Please quote our reference number in any future correspondence.

If you have any queries please contact me.

Yours faithfully

Miss Michelle Kidd
Planning Advisor

2. Historic England – No Response Received

3. Natural England – Received 04.12.20

Dear David,

Planning consultation: Granborough Neighbourhood Plan SEA and HRA Screening

Our ref: 334831

Thank you for your consultation on the above dated 20th November 2020 which was received by Natural England on the same day.

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

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

Should the proposal change, please consult us again.

If you have any queries relating to this advice, please contact me on the details below.

Yours sincerely,

Ellen

Ellen Satchwell

Sustainable Development Lead Advisor

Thames Solent Team | Natural England

07899902408

<https://www.gov.uk/natural-england>

APPENDIX 2 – Note on the ‘People over Wind’ Court of Justice of the European Union (CJEU) case

- A2.1 This Appendix provides an update to the HRA Screening in light of the recent ‘People over Wind’ Court of Justice of the European Union (CJEU) case⁶ 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.
- A2.2 AVDC considers that in re-applying the criteria in para 4.1 of this HRA Screening on the likely the screening outcome and considering the ‘People over Wind’ CJEU case, there would be *still no likely significant effect* because the plan is substantively the same as that assessed in 2017 and as described in para 6.1 of the HRA Screening i.e. there are no land allocations and development coming forward is restricted to within a settlement boundary for Granborough village
- A2.3 AVDC therefore considers there is no reason to alter the screening outcome identified in para 6.1 of this report and the neighbourhood plan is not anticipated to have a significant effect on Chiltern Beechwoods SAC.

⁶ Case C 323/17, REQUEST for a preliminary ruling under Article 267 TFEU from the High Court (Ireland), made by decision of 10 May 2017, received at the Court on 30 May 2017, in the proceedings People Over Wind, Peter Sweetman