



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

FINAL Screening Outcome

September 2022

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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 or not a full Appropriate Assessment is required under the Conservation of Habitats and Species regulations 2017 (as amended), the Council has undertaken a screening assessment of the Hazlemere Draft Neighbourhood Plan.
3. Strategic Environmental Assessments (SEA) are a way of ensuring the environmental implications of decisions are taken into account 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 Revised Screening statement, the Hazlemere Draft Neighbourhood Plan does not have potential to introduce significant environmental effects and does not require an Appropriate Assessment or an SEA.

7. The Statutory Bodies were consulted on 25 March 2022 an earlier draft of an HRA and SEA Screening Statement. The Council has however reconsidered the draft scope for this neighbourhood plan and issued a revised screening on 14.04.22. The Council issued the following statement by email to the statutory bodies:

“We need to issue a revised draft screening as we have considered what is proposed by the neighbourhood planning body further and it has come to light we have made an error in the screening. What is being proposed on site HW8 will **not** be any additional development to what is already in the adopted Wycombe District Local Plan 2019 which has had its own HRA process completed in the examination and adoption of that plan.

The development parcel shown in pink by the neighbourhood planning body is a development parcel already accounted for in the quantum of housing in Policy HW8 of the Adopted Wycombe District Local Plan (see p.107 of <https://buckinghamshire-gov-uk.s3.amazonaws.com/documents/Wycombe-District-Local-Plan-Adopted-August-2019-accessible.pdf>). So there would not be any new allocation of development in the neighbourhood plan.

There may a policy allowing some limited ‘infill’ housing development which we expect to be at Hazlemere village subject to policy criteria but that won’t be confirmed until a Pre Submission plan is produced, expected later this Spring. The neighbourhood area is not in the 12km Zone of Influence of the Ashridge Commons or Tring Woodlands SSSI and the recreational pressures issue. We therefore will be recommending no SEA and no HRA are required for this plan. Will send you the revised screening later today.”

8. A second consultation took place with the statutory bodies and their conclusion response is reflected in this final screening outcome. The consultation with Natural England, The Environment Agency and Historic England too place between 14 April 2022 and 13 May 2022.
9. The full screening statement follows.

2. Legislative Background and Criteria

Legislative Background

10. 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.
11. 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

12. 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):
13. 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).
14. Characteristics of the effects and of the area likely to be affected, having regard, in particular, 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 Draft Neighbourhood Plan

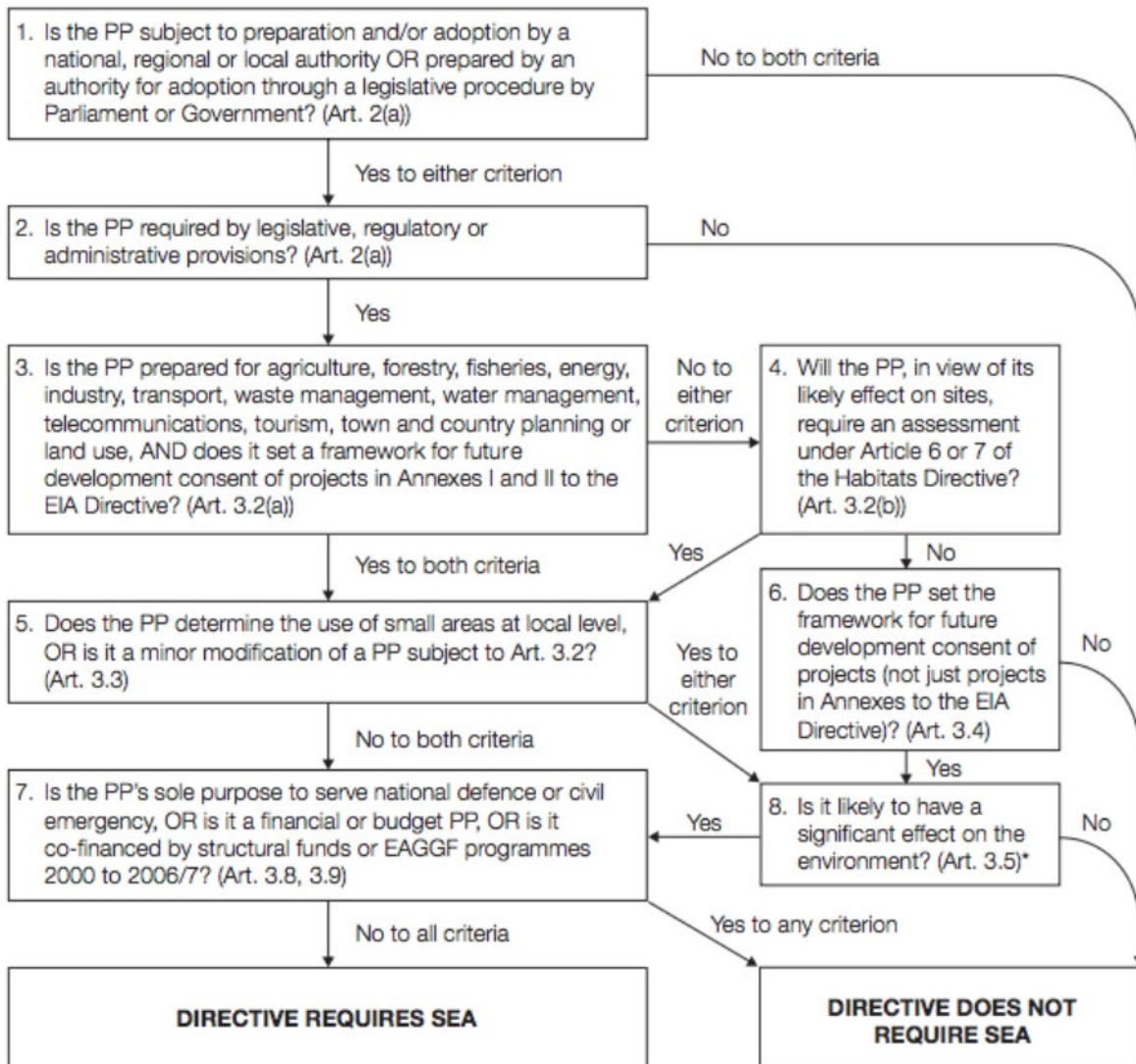
15. Please see attached document “Hazlemere Parish Council – Draft Neighbourhood Plan Vision and Policy Areas in preparation for pre-submission public consultation as part of Regulation 14 of The Neighbourhood Planning (General) Regulations 2012” agreed 23 February 2022.
16. The neighbourhood plan is envisaged to have policies on:
 - Infill inclusive housing that is more affordable
 - Local Green Space designations
 - Standards for buildings to reduce carbon emissions
 - Policies to reduce the reliance on the car, encouraging walking, cycling and crossing the A404
 - Look at how developer contribution can be used towards community facilities
 - Look at how site HW8 (allocated for housing indicative 500-540 units in the adopted Wycombe District Local Plan 2019 <https://buckinghamshire-gov-uk.s3.amazonaws.com/documents/Wycombe-District-Local-Plan-Adopted-August-2019-accessible.pdf> p.107) can be better connected and integrated with the parish of Hazlemere

4. The SEA Screening Process

17. The requirement for a Strategic Environment Assessment (SEA) is set out in the “Environmental Assessment of Plans and Programmes Regulations 2004”. There is also practical guidance on applying European Directive 2001/42/EC produced by the former Government department for planning, the ODPM (now DLUHC). These documents have been used as the basis for this screening report.
18. Paragraph 008 of the DLUHC ‘Strategic environmental assessment and sustainability appraisal guidance’ states that “Supplementary planning documents do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already have been assessed during the preparation of the relevant strategic policies.”
19. The former ODPM practical guidance provides a checklist approach based on the SEA regulations to help determine whether SEA is required. This guide has been used as the basis on which to assess the need for SEA as set out below. Figure 2 sets out a flow diagram showing the process for assessing plans and programmes.

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

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



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

20. The next section assesses the Draft Neighbourhood Plan against the questions set out in Figure 1 above to establish whether the Draft Neighbourhood Plan is likely to require an SEA. The responses in **bold** below show the amended screening done in the revised screening draft.

Stage 1

21. Is the Draft 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 Draft Neighbourhood Plan will be adopted (made) subject to passing examination and referendum, by a Local Planning Authority, Buckinghamshire Council)

Stage 2

28. Is the Draft 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 Hazlemere Parish Council.

Stage 3

29. Is the plan prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, and does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art. 3.2(a))

Response – No

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

Stage 4

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

Response – **No**

Reason – The plan is not looking to allocate any sites or set a housing target for further development. There would just be policy support for carefully located infill housing that is inclusive and affordable.

There are no areas of Natura 2000 sites (Special Areas of Conservation or Special Protection Areas) in the parish. The nearest such site is the Chiltern Beechwoods Special Area of Conservation 3.4km to the west near Naphill and Walter's Ash. There are other parcels of Chiltern Beechwoods SAC within 10km of the parish.

The parish is not in the 12.6km Zone of Influence of the Ashridge Commons and Woods SSSI or the 1.7km ZOI to the Tring Woodlands SSSI (see the recreational pressures issue affecting these SSSIs confirmed in March 2022 <https://www.dacorum.gov.uk/home/planning-development/planning-strategic-planning/new-single-local-plan/chilterns-beechwoods-special-area-of-conservation>).

The Burnham Beeches SAC is 10.4km away to the south.

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

- 1 Lapwing

Stage 5

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

Response – **No**

Reason - The scope of a Neighbourhood Plan indicated by the parish council is not looking to allocate any sites or set a housing target for further development. There would just be policy support for carefully located infill housing that is inclusive and affordable.

Stage 6

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

Response – Yes

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

Stage 7

33. Is the plan's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)

Response – No

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

5. SEA Criteria for determining likely significance of effects

Evaluation of the Draft Hazlemere Neighbourhood Plan

34. The following is an assessment under the SEA Directive Annex II: Criteria for determining likely significance of effects referred to in Article 3(5). The responses in **bold** below show the amended screening done in the revised screening draft.

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

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

Likely to have significant environmental effects? – **No**

Reason - The scope for a Neighbourhood Plan indicated by the parish council is not looking to allocate any sites or set a housing target for further development. There would just be policy support for carefully located infill housing that is inclusive and affordable.

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

Likely to have significant environmental effects? – No

Reason - The Draft Hazlemere 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 Hazlemere parish) while the policies at the Wycombe area of Buckinghamshire and National level provide a strategic context for the Hazlemere Neighbourhood Plan to be in general conformity with.

None of the policies in the Neighbourhood Plan have a direct impact on other plans in neighbouring areas, the parish was previously on the

boundary with Chiltern district but since the unitary merger will be covered in the future by a new local plan for all of Buckinghamshire Council area.

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

Likely to have significant environmental effects? – No

Reason – The scope for a neighbourhood plan for Hazlemere has a vision that intends to balance environmental, social and economic considerations of sustainable development. The Plan will help to achieve sustainable development by ensuring that its development policies and proposals will meet the needs of people living and working in the parish, whilst at the same time helping to ensure that any adverse environmental impact is minimised.

It is considered that the scope for a Hazlemere Neighbourhood Plan, incorporating 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.

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

Likely to have significant environmental effects? – **No**

Reason – The plan is not looking to allocate any sites or set a housing target for further development. There would just be policy support for carefully located infill housing that is inclusive and affordable.

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

Likely to have significant environmental effects? – No

Reason - The Draft Hazlemere Neighbourhood Plan will be developed in general conformity with the Wycombe District Local Plan (2019), the Buckinghamshire Minerals and Waste Local Plan 2019 and national policy. The plan has no relevance to the implementation of community legislation.

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

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

Likely to have significant environmental effects? – **No**

Reason - The plan is not looking to allocate any sites or set a housing target for further development. There would just be policy support for carefully located infill housing that is inclusive and affordable.

40. b) The cumulative nature of the effects

Likely to have significant environmental effects? – No

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

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

Likely to have significant environmental effects? – **No**

Reason - The plan is not looking to allocate any sites or set a housing target for further development. There would just be policy support for carefully located infill housing that is inclusive and affordable.

42. 2d) The risks to human health or the environment (e.g., due to accidents)

Likely to have significant environmental effects? – No

Reason - No risks have been identified.

43. 2e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)

Likely to have significant environmental effects? – **No**

Reason - The Neighbourhood Area covers an area which is 423 ha and contains a population is of 9,623 residents (2011 census). The plan is not looking to allocate any sites or set a housing target for further development.

There would just be policy support for carefully located infill housing that is inclusive and affordable.

44. 2f) The value and vulnerability of the area likely to be affected due to:

I. special natural characteristics or cultural heritage,

II. exceeded environmental quality standards or limit values

III. intensive land-use

Likely to have significant environmental effects? – **No**

Reason - The plan is not looking to allocate any sites or set a housing target for further development. There would just be policy support for carefully located infill housing that is inclusive and affordable.

There are no conservation areas in the parish. There is one Grade II Listed Building. There is some ancient woodland and ancient re-planted woodland in the parish.

The plan vision will include Local Green Space designations, Standards for buildings to reduce carbon emissions and Policies to reduce the reliance on the car, encouraging walking, cycling and crossing the A404 main road through the parish from High Wycombe to Amersham.

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

Likely to have significant environmental effects? – **No**

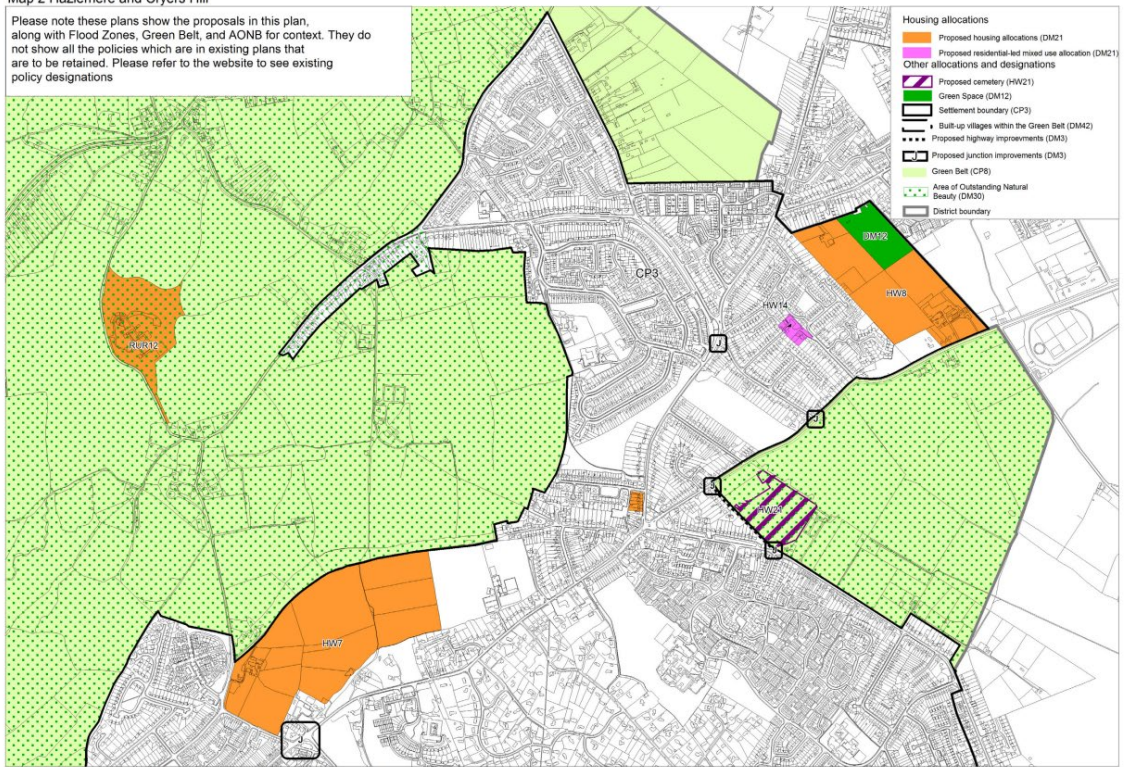
Reason - The draft neighbourhood plan area contains areas of the Chiltern AONB. However, the plan is not looking to allocate any sites or set a housing target for further development. There would just be policy support for carefully located infill housing that is inclusive and affordable.

Excerpt of the 2019 Adopted Wycombe District Local Plan – designations map for Hazlemere - link and reproduced below

<https://www.wycombe.gov.uk/uploads/public/documents/Planning/New-local-plan/Reg-19-Publication-Local-Plan/Hazlemere-and-Cryers-Hill-Publication-Local-Plan-Map.pdf>

Map 2 Hazlemere and Cryers Hill

Please note these plans show the proposals in this plan, along with Flood Zones, Green Belt, and AONB for context. They do not show all the policies which are in existing plans that are to be retained. Please refer to the website to see existing policy designations



6. SEA Screening Opinion

47. The plan is not looking to allocate any sites or set a housing target for further development. There would just be policy support for carefully located infill housing that is inclusive and affordable.
48. The plan will also contain policies on Local Green Space designations, standards for buildings to reduce carbon emissions, how community facilities can be secured through development and policies to reduce the reliance on the car, encouraging walking, cycling and crossing the A404.
49. 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 currently would be not likely to give rise to significant environmental effects.
50. Therefore, a Strategic Environmental Assessment (SEA) is **not** needed.

7. Habitat Regulations Assessment Screening

Introduction

51. The screening statement will consider whether the 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 2017.

The Habitats Regulations Assessment (HRA) process

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

55. Under Regulation 106 of the Habitats Regulations, the assessment must determine whether a neighbourhood plan is likely to have a significant effect on a European Site. The process is characterised by the precautionary principle. The European Commission describes the principle as follows:
- “If a preliminary scientific evaluation shows that there are reasonable grounds for concern that a particular activity might lead to damaging effects on the environment, or on human, animal or plant health, which would be inconsistent with protection normally afforded to these within the European Community, the Precautionary Principle is triggered.”
56. Decision-makers then must determine what action/s to take. They should take account of the potential consequences of no action, the uncertainties inherent in scientific evaluation, and should consult interested parties on the possible ways of managing the risk. Measures should be proportionate to the level of risk, and to the desired level of protection. They should be provisional in nature pending the availability of more reliable scientific data.
57. Action is then undertaken to obtain further information, enabling a more objective assessment of the risk. The measures taken to manage the risk should be maintained so long as scientific information remains inconclusive and the risk is unacceptable.
58. The hierarchy of intervention is important: where significant effects are likely or uncertain, plan makers must firstly seek to avoid the effect through for example, a change of policy. If this is not possible, mitigation measures should be explored to remove or reduce the significant effect. If neither avoidance, nor subsequently, mitigation is possible, alternatives to the plan should be considered. Such alternatives should explore ways of achieving the plan’s objectives that do not adversely affect European sites.
59. If no suitable alternatives exist, plan-makers must demonstrate under the conditions of Regulation 107 of the Habitats Regulations, that there are Imperative Reasons of Overriding Public Interest (IROPI) to continue with the proposal. The following European sites were identified using a 20km area of search around the Hazlemere Neighbourhood Area as well as including sites which are potentially connected (e.g., hydrologically) beyond this distance:

Chiltern Beechwoods Special Area of Conservation (SAC) and Burnham Beeches SAC.

60. The nearest SAC is the Chiltern Beechwoods, 3.4km to the west. There are various parcels of this SAC within 10km of the parish boundary. The nearest point from Hazlemere parish to Tring Woodlands SSSI in the Beechwoods (where there are evidenced recreational pressures and a mitigation strategy is in the process of being developed) is 13.7km. The Burnham Beeches SAC is 10.4km to the south.
61. A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 105 or to enable it to determine whether that assessment is required. The information received is a scope of the plan draft (non-statutory) version of what will become a neighbourhood plan
62. 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.

People over Wind

63. The HRA Screening in light of the 2017 'People over Wind' Court of Justice of the European Union (CJEU) case which ruled that where there would be likely significant effects at the HRA Stage 1 Screening stage, mitigation measures (specifically measures which avoid or reduce adverse effects) should be assessed as part of an Appropriate Assessment and should not be taken into account at the screening stage.
64. The Council considers that in re-applying the criteria in section 9 of this HRA Screening on the likely the screening outcome and considering the 'People over Wind' CJEU case, there are not likely to be likely significant effects. The plan is not looking to allocate any sites or set a housing target for further development. There would just be policy support for carefully located infill

housing that is inclusive and affordable. The plan will also contain policies on Local Green Space designations, standards for buildings to reduce carbon emissions, how community facilities can be secured through development and policies to reduce the reliance on the car, encouraging walking, cycling and crossing the A404.

8. Stages of HRA

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

- 65. Task - Description of the plan. Identification of potential effects on European Sites. Assessing the effects on European Sites.
- 66. 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

- 67. 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.
- 68. 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

- 69. Task - Identify ‘imperative reasons of overriding public interest’ (IROPI). Identify potential compensatory measures.
- 70. 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

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

78. 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

79. 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
80. 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)
81. Water abstraction, Drainage interception (e.g. reservoir, dam, infrastructure and other development), Increased discharge (e.g. drainage, runoff)
82. Agrochemical application and runoff, Navigation, Oil / chemical spills, Tipping, Landfill, Vehicular traffic, Industrial waste / emissions
83. Agricultural runoff, Sewage discharge, Water abstraction, Industrial activity, Flood defences, Navigation, Construction
84. Development (e.g. housing areas with domestic and public gardens), Predation by domestic pets, Introduction of non-native species (e.g. from gardens), Fishing, Hunting, Agriculture, Changes in management practices (e.g. grazing regimes, access controls, cutting/clearing)

9. HRA Screening of the Draft Neighbourhood Plan

Background

85. 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.
86. The Wycombe District Local Plan HRA reports can be found at <https://www.wycombe.gov.uk/uploads/public/documents/Planning/New-local-plan/Local-plan-publication-version/Habitat-regulations-assessment-screening-report.pdf> (2017 screening of the draft plan) , a revised HRA Report from 2018 at <https://www.wycombe.gov.uk/uploads/public/documents/Planning/New-local-plan/WDLP-core-documents-2018/WDLP3A-Revised-Habitats-Regulations-Assessment-Screening-Report-July-2018.pdf> and the Main Modifications screening at <https://www.wycombe.gov.uk/uploads/public/documents/Planning/New-local-plan/Local-plan-examination-2018/WDLP3C-Habitats-Regulations-Assessment-of-the-Proposed-Main-Modifications.pdf> . These reports concluded that This Assessment concludes that the Wycombe District Local Plan will not adversely affect, either alone or in combination with other plans or projects, the integrity of the Aston Rowant SAC, Burnham Beeches SAC or Chilterns Beechwoods SAC.

Interpretation of ‘likely significant effect’

87. 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).
88. 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.”
89. This opinion (the ‘Sweetman’ case) therefore allows for the authorisation of plans and projects whose possible effects, alone or in combination, can be considered ‘trivial’ or de minimis; referring to such cases as those “which have no appreciable effect on the site”. In practice such effects could be screened out as having no likely significant effect; they would be ‘insignificant’.

Assessment of the Draft Neighbourhood Plan

90. The plan area is 3.4km from the nearest SAC site so in quite close proximity and there are a number of other parcels of the Chiltern Beechwoods SAC within km of the neighbourhood area. The neighbourhood plan area is however some 13.7km from the nearest part of the Chiltern Beechwoods SAC with evidenced recreational pressures (Tring Woodlands SSSI) and so outside the Zone Of Influence where a forthcoming mitigation strategy will apply.
91. The Parish Council are not looking at any land allocations for new housing development for the neighbourhood plan for potential additional housing or to

set a housing target. The plan is expected to show support for carefully located infill housing that is inclusive and affordable. The plan will also contain policies on Local Green Space designations, standards for buildings to reduce carbon emissions, how community facilities can be secured through development and policies to reduce the reliance on the car, encouraging walking, cycling and crossing the A404. These policies will help to control the extent of development to ensure it is sustainable and mitigate against the adverse effects of development.

92. In terms of 'in combination effects' it is not considered there would be any in-combination effects of the neighbourhood plan when added to the Adopted Wycombe District Local Plan and the Vale of Aylesbury Local Plans. These plans have had their own HRA legal requirements met (the VALP incorporating specific mitigation measures for affecting the Chiltern Beechwoods). There are not considered to be any in-combination effects from local plans or other plans and projects in other Council areas.

HRA screening outcome

93. The scope for a Hazlemere neighbourhood plan is not looking to allocate any sites or set a housing target for further development. There would just be policy support for carefully located infill housing that is inclusive and affordable. The plan will also contain policies on Local Green Space designations, standards for buildings to reduce carbon emissions, how community facilities can be secured through development and policies to reduce the reliance on the car, encouraging walking, cycling and crossing the A404.
94. The neighbourhood plan area is 13.7km from the nearest part of the Chiltern Beechwoods SAC with evidenced recreational pressures (Tring Woodlands SSSI) and so outside the Zone of Influence where a forthcoming mitigation strategy will apply. Vulnerabilities of parts of the Chiltern Beechwoods SAC are not likely to be exacerbated by the proposals in the plan scope described above and there are not anticipated to be significant effects on the Chiltern Beechwoods SAC. The Neighbourhood Plan as currently envisaged is not likely to lead to potential adverse effects on a European site that needs investigating by the preparation of an Appropriate Assessment.

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

10. Conclusions

94. Based on the above assessment, the revised screening outcome is that the Draft Hazelmere neighbourhood plan requires neither a Strategic Environmental Assessment (SEA) nor a under HRA any need to proceed to Stage 2 of HRA- an Appropriate Assessment.
95. The statutory consultee replies received agree with the Council's conclusion.

11. Consultation Responses

Natural England

Received 22 April 2022.

Dear David,

Apologies, I have just had a look through the updated SEA. Please find our revised response below.

Planning consultation: Hazlemere Neighbourhood Plan SEA and HRA Screening

Our ref: 387636

Thank you for your consultation on the above dated 14th April 2022 which was received by Natural England on the same day.

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

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 Adviser

Thames Solent Team | Natural England

Historic England

Received 22 April 2022.

Dear David

Thank you for consulting Historic England on the Hazlemere Neighbourhood Plan Draft SEA HRA screening report (revised version of 14/04/2022).

Historic England agrees with Buckinghamshire Council's opinion that SEA is not required. This is because the proposed neighbourhood plan does not allocate any additional land for development.

Kind regards

Edward Winter LLB MA MRTPI

Historic Environment Planning Adviser

Regions Group (London & South East)

Historic England, Floor 4, The Atrium, Cannon Bridge House, 25 Dowgate Hill,
London, EC4R 2YA

Environment Agency

No reply was received.