



# **Stoke Poges Draft Neighbourhood Plan – Strategic Environmental Assessment and Habitats Regulations Assessment Screening**

**Screening Statement**

**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 Stoke Poges 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 unlikely 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 not necessary.
6. Buckinghamshire Council considers that, following this Screening Statement, the intentions of the Stoke Poges Draft Neighbourhood Plan could introduce significant environmental effects and, accordingly, does require an SEA.

7. The Statutory Bodies are consulted on this HRA and SEA Screening Statement, and their conclusions will be reflected in the final report. The consultation has taken place with Natural England, the Environment Agency and Historic England between 26<sup>th</sup> August 2022 and 23<sup>rd</sup> September 2022. The responses can be found at the end of this statement.
8. The full screening statement follows.

## 2. SEA legislative/legal background

### Legislative Background

9. The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce Sustainability Appraisals (SA) for all local development documents to meet the requirement of the EU Directive on SEA. It is considered best practice to incorporate requirements of the SEA Directive into an SA.
10. Although a Sustainability Appraisal is not a requirement for a Neighbourhood Plan, part of meeting the 'Basic Conditions' which the plan is examined on, is to show how the plan achieves sustainable development. The Sustainability Appraisal process is an established method and a well-recognised 'best practice' method for doing this. It is therefore advised, where an SEA is identified as a requirement, an SA should be incorporated with SEA, at a level of detail that is appropriate to the content of the Neighbourhood Plan.

### Criteria for assessing the effects of Neighbourhood Development Plans

11. Criteria for determining the likely significance of effects referred to in Article 3 (5) of Directive 2001/42/EC<sup>1</sup> are set out as follows:
  - 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,

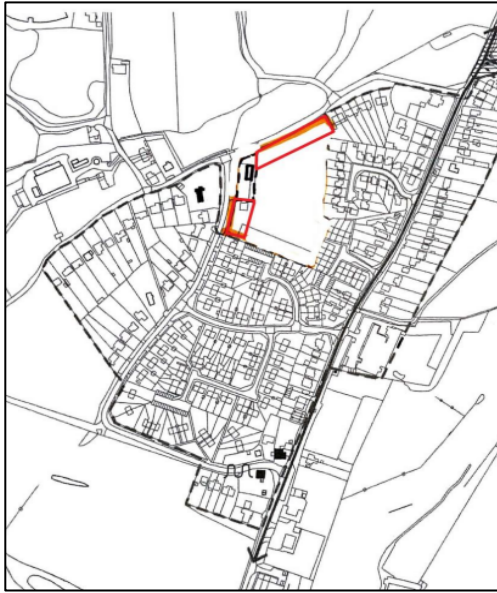
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<sup>1</sup> Source: Annex II of SEA Directive 2001/42/EC

- 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).
- 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.







Underused part of Plough  
Lane Recreation Field

## Environment

- To include policies to monitor an essential gap between Stoke Poges and Wexham Street and to protect the green belt threatened by the possible northern expansion of Slough
- To contain policies which define a green infrastructure network for the purpose of providing an environmental support system for the community and wildlife to protect and improve

## Housing and Building Standards

- To contain a policy which prioritises the mix of any future housing scheme
- To encourage zero carbon building standards

## Traffic Management

- To include policies to secure investments in traffic management schemes.
13. The neighbourhood plan is not seeking to allocate sites for any type of development and there are no intentions to include a housing target. The plan is however seeking to incorporate design codes for a number of sites.

## 4. The SEA Screening Process

14. 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.
15. 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.”
16. 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 1 sets out a flow diagram showing the process for assessing plans and programmes.

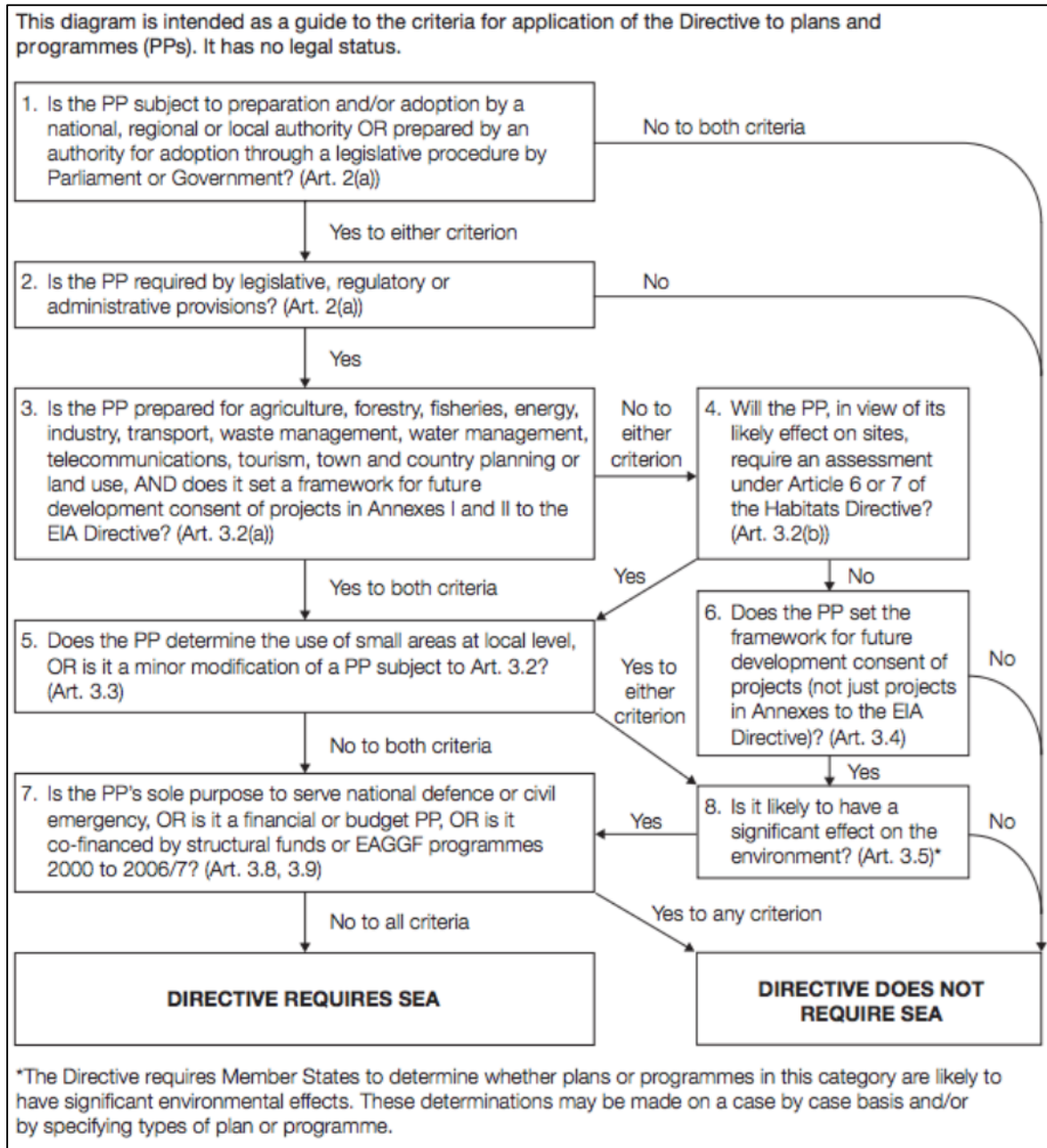


Figure 1 – Application of the SEA Directive to plans and programmes

17. 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.

## Stage 1

18. 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

19. 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 Stoke Poges Parish Council.

## Stage 3

20. 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: Yes

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

21. 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: There are no areas of Natura 2000 sites (Special Areas of Conservation or Special Protections Areas) within the parish. The nearest such site is the Burnham Beeches Special Area of

Conservation approximately 1km to the west adjacent to Egypt/Farnham Common. There is however the Stoke Common Sites of Special Scientific Interest (SSSI) which falls within the north of the parish.

There are also 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.

- Butcher's-broom (*rescus aculeatus*)
- Jersey Tiger (*Euplagia quadripunctaria*)
- Common Frog (*Rana temporaria*)
- Pipistrelle Bat species (*Pipistrellus*)
- Pipistrelle (*Pipistrellus pipistrellus sensu lato*)
- Stag Beetle (*Lucanus cervus*)
- Brown Long-eared Bat (*plecotus auritus*)
- Soprano Pipistrelle (*Pipistrellus pygmaeus*)

In terms of Natura 2000 sites, there would not be any impact on the sites given that the current intention of the neighbourhood plan is to not propose any additional development through allocations. If through the drafting of the neighbourhood plan, significant development is proposed, this impact can be subject to re-screening at a later stage of the plan before it is made.

## Stage 5

22. 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 intention of the neighbourhood plan is not to allocate land for development. The plan will seek to provide guidance for development proposals but will not dictate specific sites. It seeks to provide design guidance and also looks to monitor an essential open gap between Stoke Poges and Wexham Street and the strategic green belt threatened by the possible northern expansion of Slough. The detail of the design codes are not yet known, however the areas for these design codes have been identified. It therefore does determine small areas of land for development.

## Stage 6

23. 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 take into account as part of the development plan alongside the local plan in force for this part of Buckinghamshire.

## Stage 7

24. 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)

Response: No

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

## Stage 8

25. Is it likely to have a significant effect on the environment? (Art. 3.5)

Response: Yes

Reason: Due to the desire to include design codes within the plan which could dictate access points and site specific information, it is currently envisioned that there could be a significant effect on the environment. As the plan is drafted, this assessment may be revisited.

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

### Evaluation of the draft Stoke Poges Neighbourhood Plan

26. 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 characteristic of plans and programmes, having regard, in particular, to:

27. 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

Likely to have significant environmental effects?      Yes

Reason:      When adopted, the Stoke Poges Neighbourhood Plan would form part of the statutory development plan and as such will contribute to the framework for future development consent of projects. However the plan will sit within the wider framework set by the National Planning Policy Framework and the South Bucks Local Plan and Core Strategy.

An intention of the neighbourhood plan, indicated by the parish council is to develop design codes for a number of sites within the parish area. The extent of detail that the design codes will provide is unknown at this stage. They may provide site specific information such as access points which could have an adverse impact on the environment. It also seeks to monitor an essential open gap between Stoke Poges and Wexham Street and the strategic green belt threatened by the possible northern expansion of Slough. Therefore this could have an adverse impact on the environment.

28. 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 Stoke Poges 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

Stoke Poges parish) while the policies for the South Bucks area of Buckinghamshire and National Level provide a strategic context for the Stoke Poges Neighbourhood Plan to be in general conformity with.

None of the intentions for the policies within the Neighbourhood Plan will have direct impact on other plans in neighbouring areas as the intentions of the neighbourhood plan focuses on areas within the parish boundary.

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: National policy requires a presumption in favour of sustainable development, which should be seen as a golden thread through plan-making, including the Stoke Poges Neighbourhood Plan. A basic condition of the Stoke Poges Neighbourhood Plan is to contribute to the achievement of sustainable development. Within this wider context, the Stoke Poges Neighbourhood Plan itself is therefore unlikely to have a significant positive or negative effect.

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

Likely to have significant environmental effects? No

Reason: The Neighbourhood Plan area (i.e. the parish area) contains the following designations;

- Stoke Common SSSI – within the parish boundary
- Tree Preservation orders
- Metropolitan Green Belt
- Local wildlife sites

In addition, the following SSSI's are within 6km of the parish boundary

- Black Park SSSI – approximately 1.3km from the parish boundary
- Burnham Beeches SSSI – approximately 1km from parish boundary
- Denham Lock Wood SSSI – approximately 5.9km from parish boundary
- Hodge
- Kingcup Meadows and Oldhouse Wood SSSI – approximately 3km from parish boundary
- Mid Colne Valley SSSI – approximately 5.7km from parish boundary



- Old Rectory Meadows SSSI – approximately 6km from parish boundary

The intentions of the Neighbourhood Plan is not to allocate sites for development. It will however provide a number of design codes for some sites within the parish. It seeks to guard the open spaces between Wexham Street and Stoke Poges and also seeks to protect the Green Belt to the north of neighbouring Slough.

Although close to the M40 and M25, both of which have AQMA's, the intentions of the Neighbourhood Plan is not to allocate sites for development. It will instead seek to include policies on traffic management and encourage zero carbon building standards.

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 intention of the Stoke Poges Neighbourhood Plan is to be developed in general conformity with the South Bucks Core Strategy (2011) and South Bucks adopted Local Plan (1999) (including saved policies), 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:

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

Likely to have significant environmental effects? No

Reason: The intentions of the Stoke Poges Neighbourhood Plan is likely to have modest but enduring positive environmental effects. The effects are not likely to be reversible as they relate to development, however they will be of a local nature and limited in scale since the neighbourhood plan is not promoting additional development.

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. c) the trans-boundary nature of the effects

Likely to have significant environmental effects? No

Reason: Effects will be local with no expected impacts on neighbouring areas

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

Likely to have significant environmental effects? No

Reason: The effects of the Plan are unlikely to present risks to human health or the environment.

36. e) 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 Plan area covers an area which is 1,053 ha and contains a population of 5,225 residents (2011 census). The neighbourhood plan is not proposing to allocate any sites for development but will seek to develop design codes for sites which may come forward for development outside of strategic allocations.

37. f) 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

Reasons: The parish of Stoke Poges contains the following special natural characteristics and cultural heritage elements:

- Stoke Park Conservation Area

- Stoke Poges West End Conservation Area
- Framewood Road Conservation Area
- Stoke Green Conservation Area
- A number of Listed buildings
- Scheduled Ancient Monuments: Bowl Barrow in Stoke Park Playing Field

The intention of the Neighbourhood Plan is to introduce design codes for a number of sites which reflect the characteristics of the local area. The intention is also to protect the green belt land to the south of the parish and ensure an important gap between the village and Wexham Street is maintained.

38. g) the effects on areas or landscape which have a recognised national, community or international protection status

Likely to have significant environmental effects?      No

Reason:      The Stoke Poges Parish Area falls partly within the Metropolitan Green Belt. The intension of the neighbourhood plan is not to allocate any sites within the neighbourhood plan area and therefore the effects on the Green Belt will be minimal.

## 6. SEA Screening Opinion

39. The intention of the Stoke Poges Neighbourhood Plan is to develop a number of design codes for specific sites within the parish area. It will not seek to allocate the land, but will provide design guidance is development was to come forward on those sites. The design codes may determine site specific matters such as access points and as such it cannot be ruled out that a significant environmental effect would not occur. The intention of the plan also seeks to contain policies to monitor an essential gap between Stoke Poges and Wexham Street and to protect the Metropolitan Green Belt which falls within the parish area. It will contain policies to priorities the mix of any future housing schemes and will encourage zero carbon building standards. In addition, the intention of the plan is to define a green infrastructure network for the purpose of providing an environmental support system for the community and wildlife to protect and improve. Finally the plan intends to contain polices which will secure investments in traffic management schemes.
40. Due to the intention to include design codes within the neighbourhood plan, it may have significant environmental effects on Stoke Poges parish and surrounding area including the existing natural and built heritage.
41. This screening opinion can be revisited again if through the drafting of the plan, significant changes are proposed. It can also be revisited as the plan moves through the later stages of the plan making process. 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 current intentions of the draft neighbourhood plan could give rise to significant environmental effects.
42. Therefore a Strategic Environmental Assessment (SEA) is required.

## 7. Habitat Regulations Assessment Screening

### Introduction

43. 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

44. 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).
45. 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'.
46. 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.
47. 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, animal or plant health, which would be inconsistent with protection normally afforded to these within the European Community, the Precautionary Principle is triggered.”*

48. 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.
49. 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.
50. 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.
51. 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 Stoke Poges Neighbourhood Area as well as including sites which are potentially connected (e.g. hydrologically) beyond this distance:
  - Burnham Beeches Special Area of Conservation – approximately 1km from parish boundary
  - Chiltern Beachwood’s Special Area of Conservation – approximately 9.4 km from parish boundary
  - Windsor Forest and Great Park Special Area of Conservation – approximately 6.8km from parish boundary

- Thursley, Ash, Pirbright and Cobham Special Area of Conservation – approximately 14.8km from parish boundary
  - South West London Waterbodies Special Protection Area – approximately 6.4km from parish boundary
  - Thames Basin Heath Special Protection Area – approximately 14.1km from parish boundary
52. Due to significant adverse public access and disturbance impacts from development on Burnham Beeches SAC, a Supplementary Planning Document (SPD) has been developed which sets out a mitigation strategy to avoid further impact. It includes two zones; a 500m buffer which prevents residential development, and a 5.6km Zone of Influence which requires any net new homes within this boundary zone of the SAC will need to mitigate the likely effects of the development.
53. Stoke Poges Parish falls within the designated 5.6km Zone of Influence and therefore needs to be considered within this report.
54. Significant recreational pressures have been identified for areas of the Chiltern Beechwoods Special Area of Conservation and mitigation measures for development proposals are being implemented to address the issue. These areas of the SAC are at Ashridge Common and Woods SSSI and Tring Woodlands SSSI and are over 20km away from Stoke Poges Parish. Although parts of the Chiltern Beechwoods fall approximately within 9.4km Stoke Poges Parish Boundary, these are areas of the SAC which are not affected by significant recreational pressures and therefore the mitigation measures are not in place for these areas. Therefore the concerns regarding recreational pressure on the SAC are not likely to be effected from the intentions of the Stoke Poges Neighbourhood Plan.
55. 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.
56. 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

57. 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.
58. 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 would be still no likely significant effect because the intention of the neighbourhood plan is not to allocate land for development.



## 8. Stages of HRA

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

59. Task - Description of the plan. Identification of potential effects on European Sites. Assessing the effects on European Sites.
60. 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

61. 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.
62. 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

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

## 9. Potential impacts and activities adversely affecting European sites

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

65. **Physical loss.** Removal (including offsite effects, e.g. foraging habitat), Smothering, Habitat degradation
66. **Physical Damage.** Sedimentation / silting, Prevention of natural processes, Habitat degradation, Erosion, Trampling, Fragmentation, Severance / barrier effect, Edge effects, Fire
67. **Non-physical (and indirect) disturbance.** Noise, Vibration, Visual presence, Human presence, Light pollution
68. **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))
69. **Toxic contamination.** Water pollution, Soil contamination, Air pollution
70. **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)
71. **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

72. **Physical loss.** 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

73. **Physical Damage.** 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
74. **Non-physical (and indirect) disturbance.** 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)
75. **Water table/availability.** Water abstraction, Drainage interception (e.g. reservoir, dam, infrastructure and other development), Increased discharge (e.g. drainage, runoff)
76. **Toxic contamination.** Agrochemical application and runoff, Navigation, Oil / chemical spills, Tipping, Landfill, Vehicular traffic, Industrial waste / emissions
77. **Non-toxic contamination.** Agricultural runoff, Sewage discharge, Water abstraction, Industrial activity, Flood defences, Navigation, Construction
78. **Biological disturbance.** 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)

## 10. HRA Screening of the Draft Neighbourhood Plan

### Background

79. 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’

80. 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)

81. 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.”*

82. 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 scope for the Neighbourhood Plan

83. The plan area is approximately 1km from the nearest SAC site. The parish council are proposing to introduce a number of design guides on specific sites which may in the future come forward for development. These sites are not being allocated and therefore the principle of developing these sites is not established.
84. The following is a summary of the proposed intentions for the draft neighbourhood plan;

## Design Codes

- To prepare design codes for a number of sites within the inset boundary of Stoke Poges and the ‘GB3 Boundary’ at Wexham Street, noting that the provisions of the adopted Burnham Beeches SPD will continue to apply. Locations of these sites are as follows;



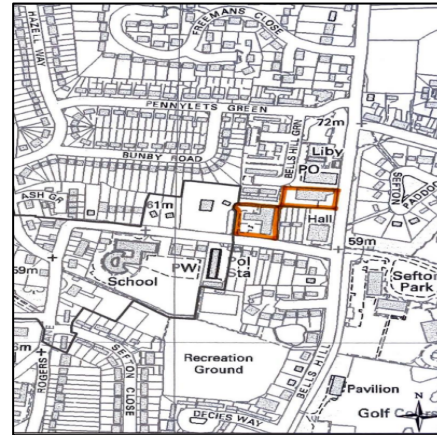
Bells Hill Green, Stoke Poges



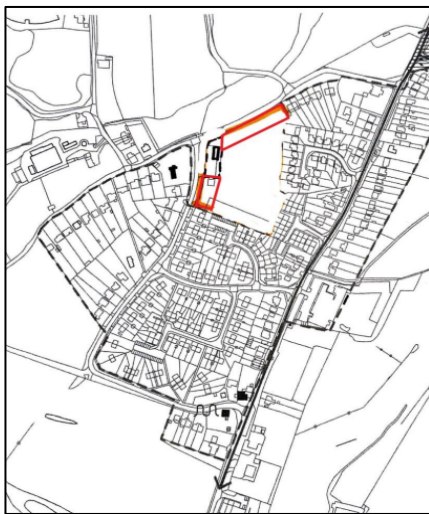
Neville Close, Stoke Poges



Dean's Close, Wexham Street



Bold's Court, Rogers Lane and Bells Hill Showroom



Underused part of Plough Lane Recreation Field

## Environment

- To include policies to monitor an essential gap between Stoke Poges and Wexham Street and to protect the green belt threatened by the possible northern expansion of Slough
- To contain policies which define a green infrastructure network for the purpose of providing an environmental support system for the community and wildlife to protect and improve

## Housing and Building Standards

- To contain a policy which prioritises the mix of any future housing scheme
- To encourage zero carbon building standards

## Traffic Management

- To include policies to secure investments in traffic management schemes.

## Assessment of plan on Burnham Beeches SAC and Chiltern Beechwoods SAC

85. Due to significant adverse public access and disturbance impacts from development on Burnham Beeches SAC, a Supplementary Planning Document (SPD) has been developed which sets out a mitigation strategy to avoid further impact. It includes two zones; a 500m buffer which prevents residential development, and a 5.6km Zone of Influence which requires any net new homes within this boundary zone of the SAC to mitigate the likely effects of the development. Burnham Beeches SAC falls within approximately 1km of Stoke Poges parish.
86. Although in close proximity, neither Burnham Beechwoods nor Burnham Beechwoods SAC's fall within the parish boundary. In addition, the intention of the neighbourhood plan is not to allocate land for development but only to provide guidance on future development including design codes for a number of sites. These design codes will not seek to undermine the mitigation strategies in place for Burnham Beeches SAC. Due to the proximity of the SAC's to Stoke Poges and the intentions proposed for the neighbourhood plan, there are not likely to be significant impact on the integrity of the Burnham Beeches SAC and the Chiltern Beechwoods SAC.
87. In terms of 'in combination effects', the local plan that was emerging for Chiltern and South Buckinghamshire Council area was withdrawn in October 2020. For South Buckinghamshire, only the previous older Core Strategy and Local Plan before that remain. The scale of development in the Stoke Poges neighbourhood plan is very limited and in combination with Local Plans of other council areas and the rest of Buckinghamshire would not have any in combination effects.

## HRA Screening outcome

88. The intentions of the draft Stoke Poges neighbourhood plan, which seeks to produce design codes for a number of sites within the parish, is not anticipated to have a significant effect on any European Sites, in this case the Burnham Beeches SAC, Chiltern Beechwoods SAC, Windsor Forest and Great Park SAC and Thursley, Ash, Pirbright and Cobham SAC. Future development proposals for the sites would need to comply with the design guides that will be within the neighbourhood plan. The intention of these design codes are not to contradict the adopted Burnham Beeches Supplementary Planning Document (SPD). The principles of the SPD will continue to be considered alongside the design codes and other policies within the development plan.
89. The plan also intends to protect important gaps between Stoke Pogoes village and Wexham Street as well as protect the Metropolitan Green Belt to the north of Slough. This is likely to have a positive impact on the SAC and SPA's.
90. Vulnerabilities of the SAC and SPA's 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 from the intentions of the Neighbourhood Plan on the Burnham Beeches SAC, Chilterns Beechwoods SAC, Windsor Forest and Great Park SAC or the Thursley, Ash, Pirbright and Cobham SAC. The Neighbourhood Plan is not likely to lead to adverse effects on any European sites alone or in-combination. Therefore, there is no requirement to prepare an appropriate assessment.



## 11. Conclusions

91. Based on the above assessment, the screening outcome is that the intentions proposed for the draft Stoke Poges Neighbourhood Plan does require a Strategic Environmental Assessment (SEA). The reason being the intention to include a number of design codes within the neighbourhood plan for a number of sites. The extent of these design codes are not known at this stage.
92. The consultation responses from Natural England and Historic England are set out below. Historic England concurs with the recommendation that a SEA is required, however Natural England concludes that there are unlikely to be significant environmental effects on (including but not limited to) statutory designated sites, landscapes and protected species, geology and soils.
93. The intention of the neighbourhood plan, including the design codes, is not to undermine the mitigation measures within the Burnham Beeches SPD. Therefore there is not a need to proceed to Stage 2: An Appropriate Assessment.
94. Natural England, as set out in their response below, agrees with the council's conclusion that a HRA is not required for the neighbourhood plan based on the information provided.

## 12. Consultation Responses



By email only to: [Nina.Merritt@buckinghamshire.gov.uk](mailto:Nina.Merritt@buckinghamshire.gov.uk)

Our ref: PL00  
Your ref: SEA Stoke Poges Neighbourhood Plan

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

Date: 28/09/2022

Dear Sir/ Madam

### **RE: Stoke Poges Neighbourhood Plan SEA Screening**

Thank you for your email regarding the above 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. Therefore we welcome this opportunity to review this request for a Screening Opinion. For the purposes of this consultation, Historic England will confine its advice to the question, "Is it (the neighbourhood plan) likely to have a significant effect on the historic environment?". Our comments are based on the information supplied with the Screening Opinion.

The supporting information supplied with the consultation indicates that within the plan area there is a range of designated historic environment assets. There is also likely to be other features of local historic, architectural or archaeological value, and consideration should also be given to the wider historic landscape.

Given the likely significant effects (both positive and negative) upon the historic environment, Historic England hence concurs with the Council's view and considers that a Strategic Environmental Assessment will be required.



Historic England, 4th Floor, The Atrium, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA  
Telephone 020 7973 3700 [HistoricEngland.org.uk](http://HistoricEngland.org.uk)  
Please note that Historic England operates an access to information policy.  
Correspondence or information which you send us may therefore become publicly available.





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.

We should like to stress that this opinion is based on the information provided by you with your correspondence below. To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the SA/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/guidance) where we consider that, despite the SA/SEA, these would have an adverse effect upon the environment.

Please do contact me, if you have any queries.

Yours sincerely

Louise

**Louise Dandy**  
**Historic Places Advisor**



Historic England, 4th Floor, The Atrium, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA  
Telephone 020 7973 3700 [HistoricEngland.org.uk](http://HistoricEngland.org.uk)

Please note that Historic England operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available.



Date: 16 September 2022  
Our ref: 405138  
Your ref: Stoke Poges Neighbourhood Plan – SEA and HRA Screening



Ms Nina Merritt  
Senior Planning Policy Officer  
Planning, Growth and Sustainability  
Buckinghamshire Council

Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

BY EMAIL ONLY - [Nina.Merritt@buckinghamshire.gov.uk](mailto:Nina.Merritt@buckinghamshire.gov.uk)

T 0300 060 3900

Dear Ms Merritt,

**Stoke Poges Neighbourhood Plan – Strategic Environmental Assessment and Habitats Regulations Assessment Screening**

Thank you for your consultation request on the above dated and received by Natural England on 26<sup>th</sup> August 2022.

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.

**Strategic Environmental Assessment**

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

**Habitats Regulations Assessment**

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

**Neighbourhood Plan**

Guidance on the assessment of Neighbourhood Plans, in light of the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended), is contained within the [National Planning Practice Guidance](#). The guidance highlights three triggers that may require the production of an SEA, for instance where:

- 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; and
- 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.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should

provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely,

Ellen Satchwell  
Sustainable Development Lead Adviser  
Thames Solent Team