



# **Farnham Royal Draft Neighbourhood Plan – Strategic Environmental Assessment and Habitats Regulations Assessment Screening**

**Final Screening Outcome**

**January 2023**

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# 1. Summary

1. The Conservation of Habitats and Species Regulations 2017 (as amended) places a requirement for competent authorities – here the Council – to ascertain whether a plan or project will have any adverse effects on the integrity of European sites.
2. To assess whether a full Appropriate Assessment is required under the Conservation of Habitats and Species regulations 2017 (as amended), the Council has undertaken a screening assessment of the Farnham Royal Scope for a Neighbourhood Plan.
3. Strategic Environmental Assessments (SEA) are a way of ensuring the environmental implications of decisions are considered before any decisions are made. The need for environmental assessment of plans and programmes is set out in the Environmental Assessment of Plans and Programmes Regulations 2004. Under these regulations, Neighbourhood Plans may require SEA if they could have significant environmental effects. A plan or project that has been identified as triggering an Appropriate Assessment is also required to undertake a Strategic Environmental Assessment (SEA).
4. To assess whether a SEA / HRA are required, the local planning authority must undertake a screening process. This must be subject to consultation with the three consultation bodies: Historic England, the Environment Agency and Natural England. Following consultation, the results of the screening process must be detailed in a screening statement, which is required to be made available to the public.
5. If a Neighbourhood Plan as drafted is considered potential to have significant environmental effects through the screening process, then the conclusion will be that the preparation of a SEA and/ or Appropriate Assessment is necessary.
6. Buckinghamshire Council considers that, following this Final Screening Outcome, the Farnham Royal Neighbourhood Plan Scope does **not** have potential to introduce significant environmental effects and does **not** require an Appropriate Assessment or an SEA.

7. A consultation took place with the statutory bodies and their conclusions will be reflected in the final report. The consultation took place with Natural England, The Environment Agency and Historic England for 5 weeks between 21 December 2022 and 25 January 2023.
8. The full screening statement follows.

## 2. Legislative Background and Criteria

### Legislative Background

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

### Criteria for Assessing the Effects of Neighbourhood Development Plans

11. Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out as follows (Source: Annex II of SEA Directive 2001/42/EC):
12. The characteristics of plans and programmes, having regard to:
  - the degree to which the plan or programme sets a framework for projects and other activities, either regarding the location, nature, size and operating conditions or by allocating resources,
  - the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
  - the relevance of the plan or programme for the integration of environmental considerations with a view to promoting sustainable development,
  - environmental problems relevant to the plan or programme,

- the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g., plans and programmes linked to waste-management or water protection).
13. Characteristics of the effects and of the area likely to be affected, having regard to:
- the probability, duration, frequency and reversibility of the effects,
  - the cumulative nature of the effects,
  - the transboundary nature of the effects,
  - the risks to human health or the environment (e.g., due to accidents),
  - the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
  - the value and vulnerability of the area likely to be affected due to:
    - special natural characteristics or cultural heritage,
    - exceeded environmental quality standards or limit values,
    - intensive land-use,
  - the effects on areas or landscapes which have a recognised national, Community or international protection status.

### 3. The Farnham Royal Neighbourhood Plan - Scope

14. There is as yet no draft neighbourhood plan. However, the Steering Group working to the Parish Council have appointed an Agent who has agreed with the Group a scope for the neighbourhood plan coverage. The following has been provided on 10 November 2022 from the Agent for the purpose of this screening.

15. In order to assist you in providing your opinion I can provide you with the following information on the intended policy scope of the FRNP:

- It will cover the plan period to 2040 to coincide with the emerging Bucks Local Plan
- It will not be allocating sites for development
- It is to contain policies on design coding, local heritage assets, green infrastructure (including Local Green Space designation), housing mix, sustainable travel, and retaining existing businesses and community uses

16. The Agent has also set out the following:

In terms of environmental designations and policies, I have noted from published sources that the Parish lies entirely within the Green Belt with the built-up areas of the villages of Farnham Common and Farnham Royal inset; includes a Conservation Area, Listed Buildings, priority habitats as well as areas subject to surface water flooding. The Burnham Beeches SAC & SSSI lies immediately adjacent to the parish with very small parts extending into the neighbourhood area. The provisions of the adopted Burnham Beeches SPD continue to apply. There are also other SSSIs and the M40 Air Quality Management Area in close proximity to the parish. The Windsor Forest & Great Park SAC, part of the Chiltern Beechwoods SAC and the South West London Waterbodies SPA & RAMSAR lies within 10km of the Parish.

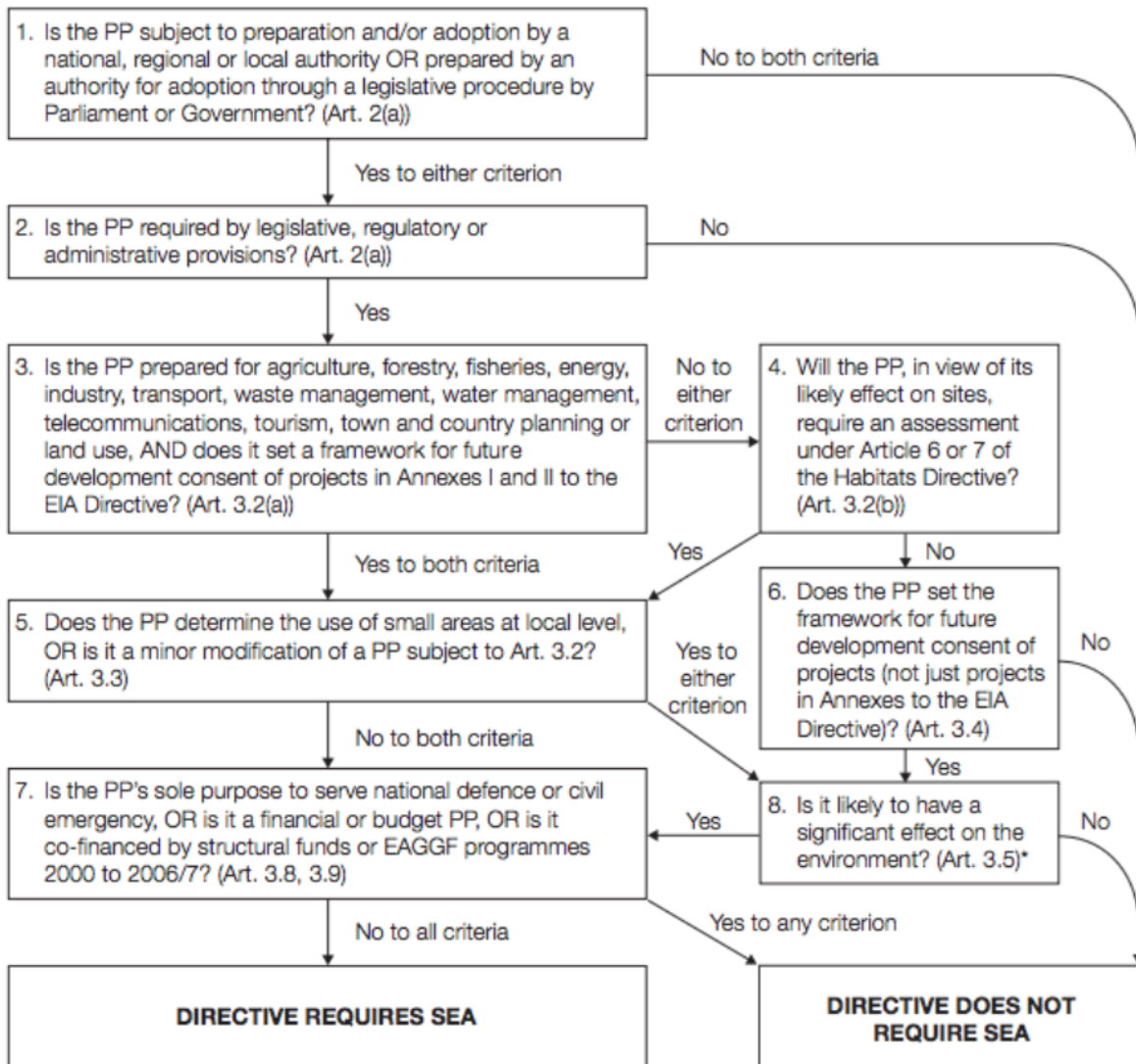


## 4. The SEA Screening Process

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 Neighbourhood Plan Scope against the questions set out in Figure 1 above to establish whether the Neighbourhood Plan is likely to require an SEA.

## Stage 1

21. Is the Neighbourhood Plan subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for

adoption through a legislative procedure by Parliament of Government?  
(Article 2(a))

Response – Yes

Reason – The Neighbourhood Plan will be adopted (made) subject to passing examination and referendum, by a Local Planning Authority, Buckinghamshire Council)

## **Stage 2**

28. Is the Neighbourhood Plan required by legislative, regulatory, or administrative provisions? (Article 2(a))

Response – No

Reason - The Neighbourhood Development Plan is an optional plan produced by Farnham Royal 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 allocating any sites or set a housing target for further development. There would just be policies on design coding, local heritage assets, green infrastructure (including Local Green Space designation), housing mix, sustainable travel, and retaining existing businesses and community uses. None of these should impact on the SAC itself but when fully worked up draft policies are available, any impact can be reconsidered and if necessary, re-screened for SEA/HRA.

The parish includes a small part of the Burnham Beeches Special Area of Conservation and is immediately adjacent the remainder of this SAC. The SAC abuts the settlements of Egypt and Farnham Common.

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

<https://www.bing.com/ck/a?!&&p=d1fbb0a7eb17f421JmltdHM9MTY3MTA2MjQwMCZpZ3VpZD0zMmVhZGNiNy05YTY5LTlwOWQtM2NjMi1jZGQ0OWlxNjYxNDcmaW5zaWQ9NTI3Ng&ptn=3&hsh=3&fclid=32eadcb7-9a69-609d-3cc2-cdd49b166147&psq=adopted+burnahm+beeches+SPD&u=a1aHR0cHM6Ly93d3cuY2hpbHRlcm4uZ292LnVrL21IZGhLzE1ODU4L0J1cm5oYW0tQmVIY2hlcY1TUEQvcGRmL0J1cm5oYW1fQmVIY2hlc19TUERfU01fVjhMjgwNzlwMjAucGRmP209NjM3MzE1MjgwMzc2NTcwMDAw&ntb=1>

The parish is not in the 12.6km Zone of Influence of the Ashridge Commons and Woods SSSI or the 1.7km ZOI to the Tring Woodlands SSSI (see the recreational pressures issue affecting these SSSIs confirmed in March 2022 [Chilterns Beechwoods Special Area of Conservation \(dacorum.gov.uk\)](http://dacorum.gov.uk) . The nearest part of these SSSIs (Ashridge) is 25.9km away. There would also be no adverse effects due to the nature of the plan and distance on the Windsor Forest and Great Park SAC or Richmond Park SAC or SPAs and RAMSAR sites.

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

Group	Species	Vernacular
Amphibians and reptiles	Anguis fragilis	Slow-worm

Insects: beetles	Lucanus cervus	Stag Beetle
Insects: beetles	Lucanus cervus	Stag Beetle
Insects: beetles	Lucanus cervus	Stag Beetle
Insects: beetles	Lucanus cervus	Stag Beetle
Insects: beetles	Lucanus cervus	Stag Beetle
Insects: beetles	Lucanus cervus	Stag Beetle
Insects: beetles	Lucanus cervus	Stag Beetle
Insects: beetles	Lucanus cervus	Stag Beetle
Insects: beetles	Lucanus cervus	Stag Beetle
Insects: beetles	Lucanus cervus	Stag Beetle
Insects: beetles	Lucanus cervus	Stag Beetle
Mammals	Chiroptera sp.	a bat species
Mammals	Chiroptera sp.	a bat species
Mammals	Chiroptera sp.	a bat species
Mammals	Eptesicus serotinus	Serotine
Mammals	Nyctalus noctula	Noctule Bat
Mammals	Pipistrellus pipistrellus	Common Pipistrelle
Mammals	Pipistrellus pipistrellus	Common Pipistrelle
Mammals	Pipistrellus pipistrellus	Common Pipistrelle
Mammals	Pipistrellus pygmaeus	Soprano Pipistrelle
Mammals	Pipistrellus pygmaeus	Soprano Pipistrelle
Mammals	Pipistrellus sp.	Pipistrelle species
Mammals	Plecotus auritus	Brown Long-eared Bat
Mammals	Plecotus auritus	Brown Long-eared Bat
Mammals	Plecotus auritus	Brown Long-eared Bat

## Stage 5

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

Response – No

Reason - The plan is not allocating any sites or set a housing target for further development. There would just be policies on design coding, local heritage assets, green infrastructure (including Local Green Space designation), housing mix, sustainable travel, and retaining existing businesses and community uses.

## 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 Farnham Royal Neighbourhood Plan - Scope

34. The following is an assessment under the SEA Directive Annex II: Criteria for determining likely significance of effects referred to in Article 3(5).

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

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

Likely to have significant environmental effects? – No

Reason - The plan is not allocating any sites or set a housing target for further development. There would just be policies on design coding, local heritage assets, green infrastructure (including Local Green Space designation), housing mix, sustainable travel, and retaining existing businesses and community uses.

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 Farnham Royal Neighbourhood Plan Scope, 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 Farnham Royal parish) while the policies in the local plan in force in the South Buckinghamshire area of Buckinghamshire ([https://www.buckinghamshire.gov.uk/documents/9734/South\\_Bucks\\_local\\_plan\\_j4D6YG4.pdf](https://www.buckinghamshire.gov.uk/documents/9734/South_Bucks_local_plan_j4D6YG4.pdf) [https://www.buckinghamshire.gov.uk/documents/9739/South\\_Bucks\\_Core\\_Strategy\\_-\\_Adopted\\_February\\_2011\\_bb48FA7.pdf](https://www.buckinghamshire.gov.uk/documents/9739/South_Bucks_Core_Strategy_-_Adopted_February_2011_bb48FA7.pdf)) and National level

provide a strategic context for the Farnham Royal Neighbourhood Plan to be in general conformity with.

None of the policies in the Neighbourhood Plan have any significant impact on other plans in neighbouring areas including Slough. There will be no new development identified, there will be Local Green Spaces within the parish of Farnham Royal but otherwise just policies on planning 'topics'. There will be some impact on the Burnham Beeches SAC area (given it is partly in the parish) but not adversely so, the plan is likely to focus on existing built up areas.

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

Likely to have significant environmental effects? – No

Reason – The plan is not allocating any sites or set a housing target for further development. There would just be policies on design coding, local heritage assets, green infrastructure (including Local Green Space designation), housing mix, sustainable travel, and retaining existing businesses and community uses.

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

Likely to have significant environmental effects? – No

Reason – The plan is not allocating any sites or set a housing target for further development. There would just be policies on design coding, local heritage assets, green infrastructure (including Local Green Space designation), housing mix, sustainable travel, and retaining existing businesses and community uses.

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 Farnham Royal Neighbourhood Plan Scope will be developed in general conformity with the policies in use from the South



Buckinghamshire Local Plan (Adopted 1999, Consolidated 2007, 2011 ) and South Buckinghamshire Core Strategy 2011 ), the Buckinghamshire Minerals and Waste Local Plan 2019 and national policy. The plan has no relevance to the implementation of community legislation.

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

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

Likely to have significant environmental effects? – No

Reason - The plan is not allocating any sites or set a housing target for further development. There would just be policies on design coding, local heritage assets, green infrastructure (including Local Green Space designation), housing mix, sustainable travel, and retaining existing businesses and community uses.

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 allocating any sites or set a housing target for further development. There would just be policies on design coding, local heritage assets, green infrastructure (including Local Green Space designation), housing mix, sustainable travel, and retaining existing businesses and community uses.

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 446 ha and contains a population is of 5,972 residents (2011 census). The plan is not allocating any sites or set a housing target for further development. There would just be policies on design coding, local heritage assets, green infrastructure (including Local Green Space designation), housing mix, sustainable travel, and retaining existing businesses and community uses.

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 allocating any sites or set a housing target for further development. There would just be policies on design coding, local heritage assets, green infrastructure (including Local Green Space designation), housing mix, sustainable travel, and retaining existing businesses and community uses.

Part of Stoke Park Historic Park and garden falls within the parish on the eastern side although the majority of the park and house is outside the parish. The very south of the parish where it adjoins Slough is a conservation area – Farnham Royal Conservation Area. Along with the area of Stoke Park with a similar boundary to the historic parkland – Stoke Park Conservation area. There are 16 Grade II listed buildings and one scheduled monument in the parish. The parish contains Stoke Park a Grade II historic park and garden.

The plan is envisaged to contain policies on design coding, local heritage assets, green infrastructure (including Local Green Space designation) and sustainable travel.

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

Likely to have significant environmental effects? – No

Reason – There is no nationally designated landscape (AONB) and there's no local landscape designations. The rural areas of the parish are in the Green Belt with the main built-up areas of the Farnham settlements excluded from it. However, the plan is not looking to allocate any sites or set a housing target for further development. There would just be policies on design coding, local heritage assets, green infrastructure (including Local Green Space designation), housing mix, sustainable travel, and retaining existing businesses and community uses.

## 6. SEA Screening Opinion

47. The parish contains and is adjacent to some significant environmental and heritage constraints providing a sensitive context for embarking on preparing a neighbourhood plan. A significant area is the parish is protected by the Green Belt limiting what can be achieved in terms of housing growth in this parish. Nevertheless, the scope for this plan can have a significant impact on design, green infrastructure, local heritage and local employment and community uses.
48. The plan is not allocating any sites or set a housing target for further development. There would just be policies on design coding, local heritage assets, green infrastructure (including Local Green Space designation), housing mix, sustainable travel, and retaining existing businesses and community uses.
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. This conclusion reflects the responses of Natural England and Historic England.

## 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.
60. The parish includes a small part of the Burnham Beeches Special Area of Conservation and is immediately adjacent the remainder of this SAC. The

SAC abuts the settlements of Egypt and Farnham Common. Please see this link to get to the Burnham Beeches Special Area of Conservation Strategic Access Management and Monitoring Strategy Supplementary Planning Document Adopted November 2020

<https://www.bing.com/ck/a?!&&p=d1fbb0a7eb17f421JmItdHM9MTY3MTA2MjQwMCZpZ3VpZD0zMmVhZGNIY05YTY5LTYwOWQtM2NjMi1jZGQ0OWIxNjYxNDcmaW5zaWQ9NTI3Ng&ptn=3&hsh=3&fclid=32eadcb7-9a69-609d-3cc2-cdd49b166147&psq=adopted+burnham+beeches+SPD&u=a1aHR0cHM6Ly93d3cuY2hpbHRlcm4uZ292LnVrL21IZGhLzE1ODU4L0J1cm5oYW0tQmVIY2hlc1TUEQvcGRmL0J1cm5oYW1fQmVIY2hlc19TUERfU01fVjhfMjgwNzlwMjAucGRmP209NjM3MzE1MjgwMzc2NTcwMDAw&ntb=1>

61. The parish is not in the 12.6km Zone of Influence of the Ashridge Commons and Woods SSSI or the 1.7km ZOI to the Tring Woodlands SSSI (see the recreational pressures issue affecting these SSSIs confirmed in March 2022 Chilterns Beechwoods Special Area of Conservation (dacorum.gov.uk) . The nearest part of these SSSIs (Ashridge) is 25.9km away. There would also be no adverse effects due to the nature of the plan and distance on the Windsor Forest and Great Park SAC or Richmond Park SAC or SPAs and RAMSAR sites.
62. 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
63. 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

64. 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

65. The Council considers that in re-applying the criteria in section 8 of this HRA Screening on the likely the screening outcome and considering the 'People over Wind' CJEU case, there are not likely to be likely significant effects. The plan is not allocating any sites or set a housing target for further development. There would just be policies on design coding, local heritage assets, green infrastructure (including Local Green Space designation), housing mix, sustainable travel, and retaining existing businesses and community uses.



## 8. Stages of HRA

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

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

- 68. 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.
- 69. 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**

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

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

79. 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
80. 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
  81. 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)
  82. Water abstraction, Drainage interception (e.g., reservoir, dam, infrastructure and other development), Increased discharge (e.g., drainage, runoff)
  83. Agrochemical application and runoff, Navigation, Oil / chemical spills, Tipping, Landfill, Vehicular traffic, Industrial waste / emissions
  84. Agricultural runoff, Sewage discharge, Water abstraction, Industrial activity, Flood defences, Navigation, Construction
  85. 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 Farnham Royal Neighbourhood Plan - Scope

### Background

86. 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’

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 Farnham Royal Neighbourhood Plan Scope**

90. The following is the scope of the plan to be prepared. The Steering Group working to the Parish Council have appointed an Agent who has agreed with the Group a scope for the neighbourhood plan coverage. The following has been provided on 10 November 2022 from the Agent for the purpose of this screening. In order to assist you in providing your opinion I can provide you with the following information on the intended policy scope of the FRNP:

- It will cover the plan period to 2040 to coincide with the emerging Bucks Local Plan
- It will not be allocating sites for development
- It is to contain policies on design coding, local heritage assets, green infrastructure (including Local Green Space designation), housing mix, sustainable travel, and retaining existing businesses and community uses

91. The parish includes a small part of the Burnham Beeches Special Area of Conservation and is immediately adjacent the remainder of this SAC. The SAC abuts the settlements of Egypt and Farnham Common.

92. The parish is not in the 12.6km Zone of Influence of the Ashridge Commons and Woods SSSI or the 1.7km ZOI to the Tring Woodlands SSSI (see the recreational pressures issue affecting these SSSIs confirmed in March 2022 Chilterns Beechwoods Special Area of Conservation ([dacorum.gov.uk](http://dacorum.gov.uk)) . The nearest part of these SSSIs (Ashridge) is 25.9km away. There would also be no adverse effects due to the nature of the plan and distance on the Windsor Forest and Great Park SAC or Richmond Park SAC or SPAs and RAMSAR sites.

93. The plan is not looking to allocate any sites or set a housing target for further development. There would just be policies on design coding, local heritage assets, green infrastructure (including Local Green Space designation), housing mix, sustainable travel, and retaining existing businesses and community uses.

94. In terms of 'in combination effects' it is not considered there would be any in-combination effects of the neighbourhood plan when added to local plans in force in Buckinghamshire, adjacent Council areas or neighbourhood plans.

## **HRA screening outcome**

95. The Farnham Royal Neighbourhood Plan is not looking to allocate any sites or set a housing target for further development. There would just be policies on design coding, local heritage assets, green infrastructure (including Local Green Space designation), housing mix, sustainable travel, and retaining existing businesses and community uses.

96. Although the designated neighbourhood area, the parish boundary of Farnham Royal includes small parts of the Burnham Beeches SAC and is adjacent to the remainder, the plan scope is not envisaged to have any likely significant effects on the SAC. Other European sites (SAC or SPA) are much further away and there is not considered to be any cumulative impact from adopted local plans in Buckinghamshire or other council areas, any neighbourhood plans or other programmes. The Neighbourhood Plan is not likely to lead to potential adverse effects on a European site that needs investigating by the preparation of an Appropriate Assessment.

97. Therefore, **no** HRA stage 2 (Appropriate Assessment) is deemed required. This conclusion reflects the response of Natural England to the draft screening.

## 10. Conclusions

98. Based on the above assessment, the final screening outcome is that the Farnham Royal Neighbourhood Plan - Scope requires neither a Strategic Environmental Assessment (SEA) or a under HRA any need to proceed to Stage 2 of HRA- an Appropriate Assessment. This reflects the views of Natural England and Historic England who have responded to the consultation.

# Consultation Responses

## Natural England

### Response received 11.01.2023

Dear David,

**Planning consultation:** Farnham Royal Neighbourhood Plan - SEA and HRA  
Screening Draft

**Our ref:** 417088

Thank you for your consultation on the above dated 21<sup>st</sup> December 2022 which was received by Natural England on the same day.

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

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

## Response received 10.01.23

Dear David

Please find attached our response on the above consultation.

Best wishes

Louise

Louise Dandy Grad.Dipl. Cons (AA) FRSA

Historic Places Advisor , Historic England , London and South East Region



Historic England

By email only to: [David.Broadley@buckinghamshire.gov.uk](mailto:David.Broadley@buckinghamshire.gov.uk)

Our ref: PL00792049

Your ref: Farnham Royal Neighbourhood Plan SEA

Date: 10/01/2023

Dear Sir or Madam

Farnham Royal Neighbourhood Plan SEA Screening Opinion

Thank you for inviting Historic England to comment on this consultation. As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process. For the purposes of this consultation, Historic England will confine its advice to the question, "Is it (the Neighbourhood Plan) likely to have a significant effect on the historic environment?". Our comments are based on the information supplied.

There are a number of designated heritage assets and potential for non-designated heritage assets within the area; the information supplied however indicates that the plan will not have any significant effects on the historic environment. We also note that the plan does not propose to allocate any new sites for development.

On the basis of the information supplied, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of 'SEA' Directive], Historic England concurs with the Council that the preparation of a Strategic Environmental Assessment is not required.

The views of the other two statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made.

I should be pleased if you can send a copy of the determination as required by REG 11 of the Environmental Assessment of Plans and Programmes Regulations 2004.

We should like to stress that this opinion is based on the information provided by you with your correspondence. To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the SEA process and, potentially, object to specific proposals which may subsequently arise (either as a result of this consultation or in later versions of the plan) where we consider that, despite the SEA, these would have an adverse effect upon the environment.

Historic England strongly advises that the conservation and archaeological staff of the relevant local authorities are closely involved throughout the preparation of the plan and its assessment. They are best placed to advise on; local historic environment issues and priorities, including access to data held in the Historic Environment Record (HER), how the allocation, policy or proposal can be tailored to minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.

Please do contact me, via email if you have any queries.

Yours sincerely

Louise

Louise Dandy

Historic Places Adviser

## **Environment Agency**

No response received.