



Aylesbury Vale District Council

**Strategic Environmental Assessment and Habitats
Regulations Assessment**

For the Ivinghoe Neighbourhood Development Plan

DRAFT – FOR NEIGHBOURHOOD PLAN EARLY DRAFT SCOPE

May 2017

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1. Introduction

- 1.1 This screening statement considers whether the contents of the Ivinghoe Neighbourhood Development Plan requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.
- 1.2 The screening process is based upon consideration of standard criteria to determine whether the plan is likely to have “significant environmental effects”. The result of AVDC’s screening process is detailed in this Screening Statement.
- 1.3 The legislative background set out below outlines the regulations that require the need for this screening exercise. Section 4, provides a screening assessment of the likely significant environmental effects of the policies in the Ivinghoe Neighbourhood Development Plan and whether there is a need for a full Strategic Environmental Assessment.
- 1.4 The screening statement will also consider whether the Neighbourhood Development Plan requires a Habitats Regulations Assessment. This is a requirement of Regulation 102 of the Conservation of Habitats and Species Regulations

2. Strategic Environmental Assessment (SEA) and Sustainability Appraisal - Legislative Background

- 2.1 The basis for SEA and Sustainability Appraisal (SA) legislation is the European Directive 2001/42/EC. This was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations. Detailed Guidance of these regulations can be found in the Government publication ‘A Practical Guide to the Strategic Environmental Assessment Directive’¹.
- 2.2 The Planning and Compulsory Purchase Act 2004 required SA to be produced for all Local Development Documents to meet the requirement of the EU Directive on SEA. It is considered best practice to incorporate requirements of the SEA Directive into an SA.
- 2.3 In some cases SEA will be required for Neighbourhood Plans, however a SA is not a requirement for a Neighbourhood Development Plan. Part of meeting the ‘Basic Conditions’ 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 optional SA should be incorporated with SEA, this is so not just the environmental aspects of sustainability are considered, but instead social and

¹‘A Practical Guide to the Strategic Environmental Assessment Directive’
<https://www.gov.uk/government/publications/strategic-environmental-assessment-directive-guidance> (ODPM 2005)

economic aspects of sustainability are also considered. This should be at a level of detail that is appropriate to the content of the Neighbourhood Development Plan

3. The Habitats Regulations Assessment (HRA) process

- 3.1 The application of HRA to land-use plans is a requirement of the Conservation of Habitats and Species Regulations 2010, 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).
- 3.2 The HRA process assesses the potential effects of a land-use plan against the conservation objectives of any European sites designated for their importance to nature conservation. These sites form a system of internationally important sites throughout Europe and are known collectively as the 'Natura 2000 network'.
- 3.3 European sites provide valuable ecological infrastructure for the protection of rare, endangered or vulnerable natural habitats and species of exceptional importance within the EU. These sites consist of Special Areas of Conservation (SAC), designated under the Habitats Directive and Special Protection Areas (SPA), designated under European Directive 2009/147/EC on the conservation of wild birds (the Birds Directive). Additionally, Government policy requires that sites designated under the Ramsar Convention (The Convention on Wetlands of International Importance, especially as Waterfowl Habitat) are treated as if they are fully designated European sites for the purpose of considering development proposals that may affect them.
- 3.4 Under Regulation 102 of the Habitats Regulations, the assessment must determine whether or not a plan will adversely affect the integrity of the European sites concerned. 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.”
- 3.5 Decision-makers then have to determine what action/s to take. They should take account of the potential consequences of no action, the uncertainties inherent in scientific evaluation, and should consult interested parties on the possible ways of managing the risk. Measures should be proportionate to the level of risk, and to the desired level of protection. They should be provisional in nature pending the availability of more reliable scientific data.
- 3.6 Action is then undertaken to obtain further information, enabling a more objective assessment of the risk. The measures taken to manage the risk should be maintained so long as scientific information remains inconclusive and the risk is unacceptable.
- 3.7 The hierarchy of intervention is important: where significant effects are likely or uncertain, plan makers must firstly seek to avoid the effect through for example, a change of policy. If this is not

possible, mitigation measures should be explored to remove or reduce the significant effect. If neither avoidance, nor subsequently, mitigation is possible, alternatives to the plan should be considered. Such alternatives should explore ways of achieving the plan's objectives that do not adversely affect European sites.

- 3.8 If no suitable alternatives exist, plan-makers must demonstrate under the conditions of Regulation 103 of the Habitats Regulations, that there are Imperative Reasons of Overriding Public Interest (IROPI) to continue with the proposal. The following European site was identified using a 20km area of search around the Ivinghoe Neighbourhood Area as well as including sites which are potentially connected (e.g. hydrologically) beyond this distance:

- Chiltern Beechwoods SAC

4. Criteria for Assessing the Effects of Neighbourhood Development Plans

- 4.1 Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below²:

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

- the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,
- the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
- the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
- environmental problems relevant to the plan or programme,
- the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).

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

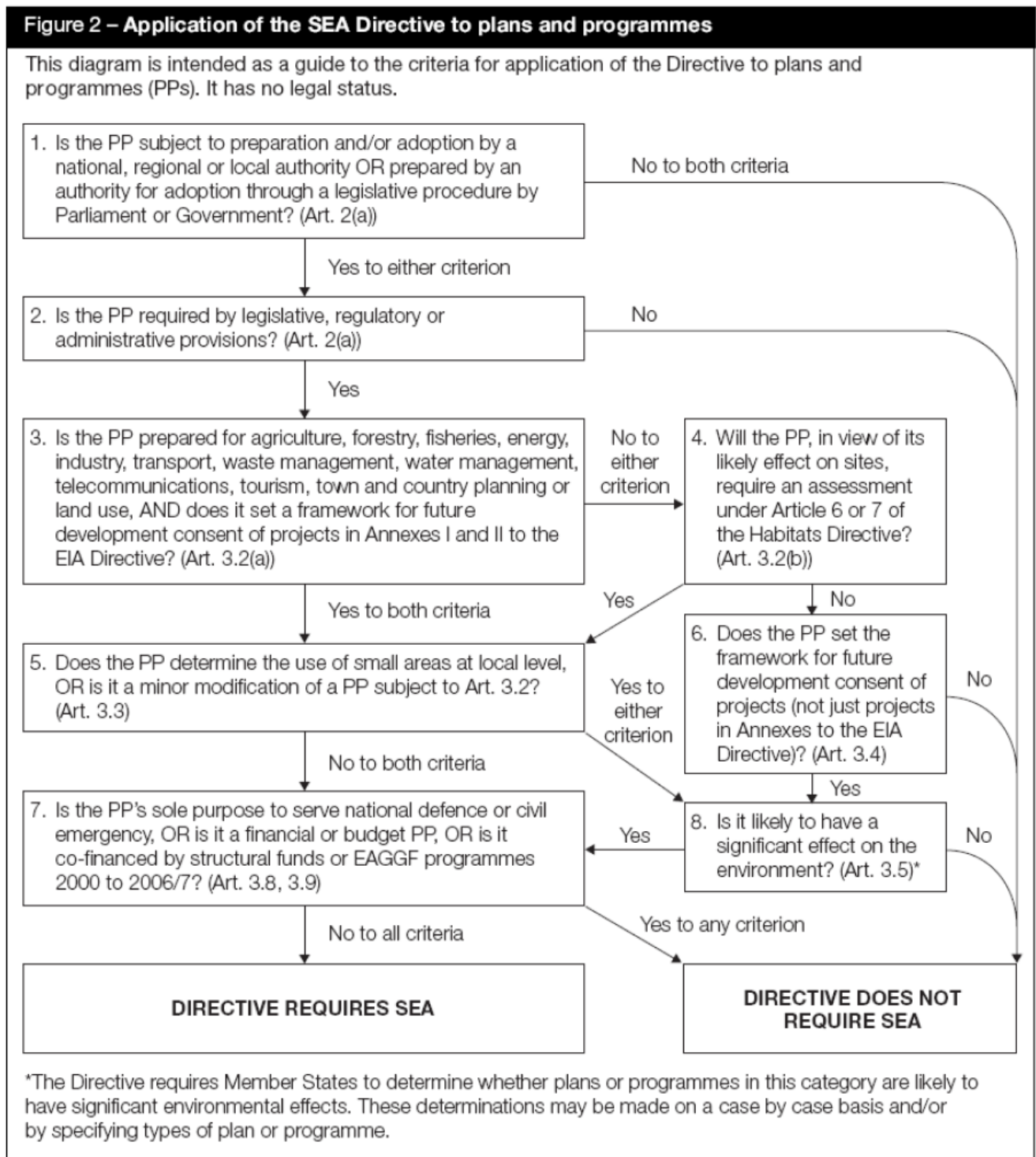
- the probability, duration, frequency and reversibility of the effects,
- the cumulative nature of the effects,
- the transboundary nature of the effects,
- the risks to human health or the environment (e.g. due to accidents),
- the magnitude and spatial extent of the effects (geographical area and 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,

² Source: Annex II of SEA Directive 2001/42/EC

- 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.

5. Assessment

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



5.2 The table below shows the assessment of whether the Ivinghoe Neighbourhood Development Plan will require a full SEA. The questions below are drawn from the above diagram which sets out how the SEA Directive should be applied.

Stage	Y/ N	Reason
1. Is the plan subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	The Neighbourhood Development Plan will be 'made' by a Local Planning Authority, Aylesbury Vale District Council. The Plan is prepared by the relevant Qualifying Body, although modifications to the plan can be carried out by the Local Planning Authority once the Plan has been submitted, if necessary to meet the basic conditions.
2. Is the plan required by legislative, regulatory or administrative provisions? (Art. 2(a))	N	The Neighbourhood Development Plan is an optional plan produced by Ivinghoe Parish Council.
3. Is the plan prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	N	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)).
4. Will the plan, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	N	The neighbourhood plan area does include significant areas of Natura 2000 sites (Special Areas of Conservation or Special Protection Areas). However these areas are in the south of the parish (2km to Ivinghoe village or 5.5km to Ivinghoe Aston). The plan is understood to be primarily concerned with proposals and policies covering the areas in and around the settlements of Ivinghoe and Ivinghoe Aston. Therefore there would not be any impact on the Natura 2000 sites. This impact can be subject to re-screening at the Pre Submission, Submission and Referendum stages of the plan.
5. Does the plan determine the use of small areas at local level, OR is it a minor modification of a plan subject to Art. 3.2? (Art. 3.3)	Y	The Neighbourhood Development Plan is not proposing to make any housing allocations. Draft Policy HSG1 sets out that housing development would only be acceptable within the settlements of Ivinghoe and Ivinghoe Aston, on brownfield sites contiguous with existing housing. The Pre Submission draft plan may contain Local green space designations - these could be identified though these would not change the current use of the land.

6. Does the plan set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	Y	The Neighbourhood Development Plan will set a framework for future development consents of projects.
7. Is the plans sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	N	The purpose of the Neighbourhood Development Plan is not for any of the projects listed in Art 3.8, 3.9.
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	N	The Neighbourhood Development Plan is not allocating any sites for development and would seek to restrict future housing to brownfield sites and within the settlements of Ivinghoe and Ivinghoe Aston.
1 (a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	N	The Ivinghoe Neighbourhood Plan will set out a spatial vision for the designated Neighbourhood Area and provide objectives and policies to guide sustainable development coming forward. However the plan is not allocating any sites for development.
1 (b) the degree to which the plan or programme influences other plans or programmes including those in a hierarchy.	N	<p>The Ivinghoe 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 while the policies at the District and National level provide a strategic context for the Ivinghoe Neighbourhood Plan to be in general conformity with.</p> <p>None of the policies in the Neighbourhood Plan have a direct impact on other plans in neighbouring areas.</p>
1 (c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	N	<p>Proposals to be set out in the Ivinghoe Neighbourhood Plan will look to balance environmental, social and economic considerations of sustainable development. However the Ivinghoe Neighbourhood Plan recognises that for rural communities such as Ivinghoe, the importance of the surrounding environment is particularly acute.</p> <p>It is considered that the Ivinghoe Neighbourhood Plan in its sensitive and mitigating policies to address constraints may have a positive impact on local environmental assets and places valued by local people in the Neighbourhood Area.</p>
1(d) environmental problems relevant to the plan	N	Ivinghoe Neighbourhood Plan areis not allocating any land for development and is unlikely to give rise to significant additional car movements.

		There are no Air Quality Management Areas within or near to the Neighbourhood Area.
1 (e) the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection)	N	The Ivinghoe Neighbourhood Plan is to be developed in general conformity with the AVDLP, the Minerals and Waste Core Strategy Plan and national policy. The plan has no relevance to the implementation of community legislation.
2 (a) the probability, duration, frequency and reversibility of the effects	N	As the Ivinghoe Neighbourhood Plan is not proposing to allocate land for development there is unlikely to be any significant environmental change involved in meeting the needs of people living and working in the parish. Any future development in the parish will be restricted to land in and around Ivinghoe and Ivinghoe Aston villages on brownfield sites and contiguous with existing housing. It is highly unlikely these will be significant and have any irreversible damaging environmental impacts associated with the Ivinghoe Neighbourhood Plan.
2 (b) the cumulative nature of the effects	N	It is highly unlikely there will be any negative cumulative effects of the policies, rather it could potentially have moderate positive effects. Any impact will be local in nature.
2 (c) the trans boundary nature of the effects	N	Effects will be local with no expected impacts on neighbouring areas.
2 (d) the risks to human health or the environment (e.g. due to accidents)	N	No risks have been identified.
2 (e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	N	The Neighbourhood Area covers an area which is 1,861ha and contains a population is of 965 residents (2011 census). The neighbourhood plan is not allocating any land for development and would restrict future housing to be within existing Ivinghoe or Ivinghoe Aston villages on brownfields sites contiguous with existing housing.
2 (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 (iii) intensive land-use	Y	The Ivinghoe Neighbourhood Plan is not allocating any sites for development and would seek to restrict future housing to brownfield sites and within the settlements of Ivinghoe and Ivinghoe Aston. There is a large part (1,024 ha) of Ivinghoe parish in an Area of Outstanding Natural Beauty. There are also 215 ha of various adjacent Sites or Special Scientific Interest and 203ha of two areas of Special Areas of

		<p>Conservation. There are 52ha of Ancient Woodland in the south of the parish on different sites. Significant areas of Ivinghoe village are within a Conservation Area.</p> <p>The plan has the opportunity as it evolves into the Pre Submission plan version to include objectives and policies to enhance the natural and cultural heritage, for example provide greater support in design policies and the allocated sites to enhance the setting of heritage, heritage assets and green spaces. There could also be specific policies to enhance recreation areas, green corridors and protect trees and hedgerows which will have a positive effect environmentally and help protect the rural character of Ivinghoe.</p>
	2 (g) the effects on areas or landscapes which have a recognised national, community or international protection status	<p>Y</p> <p>There is a large part (1,024 ha) of Ivinghoe parish in the Chilterns Area of Outstanding Natural Beauty, a nationally designated landscape recognised by the community. The plan is not going to allocate any land for development and the only areas where housing would be supported is in existing settlements of Ivinghoe and Ivinghoe Aston on brownfield sites contiguous with existing housing.</p>

6. Screening Outcome for Ivinghoe Neighbourhood Development Plan

No Sustainability Appraisal required.

- 6.1 The Ivinghoe Neighbourhood Development Plan is not allocating any sites for development and is also likely to contain a number of policies to control environmental effects including restricting development to within the existing settlements of Ivinghoe and Ivinghoe Aston on brownfields sites contiguous with existing housing. When taken together (as is required by law) with relevant policies from the Local Plan policy and national planning policy, it is not considered that the plan would be likely to give rise to significant environmental effects. On this basis a Sustainability Appraisal to meet the requirements for Strategic Environmental Assessment is not considered to be needed .

No Habitats Regulations Assessment Screening required.

- 6.2 The plan, which does no allocate any land for development, is not anticipated to have a significant effect on Chiltern Beechwoods SAC. The plan seeks to restrict future housing growth to within the existing settlements of Ivinghoe and Ivinghoe Aston on brownfields

sites contiguous with existing housing. Vulnerabilities of the SAC are not likely to be exacerbated by an increase in population (e.g. air quality, visitor disturbance, recreation), there are no anticipated likely significant effects of the Neighbourhood Plan policies or areas for development on Chilterns Beechwoods SAC. The Neighbourhood Plan is not likely to lead to adverse effects on any European sites alone or in combination. There is no requirement to prepare an appropriate assessment.

APPENDIX – Consultation Responses on the Revised Screening (May 2017)

From: MacPherson, Kirsty (NE)
Sent: 23 June 2017 14:32
To: 'Broadley, David'
Subject: RE: Ivinghoe Neighbourhood Plan Draft SEA Screening

Hi David,

I just wanted to check that I had explained that we could not comment on a SEA until the NP was written, at least a first draft. I have checked with the higher ups and they agree that without the NP being written it is impossible to do a thorough SEA. Please re-consult us once you have the Neighbourhood Plan and/or the SEA.

Below is a quick summary of the things we look for in a neighbourhood plan.

We would like to draw your attention to the requirement to conserve biodiversity and provide a net gain in biodiversity through planning policy (Section 40 of the Natural Environment and Rural Communities Act 2006 and section 109 of the National Planning Policy Framework). Please ensure that any development policy in your plan includes wording to ensure “all development results in a biodiversity net gain for the parish”. Policies around Biodiversity Net Gain should propose the use of a biodiversity measure or metric for development proposals.

Further Recommendations

Natural England would also like to highlight that removal of green space in favour of development may have serious impacts on biodiversity and connected habitat and therefore species ability to adapt to climate change. We recommend that the final local plan include:

- Policies around connected Green Infrastructure (GI) within the parish. Elements of GI such as open green space, wild green space, allotments, and green walls and roofs can all be used to create connected habitats suitable for species adaptation to climate change. Green infrastructure also provides multiple benefits for people including recreation, health and well-being, access to nature, opportunities for food growing, and resilience to climate change.;
- Development sites should be assessed for ‘Best and most versatile (BMV) agricultural land’ (Grades 1-3a). Policies around the mapping of land proposed for development should be included in the Plan. Loss of this resource must be avoided. Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 112.
- Paragraph 109 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features and views in and out of the Chilterns AONB.

Regards

Kirsty Macpherson
Natural England

creating a better place

Mr David Broadley
Aylesbury Vale District Council
Department of Planning Property and
Construction Services
66 High Street
Aylesbury
Buckinghamshire
HP20 1SD



Our ref:
19/SC1-L01
Your ref:

Date: 12 June 2017

Dear Mr Broadley

Draft SEA Screening for Ivinghoe Neighbourhood Plan

Thank you for consulting us on the screening opinion for the Ivinghoe Neighbourhood Plan. We are a statutory consultee in the Strategic Environmental Assessment (SEA) process and aim to reduce flood risk and protect and enhance the water environment.

We note that in your email, you advised that Ivinghoe Parish do not now intend to allocate any sites in the neighbourhood plan.

We have identified that the neighbourhood plan area will be affected by a number of environmental constraints which are set out below. As we understand that there is now no intention to allocate sites, we consider that this neighbourhood plan is unlikely to result in significant environmental impacts.

Flood risk

There are small areas of modelled fluvial flood risk (i.e. Flood Zones 2 and 3) associated with the Whistle Brook (ordinary watercourse) to the north-east of Ivinghoe village.

We would advise you to liaise with your colleagues in the Bucks County Council Flood Management team for their comments on local sources of flood risk in the plan area, including surface water flooding and flooding from ordinary watercourses. You may also wish to consult with the relevant Internal Drainage Board for their comments.

Watercourses

There are various small watercourses in the Neighbourhood Plan area designation, although none of these are classified as main rivers. This includes the Whistle Brook to the north-west of Ivinghoe village. The Whistle Brook is currently failing to reach good ecological potential under the Water Framework Directive. It is currently classified as having moderate potential.

Developments within or adjacent to the Whistle Brook should not cause deterioration to a lower ecological class. An assessment of the potential impacts of the neighbourhood plan on the watercourse under WFD should be included within the SEA appraisal. The Grand Union Canal (Tring Summit to Milton Keynes) also runs through the plan area.



This is currently at moderate ecological potential under the WFD. Developments within or adjacent to the canal should not cause further deterioration and should seek to improve the water quality based on the recommendations of the Anglian River Basin Management Plan. An assessment of the potential impacts of the neighbourhood plan on the canal under WFD should be included within the SEA appraisal.

We would advise you to liaise with your colleagues in the Bucks County Council Flood Management team for their comments on the ordinary watercourses in the plan area.

Permitted sites / historic landfill

Our records indicate that there is an historic landfill and currently active landfill southeast of Ivinghoe Aston and north-east of Ivinghoe village. The active landfill currently operates under an Environmental Permit from us.

New development within 250 metres of an existing waste facility could result in the community at the proposed development being exposed to odour, noise, dust and pest impacts. The severity of these impacts will depend on the size of the facility, the nature of the activity and prevailing weather conditions. If the operator can demonstrate that they have taken all reasonable precautions to mitigate these impacts, the facility and community will co-exist, with some residual impacts. In some cases, these residual impacts may cause local residents concern, and there are limits to the mitigation the operator can apply. Only in very exceptional circumstances would we revoke the operators permit.

Further advice

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

This is available at:

http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environmentagency.gov.uk/LIT_6524_7da381.pdf.

Yours sincerely

Judith Johnson
Sustainable Places team

Direct dial 020 3025 9495

e-mail planning-THM@environment-agency.gov.uk

From: Lloyd Sweet, Robert [<mailto:Robert.LloydSweet@HistoricEngland.org.uk>]
Sent: 19 June 2017 17:15
To: Broadley, David
Subject: Fw: Ivinghoe Neighbourhood Plan Draft SEA Screening

Dear David,

I am happy to confirm on behalf of Historic England that we do not wish to make any further comment with regard to the need for SEA of the Ivinghoe plan.

Yours sincerely

Robert Lloyd-Sweet

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