

Denham Parish Neighbourhood Plan

Pre-submission Plan 2020-2036

Environmental Assessment Screening Opinion

December 2019

1. Introduction

Strategic Environmental Assessment (SEA) is a way of ensuring the environmental implications of decisions are taken into account before any such decisions are made. The need for environmental assessment of plans and programmes is set out in the European Directive 2001/42/EC, known as the SEA Directive. Under this Directive, Neighbourhood Plans may require SEA but this will depend on the content of each Neighbourhood Plan.

The purpose of the Denham Parish Neighbourhood Plan (DPNP) is to establish a planning framework for the development and use of land within the parish of Denham. The DPNP will cover the whole of the Parish of Denham. There are no site allocations within the neighbourhood plan.

South Bucks District Council (SBDC) is legally required to determine whether the DPNP will require SEA. The SEA Directive makes SEA a mandatory requirement for:

- Plans which are prepared for town and country planning or land use and which set the framework for future development consent of projects listed in the Environmental Impact Assessment (EIA) Directive; or
- Plans which have been determined to require an assessment under the Habitats Directive.

The main consideration as to whether SEA is required on a Neighbourhood Plan is if it is likely to have a significant effect on the environment. Neighbourhood Plans containing land allocations for development that are not included in the local authority's plan, are likely to require SEA. Neighbourhood Plans which do not contain such allocations (or simply reflect allocations already identified as part of a local authority plan) are less likely to require SEA.

2. History of the DPNP

The Parish Council submitted their Neighbourhood Area application in August 2017 with the area being approved in September 2017. The Parish produced a pre-submission draft Neighbourhood Plan and submitted this in October 2019.

3. Legislative background

The legislation pertaining to Strategic Environmental Assessments and Sustainability Appraisal is European Directive 2001/42/EC. This was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, commonly referred to as the SEA

Regulations. The Government published 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005), which provides more detailed guidance on how an SEA should be carried out.

The Planning and Compulsory Purchase Act 2004 also requires that a Sustainability Appraisal (SA) is prepared for all spatial plans. It is considered best practice to incorporate requirements of the SEA Directive into an SA.

The Government has stated that Sustainability Appraisal is not needed for Neighbourhood Development Plans (NDPs), but has said that it must be demonstrated how the NDP contributes to the achievement of sustainable development in the area.

Schedule 2 of the Neighbourhood Planning (General) Regulations 2012 refers to the Habitats Directive. The Directive requires that any plan or project likely to have a significant effect on a European site must be subject to an appropriate assessment. Paragraphs 2 – 5 of Schedule 2 amend the Conservation of Habitats and Species Regulations 2010 so that its provisions apply to Neighbourhood Development Orders (NDOs) and NDPs. The regulations do state that the making of an NDP is not likely to have a significant effect on a site designated at European level for its biodiversity, however, this needs to be ascertained and this can be done at the time the screening opinion is being sought.

This report focuses on screening for SEA and the criteria for establishing whether a full assessment is needed.

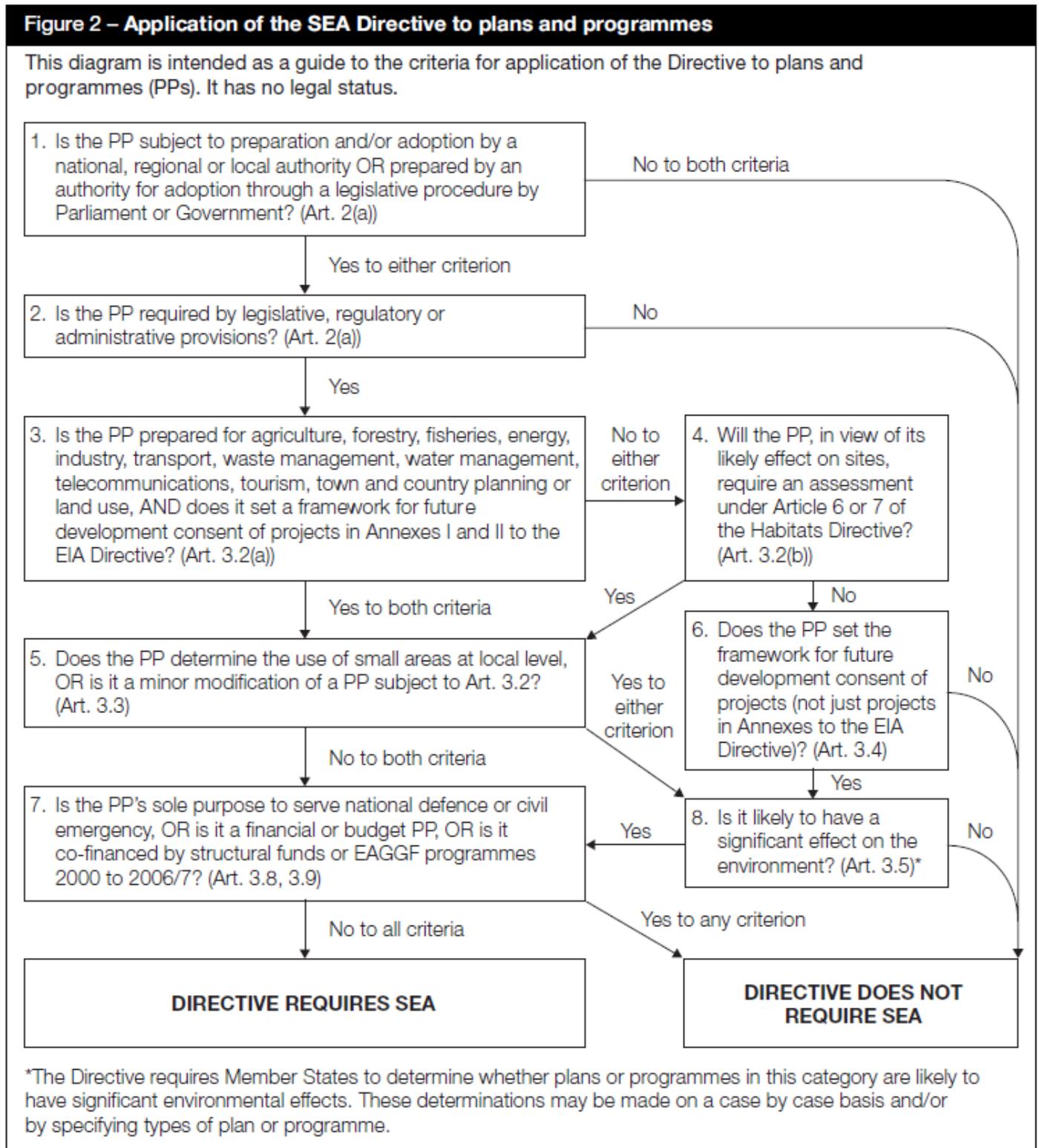
4. Screening process

The screening opinion assessment is undertaken in two parts: the first part will assess whether the plan requires SEA (as per the flow chart which follows); and the second part of the assessment will consider whether the Neighbourhood Plan is likely to have a significant effect on the environment, using criteria drawn from Schedule 1 of the EU SEA Directive and the UK Environmental Assessment of Plans and Programmes Regulations 2004 (see section 5).

The three statutory consultation bodies (Historic England, Environment Agency and Natural England) were consulted to determine whether they agree with the conclusion of the District council's screening

opinion, in establishing whether the DPNP requires SEA and whether it may have a 'significant environmental effect'.

The government guidance 'A practical guide to the Strategic Environmental Assessment Directive' sets out the following approach to be taken in determining whether SEA is required:



The table in Section 5 below sets out the reasoning for whether the DPNP will require a full SEA. The questions in the table are drawn from the diagram above which sets out how the SEA Directive should be applied.

5. Screening Summary

Summary of the Neighbourhood Plan

Details of the Neighbourhood Plan	
Name of the plan	Denham Parish Neighbourhood Plan
Geographic coverage of plan	The Parish of Denham
Key topics/ scope of plan	To retain and enhance the unique character of each settlement within the Parish whilst delivering sustainable growth within development constraints identified for each village.
Key issues	<ul style="list-style-type: none"> • Protect the semi-rural environment and the Green Belt • To protect the current townscape character of each settlement • Protect open spaces and the entrance to Denham Country Park • Restore and protect SSSI sites and ancient woodland across the Parish to ensure there is no loss of existing wildlife numbers and variety

Summary of screening opinion

Local Authority details	
Officer preparing screening opinion	Rachael McBride Senior Planning Officer (Policy) Review
Date of assessment	December 2019 and reviewed January 2020
Reason for conclusion	The Neighbourhood Plan does not allocate any specific sites for future development. Therefore the plan is unlikely to have a significant effect on the environment. An SEA is not required.

6. Screening Assessment

Assessment 1: Establishing the need for SEA

Stage	Y/N	Reason
1. Is the Neighbourhood Plan (NP) 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 preparation and adoption of the NP is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. The NP will be prepared by the Parish Council (as the 'qualifying body') and will be 'made' by South Bucks District Council as the local authority if it passes a referendum. The preparation of NPs is subject to the following regulations: The Neighbourhood Planning (General) Regulations 2012 as amended and The Neighbourhood Planning (referendums) Regulations 2012 as amended. GO TO STAGE 2
2. Is the NP required by legislative, regulatory or administrative provisions? (Art. 2(a))	N	The NP is not a requirement and is optional under the provisions of the Town and Country Planning Act as amended by the Localism Act 2011. GO TO STAGE 3
3. Is the NP 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))		NOT APPLICABLE

4. Will the NP, 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 not include and is not close to any Natura 2000 sites (Special Areas of Conservation or Special Protection Areas).
5. Does the NP Determine the use of small areas at local level, OR is it a minor modification of a plan or programme subject to Art. 3.2? (Art. 3.3)		NOT APPLICABLE
6. Does the NP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	N	The Neighbourhood Plan does not set a framework for future development consent of projects as it does not make any allocations.
7. Is the NP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget plan or programme, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)		NOT APPLICABLE
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	N	No likely significant effects on the environment.

Assessment 2: Likely significant effects on the environment (Stage 8)

SEA Directive criteria and Schedule 1 of the Environmental Assessment of plans and Programmes Regulations 2004	South Bucks District Council assessment	Likely significant environmental effect?
Characteristics of the Neighbourhood Plan, having regard to:		
(a) the degree to which the plan or programme sets a framework for projects and other activities, either with by allocating resources	The DPNP will, if 'made' by South Bucks District Council, form part of the statutory Development Plan. As such, it will contribute to the framework for the development consent of projects. The DPNP does not allocate any specific development sites.	N
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The NP will be in conformity with the National Planning Policy Framework. The policies within the NP should also be in general conformity with the Council's existing strategic policies. The NP should not significantly influence other plans and programmes, but may have a limited degree of influence over the formation of future strategic policies.	N
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	The NP will work to protect the natural environment and open spaces which is reflected in the vision of the plan and through Policy DEN7 Denham Parish Green Infrastructure Network.	N
(d) environmental problems relevant to the plan or programme	The preparation of the NP will need to consider the impact of proposals on designated sites, wider biodiversity, flood risk and heritage assets. There are no development sites proposed so there is unlikely to be any significant impact.	N

(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).	The NP is not directly relevant to the implementation of European legislation, though it will need to take the impact of the Water Framework Directive into account.	N
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SEA Directive criteria and Schedule 2 of Environmental Assessment of plans and programmes Regulations 2004	South Bucks District Council assessment	Likely significant environmental effect?
Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:		
(a) the probability, duration, frequency and reversibility of the effects	As the NP is not proposing any specific development it is unlikely to have any significant effects.	N
(b) the cumulative nature of the effects of the plan	The DPNP doesn't allocate any specific sites for development.	N
(c) the transboundary nature of the effects	There are no transboundary effects of the NP with other European states.	N
(d) the risks to human health or the environment (for example, due to accidents)	There are unlikely to be risks to human health or the environment as a result of the NP.	N
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The NP covers the parish of Denham, which has approximately 3,234 dwellings (2011 census) and an area of 1,602 hectares.	N
(f) the value and vulnerability of the area likely to be affected due to: (i) special	The Parish is rural, semi-rural and suburban in character, including some natural habitats and heritage assets such as listed buildings, so development if it occurs may have limited impacts on	N

natural characteristics or cultural heritage	the environment.	
(f) the value and vulnerability of the area likely to be affected due to: (ii) exceeded environmental quality standards or limit values	The DPNP is not expected to exceed environmental limits.	N
(f) the value and vulnerability of the area likely to be affected due to: (iii) intensive land use	The DPNP doesn't make any development site allocations.	N
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status	Part of the parish lies within the Colne Valley Regional Park and Denham Lock Wood SSSI. There are 2 Conservation Areas within the neighbourhood plan area; Denham Village and Uxbridge Lock. As the NP does not propose any development, it is unlikely to have any significant effects.	N
Assessment under Stage 8	The DPNP is not likely to have a significant effect on the environment because it does not allocate any sites for development.	N

Appendix

Response of Statutory Bodies

From: HNL Sustainable Places <HNLsustainableplaces@environment-agency.gov.uk>
Sent: 16 January 2020 16:20
To: Rachael McBride
Subject: [EXTERNAL] - RE: Denham Parish Neighbourhood Plan - SEA - Environment Agency comments

This message has originated from outside of the Chiltern and South Bucks network. Please be vigilant when opening links or carrying out actions.

Dear Rachael

Thank you for consulting us on the Strategic Environmental Assessment screening report for the Denham Parish Neighbourhood Plan.

Based on a review of environmental constraints for which we are a statutory consultee, we find that there are areas of fluvial flood risk and watercourses within the neighbourhood plan area. In particular, we note that the NP area does include areas of flood zones 2 and 3 of the Rivers Colne, Misbourne and Alder Bourne.

On the basis that this Neighbourhood Plan is not proposing to allocate sites in the areas of fluvial flood risk or in close proximity to these rivers, we do not consider there to be potential significant environmental effects relating to these environmental constraints. Nevertheless we would be grateful to be consulted at later stages to see if there are any opportunities to enhance the local environment through this plan.

Kind regards

Keira

Keira Murphy MRTPI

Planning Specialist

Sustainable Places Team

Environment Agency | Hertfordshire & North London

' 0203 025 5560 | ✉ HNLsustainableplaces@environment-agency.gov.uk



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From: Lloyd Sweet, Robert <Robert.LloydSweet@HistoricEngland.org.uk>
Sent: 14 February 2020 14:04
To: Rachael McBride
Cc: Hancock, Anya
Subject: [EXTERNAL] - Re: Denham Parish Neighbourhood Plan - SEA

This message has originated from outside of the Chiltern and South Bucks network. Please be vigilant when opening links or carrying out actions.

Dear Rachael

Thank you for consulting Historic England on the draft screening opinion for the Denham of the Neighbourhood Plan. Without prejudice to comments we may wish to make with regard to individual planning applications within the plan area, I am happy to confirm that, having the opportunity to review the draft plan policies, we agree that the plan is unlikely to have significant effects for the historic environment. As such, we agree that it would not merit completion of an SEA for reasons within our area of interest.

We reserve the right to request a review of this opinion should the plan change significantly in scope at a later stage of drafting.

Yours sincerely

Robert Lloyd-Sweet

Robert Lloyd-Sweet | Historic Places Adviser | South East England | Historic England
Cannon Bridge House | 25 Dowgate Hill | London | EC4R 2YA
Mobile: 07825 907288

From: Sweet-Escott, Eleanor <Eleanor.Sweet-Escott@naturalengland.org.uk>
Sent: 24 January 2020 14:34
To: Rachael McBride
Subject: [EXTERNAL] - NE ref. 305739 Denham Neighbourhood Plan SEA Screening consultation

This message has originated from outside of the Chiltern and South Bucks network. Please be vigilant when opening links or carrying out actions.

Dear Rachael,

Please consider this to be our formal consultation response to the Denham Neighbourhood Plan SEA screening. Natural England notes that there are designated sites within and adjacent to the parish area. As there are no housing sites allocated for development, we agree with the conclusion that a SEA is not required.

However, 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”.

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 neighbourhood 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. Annex A provides examples of Green Infrastructure;
- Policies around Biodiversity Net Gain should propose the use of a biodiversity measure for development proposals.

Kind Regards,

Eleanor Sweet-Escott | Lead Adviser
Sustainable Development | Thames Solent Team
Natural England

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

Working pattern: full-time; home-based in Wiltshire

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England’s traditional landscapes are safeguarded for future generations.

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Natural England offers two chargeable services – The Discretionary Advice Service ([DAS](#)) provides pre-application, pre-determination and post-consent advice on proposals to developers and consultants as well as pre-licensing species advice and pre-assent and consent advice. The Pre-submission Screening Service ([PSS](#)) provides advice for protected species mitigation licence applications.

These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, reduce the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

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