

Chalfont St Giles Neighbourhood Plan – Submission Version 2014 to 2036

Environmental Assessment Screening Opinion

June 2018

Chiltern District Council

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 Chalfont St Giles Neighbourhood Plan is to establish a planning framework for the development and use of land within the parish of Chalfont St Giles. The Chalfont St Giles Neighbourhood Plan (CSGNP) will cover the whole of the Parish of Chalfont St Giles. The plan does not allocate any specific sites for development.

Chiltern District Council (CDC) is legally required to determine whether the CSGNP 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 CSGNP

The Parish Council submitted their Neighbourhood Area application in October 2012 with the area being approved in December 2012. They produced their draft Neighbourhood Plan and consulted on this in May 2017 and submitted their draft Neighbourhood Plan Submission version in November 2017. Chiltern District Council undertook consultation on the submission version of the plan from 26th February 2018 to 9th April 2018.

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

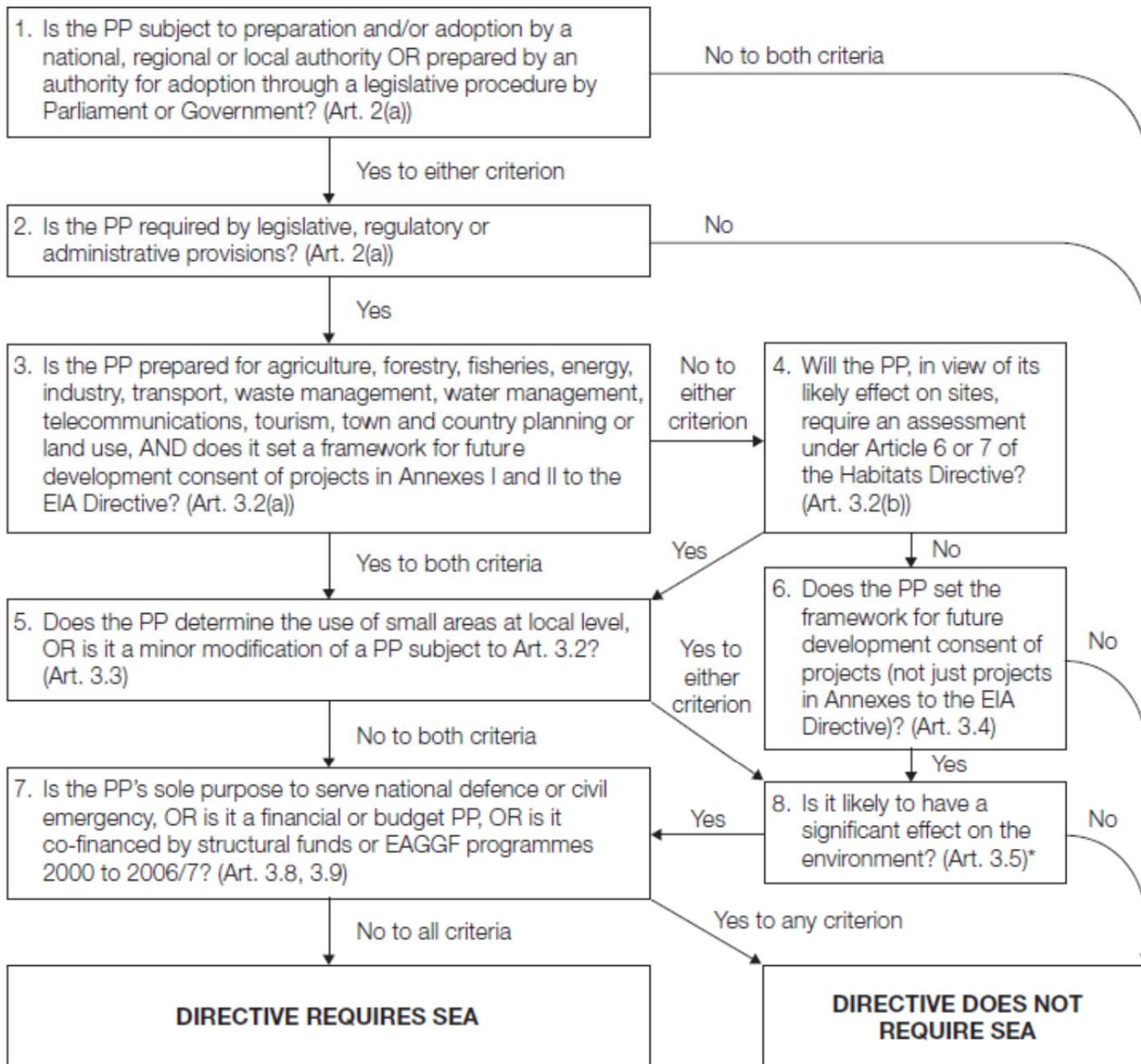
The screening opinion assessment is undertaken in two parts: the first part will assess whether the plan requires SEA (as per the flow chart which follows); and the second part of the assessment will consider whether the Neighbourhood Plan is likely to have a significant effect on the environment, using 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 CSGNP 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:

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.

The table in Section 5 below sets out the reasoning for whether the CSGNP 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 plan	Chalfont St Giles Neighbourhood Plan
Geographic coverage of plan	The Parish of Chalfont St Giles
Key topics/ scope of plan	To protect the character of the Parish.
Key issues	<p>Provision of homes with an emphasis on the delivery of affordable housing Creating a balance of housing sizes in new developments</p> <p>Retaining and enhancing community facilities and protecting local infrastructure.</p> <p>Protecting local shops and businesses, supporting rural enterprises and promoting the vitality of local centres. Protecting the Parish's historic and natural assets which are tourist attractions.</p> <p>Delivering new, well connected and safer routes for walking, cycling and horse riding.</p> <p>Protecting and enhancing the parish's' character and natural features, particularly its conservation areas and listed buildings, and their settings. Increasing access to green spaces.</p> <p>Maintaining and enhancing the rural character of the Parish, and preserving heritage assets and their setting.</p> <p>Supporting high quality and locally sympathetic design that is sensitive to the setting of the Parish.</p>

Summary of screening opinion

Local Authority details	
Officer preparing screening opinion	Helen Harding Principal Planning Officer (Policy) Review David Waker Senior Planner (Policy)
Date of assessment	March 2017 and reviewed June 2018
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. Therefore 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 Chiltern 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))	Y	Although 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, it will, if 'made', form part of the Development Plan for the District. It is therefore important that the screening process considers whether it is likely to have significant environmental effects and hence whether SEA is required under the Directive. 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))	Y	The NP is being prepared for town and country planning and land use. GO TO STAGE 5
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	
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)	Y	The NP may determine the use of small sites at a local level e.g. rural exception schemes within the parish that meet the criteria as defined in the neighbourhood plan. GO TO STAGE 8
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)		NOT APPLICABLE
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)	N	The NP does not fall into any of the criteria listed.
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	N	See Assessment 2: 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	Chiltern 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 CSGNP will, if 'made' by Chiltern District Council, form part of the statutory Development Plan. As such, it will contribute to the framework for the development consent of projects. The CSGNP 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 is expected to work to protect and enhance the natural environment of The area by encouraging sustainable transport modes and protection of greenspaces and encouragement to protect and or enhance biodiversity etc.	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. However as no specific development sites are proposed 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

SEA Directive criteria and Schedule 2 of Environmental Assessment of plans and programmes Regulations 2004	Chiltern 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 CSGNP doesn't allocate any specific sites for development whilst the plan may allow some rural exception housing it is unlikely there will be many such sites. Where sites are developed there may be cumulative effects, which could be positive or negative. Any impact is likely to be local in nature.	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 Chalfont St Giles, which has approximately 2,492 dwellings (2011 census) and an area of 1,275 hectares.	N
(f) the value and vulnerability of the area likely to be affected due to: (i) special natural characteristics or cultural heritage	Until any rural exception schemes are submitted, which pass the requirements of the CSGNP, it is not possible to properly assess the effects on natural characteristics or cultural heritage. The Parish is rural in character, including some natural habitats and heritage assets such as listed buildings, so development if it occurs may have limited impacts on the environment.	N
(f) the value and vulnerability of the area likely to be affected due to: (ii) exceeded environmental quality	The CSGNP is not expected to exceed environmental limits.	N

standards or limit values		
(f) the value and vulnerability of the area likely to be affected due to: (iii) intensive land use	The CSGNP 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	Parts of the parish are within or, are visible from the Chilterns AONB. The NP, by potentially allowing rural exception sites for development, could have an impact on views from the AONB. However, other policies in the Development Plan should lead to avoidance or limit any significant impact on views.	N
Assessment under Stage 8	The CSGNP is not likely to have a significant effect on the environment because it does not allocate any sites for development.	N

7. Consultation

In accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, the consultations bodies (Environment Agency, English Heritage and Natural England) were consulted on this opinion. Their response is set out in Appendix A

8 Screening conclusion

As a result of the Screening Assessment, it is concluded that there is no potential for significant environmental effects to arise as a result of the proposed CSGNP. As such, the CSGNP does not require a full SEA to be undertaken. It should be noted that the screening opinion is made at a fixed point in time based on the submitted neighbourhood plan if the content of the neighbourhood plan is changed then a new screening process may need to be undertaken to determine whether an SEA will be required.

Appendix A: responses from the SA bodies

Environment Agency

Dear David,

We agree with your conclusion.

Kind regards



Chris Padley StMIEnvSc.

Sustainable Places Planning Advisor

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Natural England

Dear David Waker,

Thank you for sending through the Neighbourhood Plan for Chalfont St Giles.

As the neighbourhood plan does not include any site allocations for new development and its content is generally intended to protect the existing settlements within the area, Natural England agrees with the decision that a SEA is not required. In addition, as the policies do not propose significant levels of development in the parish, the plan is not likely to have a significant environmental impact.

Thanks and regards,

Eleanor Sweet-Escott

Advisor

Sustainable Development

Thames Team

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

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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.

Historic England

Dear David,

Thank you for your e-mail seeking our opinion on the Council's assessment of the neighbourhood plan and its conclusion that the Chalfont St Giles Neighbourhood Development Plan is not likely to have significant environmental effects and that therefore a Strategic Environmental Assessment is not needed.

Chalfont St Giles parish is, in the words of the Neighbourhood Plan, "rich in historic assets". Although the Plan does not specifically allocate sites for development, Housing Policies 1 and 2 do allow for housing development in certain circumstances. Neither of these policies have any criteria or safeguards relating to the historic environment. Potentially, therefore, these policies could allow development that would significantly affect the historic environment.

However, we note that the Plan also contains Historic environment Policy 1, which provides protection for designated heritage assets in the Plan area. We consider that the application of this policy should ensure that there would be no significant effects on the historic environment of the Plan area arising from the policies and proposals of the Plan.

We therefore agree with the Council that the Plan does not need to be subject to strategic environmental assessment.

We hope this response is helpful but please contact me if you have any queries or need this comment in the form of a formal letter.

Kind regards,

Martin

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