



Gerrards Cross Draft Neighbourhood Plan – Strategic Environmental Assessment and Habitats Regulations Assessment Screening

Final Screening Outcome

February 2022

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1. Summary

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

7. The Statutory Bodies were consulted on this HRA and SEA Screening Statement, and their conclusions are reflected in the final report. The consultation took place with Natural England, The Environment Agency and Historic England between 26 January 2022 and 23 February 2022.
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, 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).
13. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:
- the probability, duration, frequency and reversibility of the effects,
 - the cumulative nature of the effects,
 - the transboundary nature of the effects,
 - the risks to human health or the environment (e.g. due to accidents),
 - the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
 - the value and vulnerability of the area likely to be affected due to:
 - special natural characteristics or cultural heritage,
 - exceeded environmental quality standards or limit values,
 - intensive land-use,
 - the effects on areas or landscapes which have a recognised national, Community or international protection status.

3. The Draft Neighbourhood Plan

14. The following is a summary of the policy titles that flow from the neighbourhood plan draft objectives.

Town Centre

- Objective 1: Resist the re-use of retail premises for residential development where appropriate
- Objective 2: Reuse or redevelop empty premises where possible
- Objective 3: Encourage and support new businesses and retail opportunities in order to maintain the vibrant feel of a thriving town centre that is the hub of the local community

Housing

- Objective 4: To allocate a site for 7 dwellings and open space future development (Policy 4 Orchehill Rise Car Park and Station Overflow Carpark) in Gerrards Cross to meet the identified needs of the community
- Objective 5: Ensure future housing is developed sympathetically and in character with the existing built environment of Gerrards Cross
- Objective 6: Provide a housing mix that meets the needs of the community including the provision of two and three bed properties
- Objective 7: Where appropriate and possible, retain and redevelop existing buildings
- Objective 8: Ensure that previously developed land, particularly where vacant, derelict or underused, is prioritised for development over greenfield sites
- Objective 9: Encourage greater local participation in community initiatives by discouraging gated developments

Traffic and Transport

- Objective 10: Manage the growing volume of traffic
- Objective 11: Provide parking for commuters, shoppers and residents
- Objective 12: Provide more cycle paths and footpaths in order to cut the volume of traffic and promote a healthy lifestyle
- Community Aspiration 1: Provide a better bus service that extends late into the evening

Environment and Character

- Objective 13: Preserve the existing Green Belt around the town
- Objective 14: Preserve and protect woodlands, commons and green open spaces that are important to the community of Gerrards Cross. Local Green Spaces to be designated at
 - GS1 St Marys School playing/sports fields
 - GS2 Oval Way central island
 - GS3 St James Church Cemetery
 - GS4 Gerrards Cross C of E School playing/sports fields
 - GS5 Gerrards Cross Cricket & Sports Club
 - GS6 Gaviots Green
 - GS7 Gaviots Close
 - GS8 Memorial Centre Allotments
 - GS9 Memorial Centre Tennis Courts
 - GS10 Memorial Centre Green area
 - GS11 Memorial Centre War Memorial

- Objective 15: Ensure landscaping and planting schemes where possible are proposed and implemented within all new developments
- Objective 16: Preserve the heritage and historic character of Gerrards Cross
- Objective 17: To maintain a strategic gap between Gerrards Cross and surrounding areas

Community, Health and Leisure

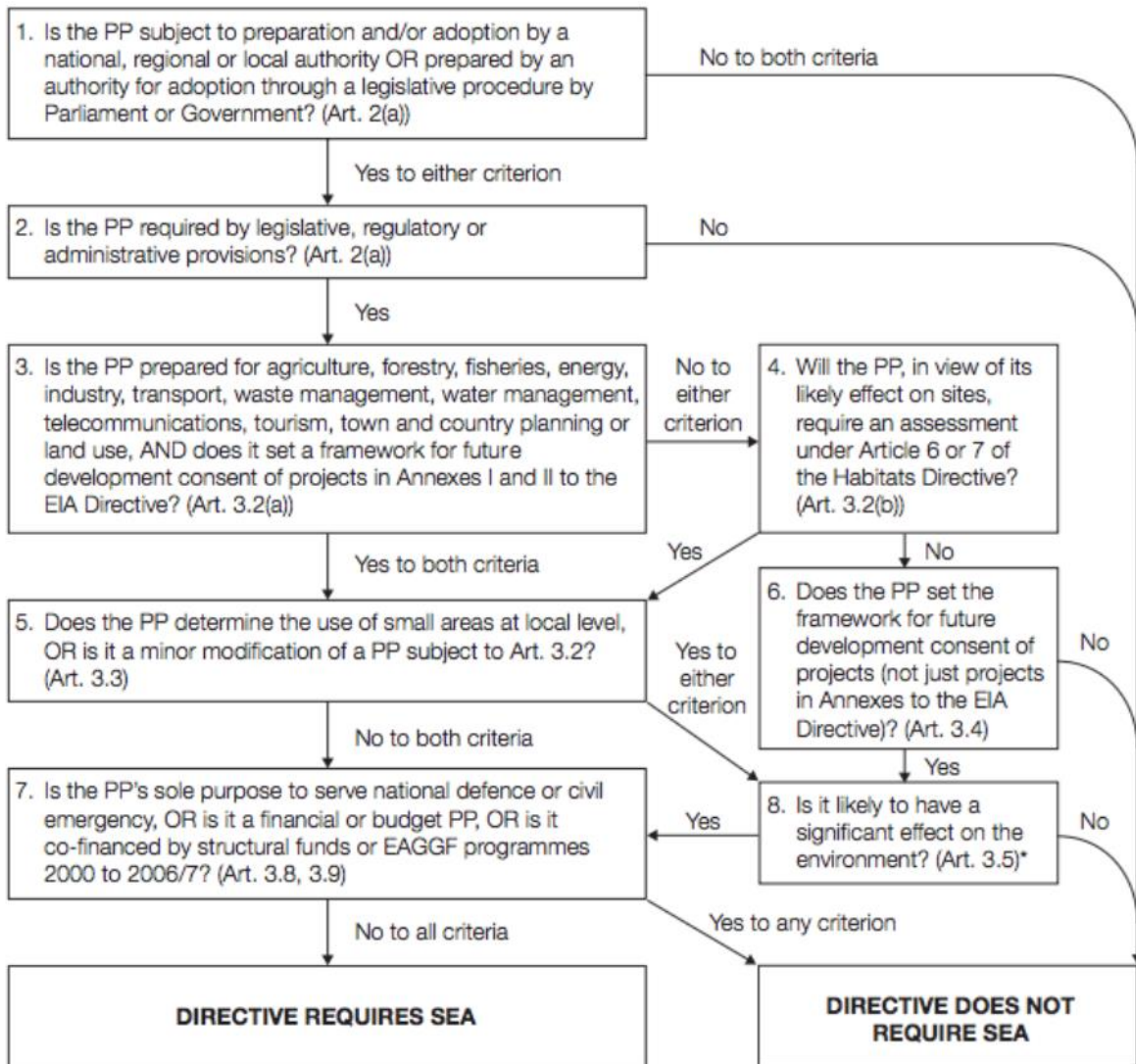
- Objective 18: Provide appropriate space for the provision of a new GP surgery within Gerrards Cross
- Community Aspiration 2: Support and improve sports and community facilities

4. The SEA Screening Process

15. 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.
16. 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.”
17. 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.

18. The next section assesses the Draft Neighbourhood Plan against the questions set out in Figure 1 above to establish whether the Draft Neighbourhood Plan is likely to require an SEA.

Stage 1

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

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

Response – Yes

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

Stage 2

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

Response – No

Reason - The Neighbourhood Development Plan is an optional plan produced by Gerrards Cross Town 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 – Yes

Reason - There are no areas of Natura 2000 sites (Special Areas of Conservation or Special Protection Areas) in the parish. The nearest such site is the Burnham Beeches Special Area of Conservation 2.2km to the southwest from the neighbourhood area, the SAC is near Egypt/Farnham Common.

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

- 2 Rana Temporaria, Common Frog
- 2 Pipistrellus pipistrellus, Pipistrelles
- 5 Chiroptera, a bat species
- 2 Plecotus auritus, Brown Long-eared Bat
- 3 Lucanus cervus, Stag Beetle
- 2 Cottus gobio, Bullhead
- 1 Ruscus aculeatus, Butcher's-broom

Based on the information provided, the plan will allocate net 7 new dwellings within 5.6km of Burnham Beeches SAC and therefore a HRA Appropriate Assessment will need to be carried out. The net increase in residential development will need to mitigate recreational impacts on Burnham Beeches by providing financial contributions to the SAMM as detailed in the Burnham Beeches SPD.

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 – Yes

Reason - The Draft Neighbourhood Plan indicated by the parish council does allocate a housing site for 7 homes, identify 5 parcels of existing Green Belt suitable for future release if the need arose, support new business and retail within the Town Centre, support existing business expanding and make provision for space for a GP Surgery. However development is strictly controlled by a settlement boundary, green belt policy and the plan does not set a housing target to be met by provision within the

neighbourhood plan but does provide extensive mitigation policies and designate 11 Local Green Space sites.

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

Stage 7

33. Is the plans sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)

Response – No

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

5. SEA Criteria for determining likely significance of effects

Evaluation of the Draft Gerrards Cross Neighbourhood Plan

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 with regard to the location, nature, size and operating conditions or by allocating resources

Likely to have significant environmental effects? – No

Reason - The Draft Neighbourhood Plan indicated by the parish council does allocate a housing site for 7 homes, identify 5 parcels of existing Green Belt suitable for future release should that be needed in a local plan, support new business and retail within the Town Centre, support existing business expanding and make provision for space for a GP Surgery. However development is strictly controlled by a settlement boundary, green belt policy and the plan does not set a housing target to be met by provision within the neighbourhood plan but does provide extensive mitigation policies and designate 11 Local Green Space sites.

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 Gerrards Cross Neighbourhood Plan, where possible, will respond to rather than influence other plans or programmes. A Neighbourhood Plan can only provide policies for the area it covers (in this case the Gerrards Cross parish) while the policies at the Chiltern and South Bucks area of Buckinghamshire and National level provide a strategic

context for the Gerrards Cross Neighbourhood Plan to be in general conformity with.

None of the policies in the Neighbourhood Plan have a direct impact on other plans in neighbouring areas given the location of the limited development focused on the Gerrards Cross town centre with the area outside in the rest of the parish protected by green belt policy.

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 – Policies are set out in the Draft Gerrards Cross Neighbourhood Plan to balance environmental, social and economic considerations of sustainable development. The Plan will help to achieve sustainable development by ensuring that its development policies and proposals will meet the needs of people living and working in the parish, whilst at the same time helping to ensure that any adverse environmental impact is minimised.

It is considered that the Draft Gerrards Cross Neighbourhood Plan, incorporating 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.

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

Likely to have significant environmental effects? – No

Reason - The scale of development proposed in the Draft Gerrards Cross Neighbourhood Plan in particular allocating one site for 7 homes in the town centre area is unlikely to give rise to significant additional car movements. There is an Air Quality Management area dated from 2004 for the motorway corridors (M25, M40 and M4) but just the extent of the motorways. There is no AQMA covering the town centre area where the proposals in the neighbourhood plan are located.

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 Draft Gerrards Cross Neighbourhood Plan is developed in general conformity with the South Bucks Core Strategy (2011) and South Bucks Adopted Local Plan (1999) Saved Policies Updated Feb 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 - As the Draft Gerrards Cross Neighbourhood Plan is only allocating one site for 7 homes adjacent the Gerrards Corss railway station in the town centre urban area and otherwise focuses on existing development, there is unlikely to be any significant environmental change involved in meeting the needs of people living and working in the parish. The plan will in any case contain policies to avoid for example adverse impacts on landscape, heritage, existing built character, biodiversity and from traffic.

Any future housing development in the parish will be restricted through policies to small scale sites within and in keeping with existing development in a Gerrards Cross settlement boundary.

The plan will be supporting community facilities in the parish – new and existing.

It is highly unlikely these will be significant and have any irreversible damaging environmental impacts associated with the Draft Gerrards Cross Neighbourhood Plan.

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 - Effects will be local with no expected impacts on neighbouring areas.

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? – Yes

Reason - The Neighbourhood Area covers an area which is 1,065 ha and contains a population is of 8,017 residents (2011 census). The neighbourhood plan is allocating just one small site for 7 homes and would promote small scale local housing development contiguous with existing housing in the town centre subject to meeting policy criteria. Community facilities will also be supported in the parish and local green spaces designated.

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 neighbourhood plan is allocating just one small site for 7 homes in the town centre urban area adjacent the railway station and would promote small scale local housing development contiguous with existing housing in the town centre subject to meeting policy criteria.

There are 33 Grade II Listed Buildings and one Grade II* the church. Also 2 scheduled monuments - Templars' site at Moat Farm, Hedgerley and Bulstrode Park camp. There is also a grade 2* historic Park at Bulstrode Park.

There are 2 conservation areas – Gerrards Cross Cemetery and Gerrards Cross Common.

The parish is close to the Grand Union Canal to the east and a Country Park at Denham.

The plan as drafted includes objectives and policies to protect enhance the natural and cultural heritage.

The draft plan also will have policies to enhance environmental assets, landscape and protect designated local green spaces which will have a positive effect environmentally and help protect the character of Gerrards Cross.

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 - The Gerrards Cross Neighbourhood Plan Area is not within an designated local landscape or an Area of Outstanding Natural Beauty or other recognised landscape.

6. SEA Screening Opinion – Final Outcome

47. The Draft Gerrards Cross Neighbourhood Development Plan is allocating one sites for 7 homes but this site is contained well in the town centre, adjacent the railway station. The plan will also encourage and support new businesses and retail opportunities in the town centre and new community facilities. The plan is largely concerned with the town centre and mitigation of wider impacts, and whilst there are recommendations for future Green Belt releases should those be needed in a future local plan, the neighbourhood plan retains the green belt as it is. The plan is unlikely to have significant environmental effects on the Gerrard's Cross parish and surrounding area including the existing natural and built heritage.
48. The plan intends to contain policies to restrict housing to within the existing Gerrard's Cross Town Centre and also to ensure harm to the wider environment is avoided. Local Green Spaces will be designated for their special value and will have protection against other non conforming uses. There will be wider plan policies including on environmental protection and areas such as harm from increased traffic. The policies in the adopted local plan and core strategy will also apply.
49. This screening opinion can be revisited once if the plan changes in any 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 NOT be likely to give rise to significant environmental effects.
50. Therefore a Strategic Environmental Assessment (SEA) is NOT needed.

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 or not a neighbourhood plan is likely to have a significant effect on a European Site. The process is characterised by the precautionary principle. The European Commission describes the principle as follows:
- “If a preliminary scientific evaluation shows that there are reasonable grounds for concern that a particular activity might lead to damaging effects on the environment, or on human, animal or plant health, which would be inconsistent with protection normally afforded to these within the European Community, the Precautionary Principle is triggered.”
56. 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.
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. The following European sites were identified using a 20km area of search around the Gerrard’s Cross Neighbourhood Area as well as including sites which are potentially connected (e.g. hydrologically) beyond this distance:

Chiltern Beechwoods Special Area of Conservation (SAC) and Burnham Beeches SAC

60. The nearest SAC is Burnham Beeches, just 2.2km to the southwest of the parish boundary. The nearest part of the Chiltern Beechwoods SAC to the Gerrard's Cross parish is 11.8km to the west (south of Marlow near Bisham).
61. 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
62. 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

63. 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.
64. The Council considers that in re-applying the criteria in section 9 of this HRA Screening on the likely the screening outcome and considering the 'People over Wind' CJEU case, there would be still no likely significant effect because there is just one land allocation of 7 homes, on a site within the town centre by the railway station and development coming forward is restricted to within development settlement boundaries.

8. Stages of HRA

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

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

- 67. 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.
- 68. 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

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

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

78. 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

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

Background

85. 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’

86. 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).

87. 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.”

88. 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 Draft Neighbourhood Plan

89. The plan area is 2.2km from the nearest Special Area of Conservation (SAC) European site. The Town Council are allocating one housing site for 7 homes and well contained in the town centre settlement boundary and in an accessible location adjacent the railway station. Natural England in their consultation response estimate the allocated site to be 5.6km from the Burnham Beeches SAC. Beyond that the plan is not proposing to allocate sites for new development although there is some support to expand existing sites in the town centre. The plan would support the needs of development within the town centre but maintain the existing green belt and countryside beyond the town.
90. The Town Council intends to have a range of policies in the plan under the following objectives which will help to control the extent of development to ensure it is sustainable and mitigate against the adverse effects of development:

Town Centre

- Objective 1: Resist the re-use of retail premises for residential development where appropriate
- Objective 2: Reuse or redevelop empty premises where possible
- Objective 3: Encourage and support new businesses and retail opportunities in order to maintain the vibrant feel of a thriving town centre that is the hub of the local community

Housing

- Objective 4: To allocate a site for 7 dwellings and open space future development (Policy 4 Orchehill Rise Car Park and Station Overflow Carpark) in Gerrards Cross to meet the identified needs of the community
- Objective 5: Ensure future housing is developed sympathetically and in character with the existing built environment of Gerrards Cross
- Objective 6: Provide a housing mix that meets the needs of the community including the provision of two and three bed properties
- Objective 7: Where appropriate and possible, retain and redevelop existing buildings
- Objective 8: Ensure that previously developed land, particularly where vacant, derelict or underused, is prioritised for development over greenfield sites
- Objective 9: Encourage greater local participation in community initiatives by discouraging gated developments

Traffic and Transport

- Objective 10: Manage the growing volume of traffic
- Objective 11: Provide parking for commuters, shoppers and residents
- Objective 12: Provide more cycle paths and footpaths in order to cut the volume of traffic and promote a healthy lifestyle
- Community Aspiration 1: Provide a better bus service that extends late into the evening

Environment and Character

- Objective 13: Preserve the existing Green Belt around the town

- Objective 14: Preserve and protect woodlands, commons and green open spaces that are important to the community of Gerrards Cross. Local Green Spaces to be designated at
 - GS1 St Marys School playing/sports fields
 - GS2 Oval Way central island
 - GS3 St James Church Cemetery
 - GS4 Gerrards Cross C of E School playing/sports fields
 - GS5 Gerrards Cross Cricket & Sports Club
 - GS6 Gaviots Green
 - GS7 Gaviots Close
 - GS8 Memorial Centre Allotments
 - GS9 Memorial Centre Tennis Courts
 - GS10 Memorial Centre Green area
 - GS11 Memorial Centre War Memorial
- Objective 15: Ensure landscaping and planting schemes where possible are proposed and implemented within all new developments
- Objective 16: Preserve the heritage and historic character of Gerrards Cross
- Objective 17: To maintain a strategic gap between Gerrards Cross and surrounding areas

Community, Health and Leisure

- Objective 18: Provide appropriate space for the provision of a new GP surgery within Gerrards Cross
- Community Aspiration 2: Support and improve sports and community facilities

91. In terms of 'in combination effects' , the local plan that was emerging for Chiltern and South Buckinghamshire Council area was withdrawn in October 2020. The former only the previous older Core Strategy and local plan before that remain. The scale of development in the Gerrards Cross neighbourhood plan is very limited and in combination with local plans of other council areas and the rest of Buckinghamshire would not have any in combination effects.

HRA screening outcome - Final

92. The draft Gerrards Cross neighbourhood plan, which allocates one housing site for 7 homes, in the town centre boundary adjacent the railway station, could have a significant effect on a European Site, in this case the Burnham Beeches Special Area of Conservation (SAC). The net increase in residential development will need to mitigate recreational impacts on Burnham Beeches by providing financial contributions to the Strategic Access Management and Monitoring Plan (SAMP) as detailed in the Burnham Beeches SPD (see document at <https://www.chiltern.gov.uk/burnhambeeches>).
93. Vulnerabilities of the SAC could be exacerbated by an increase in population from the 7 homes allocated (e.g. air quality, visitor disturbance, recreation), there are anticipated likely significant effects of the draft Neighbourhood Plan policies or areas for development on the Burnham Beeches SAC or the Chilterns Beechwoods SAC. The Neighbourhood Plan is likely to lead to adverse effects on any European sites alone or in-combination. There is a requirement to prepare an appropriate assessment so that the neighbourhood plan can mitigate recreational impacts on Burnham Beeches by ensuring development proposals on the allocated site are required to provide financial contributions to the Strategic Access Management and Monitoring Plan (SAMP) as detailed in the Burnham Beeches SPD.

10. Conclusions

94. Based on the above assessment and taking account of the consultation responses, the screening outcome is that the Draft Gerrards Cross requires no Strategic Environmental Assessment (SEA) but will need under Habitat Regulations Assessment (HRA) to proceed to Stage 2 an Appropriate Assessment.

11. Consultation Responses

Natural England

Received 18/02/22

Dear David,

Our ref: 381706

Thank you for your recent consultation relating to the Gerrards Cross Neighbourhood Plan - Draft Strategic Environmental Assessment and Habitats Regulations Assessment Screening.

Please find attached our response.

Kind Regards,

Ellen

Ellen Satchwell

Sustainable Development Lead Adviser

Thames Solent Team | Natural England

07899902408

Attachment to response 18/02/22:

Dear David Broadley,

Gerrards Cross Neighbourhood Plan - Draft Strategic Environmental Assessment (SEA) and

Habitats Regulations Assessment (HRA) Screening

Thank you for your consultation request on the above dated and received by Natural England on 26th January 2022. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

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

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

Habitats Regulations Assessment (HRA) Screening: Based on the plan submitted, Natural England agree with the assessment that the Plan does require an Appropriate Assessment. We would like to bring to your attention the work that Dacorum Borough Council are undertaking regarding recreational pressures. Visitor surveys are currently underway to assess visitor numbers at Chilterns Beechwood SAC to inform their Local Plan HRA. Please note this is just for your information at this stage.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this screening stage, should the responsible authority seek our views on the scoping or environmental report stages.

For any queries relating to the specific advice in this letter only please contact me at ellen.satchwell@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely,

Ellen Satchwell

Sustainable Development Lead Adviser

Thames Solent Team

Natural England

Received 24/02/22

Hi David,

Based on the information provided, the plan will allocate net 7 new dwellings within 5.6km of Burnham Beeches SAC and therefore a HRA Appropriate Assessment will need to be carried out. The net increase in residential development will need to mitigate recreational impacts on Burnham Beeches by providing financial contributions to the SAMM as detailed in the Burnham Beeches SPD.

Please let me know if you wish to discuss further.

Kind Regards,

Ellen

Ellen Satchwell

Sustainable Development Lead Adviser

Thames Solent Team

Natural England

07899902408

Dear David

Thank you for consulting Historic England on the draft screening statement for SEA of the Gerrards Cross Neighbourhood plan.

Historic England

Received 26/01/22

Dear David,

Based on the information provided I'm happy to confirm Historic England's agreement that SEA would not be merited on grounds within our areas of interest. Whilst the plan allocates land for development we note there is no evidence that the

site allocation would have effects for heritage assets within our interest and that the site in question would be considered a minor or infill development (of less than 10 units) which would be required to meet the requirements of the local plan with regard to possible effects for the historic environment. We do, as ever, reserve the right to request a review of this decision should the scope of the plan change or if fresh information demonstrates an unanticipated significant effect for the historic environment could arise.

I would be happy to answer any queries with regard to these comments

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

Notice Update: 20 October 2021

Environment Agency

Received 26/01/22

Over the last few months we have experienced a significant increase in the number of consultations and enquiries that we receive. Additionally with recent changes within the team and department we are currently working at 50% of our normal capacity within this team.

Consequently we are experiencing delays in both planning advisory agreements and statutory consultation response timeframes. Temporary measures are being put in place to prioritise the highest risk cases. This is likely to result in some responses being significantly delayed. We are currently recruiting to the team and hope to resume normal service in the coming months. This notice only applies to Thames Area and relates only to planning advice. We expect these temporary measures to be in place until 30 May 2022. We appreciate your patience and understanding during this time and we apologise for the disruption this may cause. Please note we are unable to receive post until further notice. Where possible, please send all documents via email (max attachment size of 9MB) or via file sharing services.

Kind regards,

Thames Sustainable Places Team

Environment Agency | Red Kite House, Wallingford, OX10 8BD