

# Revised Habitat Regulations Assessment (HRA) Screening Determination for the Brightwell-cum-Sotwell Neighbourhood Development Plan

March 2017

## Introduction

1. The Local Authority, South Oxfordshire District Council, is the "competent authority" under the Conservation of Habitats and Species Regulations 2010, and needs to ensure that Neighbourhood Plans have been assessed through the Habitats Regulations process. This looks at the potential for significant impacts on nature conservation sites that are of European importance\*, also referred to as Natura 2000.
2. This revised Screening Determination relates to the submission version of the Neighbourhood Development Plan that is in general conformity with the strategic policies within the development plan\*\* (the higher level plan for town and country planning and land use). This determination follows an assessment and determination undertaken at the time of the screening of the Plan at its earlier preparation stage in August 2015. At that time, the Determination concluded:

*18. The Brightwell-cum-Sotwell Neighbourhood Development Plan will have potential significant effects on Natura 2000 sites, therefore, an Appropriate Assessment for the Brightwell-cum-Sotwell Neighbourhood Development Plan will be required. The District Council will ensure that an Appropriate Assessment is prepared that assesses the Neighbourhood Development Plan proposals either as a separate assessment or as part of the emerging Local Plan 2031. The assessment will be prepared as soon as practically possible and in any event prior to the Neighbourhood Development Plan being submitted to the Council for examination.*

3. This new Screening Determination used the Appropriate Assessment of South Oxfordshire District Council's Submission Core Strategy and the Habitats Regulations Assessment for South Oxfordshire District Council (January 2015) prepared for the emerging Local Plan 2031 as its basis for assessment. From this, the Local Authority determined that the Brightwell-cum-Sotwell Neighbourhood Development Plan is not likely to result in significant impacts on Natura 2000 sites either alone or in combination with other plans and policies and, therefore, does not require an 'Appropriate Assessment'.

\* Special Protection Areas (SPAs) for birds and Special Areas of Conservation (SACs) for other species, and for habitats.

\*\* The South Oxfordshire Core Strategy (December 2012) and the South Oxfordshire Local Plan 2011 (January 2006).

## Legislative Basis

4. Article 6(3) of the EU Habitats Directive provides that:

*“Any plan or project not directly connected with or necessary to the management of the [European] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.”*

## Assessment

5. There are six Special Areas of Conservation (SACs) considered to be within influencing distance\*\*\* of the Neighbourhood Development Plan. These are as follows:

### Within South Oxfordshire

- Little Wittenham SAC
- Hartslock.Wood SAC
- Chilterns Beechwoods SAC
- Aston Rowant SAC

### Outside of South Oxfordshire

- Cothill Fen SAC (Vale of White Horse)
- Oxford Meadows SAC (Oxford City)

6. The Screening Assessment of South Oxfordshire District Council's Submission Core Strategy could not rule out likely significant effects on any of these six SACs so an Appropriate Assessment was prepared.

7. The Appropriate Assessment of the Council's Submission Core Strategy concluded that none of the above European sites would be significantly affected by the proposals in the Core Strategy either alone or in combination with other plans and policies (Paragraph 4.3). However, the Appropriate Assessment of the Council's Submission Core Strategy also acknowledged that it would be necessary to update this assessment as further policies within the Local Development Framework are defined, particularly those associated with the allocation of housing developments within the larger villages. It is considered that such reasoning should also apply to allocation of housing developments within the smaller villages, this would ensure that potential impacts from those allocations, including cumulative impacts, are taken into account.

\*\*\* 17 km - see paragraph 2.2 of the Appropriate Assessment of South Oxfordshire District Council's Submission Core Strategy (December 2012).

8. The Neighbourhood Development Plan contains proposals that will deliver approximately 60 homes over the plan period, which is in line with the reasoning and evidence of the emerging Local Plan. The final proposals to support renewable energy and the provision of a natural burial ground are not site-specific as originally envisaged, but rather identify criteria by which development proposals should be judged. The remaining policies of the Plan do not make site allocations for development, but comprise a series of criteria-based landscape, green space and design proposals for development management purposes, and the promotion of a 'Green Heart' for the village.
9. Natural England have established Impact Risk Zones (IRZs) for designated sites, and the proposed site allocations in the Brightwell-cum-Sotwell Neighbourhood Plan fall within the 1-2km IRZ of the Little Wittenham SAC.
10. Little Wittenham SAC is internationally important for its great crested newt population. The key environmental conditions supporting site are:
  - 1) Suitable foraging and refuge habitat within 500 metres of the pond
  - 2) Relatively unpolluted water of neutral PH
  - 3) Some ponds deep enough to retain water throughout February to August at least one year in three
  - 4) Retention of landscape features and connectivity in surrounding area

## **Potential impacts**

### Physical loss of habitat - Noise, vibration and light pollution

11. The Brightwell-cum-Sotwell Neighbourhood Plan's spatial strategy promotes infill development which consolidates the village's built up boundary. It does not extend the village closer to any the Long Wittenham SAC, located over 1 km away from the proposed settlement boundary.
12. None of the housing allocations within the neighbourhood plan are within close enough proximity of European sites for physical loss of or damage to habitats to affect the integrity of European sites. Furthermore, none of the housing allocations within the neighbourhood plan are within 500 m of European sites.
13. **Therefore, likely significant effects in relation to physical loss of habitat, noise, vibration and light pollution can be ruled out and do not need to be considered further.**

### Air pollution

14. Air pollution is most likely to affect European sites where plant, soil and water habitats are the qualifying features, but some qualifying animal species may also be affected, either directly or indirectly, by any deterioration in habitat as a result of air pollution. Deposition of pollutants to the ground and vegetation can alter the characteristics of the soil, affecting the pH and nitrogen availability that can then affect plant health, productivity and species composition.
15. In accordance to the Habitats Regulations Assessment for South Oxfordshire District Council (January 2015) (Paragraph 2.29), it is assumed that that air pollution from roads is unlikely to be significant beyond 200 m from the road itself.

Where increases in traffic volumes are forecast, this 200 m buffer needs to be applied to the relevant roads in order to make a judgement about the likely geographical extent of air pollution impacts. Where a site is not within 200 m of a motorway or 'A' road, likely significant effects from traffic-related air pollution were ruled out. The proposed housing site allocations in the Brightwell cum Sotwell neighbourhood plan are not within 200 m of a motorway or 'A' road.

**16. Therefore, likely significant effects in relation to air pollution can be ruled out and do not need to be considered further.**

#### Impacts of recreation – visitor pressure

17. Little Wittenham SAC is part of a larger site managed by the Earth Trust as a nature reserve. The areas which are most important to the population of great crested newts (GCN) have restricted access which is designed to prevent conflicts between the visiting public, the newts and their habitat.

18. The increased visitor levels which are likely to occur as a result of the modest increase in population in Brightwell-cum-Sotwell may result in increased pressure on the habitats on the reserve as a whole. Due to the restricted access policies to the areas where newts are primarily found, the increased visitor numbers will be concentrated onto other habitats on the reserve. These habitats are not related to the primary reasons for the selection of the SAC.

19. Great crested newts are not believed to be particularly sensitive to human disturbance provided their breeding ponds are not affected and their primary terrestrial habitat and hibernacula are not adversely affected. Provided controls on access to the most sensitive areas are maintained (i.e. ponds and hibernacula are not disturbed) there is no reason to believe that there would be any significant effect on the integrity of the site or the primary reason for the selection of the site.

**20. Therefore, likely significant effects in relation to visitor pressure and the impacts of recreation can be ruled out and do not need to be considered further.**

#### **Water quality and quantity**

21. The Habitats Regulations Assessment for South Oxfordshire District Council (January 2015) (Paragraph 3.13) identifies that since the housing numbers proposed at larger villages are relatively small (between 20 and 159 homes), it is more likely that any significant effects associated with water quality and quantity would result from the housing allocations in combination, which has been assessed separately through the Core Strategy of the HRA. That HRA concluded that the total housing allocation in the Core Strategy would not have likely significant effects in relation to water quality or quantity (Paragraph 4.3)

**22. Therefore, significant effects in relation to water quality and quantity are not likely to occur as a result of the limited scale of the proposed development promoted by the neighbourhood plan.**

#### **Cumulative effects**

23. The Appropriate Assessment of the Council's Submission Core Strategy concluded that none of the considered European sites would be significantly affected by the proposals in the Core Strategy either alone or in combination with other plans and policies (Paragraph 4.3). The Habitats Regulations Assessment for South Oxfordshire District Council (January 2015) (Paragraph 3.13) has considered the potential effects associated with potential future growth in larger villages.
24. The Brightwell-cum-Sotwell Neighbourhood Development Plan is the first neighbourhood plan, with site allocations, to have reached submission stage within the Little Wittenham SAC IRZs. Given that the scale of development proposed is less than 100 dwellings, and the site would be 1km away from the site, it is considered unlikely that the proposals in the NDP would have any significant effect on the interest features of the SAC alone, or in combination with other plans and policies.

### **Response from Natural England**

25. The council's revised Screening Opinion was sent to Natural England on 27<sup>th</sup> February 2017. Natural England's full response is available in Appendix 1.
26. Following a review of the revised HRA screening opinion for the Brightwell-cum-Sotwell Neighbourhood Development Plan Natural England confirmed that they accept the conclusions reached that an Appropriate Assessment is not required.
27. Natural England did note however, that although the Brightwell-cum-Sotwell Neighbourhood Development Plan in isolation will not have an impact on the Little Wittenham SAC, it could possibly contribute to the accumulative visitor pressure impacts of general population growth in the region. In that respect they suggest that the Brightwell-cum-Sotwell parish council make provision for some S106 or CIL money to be available for future mitigation works in the SAC if visitor pressure impacts become an issue'

### **Conclusion**

28. As a result of the screening undertaken by the Council, and its consideration by the relevant statutory consultee, the Council has reached the following determination.
29. The Brightwell-cum-Sotwell Neighbourhood Development Plan will not have potential significant effects on Natura 2000 sites and, therefore, an Appropriate Assessment for the Neighbourhood Development Plan will not be required.
30. For the purpose of demonstrating that the Brightwell-cum-Sotwell Neighbourhood Development Plan is unlikely to have any significant effects on European Designated Sites, this document constitutes the statement of reasons required by Regulation 15 of the neighbourhood Planning (General) Regulations 2012 (as amended).

**Decision by Head of Planning**

Agreed

Signature.....ARD.....

Date.....16 March 2017.....

## Appendix 1 – response from Natural England

Date: 08 March 2017  
Our ref: 207859



South Oxfordshire District Council

**BY EMAIL ONLY**

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Dear Ricardo Rios

### **Planning Consultation: Revised HRA Screening Determination - Brightwell-cum-Sotwell Neighbourhood Development Plan**

Thank you for your consultation on the above dated 27<sup>th</sup> February 2017.

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.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where our interests would be affected by the proposals made.

In our review of the revised HRA screening determination for Brightwell-cum-Sotwell Neighbourhood Development Plan we accept the conclusions reached that an Appropriate Assessment is not required.

We do however note, that although the Brightwell-cum-Sotwell Neighbourhood Development Plan in isolation will not have an impact on the Little Wittenham SAC, it could possibly contribute to the accumulative visitor pressure impacts of general population growth in the region. In that respect we suggest that the Brightwell-cum-Sotwell parish council make provision for some of the developer S106 money to be available for future mitigation works in the SAC if visitor pressure impacts become an issue.

For clarification of any points in this letter, please contact Kirsty Macpherson on 07775543864.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Kirsty Macpherson  
Lead Adviser  
Sustainable Development  
Thames Team