



Stoke Mandeville Neighbourhood Plan– Updated Draft

Initial Revised Draft before Submission

**Strategic Environmental Assessment and
Habitats Regulations Assessment Screening**

Final Screening Outcome

October 2023

Last updated: 27 October 2023

Version: 1.2

Online version: <https://www.buckinghamshire.gov.uk/insert-link-to-policy>

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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 a full HRA (Habitats Regulations Assessment) Appropriate Assessment is required under the Conservation of Habitats and Species regulations 2017 (as amended), the Council has undertaken a screening assessment of the Stoke Mandeville Neighbourhood Plan Revised Draft (September 2023).
3. Strategic Environmental Assessments (SEA) are a way of ensuring the environmental implications of decisions are considered 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 potential 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 necessary.
6. An earlier (the Pre Submission) draft of the Stoke Mandeville neighbourhood plan was screened in 2021. That plan contained site allocation proposals, a new road proposal and various infrastructure and accessible green space. These can be seen in the Pre Submission draft [A-](#)

[Neighbourhood-Plan-for-Stoke-Mandeville-2021-2033-ver2.pdf](#)
(stokemandevilleparishcouncil.org.uk) and the main neighbourhood plan page is at [NEIGHBOURHOOD PLAN | Stoke Mandeville Parish Council](#). The screening recommendation for SEA and HRA were both needed. The Final Screening Outcome on that version of the plan (December 2021) is attached to this consultation. This includes the comments of the stakeholders in the appendices.

7. Significant changes have been made to the neighbourhood plan proposals during spring and summer 2023. These are described in paragraph 8 below and set out in Section 3 of this screening assessment. These as part of an updated plan have not yet been formally agreed by the parish council but the updated plan has been sent to Buckinghamshire Council for comment and it is considered an opportune time to do this re-screening so that the parish council can have a firm outcome for their Regulation 15 submission documents.
8. The site allocations, infrastructure and new link road (shown in the 2021 Pre Submission neighbourhood plan) have been removed as have all other proposals on the VALP 'AGT1 Aylesbury South' site. (see Vale of Aylesbury Local Plan Adopted September 2021 p.76 and policies maps in Appendices). Also please see the Draft AGT1 site Supplementary Planning Document [Buckinghamshire Council - AGT1 Supplementary Planning Document \(oc2.uk\)](#) which contains Buckinghamshire Council's proposals for development in that site. That SPD is expected to be adopted this autumn. In essence, the revised neighbourhood plan seeks to remove the duplication with the SPD and the VALP and instead focus on the remainder of the parish council area but also have general policies applying to relevant land uses over the whole parish.
9. Buckinghamshire Council considers that, following this Draft Screening statement, the Revised Draft Stoke Mandeville Neighbourhood Plan does **not** have potential to introduce significant environmental effects so does require an SEA and does **not** require an HRA Appropriate Assessment.
10. A consultation took with the statutory bodies and their conclusions have been reflected in this final report. The consultation took place with Natural England, The Environment Agency and Historic England for 4 weeks between 26 September 2023 and 24 October 2023.

11. The full screening statement follows.

2. Legislative Background and Criteria

Legislative Background

12. 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.
13. 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

14. 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):
15. The characteristics of plans and programmes, having regard to:
 - the degree to which the plan or programme sets a framework for projects and other activities, either regarding 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 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).
16. Characteristics of the effects and of the area likely to be affected, having regard 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 Stoke Mandeville Neighbourhood Plan – Updated Draft and changes, September 2023

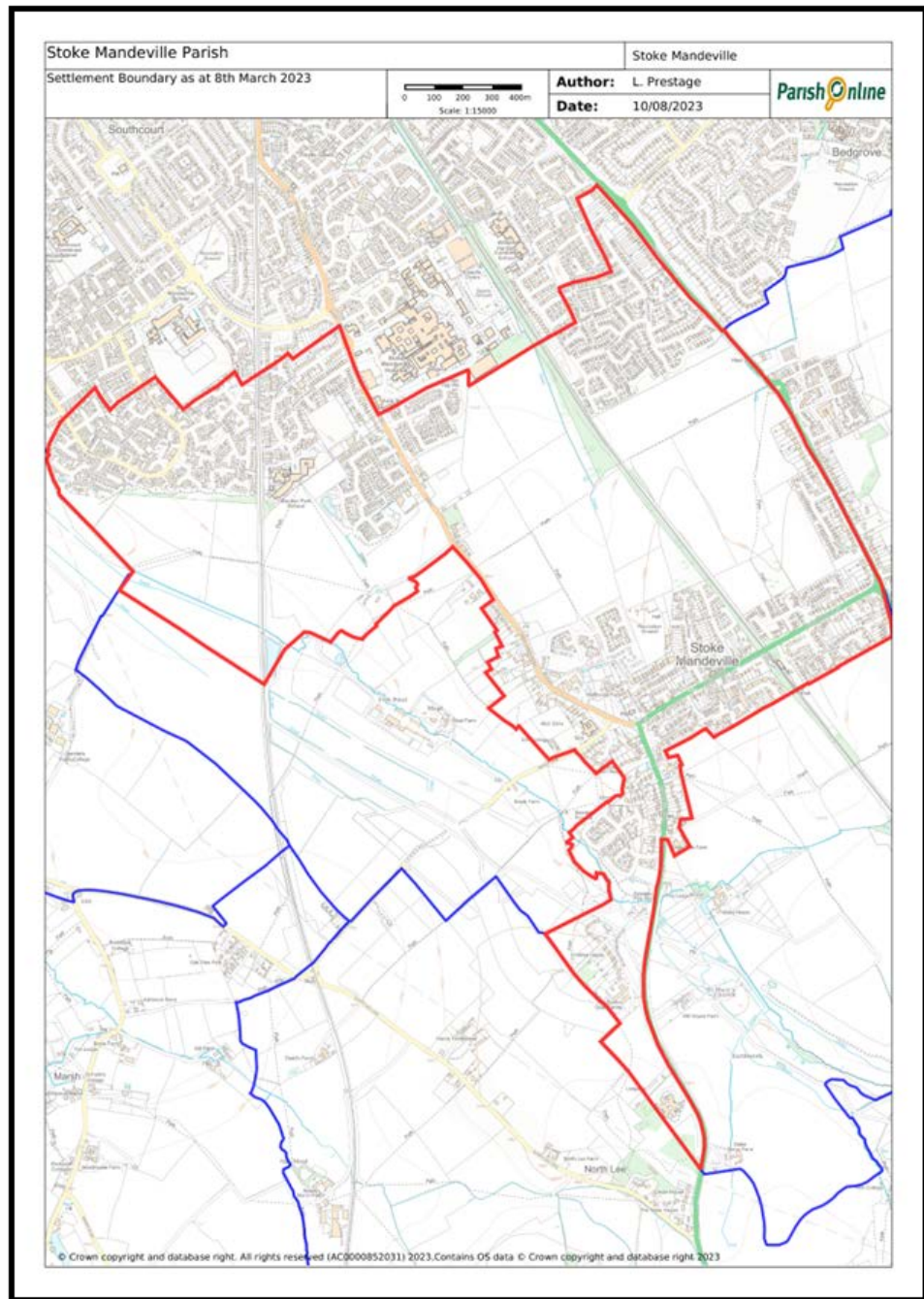
17. The December 2021 Screening Assessment was of the Pre Submission (Regulation 14) plan that was consulted on by the parish council that same year [A-Neighbourhood-Plan-for-Stoke-Mandeville-2021-2033-ver2.pdf \(stokemandevilleparishcouncil.org.uk\)](https://www.stokemandevilleparishcouncil.org.uk/A-Neighbourhood-Plan-for-Stoke-Mandeville-2021-2033-ver2.pdf). Page 21-22 set out a masterplan in the neighbourhood plan for development including new services and facilities in a parish centre, how a new link road running north of Stoke Mandeville village and south of Aylesbury should come forward, over 1000 homes in allocations and a Gardenway (walking and cycling route). There were a large number of policies in the plan set out in pages 8-22 of the screening assessment.
18. Since then, the parish council has reviewed the consultation responses at the Regulation 14 stage and there has been a change of membership on the neighbourhood plan steering group and the group have closely followed what Buckinghamshire Council prepared as a Draft Supplementary Planning Document for site AGT1 Aylesbury South during autumn 2022 when a public consultation took place [Buckinghamshire Council - AGT1 Supplementary Planning Document \(oc2.uk\)](https://www.buckinghamshire.gov.uk/AGT1-Supplementary-Planning-Document) .
19. Significant revisions to the draft neighbourhood plan have taken place and the plan's latest draft (September 2023) has removed the masterplan for development, the allocated sites, parish centre, link road and other development proposals. It may be because Buckinghamshire Council's SPD for the AGT1 site provides a masterplan covering development that there is no longer a need for that to also be covered in a neighbourhood plan. What remains in the latest draft neighbourhood plan are local green space designations, a settlement boundary, a green buffer being allocated and otherwise just general development management policies.
20. The new plan draft comprises the following:
 - **Policy GI1 – Local Green Spaces.** This policy designates 15 Local Green Spaces that are demonstrably special to the local community of the Parish. This designation does not change the ownership or the management of the land but gives the sites the same level of

protection as the Green Belt, meaning that development in these areas can be carefully managed.

- **Policy GI2 – The Green Buffer.** The green buffer provides privacy and mitigates the loss of amenity for existing residents, as required by the National Planning Policy Framework. This policy ameliorates some of the impact on residents of having their rural views replaced by housing estates. It also gives each new neighbourhood a boundary within which a micro-community can be defined and form its own identity, while also providing a public amenity and active travel connectivity to be enjoyed by the whole community across the Parish.



- **Policy GI3 – The Settlement Boundary.** Proposals to develop land within the Settlement Boundary will be supported providing they do not conflict with any other planning law, guidance, or Policies in this Neighbourhood Plan (including Policy GI1). Proposals to develop land outside the Settlement Boundary will not be supported unless the proposals identify significant benefits to the population of Stoke Mandeville Parish which can be demonstrated to outweigh the harm done by building on land outside the Settlement Boundary. Specifically, windfall developments will not be supported outside the Settlement Boundary.



- **Policies** covering community facilities, transport and travel (including to enable and encourage active travel, including footpaths, cycle ways and easy access to public transport), supporting business development, and a policy on heritage preservation (covering any development proposed on, adjacent to or which may have any impact on the views or setting of a Designated or Non-Designated Heritage Asset).

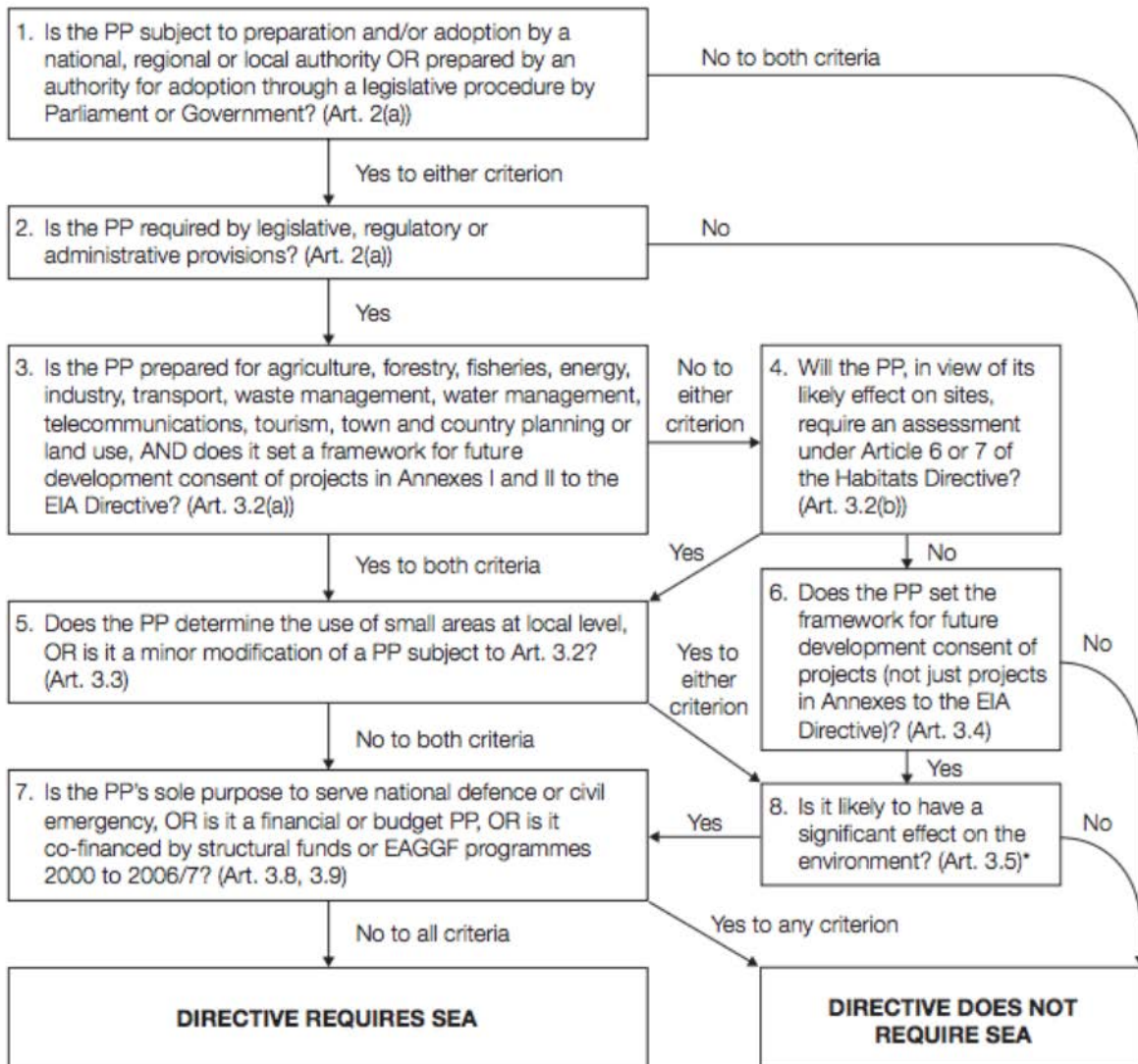
21. The screening that follows will therefore only be on these proposals and policy areas.

4. The SEA Screening Process

22. 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.
23. 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.”
24. 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.

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

Stage 1

26. Is the 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 Neighbourhood Plan will be adopted (made) subject to passing examination and referendum, by a Local Planning Authority, Buckinghamshire Council)

Stage 2

28. Is the 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 Stoke Mandeville Parish 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 Review 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 – No

Reason – The revised plan (September 2023) has changed significant from the 2021 draft and does not contain any development proposals. There are no site allocations other than the designation of a green buffer area and 15 local green spaces. Therefore some recreational space will be gained through the plan and this can be added to what is required under the adopted local plan, the VALP and the forthcoming adopted Supplementary Planning Document for site AGT1 Aylesbury South, which is a large extent of the land that currently separates Stoke Mandeville from Aylesbury.

The hatched area here shows the 12.6km Zone of Influence from Ashridge Commons and Woods SSSI within the Chiltern Beechwoods SAC. For more information on the ZOI please see <https://www.buckinghamshire.gov.uk/planning-and-building-control/building-or-improving-your-property/chiltern-beechwoods-special-area-of-conservation-faqs/>

Around a half of the AGT1 Aylesbury South area is in the Zone of Influence and is providing the necessary accessible natural green space required under the VALP Policy D-AGT1 for the Aylesbury South site. It may be around half the parish area. There are no areas of Natura 2000 sites (Special Areas of Conservation or Special Protection Areas) in the parish. The nearest such site is 2.7km near Ellesborough and 4.9km near Dancer's End and Hastoe to the south of Tring. There are sightings of the following in the parish. These are all protected species under Schedule IV or V of the EU Habitats Directive 1992

Stag Beetle x2

a bat species

Myotis bat sp. x 2

Leisler's Bat / Lesser Noctule Bat

Noctule Bat

Common Pipistrelle x 6

Soprano Pipistrelle x 3

Pipistrelle species x 3

Brown Long-eared Bat x 4

There is no development for new homes proposed in the revised neighbourhood plan.

In terms of Natura 2000 sites there could be adverse impact from the development proposed in the plan on the AGT1 (Aylesbury South) and AGT2 (Southwest Aylesbury) sites given the relatively short distance to the nearest SAC. This impact can be subject to re-screening at a later stage of the plan before it is made.

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 – No

Reason - The neighbourhood plan revised draft does not contain any development proposals. There are no site allocations other than the designation of a green buffer area and 15 local green spaces. The plan does contain policies to help mitigate the impact of any development on heritage, cultural and environmental assets in the parish.

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 as revised would set a framework for future development consent of projects. The policies of the neighbourhood plan will be considered as part of the development plan alongside the local plan in force for this part of Buckinghamshire.

Stage 7

33. Is the plan's 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 review 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 Stoke Mandeville Neighbourhood Plan – Revised Draft, September 2023

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 regarding the location, nature, size and operating conditions or by allocating resources

Likely to have significant environmental effects? – No

Reason - The neighbourhood plan revised draft does not contain any development proposals. There are no site allocations other than the designation of a green buffer area and 15 local green spaces. The plan does contain policies to help mitigate the impact of any development on heritage, cultural and environmental assets in the parish.

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 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 Stoke Mandeville parish council area) while the policies in the local plan in force in the Aylesbury Vale area of Buckinghamshire are the Vale of Aylesbury Local Plan (2021) ([Local development plans for Buckinghamshire | Buckinghamshire Council](#)) and National Planning Policy Framework [National Planning Policy Framework - Guidance - GOV.UK \(www.gov.uk\)](#)

provide a strategic context for the Stoke Mandeville Neighbourhood Plan to be in general conformity with.

None of the policies in the Neighbourhood Plan have any significant impact on other plans in neighbouring areas as the proposals in the plan itself are of a local nature and do not duplicate those in for example the VALP. The nearest neighbourhood plan would be Weston Turville parish, to the northeast.

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 – The neighbourhood plan revised draft does not contain any development proposals. There are no site allocations other than the designation of a green buffer area and 15 local green spaces. The plan does contain policies to help mitigate the impact of any development on heritage, cultural and environmental assets in the parish.

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

Likely to have significant environmental effects? – No

Reason – The neighbourhood plan revised draft does not contain any development proposals. There are no site allocations other than the designation of a green buffer area and 15 local green spaces. The plan does contain policies to help mitigate the impact of any development on heritage, cultural and environmental assets in the parish.

39. 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 SMNP will be developed in general conformity with the policies in use from the Vale of Aylesbury Local Plan 2021 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:

40. a) the probability, duration, frequency and reversibility of the effects

Likely to have significant environmental effects? – No

Reason - The neighbourhood plan revised draft does not contain any development proposals. There are no site allocations other than the designation of a green buffer area and 15 local green spaces. The plan does contain policies to help mitigate the impact of any development on heritage, cultural and environmental assets in the parish.

41. 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 given the policy areas proposed. Any impact will be local in nature.

42. 2c) The trans-boundary nature of the effects

Likely to have significant environmental effects? – No

Reason – The proposals are very much local in nature to Stoke Mandeville and the green buffer, local green spaces and settlement boundary are not considered to have any significant environmental effects.

43. 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.

44. 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? – No

Reason - The Neighbourhood Area covers an area which is 622 ha and contains a population is of 5,825 residents (2011 census). The neighbourhood

plan revised draft does not contain any development proposals. There are no site allocations other than the designation of a green buffer area and 15 local green spaces. The plan does contain policies to help mitigate the impact of any development on heritage, cultural and environmental assets in the parish. The proposals are very much local in nature to Stoke Mandeville and the green buffer, local green spaces and settlement boundary are not considered to have any significant environmental effects.

45. 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 revised draft does not contain any development proposals. There are no site allocations other than the designation of a green buffer area and 15 local green spaces. The plan does contain policies to help mitigate the impact of any development on heritage, cultural and environmental assets in the parish. The proposals are very much local in nature to Stoke Mandeville and the green buffer, local green spaces and settlement boundary are not considered to have any significant environmental effects.

There are circa 18 listed buildings in and around Stoke Mandeville village. There is no conservation area in the parish or historic park and garden or scheduled ancient monument. Weston Turville Conservation Area is only 0.9 kilometres away. However the plan will contain a policy on heritage preservation.

The southern boundary of the parish is 0.7km to the Chilterns Area of Outstanding Natural Beauty.

There is the Stoke Brook running through the neighbourhood area, a locally significant watercourse otherwise just minor watercourses in the parish area.

46. 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 Stoke Mandeville Neighbourhood Plan Area is not within, but it is very close (0.7km nearest point) to an Area of Outstanding Natural Beauty and potentially in its setting (The Chilterns). However the plan does not contain any development proposals that would affect the AONB or its setting.

6. SEA Screening Opinion

47. The neighbourhood area is in proximity to the Chilterns AONB, 0.7km away at its nearest point. There are also a number of heritage assets in the neighbourhood area. The setting of the AONB and the impact on heritage assets are protected under policies in the Vale of Aylesbury Local Plan. The revised neighbourhood plan has changed significantly and is now a plan that provides a set of policies on environmental, economic and social matters, green space designations and a development boundary around Stoke Mandeville, drawn around all the areas where development is expected to take place through the VALP and its SPD or is already committed and built out.
48. The neighbourhood plan revised draft does not contain any development proposals. There are no site allocations other than the designation of a green buffer area and 15 local green spaces. Therefore the smaller green spaces and green buffer areas may go some way to adding to Buckinghamshire Council's more strategic open space measures needed to be put in east/southeast of Aylesbury to offset recreational pressure damage evidently being caused the Ashridge Commons and Woods SSSI in the Chiltern Beechwoods SAC.
49. This screening opinion can be revisited if the final plan changes a 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, on the basis of the revised plan proposal described in section 3 of this screening assessment, a Strategic Environmental Assessment (SEA) is not needed.

7. Habitat Regulations Assessment Screening

Introduction

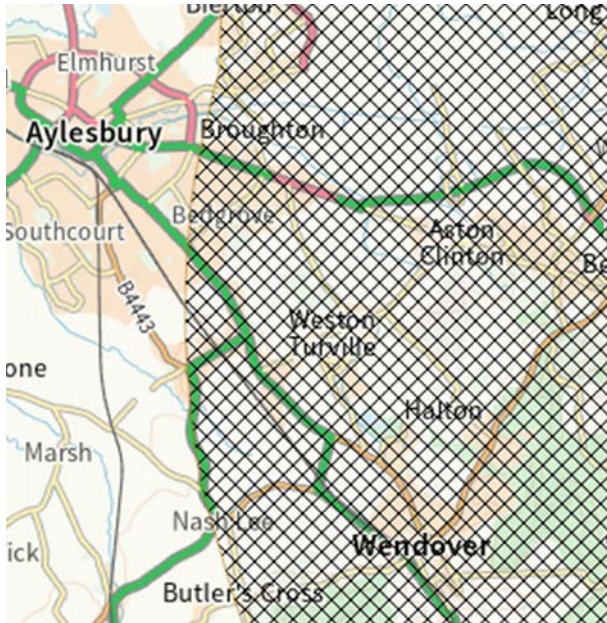
51. The screening statement will consider whether the Draft Revised Neighbourhood Development Plan requires a Habitats Regulations Assessment. This is a requirement of Regulation 106 of the Conservation of Habitats and Species Regulations 2017.

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 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 must 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.
60. There are no areas of Natura 2000 sites (Special Areas of Conservation or Special Protection Areas) in the neighbourhood area (the Stoke Mandeville)

parish. The nearest such site is 2.7km near Ellesborough and 4.9km near Dancer's End and Hastoe to the south of Tring. The hatched area below shows the 12.6km Zone of Influence from Ashridge Commons and Woods SSSI within the Chiltern Beechwoods SAC.



For more information on the ZOI please see

<https://www.buckinghamshire.gov.uk/planning-and-building-control/building-or-improving-your-property/chiltern-beechwoods-special-area-of-conservation-faqs/>.

Around a half of the AGT1 Aylesbury South area is in the Zone of Influence and is providing the necessary accessible natural green space required under the VALP Policy D-AGT1 for the Aylesbury South site. It may be around half the parish area.

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 the initial revised draft – September 2023 (non-statutory) version of the Stoke Mandeville 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 revised draft version (non-statutory) version dated September 2023 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 8 of this HRA Screening on the likely the screening outcome and considering the 'People over Wind' CJEU case, there are not likely to be likely significant effects. The neighbourhood plan revised draft does not contain any development proposals. There are no site allocations other than the designation of a green buffer area and 15 local green spaces. The plan does contain policies to help mitigate the impact of any development on heritage, cultural and environmental assets in the parish. The proposals are very much local in nature to Stoke Mandeville and the green buffer, local green spaces and settlement boundary are not considered to have any significant environmental effects.

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 Stoke Mandeville Neighbourhood Plan- Revised Draft, September 2023

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 Stoke Mandeville Neighbourhood Plan- Revised Draft

89. The December 2021 Screening Assessment was of the Pre Submission (Regulation 14) plan that was consulted on by the parish council that same year. Page 21-22 set out a masterplan in the neighbourhood plan for development including new services and facilities in a parish centre, how a new link road running north of Stoke Mandeville village and south of Aylesbury should come forward, over 1000 homes in allocations and a Gardenway (walking and cycling route). There were a large number of policies in the plan set out in pages 8-22 of the screening assessment.
90. Since then, the parish council has reviewed the consultation responses at the Regulation 14 stage and there has been a change of membership on the neighbourhood plan steering group and the group have closely followed what Buckinghamshire Council prepared as a Draft Supplementary Planning Document for site AGT1 Aylesbury South during autumn 2022 when a public consultation took place.
91. Significant revisions have taken place and the plan latest draft has removed the masterplan for development, the allocated sites, parish centre, link road and other development proposals. It may be because Buckinghamshire Council's SPD for the AGT1 site provides a masterplan covering development that there is no longer a need for that to also be covered in a neighbourhood plan. What remains in the latest draft neighbourhood plan are local green space designations, a settlement boundary, a green buffer being allocated and otherwise just general development management policies.

92. The new plan draft comprises the following (see section 3 of this screening report for excerpts of the green buffer location and settlement boundary):
93. **Policy GI1 – Local Green Spaces.** This policy designates 15 Local Green Spaces that are demonstrably special to the local community of the Parish. This designation does not change the ownership or the management of the land but gives the sites the same level of protection as the Green Belt, meaning that development in these areas can be carefully managed.
94. **Policy GI2 – The Green Buffer.** The green buffer provides privacy and mitigates the loss of amenity for existing residents, as required by the National Planning Policy Framework. This policy ameliorates some of the impact on residents of having their rural views replaced by housing estates. It also gives each new neighbourhood a boundary within which a micro-community can be defined and form its own identity, while also providing a public amenity and active travel connectivity to be enjoyed by the whole community across the Parish.
95. **Policy GI3 – The Settlement Boundary.** Proposals to develop land within the Settlement Boundary will be supported providing they do not conflict with any other planning law, guidance, or Policies in this Neighbourhood Plan (including Policy GI1). Proposals to develop land outside the Settlement Boundary will not be supported unless the proposals identify significant benefits to the population of Stoke Mandeville Parish which can be demonstrated to outweigh the harm done by building on land outside the Settlement Boundary. Specifically, windfall developments will not be supported outside the Settlement Boundary.
96. **Policies** covering community facilities, transport and travel (including to enable and encourage active travel, including footpaths, cycle ways and easy access to public transport), supporting business development, and a policy on heritage preservation (covering any development proposed on, adjacent to or

which may have any impact on the views or setting of a Designated or Non-Designated Heritage Asset).

97. The HRA screening that will therefore only be on these proposals and policy areas. In terms of 'in combination effects' it is not considered there would be any in-combination effects of the neighbourhood plan when added to local plans in force in Buckinghamshire, adjacent Council areas or neighbourhood plans.

HRA screening outcome

98. The revised Stoke Mandeville Neighbourhood Plan will be significantly different in nature to that of the 2021 Pre Submission plan. In the revised plan there are no site allocations other than the designation of a green buffer area and 15 local green spaces. The plan does contain policies to help mitigate the impact of any development on heritage, cultural and environmental assets in the parish. The proposals are very much local in nature to Stoke Mandeville and the green buffer, local green spaces and settlement boundary are not considered to have any likely significant effects on the SACs (the area primarily of concern is the Chiltern Beechwoods).
99. There are no areas of Natura 2000 sites (Special Areas of Conservation or Special Protection Areas) in the neighbourhood area (the Stoke Mandeville parish). The nearest such site is 2.7km near Ellesborough and 4.9km near Dancer's End and Hastoe to the south of Tring. Part of the neighbourhood area (Stoke Mandeville Parish Council area) is in the 12.6km Zone of Influence from Ashridge Commons and Woods SSSI within the Chiltern Beechwoods SAC. This has been created to tackle evidenced recreational pressure at the SSSI and there is a multi-Council area mitigation strategy in place to tackle the issue - this affects planning applications and decisions in the ZOI. Around a half of the AGT1 Aylesbury South area is in the Zone of Influence and is providing the necessary accessible natural green space required under the VALP Policy D-AGT1 for the Aylesbury South site. It may be around half the parish area. The plan in designated local green spaces and

a green buffer will help provide localised recreational opportunities to Stoke Mandeville and nearby accessible areas.

100. The Neighbourhood Plan is not likely to lead to potential adverse effects on a European site that needs investigating by the preparation of an Appropriate Assessment.
101. Therefore, **no** HRA stage 2 (Appropriate Assessment) is deemed required.

10. Conclusions

102. Based on the above assessment, the screening outcome is that the Stoke Mandeville Neighbourhood Plan – Revised Draft September 2023 does not require a Strategic Environmental Assessment (SEA) and does not require a HRA Report or to proceed to Stage 2 of HRA- an Appropriate Assessment.
103. The Council's Draft recommendation above has been endorsed by the responses received from the national consultees in October. Therefore the final screening outcome is that no SEA nor HRA area required.

Consultation Responses to the Revised Screening (September 2023)

10.1. Natural England (SEA and HRA)

Date: 05 October 2023

Our ref: 451134

Buckinghamshire Council

BY EMAIL ONLY

Customer Services Hornbeam House Crewe Business Park Electra Way Crewe
Cheshire CW1 6GJ T 0300 060 3900

Dear David Broadley,

Planning consultation: Stoke Mandeville Neighbourhood Plan – Draft SEA and HRA Screening

Thank you for your consultation on the above dated 26 September 2023 which was received by Natural England on the same day.

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 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

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 be significant environmental effects from the proposed plan.

Habitats Regulations Assessment

Based on the plan submitted, Natural England agree with the assessment that the Neighbourhood Plan does not require a HRA.

Neighbourhood Plan

Guidance on the assessment of Neighbourhood Plans, in light of the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended), is contained within the National Planning Practice Guidance. The guidance highlights three triggers that may require the production of an SEA, for instance where:

- a neighbourhood plan allocates sites for development;
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan; and
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

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 SA/SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the

environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

If you have any queries relating to the advice in this letter 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

10.2. Historic England (SEA only)

By email only to: David.Broadley@buckinghamshire.gov.uk

Our ref: PL00794094

Your ref: Stoke Mandeville Neighbourhood Plan SEA

Main: 020 7973 3700 e-seast@historicengland.org.uk
louise.dandy@historicengland.org.uk

Date: 19/10/2023

Dear Sir or Madam

Thank you for inviting Historic England to comment on this consultation. As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process. For the purposes of this consultation, Historic England will confine its advice to the question, "Is it (the Stoke Mandeville Neighbourhood Plan) likely to have a significant effect on the historic environment?". Our comments are based on the information supplied.

There are a number of designated heritage assets within the area; the information supplied however indicates that the plan will not have any significant effects on the historic environment. We also note that the plan does not propose to allocate any sites for development.

On the basis of the information supplied, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of 'SEA' Directive], Historic England concurs with the Council that the preparation of a Strategic Environmental Assessment is not required.

The views of the other two statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made.

I should be pleased if you can send a copy of the determination as required by REG 11 of the Environmental Assessment of Plans and Programmes Regulations 2004.

We should like to stress that this opinion is based on the information provided by you with your correspondence. To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the SEA process and, potentially, object to specific proposals which may subsequently arise (either as a result of this consultation or in later versions of the plan) where we consider that, despite the SEA, these would have an adverse effect upon the environment.

Historic England strongly advises that the conservation and archaeological staff of the relevant local authorities are closely involved throughout the preparation of the plan and its assessment. They are best placed to advise on; local historic environment issues and priorities, including access to data held in the Historic Environment Record (HER), how the allocation, policy or proposal can be tailored to minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.

Please do contact me, via email if you have any queries.

Yours sincerely

Louise Dandy

Historic Places Adviser

10.3. Environment Agency (SEA only)

No response received.