

Update to the Odiham and North Warnborough Neighbourhood Plan 2014 - 2032

Screening Determination for Strategic Environmental Assessment (SEA)

and

Statement regarding Habitats Regulations Assessment (HRA)

July 2024

1 Introduction

- 1.1 The purpose of this statement is to set out:
- a) the Council's determination as to whether a Strategic Environmental Assessment (SEA) is required for the Odiham and North Warnborough Neighbourhood Plan, and the reasons for that determination, and
 - b) the Council's position regarding Habitat Regulations Assessment (HRA).
- 1.2 In summary, the Council has determined that:
- a) SEA is not required for the Odiham and North Warnborough Neighbourhood Plan,
 - b) that following an HRA, including an appropriate assessment of Policy 2, no likely significant effects will arise on any European sites, either alone or in combination with other plans or projects.

2 Strategic Environment Assessment

- 2.1 SEA is a systematic process undertaken to evaluate the likely significant environmental effects of an emerging plan and reasonable alternatives. The requirement for SEA in England was introduced through the Environmental Assessment of Plans and Programmes ('SEA') Regulations (2004), which were prepared in order to transpose the EU SEA Directive (2001).
- 2.2 One of the 'Basic Conditions' that a neighbourhood plan is tested against is compatibility with European Union obligations, including obligations under the SEA Directive. Neighbourhood plans only require SEA where they are likely to lead to significant environmental effects. To decide whether a proposed Neighbourhood Plan is likely to lead to significant environmental effects, it should be screened having regard to the criteria set out in Annex 2 of the SEA Directive, which is transposed into the SEA Regulations as Schedule 1.

- 2.3 In essence, screening involves exploring potential cause-effect relationships between the plan and the environmental baseline.
- 2.4 Where it is determined that a neighbourhood plan is likely to have a significant effect on the environment, an SEA process is required. Where it is determined that the neighbourhood plan does not require SEA, a statement of reasons should be prepared and submitted alongside the plan.
- 2.5 A [SEA screening report](#) prepared by AECOM on behalf of Hart District Council concluded as follows:

5. Screening opinion

- 5.1 *The screening assessment presented in Section 4 concludes there is no potential for significant effects in most respects, essentially because the allocation of land for development is outside the scope of the updating process. This is in the context of guidance emphasising the question of whether a neighbourhood plan “allocates sites for development” as a key screening factor.*
- 5.2 *However, Table 4.1 records an ‘uncertain’ conclusion in respect of biodiversity. This is because the plan deals with mitigating recreational pressure on the Thames Basin Heaths SPA, which automatically triggers a need for the Appropriate Assessment (AA) stage of Habitats Regulations Assessment (HRA) and, where AA is required it can be suggested that there is an automatic requirement for SEA, on the basis of Regulation 5(3) of the Environmental Assessment of Plans and Programmes (SEA) Regulations 2004. In practice though, the AA has been completed and concluded no potential for significant adverse effects on the SPA, hence it is suggested that SEA is not triggered.*
- 5.3 *For these reasons, it is considered that SEA is not required.*
- 2.6 The relevant statutory bodies (Natural England, Historic England and the Environment Agency) were consulted for five weeks on the SEA Screening Report.
- 2.7 Natural England agree that an SEA is not required – see response at Appendix 1 of this statement (first email dated 28/3/2024).
- 2.8 Historic England also agree that an SEA is not required - see response at Appendix 2.
- 2.9 The Environment Agency did not respond before the end of the SEA/HRA consultation period. They were prompted for response and given additional time, but no response was received.
- 2.9 Based on the screening report and the response from Natural England and Historic England, Hart District Council, as the responsible authority, has determined that no SEA is required.

3 Habitat Regulations Assessment

- 3.1 Much of Hart District is affected by the Thames Basin Heaths Special Protection Area (SPA). Under the [Conservation of Habitats and Species Regulations 2017 as amended](#) a Habitats Regulations Assessment (HRA) has therefore been undertaken to test if the Odiham and North Warnborough Neighbourhood Plan Update could significantly harm the designated features of the SPA.
- 3.2 The HRA was carried out by AECOM on behalf of the Council. This found there was no potential for significant adverse effect on the SPA except in the case of Policy 2 Housing Development Sites. Policy 2 was therefore 'screened-in' for an appropriate assessment (AA).
- 3.3 AECOM completed the AA for Policy 2 taking the proposed mitigation measures set out in the plan into account.
- 3.4 The Council consulted Natural England on the HRA/AA. The AA relating to Policy 2 was amended in light of NE's feedback (NE's responses are at Appendix 1 to this document).
- 3.5 The Council concurs with the findings of the HRA/AA, as modified in light of Natural England's consultation responses, and that with the consequential changes made to the plan there is no potential for significant adverse effects on the SPA.

Appendix 1 – Natural England’s response

RE: 2024-04-12 SEA/HRA Screening Opinion on the Odiham and North Warnborough Neighbourhood Plan

Eke-Goodwin, Paige [REDACTED]

Thu 28/03/2024 12:25

To: Planning Policy [REDACTED]

CAUTION: This email originated from outside of Hart District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir / Madam,

Thank you for your below consultation. This has been logged under a Natural England reference of 409521. Please see Natural England’s advice below:

Natural England note that the change to Policy 2 (Housing Development Sites) is not allocating further sites for development but updating the policy to state that site 2v – land at Dudley Hill, needs to provide public open space. Based on the Plan submitted, Natural England agree with the assessment that the Plan does not require an SEA. However, given that the Plan would be updating mitigation requirements for the Thames Basin Heaths Special Protection Area (SPA), to satisfy the Habitats Regulations these measures should be assessed within an Appropriate Assessment. This is consistent with the European Court judgement known as People Over Wind, where mitigation measures can only be assessed at the Appropriate Assessment Stage. As a result, Natural England would then advise that once the HRA has been undertaken, the screening assessment is updated under the SEA Directive.

Natural England would also like to provide the following advice on the proposed mitigation: Natural England note from the HRA/AA memo that the proposed Public Open Space, which would function as a Suitable Alternative Natural Greenspace (SANG) and mitigate against increased recreational pressure on the Thames Basin Heaths SPA, is proposed to be 3.48ha. Natural England recognise that this mitigation may not even be required if the 30 homes do not come forward as this would mean that the 50-dwelling threshold in the 5-7km zone to require Thames Basin Heaths mitigation is not triggered. While it is recognised that the SANG capacity required is less in the 5-7km zone, Natural England would like to inform the Council that any SANG that comes forward must first be assessed onsite by Natural England to ensure the proposed land is of sufficient quality and quantity to meet the Natural England SANG Guidelines (2021), and would still need to have sufficient space to accommodate for a 2.3-2.5km circular walk as well as adhering to the other criteria as set out in the updated guidelines. The alternative mitigation option, if required, would be to provide contributions towards an existing SANG which the development lies in the catchment for and which has adequate capacity to serve as mitigation for the proposed developments.

I hope the above makes sense but please do not hesitate to reach out if anything further is required.

Best wishes,

Paige

Paige Eke-Goodwin (She/Her)
Sustainable Development Lead Advisor
Natural England

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RE: Odiham and North Warnborough Neighbourhood Plan - Plan Review SEA
Screening & HRA/AA report Consultation

Eke-Goodwin, Paige [REDACTED]

Wed 12/06/2024 08:32

To: Daniel Hawes [REDACTED]

Cc: Christine Tetlow [REDACTED]

CAUTION: This email originated from outside of Hart District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Daniel and Christine,

Thank you both for your emails in recent weeks and particularly the letter dated 6th June. Natural England have reviewed the information presented and the historical comments provided by Natural England on this Neighbourhood Plan.

In this unique circumstance, given the history of the site and the previous comments on the proposals, Natural England are satisfied with the proposed. The 3.58ha of open space at Dunleys Hill needs to be secured as an absolute minimum size as the site still needs to function as effective Thames Basin Heaths SPA mitigation. If there is any possibility of further land coming forward as open space, then we would be supportive of this. Natural England recommend that links, if not already present, are established so that there is the opportunity to have connectivity between this parcel and other local green spaces in the vicinity so that residents can benefit from extended walking routes in the area. There also needs to be a management plan for this open space which must show how the land will be costed, funded and managed/maintained for in-perpetuity, for the lifetime of the proposed development. In addition to this, if the 50 dwellings threshold is reached, then as set out, the necessary SAMM payments must be made, including from any previously agreed/built-out housing allocations contributing towards the 50+ mitigation threshold.

For future reference, any new site proposing to come forward as SANG, whether in the 5km or the 5-7km zone, must first be assessed by a Natural England officer to ensure it meets all of the criteria of the Natural England SANG Guidelines (2021).

I hope the above satisfies your requirements to be able to take this Neighbourhood Plan forward.

Best wishes,
Paige

Paige Eke-Goodwin (She/Her)
Sustainable Development Lead Advisor
Natural England

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**RE: Odiham and North Warnborough Neighbourhood Plan - Plan Review SEA
Screening & HRA/AA report Consultation**

Eke-Goodwin, Paige [REDACTED]

Fri 21/06/2024 12:54

To: Christine Tetlow [REDACTED]

CAUTION: This email originated from outside of Hart District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Christine,

Thank you for providing the updated HRA. Please find the below response from Natural England:

Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by AECOM. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

Best wishes,
Paige

Paige Eke-Goodwin (She/Her)
Sustainable Development Lead Advisor
Natural England

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Appendix 2 – Historic England’s response



By email only to: [REDACTED]

Our ref: PL00795431
Your ref: Odiham and North Wamborough Neighbourhood Plan SEA

[REDACTED]

Date: 22/04/2024

To whom it may concern

Odiham and North Wamborough Neighbourhood Plan SEA Screening Opinion

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 Neighbourhood Plan) likely to have a significant effect on the historic environment?’. Our comments are based on the information supplied.

The information supplied indicates that the plan will not have any significant effects on the historic environment.

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