

# BUCKINGHAM NEIGHBOURHOOD PLAN REVIEW

## BASIC CONDITIONS STATEMENT

DECEMBER 2024

Published by Buckingham Town Council under the Neighbourhood Planning (General)  
Regulations 2012 (as amended)

# BUCKINGHAM NEIGHBOURHOOD PLAN REVIEW

## BASIC CONDITIONS STATEMENT

DECEMBER 2024

### CONTENTS

1. INTRODUCTION	3
2. BACKGROUND	6
3. CONDITION (A): NATIONAL PLANNING POLICY	7
4. CONDITION (D): ACHIEVING SUSTAINABLE DEVELOPMENT	17
5. CONDITION (E): THE DEVELOPMENT PLAN	18
6. CONDITION (F): EU-DERIVED OBLIGATIONS	25
7. SUMMARY	26

APPENDIX A – BUCKINGHAM NEIGHBOURHOOD PLAN REVIEW STRATEGIC ENVIRONMENTAL ASSESSMENT AND HABITATS REGULATIONS ASSESSMENT FINAL SCREENING OUTCOME

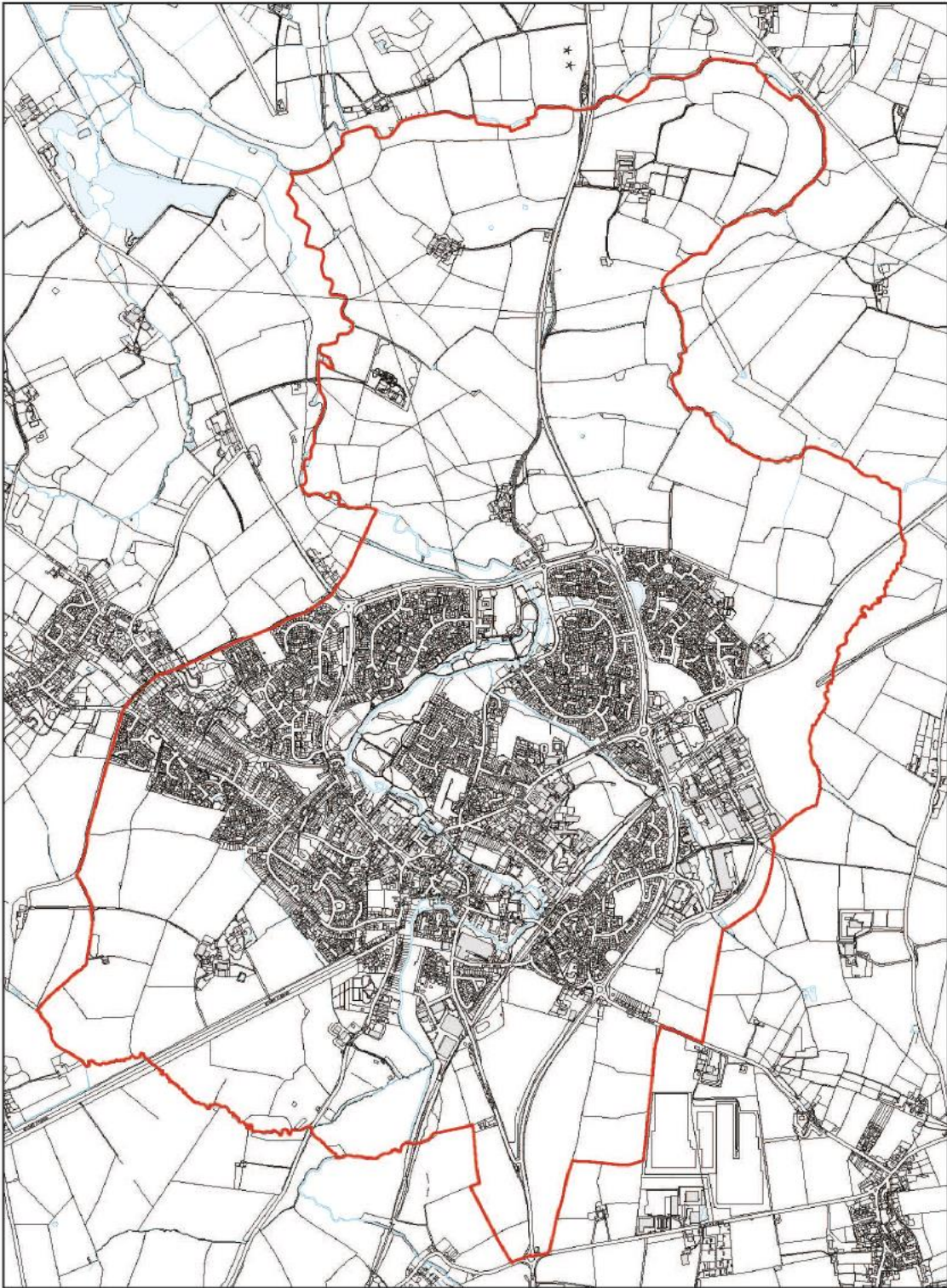
# 1.INTRODUCTION

## The Neighbourhood Plan

1.1 This Statement has been prepared by ONH on behalf of Buckingham Town Council (“the Town Council”) to accompany its submission of the Buckingham Neighbourhood Development Plan Review (“the Neighbourhood Plan”) to the local planning authority, Buckinghamshire Council (“the Local Planning Authority”), under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”).

1.2 The Neighbourhood Plan has been prepared by the Town Council, the ‘Qualifying Body’, for the Neighbourhood Area (“the Area”), shown on Plan A below. The Buckingham Neighbourhood Area was designated by the former Aylesbury Vale District Council in November 2014.

1.3 ONH has provided professional planning advice and support to the Town Council throughout the project, alongside occasional help from officers of the Local Planning Authority.



Ordnance Survey. (c) Crown Copyright 2023. All rights reserved. Licence number 100022432

Plan A: Buckingham Designated Neighbourhood Area

1.4 The Neighbourhood Plan contains 24 land use policies, which are defined on the Policies Map where they apply to a specific part of the Area. The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Area. They do not relate to 'excluded development', as defined by the Regulations. The plan period of the Neighbourhood Plan is 2024 - 2040, which extends beyond that of the adopted Vale of Aylesbury Local Plan (VALP) (period to 2033).

1.5 The Plan has deliberately avoided containing policies that duplicate saved or forthcoming development plan policies or national policies that are already or will be used to determine planning applications. The policies are therefore a combination of site-specific allocations or other proposals and of development management matters that seek to refine and/or update existing policies.

### **The Basic Conditions**

1.6 The statement addresses each of the four 'Basic Conditions', which are relevant to this plan, required of the Regulations and explains how the submitted Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act.

1.7 The Regulations state that a Neighbourhood Plan will be considered to have met the Conditions if:

- A. Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Development Plan;
- D. The making of the Neighbourhood Development Plan contributes to the achievement of sustainable development;
- E. The making of the Neighbourhood Development Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area); and
- F. The making of the Neighbourhood Development Plan does not breach, and is otherwise compatible with retained EU obligations.

1.8 It is noted that the Levelling Up & Regeneration Act 2023 has made provision for Condition E to be amended by replacing the current requirement with a narrower condition in respect of not undermining the housing site allocation provisions in an adopted Local Plan. However, at the time of the expected examination of the Neighbourhood Plan, the regulations enabling that part of the Act have not been made.

## 2.BACKGROUND

2.1 The decision to proceed with a Neighbourhood Plan was made by the Town Council in 2022. The key driver of this decision was a sense of wanting to plan positively for the future of the Town, with the encouragement of the Local Planning authority to local communities to prepare Neighbourhood Plans. The Town Council was aware that the town was facing a number of infrastructure issues, and that its location within the wider strategic context indicated that the town would likely remain part of a focus for future growth. The Town Council has therefore brought forward the Neighbourhood Plan to start to address infrastructure deficiencies.

2.2 A steering group was formed comprising residents and Town Council representatives. The group has been delegated authority by the Town Council to make day-to-day decisions on the preparation of the Neighbourhood Plan. However, as the qualifying body, the Town Council approved the publication of the Pre-Submission plan in July 2024 and the Submission Plan now.

2.3 The Town Council has consulted local communities extensively over the duration of the project. It has also worked closely with officers of the Local Planning Authority since the start of the project to collate and examine the evidence base, to design and iterate policy proposals and to define the proper relationship between the Neighbourhood Plan and the VALP, and the forthcoming emerging new Buckinghamshire-wide Local Plan.

### 3. CONDITION (A): REGARD TO NATIONAL PLANNING POLICY

3.1 The Neighbourhood Plan has been prepared with full regard to national policies as set out in the National Planning Policy Framework (NPPF) and is mindful of Planning Practice Guidance (PPG) in respect of formulating Neighbourhood Plans. As demonstrated in Table A, this plan has taken to opportunity to revise development plan policies to reflect the amendments to the Use Classes Order introduced in September 2020 as they apply to this Area (PPG 13-009c). In overall terms, there are four NPPF paragraphs that provide general guidance on neighbourhood planning, to which the Neighbourhood Plan has directly responded:

#### General Paragraphs

3.2 The Town Council believes the Neighbourhood Plan “support(s) the delivery of strategic policies contained in local plans ... and ... shape(s) and direct(s) development that is outside of these strategic policies” (§13). It considers the Neighbourhood Plan contains only non-strategic policy proposals or proposals that refine strategic policy to fit the circumstances of the Area without undermining the purpose and intent of those strategic policies (§18). It considers that the Neighbourhood Plan sets out more “detailed policies for specific areas” including “the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies” (§28).

3.3 The Town Council considers that its Neighbourhood Plan has provided its communities the power to develop a shared vision for the Area that will shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. The Neighbourhood Plan contains site allocations that will result in more development than set out in the strategic policies for the area (§29). In this regard, the NPPF provisions of meeting local housing needs as per §67/§68 is therefore relevant to this Neighbourhood Plan. The Plan is underpinned by relevant and up-to-date evidence. This is considered to be adequate and proportionate, focused tightly on supporting and justifying the policies concerned (§31).

#### Specific Paragraphs

3.4 Each policy engages one or more specific paragraphs of the NPPF. Those that are considered to be of the most relevance and substance are identified in Table A below. The land interests were invited to submit relevant information for the Town Council to gauge the capacity and suitability of each site. In each of the allocated sites, there has been no need to significantly modify the submitted information. In which case, the Town Council expects each policy will be welcomed and supported by each land interest, thus demonstrating that the policy provisions are viable in principle at this plan-making stage (§58).

Table A: Neighbourhood Plan & NPPF Conformity Summary

Policy No.	Policy Title	Commentary
<b>Housing and Phasing Policies</b>		
HP1	A Spatial Strategy for the Town	<p>The policy defines the Buckingham settlement boundary for the purposes of directing future development proposals in the Neighbourhood Area in accordance with the spatial strategy for the District. It directs growth to the built-up area of the town as a sustainable market town in the District and a focus for growth promoting a sustainable pattern of development that meets the development needs of the area and aligns growth and infrastructure (§11). It also acknowledges the importance of making as much use as possible of previously-developed or 'brownfield land' (§123) through promoting and encouraging its re-use, meeting its indicative housing requirement figure (§68) through making provision for up to 1,254 new homes, encouraging sustainable economic growth (§86) through making provision for 10ha of employment land as part of a clear economic vision and strategy, and recognising the intrinsic character and beauty of the countryside (§180) through managing development in the countryside.</p>
HP2	Urban Area Allocations	<p>The policy promotes an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (§123). Substantial weight has been given to the value of using suitable brownfield land within the town for new homes and other identified needs (§124). It promotes and supports the development of under-utilised land and buildings using available sites more effectively §124).</p> <p>The ten sites allocated are mainly brownfield sites, with the exception of Site J which is a retained greenfield allocation from the made Neighbourhood Plan, within the town. Collectively, they will deliver approximately 454 new homes. The Town Council has taken a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs using the Neighbourhood Plan (§125). This has been expressed in Appendix A for each of the brownfield sites which also provides a range of development quantum to provide some flexibility for developers. The maximum quantum also define what may otherwise be regarded as over-development. The policy seeks to de-risk these sites to encourage planning applications to come forward. In doing so, it takes a positive approach for alternative uses of land which is currently developed as this will help meet identified development needs (§126). The policy therefore supports proposals to reuse employment land, which is not meeting current or projected needs, for homes in this area of high housing demand, alongside town centre and employment strategies (see Policies EE1 &amp; EE2), and is therefore not considered to undermine key economic sectors or sites or the vitality and viability of the town centre (§127).</p>



		<p>The majority of the sites are not in areas at risk of flooding with the exception of sites E &amp; K. However, the sites currently contribute individually and collectively to flood risk by way of their almost complete site coverage with buildings and hardstanding and poor site drainage. Their redevelopment will enable the use of sustainable drainage systems and new green infrastructure (§167). Additionally, as explained in Appendix A, whilst the sites do not meet the sequential test (§168), substantial weight has been attached to the value of using brownfield and underutilised land within the town (§124) that would include flood betterment (§167). Similarly, weight has been attached to the value of providing for attractive and well-designed walking and cycling networks (§110), improving local environmental conditions (§180), securing measurable net gains for biodiversity (§185), and the opportunity to conserve and enhance the historic environment (§195).</p> <p>The policy provides a balanced approach to land use. Although some sites are located in areas at risk of flooding, their redevelopment presents an opportunity for improved drainage and green infrastructure, contributing to flood risk reduction. Additionally, the policy underscores the importance of enhancing local environmental quality, with provisions for biodiversity gains, improved walking and cycling networks, and the conservation of the historic environment. Collectively, the policy offers a comprehensive strategy that balances development with environmental stewardship, ensuring that the town can meet its housing needs while also improving the overall quality of life for residents and future generations.</p>
HP3	Land to the South-West of Buckingham	<p>The policy allocates a greenfield site on the southwestern edge of the town for a mix of residential, education and local centre uses. There are four primary schools in the designated Area, with three located on the eastern edge of the town and a 1FE primary school in the town centre. The majority of most recent committed, completed or partially completed sites lies on the western and southwestern edge of the town. The education authority has confirmed that there is a need to make provision for additional primary school places and that existing primary schools will not be able to expand. Great weight has been given to the need to create school places through the preparation of this Neighbourhood Plan to ensure that a sufficient choice of school places is available to meet the needs of existing and new communities (§99).</p> <p>The housing development is necessary not only to help address infrastructure deficiencies in this part of the town, but also to contribute to the indicative housing requirement figure for the Area considering the updated evidence base in so far as it has been possible (§68). The indicative housing requirement figure of 1,100 dwellings has been provided by the local planning authority. New homes will also include the provision of affordable housing which attracts significant positive weight.</p> <p>The recent set of growth proposals in the west and southwestern part of the town have been accompanied by very little space and uses to help meet these communities' day-to-day needs. The</p>

		<p>neighbourhood plan therefore plans positively for the provision of spaces and local services to enhance the sustainability of communities and residential environments to ensure an integrated approach to considering the location of housing, economic uses and community facilities and services (§97).</p> <p>Transport issues have been considered from the earliest stages of plan-making (§109) and the plan has actively sought to manage patterns of growth in support of the objectives of §108 of the NPPF through locating this development where it can address infrastructure deficiencies, making policy provision that addresses potential impacts on transport network, promotes opportunities from any proposed upgrading to the A421 and improvements to active and sustainable travel .</p> <p>The policy also identifies key (but not all) development and design principles that are required to be addressed in subsequent planning applications if proposals are to secure the benefit of being in conformity with the development plan. They may form planning conditions and obligations and the land interest has agreed that such principles are necessary, relevant and reasonable. In doing so, they have also stated that the allocation policy is considered viable (§56 - §58). The community can therefore be confident that these requirements ought not be traded off later in the development management process for viability reasons.</p> <p>The key development and design principles are intended to moderate the impact of development on a greenfield site in agricultural use. This includes measures to secure high quality, beautiful and sustainable buildings and places (§131), a net gain in biodiversity (§180), access to high quality open spaces (§102) and facilitating an extension of the Buckingham Green Ring (§104), and finally using the opportunity provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding (§167) with only a small part of the site subject to surface water flooding. The policy provisions in these respects attract positive weight. The latest version of the Concept Plan shows that this area is more likely to be suited to the local center which is classed as less vulnerable development in respect of flood risk vulnerability classification. Agricultural land quality is a significant constraint to growth in all locations surrounding the town with it being surrounded by Grade 3 to the north, south and west and Grade 2 to the east. As a no growth option is not feasible, the Strategic Environmental Assessment (SEA) demonstrates that this site is the preferred option for growth. The official grading of this site does not form part of the evidence base, but it has been noted from Natural England mapping that the site is likely to be considered as Grade 3A/B, moderate to good, and fall within the definition of Best and Most Versatile agricultural land. There has been no evidence that the loss of this land would result in an adverse economic or operational effect. Notwithstanding this, the loss of the Best and Most Versatile agricultural land does attract limited negative weight.</p>
--	--	--

		<p>The provision of housing, including affordable homes, addresses pressing housing requirements while simultaneously ensuring the delivery of essential community facilities, such as a primary school and local services, to enhance the sustainability and integration of new and existing communities, ensuring an integrated approach to growth. While the loss of best and most versatile agricultural land is an acknowledged negative aspect, the Strategic Environmental Assessment (SEA) supports this site as the preferred option for development, given the constraints of surrounding areas and the necessity for growth. Furthermore, measures within the policy to moderate environmental impacts, such as provisions for biodiversity net gain, high-quality design, flood mitigation, and improved green infrastructure, attract significant positive weight and demonstrate a commitment to sustainable development.</p> <p>Overall, the policy effectively addresses infrastructure deficiencies, mitigates adverse impacts, and promotes community sustainability. The limited negative weight attached to the loss of agricultural land is outweighed by the broader social, economic, and environmental benefits of the development.</p>
HP4	Development Phasing and Contributions	This policy emphasizes the importance of housing developments, including phased or windfall sites, contributing to local infrastructure and consulting with the Town Council. It also prioritises local service provisions such as health care and public transport, contributing to sustainable development (§8) and promoting healthy lifestyles through addressing community needs (§96c).
HP5	Housing Mix and Tenure	This policy sets out the established need, size and type of housing for any new housing development proposals in the area (§63).
<b>Design and Heritage Policies</b>		
DH1	The Buckingham Design Code	This policy ensures new developments reflect the unique character and architectural vernacular of Buckingham, considering its diverse areas, aesthetics and heritage value, so that applicants have as much certainty as possible about what is likely to be acceptable (§132). The policy provides a local framework, indicated in The Buckingham Design Code Report, for creating a beautiful and distinctive place with a consistent and high quality standard of design (§133).
DH2	Buildings of Heritage Interest	This policy has used the Historic England guidance and evidence (derived from the Design Guidelines analysis) to identify local heritage interests and to describe the contribution they make to the character of Buckingham (§198a). This will enable the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining the application (§209).
DH3	Retrofitting in the Conservation Area	This policy supports the transition to a low carbon future in a changing climate (§157), by supporting

		and giving considerable weight to the benefits of increasing energy efficiency in the Conservation Area.
DH4	Addressing the Performance Gap	This policy encourages new and refurbished buildings to be energy-efficient, tested for performance and designed to minimize carbon emissions, maximising resource efficiency and reducing the carbon footprint are central goals, supporting the transition into a low carbon future (§157).
<b>Environment Policies</b>		
ENV1	Buckingham Green Ring	This policy supports the establishment of safe and accessible green infrastructure, including walking and cycling routes (§96c). The policy also emphasizes the importance of development proposals within the broad location of the Green Ring aligning with open space requirements (§97a).
ENV2	Green and Blue Infrastructure	This policy aims to protect and enhance the many green infrastructure assets across Buckingham to contribute to wider nature recovery strategies and to increase accessibility to recreational spaces. In relation to §96c, the policy addresses the provision of safe and accessible green infrastructure, with a particular focus on providing net gains for biodiversity (§180d). The policy is aimed at maintaining and enhancing networks of habitats and green infrastructure (§181).
ENV3	Urban Greening	This policy ensures that new development, particularly brownfield sites, meets Urban Greening contribution factors set out by Buckingham, contributing to sustainable development by protecting and enhancing the natural environment in an urban area (§8c).
ENV4	Private Outdoor Space	This policy supports the provision of good quality private outdoor space for development proposals, making efficient use of land (§128), and maintaining the area's prevailing character and setting (§128d), securing well-designed and beautiful, attractive and healthy places (§128e).
ENV5	Local Green Spaces	The policy designates land as Local Green Spaces to identify and protect green areas of particular importance to the community in Buckingham (§105). The designated spaces are in reasonably close proximity to the community they serve, are demonstrably special to the community, and are local in character and not extensive tracts of land (§106).
<b>Culture, Leisure and Health Policies</b>		
CLH1	Active and Sustainable Travel	This policy supports the retention, enhancement and integration of pedestrian and cyclist routes within the Parish. It seeks to protect existing routes and maintain effective connectivity via active travel, promoting walking, cycling (108c), as well as addressing the provision of a safe and accessible environment to encourage walking and cycling (§96c) by acknowledging sensitive lighting schemes etc. The policy also considers transport issues at the earliest stages of plan-making and development

		proposals (§108) and will not support any development that is likely to have a negative impact on traffic infrastructure.
CLH2	Development of the Canal Area	<p>The made neighbourhood plan supported development in this location that would be beneficial to the enhancement and historic significance of the former and current canal arm as either a working waterway, a tourist attraction, the provision of tourist accommodation, a green space, sports provision or leisure or a combination of the above to aid the Canal Society in redeveloping the Buckingham arm of the Grand Union Canal. The policy now makes provision for a scheme that has been pioneered by the Canal Society as the redevelopment of the Buckingham arm has been completed. The Canal Society is a very organised local community group that successfully completed the re-watering of the Buckingham arm of the Grand Union Canal as part of a wider project to re-open the canal as a working water way and was looking to develop its vision to establish the canal as part of a tourist attraction for the town. Significant weight has been placed on encouraging investment in the tourism offer of the area boosting the economic value of tourism (§85). The policy therefore allocates land for a visitor centre and an enabling residential scheme.</p> <p>The housing is necessary to release the land to deliver a visitor centre and to secure natural flood management measures with the multiple benefits offered by its introduction in a flood risk area. Although the main policy intent is not in providing new homes, there is no doubt that the policy requirement of the residential scheme will contribute to the indicative housing requirement figure for the whole area (§68).</p> <p>The policy also identifies key (but not all) development and design principles that are required to be addressed in subsequent planning applications if proposals are to secure the benefit of being in conformity with the development plan. They may form planning conditions and obligations and the land interest has agreed that such principles are necessary, relevant and reasonable. In doing so, they have also stated that the allocation policy is considered viable (§56 - §58). The community can therefore be confident that these requirements ought not be traded off later in the development management process for viability reasons.</p> <p>Transport issues have been considered from the earliest stages of plan-making (§109) and the plan has actively sought to manage patterns of growth in support of the objectives of §108 of the NPPF through making policy provision that addresses potential impacts on transport network, promotes opportunities to improve connections with the A413 and improvements to active and sustainable travel including enhancements to improve the experience of the countryside for existing and new communities and visitors.</p>

		<p>The key development and design principles are intended to moderate the impact of development on a greenfield site in part-agricultural use. This includes measures to secure high quality, beautiful and sustainable buildings and places (§131), a positive strategy for the conservation and enjoyment of the historic environment (§196) with the canal being a non-designated heritage asset, a net gain in biodiversity (§180), access to high quality open spaces (§102) and taking opportunities to provide better facilities for users (§104), and finally using the opportunity provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding (§167). As parts of the site is located within Flood Zone 3 and is subject to a high surface water flood risk the policy defines a developable area for the sites that is located within Flood Zone 1 and at a low risk of flooding from other sources thereby directing development away from areas at highest risk (§165). It is only amenity open space, nature conservation and biodiversity proposals that are water-compatible development that is planned to be located within the northeastern part of the site subject to surface water flood risk. It is therefore considered that it has not been necessary to undertake a sequential test. The policy provisions in these respects attract positive weight. The loss of Best and Most Versatile agricultural land in this location has already been accepted as part of the made neighbourhood plan policy. There continues to be no evidence that the loss of this land would result in an adverse economic or operational effect. Notwithstanding this, the loss of the Best and Most Versatile agricultural land does attract limited negative weight. The site lies within a Local Landscape Area, which the adopted plan clarifies (at its §9.29) is generally related to smaller scale locally valued features. The purpose of the designation is not to resist development in principle, but to ensure that regard has been given to distinctive features and key characteristics. The policy makes provision for this and therefore protects and enhances this valued landscape in a manner commensurate with its identified quality in the development plan (§180). In this respect it is recognized that the A413 could be considered to form the eastern-most edge of the town. The made neighbourhood plan however established that the principle of tourism-related development on this site. In addition, there has been further development influences to the north of the site on the A422 and those of the farm and business park to the south of the site beyond the river, and the creation of the re-watered Buckingham arm of the Grand Union Canal has introduced new elements into the landscape on the eastern edge of the town. It is therefore considered that the canal can in fact form a new defensible eastern-most boundary to the town and the policy requires a sensitive response to the location of the site in a transitional edge of town and rural countryside setting. Notwithstanding this, there is likely to be an impact on what would otherwise be an open landscape which attracts limited negative weight.</p> <p>The allocation of land for a visitor centre, alongside an enabling residential scheme, delivers significant positive benefits, including boosting the tourism economy, enhancing the historic and recreational value of the canal, and addressing flood risk through natural flood management measures. These elements reinforce the town's cultural, environmental, and economic sustainability. While the loss of</p>
--	--	---

		Best and Most Versatile agricultural land and the introduction of development into a Local Landscape Area attract limited negative weight, these impacts have been mitigated through careful policy provisions. Overall, the policy achieves a well-rounded balance between heritage conservation, tourism development, housing delivery, and environmental management, with the benefits significantly outweighing the minor adverse effects.
CLH3	Health Facilities	The policy identifies the careful balancing of steps that are needed to address identified local health and well-being needs (§96) by requiring new development to provide or improve health and wellbeing facilities and supporting the delivery of the local strategy of the GP services in the town (§97).
CLH4	Art, Cultural, Sports and Recreation Facilities	This policy supports the provision, improvement and addition of cultural, leisure and health facilities in the interest of creating and maintaining shared spaces and community facilities in order to enhance the sustainability of the community and residential environment (§97a).
<b>Economy and Education Policies</b>		
EE1	Buckingham Town Centre	This policy ensures the vitality of town centres by supporting a mix of uses reflecting the town centre's distinctive character (§90a) as well as defining shopping areas (§90b), while recognizing residential development's important role in supporting the vibrant commercial environment in Buckingham Town Centre.
EE2	Employment	The policy retains the made neighbourhood plan policy and continues to place significant weight on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development (§85). The site location is adjacent to large, well-established centers of employment serving the town and are the best served by the strategic highway network. The vision driving the made Buckingham Neighbourhood Plan in relation to employment land supply was not one that focussed solely on predicting supply using a trend-based analysis. Whilst historic analysis is helpful, it takes no account of structural shifts. The policy sets out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth (§86) recognising that its location within the wider strategic context, possibility of upgrades to the A421, the potential to produce a talented workforce, and evidence that businesses are looking for larger and bespoke premises mean that a sufficient supply of employment land needs to remain available. No significant changes have been made to the policy, accepting that the examiner of the made neighbourhood plan introduced modifications to the policy that provided sufficient flexibility.
EE3	University of Buckingham	The University is an important establishment within the town. The policy therefore seeks to safeguard existing space used for education purposes whilst supporting proposals for new buildings or the

		refurbishment of existing buildings to facilitate faster delivery (§100).
EE4	Primary and Secondary School Provision	This policy protects existing school provision and supports the provision of additional local school places by safeguarding land that has been identified will meet the need to expand the Secondary School (§99).
<b>Infrastructure Policies</b>		
I1	Water Management and Flood Risk	This policy ensures that development in flood zone areas take into full account surface water flood risk (§157) and all sources of flood risk (§167) by applying all appropriate tests. Although it does not modify strategic or national policy, a policy on this subject has symbolic importance for the local community and so is necessary repetition (§16).
I2	Digital Infrastructure	This policy aims to improve access to digital communication where possible, this is in line with §118, as it recognizes the importance of advancing technological infrastructure for economic growth and social well-being.



#### 4. CONDITION (D): CONTRIBUTING TO ACHIEVING SUSTAINABLE DEVELOPMENT

4.1 The scope of the Strategic Environmental Assessment (SEA) of the Neighbourhood Plan is sufficiently broad to encompass social and economic metrics. In which case, this basic condition is met as the SEA report concludes that the potential for adverse sustainability effects has been satisfactorily avoided or mitigated and that there will be social, economic and environmental benefits. The Neighbourhood Plan will therefore contribute to the achievement of sustainable development. Further information is contained in the separate SEA report.

## 5. CONDITION (E): GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

5.1 The Neighbourhood Plan has been prepared to ensure its general conformity with the development plan for the District, that is the VALP. All policies in Chapter 3 (Strategic) and Chapter 4 (Strategic Delivery) are strategic policies, alongside Policy H1 (Affordable Housing), H6a (Housing Mix), H6b (Housing for older people), H6c (Accessibility), E1 (Protection of Key Employment Sites), E5 (Development outside town centres) E10 (Silverstone Circuit), T1 (Delivering the Sustainable Transport Vision) and T2 (Supporting and Protecting Transport Schemes), BE1 (Heritage Assets), NE1 (Biodiversity and Geodiversity), NE3 (The Chilterns AONB and its setting), NE4 (Landscape character and locally important landscape), C3 (Renewable Energy), I1 (Green Infrastructure), I4 (Flooding) and I5 (Water Resources).

5.2 In accordance with Planning Practice Guidance (§ 41-009), this Statement does not seek to demonstrate general conformity with the policies of any emerging Buckinghamshire-wide Local Plan. Unfortunately, that plan has not made sufficient progress for any evidence or reasoning to inform the Neighbourhood Plan, other than the publication of Call for Sites submissions. The Town Council therefore hopes that the Neighbourhood Plan, particularly its early engagement work on growth scenarios for the town, will assist Buckinghamshire Council in planning for this part of its local plan in due course, in a way that does not undermine the Neighbourhood Plan vision and objectives for securing infrastructure alongside additional growth.

5.3 The Neighbourhood Plan has sought to fit its policies with the vision and grain of VALP in a complementary way. An assessment of the general conformity with strategic policies is contained in Table B below.

**Table B: Neighbourhood Plan & Development Plan Conformity Summary**

No.	Policy Title & Refs	Commentary
<b>Housing and Phasing</b>		
HP1	A Spatial Strategy for the Town	<p>The policy establishes a new settlement boundary for Buckingham to distinguish the consideration of planning applications within the town from that outside of the boundary. In doing so, it responds to the VALP's vision for the growth of Buckingham to be led by neighbourhood planning as per strategic VALP Policy S1 and for Buckingham to be a part of the primary focus of growth as per strategic VALP Policy S2. It will also provide clarity in applying strategic Policy VALP D3 in considering exceptionally further development beyond allocated sites ensuring that any future development is located entirely within the newly defined settlement boundary. In this respect it is noted that strategic Policy VALP S2 makes provision for a total of at least 28,600 new homes and at least 27 ha of employment land implying that additional provision can be made in accordance with the spatial distribution of the District.</p>
HP2	Urban Area Allocations	<p>The policy responds to the VALP's vision for the growth of Buckingham to be led by neighbourhood planning as per strategic VALP Policy S1 and for Buckingham to be a part of the primary focus of growth as per strategic VALP Policy S2. The policy also responds to strategic VALP Policy S7 to make efficient and effective use of land encouraging the reuse of previously developed (brownfield) land in sustainable locations. The provisions of the Buckingham Design Code, as per policy DH1, will ensure that the impact on local character is minimised and the urban greening provisions of policy ENV3 will ensure that the environmental value of each brownfield site is improved and will benefit existing as well as new residents. In respect of Site J, the retained greenfield allocation of the made Neighbourhood Plan, the policy is in general conformity with strategic Policy D3 on infilling, and the general conformity of releasing Sites C (Verney Close) and L (North End) has been dealt with at Policy CLH3 below. As per Policy EE2, the loss of employment land is supported by an employment land supply vision and strategy so that viable businesses are not affected in accordance with non-strategic VALP Policy E2 which in turn retains the VALP vision for Buckingham to be a recognised centre for investment and growth as per strategic VALP Policy S1. Nonetheless, the policy requires proposals to demonstrate how their social and environmental benefits will outweigh any economic cost, in line with strategic VALP Policy S1 on securing development that improves the economic, social and environmental conditions in the area. As per Table 1 above, the majority of the sites are not in areas at risk of flooding with the exception of sites E and K. Their redevelopment will enable the use of sustainable drainage systems and new green infrastructure in</p>

		general conformity with strategic VALP Policies I1 and I4.
HP3	Land to the South West of Buckingham	The policy responds to the VALP's vision for the growth of Buckingham to be led by neighbourhood planning as per strategic VALP Policy S1 and for Buckingham to be a part of the primary focus of growth as per strategic VALP Policy S2. The policy is also in accordance with strategic VALP Policy D3 in making provision for exceptionally further development beyond allocated sites within the VALP and Policy HP1 makes provision for the site to be entirely located within a settlement boundary. Additionally the policy responds to the VALP's vision for Buckingham to be a forward-looking market town that meets the needs and aspirations of existing and new residents through integrated extensions to the town on this greenfield urban fringe site as per strategic VALP Policy S1 by facilitating the provision of a new primary school in a location where it is most needed delivering strategic infrastructure and other community needs to both new and existing communities and providing a local centre to minimise the need to travel. The policy requires the school to be located in such a way that builds integrated communities with existing populations and makes provision for high-quality accessibility as per strategic VALP Policy S1. The policy also makes provision to ensure general conformity with strategic VALP Policy T1 by encouraging connections to complement any future proposals for strategic access around the south of the town and in encouraging active travel connections, as well as the provisions of strategic VALP Policy I1 in respect of green infrastructure, and strategic VALP Policy I4 in respect of managing flood risk.
HP4	Development Phasing and Contributions	Strategic Policy S5 of the VALP requires new development to support local infrastructure capacity improvements through a combination of on-and off-site provision, and land and developer contributions. Policy HP3 makes it clear how local infrastructure capacity improvements will be prioritised in Buckingham e.g. by listing local priorities which will be addressed; therefore, the policy aims to support and improve local infrastructure. The policy is also in general conformity with strategic VALP Policy D3 in respect of development avoiding partial development of a larger site.
HP5	Housing Mix and Tenure	VALP Policy H1 requires a minimum of 25% affordable housing on 11 dwellings or more on sites of 0.3 hectares or more. The VALP Inspector's Report noted that some neighbourhood plans required higher percentages (than in the VALP policy) and that these were justified at the time of the making of those plans. These policies exist side by side and the fact that this policy requires a greater proportion does not mean that it is inconsistent with VALP Policy H1 which sets a minimum requirement.
<b>Design and Heritage</b>		
DH1	The Buckingham Design Code	This policy places additional local emphasis to the design quality principles of VALP Policies BE2 (non-strategic) and strategic BE1 in respect of the characteristics of the Buckingham Conservation Area ('The historic core'), by taking a design-led approach to development. Policy DH1 places emphasis on the importance of

		preserving and respecting the unique character of Buckingham whilst allowing growth.
DH2	Local Heritage Assets	This policy is intended to inform decision makers of the presence of what are technically referred to as 'non-designated heritage assets' when judging the effects of a development proposal in line with strategic VALP Policy BE1, identifying a number of buildings and structures and affording them protection commensurate with their significance.
DH3	Retrofitting in the Conservation Area	This policy aims to increase the use of renewable energy in existing buildings within the Conservation Area, therefore increasing energy efficiency and lowering carbon emissions, this is in line with strategic VALP Policy C3 as Policy DH3 prioritises the energy efficiency of existing buildings in Buckingham.
DH4	Addressing the Performance Gap	The policy complements strategic VALP Policy S1 in meeting the effects of climate change by encouraging development schemes that achieve greater energy efficiency. In this respect it also reflects the objectives of strategic VALP Policy C3 to achieve carbon emission reductions.
<b>Environment</b>		
ENV1	Buckingham Green Ring	This policy is in line with non-strategic VALP Policy T7, as the Green Ring recognizes the importance of integrating footpaths and cycle routes into this infrastructure. The policy is also in line with strategic VALP Policy I1 by including green infrastructure assets, and non-strategic VALP Policy I3, as the Green Ring acts as a formal open space, and therefore an important and valuable community asset.
ENV2	Green and Blue Infrastructure	This policy reflects and refines that of the content in strategic VALP Policy I1 by identifying the highly valued Green Infrastructure Network of Buckingham including parks, public open spaces, allotments etc. and requiring all development proposals within the network to consider how they may improve them or at least avoid undermining their integrity.
ENV3	Urban Greening	This policy mandates that new developments, particularly redeveloped brownfield sites, comply with the Urban Greening contribution requirements established by Buckingham. It plays a crucial role in promoting sustainable development by integrating measures that protect and enhance the natural environment within design. By prioritizing green infrastructure, the policy aims to bolster climate resilience, improve ecological balance, and ensure that urban growth aligns with environmental sustainability goals and therefore in general conformity with strategic VALP Policy I1.
ENV4	Private Outdoor Space	This policy seeks to secure high quality external outdoor space from new development proposals. The purpose of this is to achieve good living standards through the provision of green infrastructure which serves a variety of functions, including growing vegetables and for children to play in. In this sense, the policy is in conformity with

		strategic VALP Policy I1.
ENV5	Local Green Spaces	This policy seeks to refine non-strategic VALP Policy NE6 for the application of national policy in relation to Local Green Space designation. Policy ENV5 retains the 7 existing Local Green Spaces that were designated through the made Neighbourhood Plan as well as seeking to designate a further 12 Local Green Space candidates which are considered to be appropriate for designation. In doing so alongside making provision for additional sustainable growth, the policy is in general conformity with strategic VALP Policy S1 by retaining cherished green spaces important to the local community and in some cases, biodiversity improving the social and environmental conditions in the area.
<b>Culture, Leisure and Health</b>		
CLH1	Active and Sustainable Travel	This policy supports non-strategic VALP Policy T7 and refines it by defining Buckingham's existing Active and Sustainable Travel network on the policies map. It also goes a step further by showing additional local routes identified by the Town Council, in addition to those improvements identified in the Buckingham Transport Strategy contributing to the VALP's vision for Buckingham to provide active links within the town (high quality pedestrian and cycle routes), and in providing high-quality accessibility through the implementation of sustainable modes of travel, and therefore in general conformity with strategic VALP Policy S1.
CLH2	Development of the Canal Area	The policy responds to the VALP's vision for Buckingham to be a forward-looking market town that meets the needs and aspirations of existing and new residents and visitors through integrated extensions to the town on this greenfield urban fringe site as per strategic VALP Policy S1 by facilitating the provision of a new visitor centre through enabling residential development using the establishment of the re-watering of the Buckingham arm of the Grand Union Canal as a clear boundary for a greenfield urban fringe site. In this respect, the concerns raised by Buckinghamshire Council on its 2017 HELAA report site BUC014, which supported canal related development, is noted. Further clarification highlighted concerns that the development would breach the eastern-most boundary of the town, currently considered to be the A413. As described in Table A above, it is considered that the Buckingham arm of the Grand Union Canal is a new defensible eastern boundary to the town. The policy has been pioneered by the very organised local community organisation the Buckingham Canal Society to achieve its ambitions. The development enabled by the policy will also facilitate improvements in the environmental conditions in the area through making provision for flood management measures in line with the objectives of strategic VALP Policy S1 and I4. The proposals also realise non-strategic VALP Policy E7 ambitions to promote a growing, sustainable tourism sector supporting new tourism, visitor or leisure facilities other than accommodation within or adjacent to settlements. The policy makes provision to ensure general conformity with strategic VALP Policy NE4 requiring any future scheme to have regard to the site's location within a Local Landscape Area which have particular conservation and enhancement opportunities, strategic VALP Policy BE1 in respect of sustaining and enhancing the significance of the non-strategic heritage asset,

		the Buckingham arm of Grand Union Canal, and its setting, as well as the provisions of strategic VALP policy T1 in respect of transport and active travel, and strategic VALP policy I1 in respect of green infrastructure.
CLH3	Health Facilities	The policy identifies three existing health facility sites in Buckingham as well as identifying land at Lace Hill for the delivery of a new health facility. Therefore, the policy is seeking to both protect the existing health facilities, in accordance with non-strategic VALP Policy I3, but also plan ahead for the increased demand for health facilities that will arise from future development, in accordance with strategic VALP Policy S1. Whilst non-strategic VALP Policy I3 seeks to retain community uses in the first instance, strategic VALP Policy S1 recognises that it is necessary to proactively work with applicants to find solutions and to secure development that improves the economic, social and environmental conditions in the area. The policy does just that by recognising that the release of North End and Verney Close sites is necessary to facilitate the delivery of the Lace Hill health care project to provide access to facilities including healthcare required by strategic VALP Policy S1. It is therefore considered that refining non-strategic VALP Policy I3 is necessary in respect of releasing the North End and Verney Close sites from its provision to seek other community uses in the first instance and it has been demonstrated that this remains in general conformity with the strategic VALP Policy S1.
CLH4	Art, Cultural, Sport and Recreation Facilities	The policy supports the provision of new sports and recreational facilities, with consideration given to how any such facilities are laid-out in the scheme to avoid preventing future expansion. In taking this approach, the policy is in line with VALP Policies I1 (strategic) and non-strategic policy I2. Another key focus of the policy is the support for a new community centre/hall and in doing so, both Policy CLH4 and strategic VALP Policy I1 emphasise the protection, enhancement, and provision of community facilities, ensuring they meet local needs and support community well-being.
<b>Economy and Education</b>		
EE1	Buckingham Town Centre	The policy identifies Buckingham Town Centre for the purpose of maintaining a healthy mix of uses both through the retention of existing uses and encouraging new uses to come forward, in line with strategic VALP Policy D7 and Buckingham's position in the existing hierarchy of centres. The policy also identifies primary and secondary shopping frontages to encourage specific use classes in the different frontages in line with non-strategic VALP Policy E6.
EE2	Employment	The policy seeks to respond to strategic VALP Policy D6 provision for employment development in sustainable locations to come forward through appropriate allocations in neighbourhood plans by allocating land west of London Road for 10 hectares of employment land which is an appropriate location, and in doing so, sets a number of requirements for the site. The neighbourhood plan has identified that the current supply of employment land in Buckingham is not meeting current and projected future needs and the identification of a

		future supply as part of an economic vision and strategy accords with the VALP's vision and objectives for Buckingham to be a recognised centre for investment and growth as per strategic VALP Policy S1. Policy EE2 is therefore taking steps to positively plan for appropriate provision of employment land to support sustainable economic growth in the north of Aylesbury Vale as expected from Buckingham in strategic VALP Policy S2.
EE3	University of Buckingham	Policy EE3 and EE4's focus on safeguarding university sites, primary and secondary schools and supporting new facilities, including safeguarding land for additional secondary school places at Verney Park, is consistent with non-strategic VALP Policy I3, which resists the loss of community and educational facilities and supports new development to meet community needs.
EE4	Primary and Secondary School Provision	
<b>Infrastructure</b>		
I1	Water Management and Flood Risk	This policy supports strategic VALP Policy I4 by setting criteria for Flood Risk Assessments, seeking to manage flood risk, account for climate change impacts and prioritising the implementation of Sustainable Drainage Systems (SuDS). The policy also supports strategic VALP Policy I5 regarding wastewater infrastructure and early engagement. The policy does seek to go beyond the 110 litre per person per day water consumption standard for new homes. Instead, Policy I1 sets the standard of 100 litres per person per day which is in line with proposals in the DEFRA Plan for Water and has been supported by Buckinghamshire Council.
I2	Digital Infrastructure	This policy accords with VALP Policy I6 with respect to supporting an improved access to digital communication infrastructure. It does refine this non-strategic policy by clarifying that significant weight should be placed upon the benefit of providing digital communication infrastructure in the planning balance of proposals.



## 6. CONDITION (F): COMPATABILITY WITH EU-DERIVED OBLIGATIONS

6.1 Buckinghamshire Council provided a screening opinion in August 2023 that has determined that a Strategic Environmental Assessment, in accordance with Regulation 9 of the Environmental Assessments of Plans and Programmes Regulations 2004 (as amended), is required, following consultation with statutory bodies as per those Regulations. A copy of the final screening opinion is attached as Appendix A.

6.2 As set out in Section 4 the Town Council has met its obligations in relation to the retained EU Directive 2001/42 in respect of assessing the potential for significant environmental effects of the policies of the Neighbourhood Plan. The Final SEA Report is published as a separate document for submission and examination.

6.3 The Town Council has also met its obligations in relation to the habitats provisions of retained EU Directive 92/43/EEC (and the associated Conservation of Natural Habitats and Wild Flora and Conservation of Habitats and Species Regulations 2017 (as amended)). In this regard, the Town Council provided Buckinghamshire Council with all the necessary information it required for the purposes of determining whether an Appropriate Assessment was required or to carry out the Appropriate Assessment if one was required. Buckinghamshire Council's Habitats Regulations Screening Assessment concludes that the making of the Neighbourhood Plan is not likely to have a significant effect on a European site (as defined in the 2017 Regulations) either alone or in combination with other plans or projects.

6.4 The Town Council has been mindful of the fundamental rights and freedoms guaranteed under the European Convention on Human Rights in process of preparing the Neighbourhood Plan and considers that it complies with the Human Rights Act. The Neighbourhood Plan has been subject to extensive engagement with those people local to the area who could be affected by its policies and their views have been taken into account in finalising the Plan as demonstrated in the Consultation Statement.

6.5 In respect of Directive 2008/98/EC – the Waste Framework Directive – the Neighbourhood Plan does not include any policies in relation to the management of waste. On that basis, this Directive is not considered relevant to the Neighbourhood Plan and therefore could not be breached.

6.6 In respect of Directive 2008/50/EC – the Air Quality Directive – the Neighbourhood Plan includes some policies relevant to Air Quality. These policies are tested in accordance with national policy and guidance relevant to their content. The policies are not considered to breach the requirements of the Air Quality Directive as they comprise small-scale interventions and do not negate from the framework for measurement and improvement of air quality set in the Directive.

## 7. SUMMARY

7.1 In Section 3 it is considered that each of the policies have had full regard to national policy, with only three incidents of two or more national policies being in tension. Where it is considered, there is a tension the statement explains the nature and scale of that tension and how the Town Council has carried out the balancing exercise in reaching its planning judgement. As a result, the Neighbourhood Plan, as a whole, meets Condition (a).

7.2 In Section 4 it is considered that each of the policies either contributes to the achievement of sustainable development or is neutral in its impact on one of more of the three sustainability themes. As a result, the Neighbourhood Plan, as a whole, meets Condition (d).

7.3 In Section 5 it is considered that all of the policies are in general conformity with the strategic policies of the adopted development plan, with no incidence of two or more strategic policies being in tension, nor of the Town Council having to strike a balance between them. Such instances only occur when considering non-strategic policies, but overall , the Neighbourhood Plan, as a whole, meets Condition (e) on general conformity with strategic policies.

7.4 In Section 6 it is considered the making of the Neighbourhood Plan accords with all retained EU-derived environmental and other obligations. As a result, the Neighbourhood Plan, as a whole, meets Condition (e).



# **Buckingham Neighbourhood Plan Review – Scope**

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

**Final Screening Outcome**

**August 2023**

---

Last updated: 4 August 2023

Version: 1.1

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

---



# Contents

---

<b>1. Summary</b>	<b>5</b>
-------------------	----------

---

<b>2. Legislative Background and Criteria</b>	<b>7</b>
Legislative Background	7
Criteria for Assessing the Effects of Neighbourhood Development Plans	7

---

<b>3. The Buckingham Neighbourhood Plan Review -Scope</b>	<b>9</b>
---	----------

---

<b>4. The SEA Screening Process</b>	<b>11</b>
Stage 1	12
Stage 2	13
Stage 3	13
Stage 4	13
Stage 5	17
Stage 6	17
Stage 7	17

---

<b>5. SEA Criteria for determining likely significance of effects</b>	<b>18</b>
Evaluation of the Buckingham Neighbourhood Plan Review - Scope	18
The characteristics of plans and programmes	18
Characteristics of the effects and of the area likely to be affected	20

---

<b>6. SEA Screening Opinion</b>	<b>25</b>
---------------------------------	-----------

---

<b>7. Habitat Regulations Assessment Screening</b>	<b>26</b>
Introduction	26
The Habitats Regulations Assessment (HRA) process	26
People over Wind	28

---

<b>8. Stages of HRA</b>	<b>30</b>
Potential impacts and activities adversely affecting European sites	31

---

<b>9. HRA Screening of the Buckingham Neighbourhood Plan Review - Scope</b>	<b>33</b>
---	-----------

Background	33
Interpretation of 'likely significant effect'	33
Assessment of the Buckingham Neighbourhood Plan Review- Scope	34
HRA screening outcome	35
<hr/>	
<b>10. Conclusions</b>	<b>37</b>
<hr/>	
<b>11. Consultation Responses</b>	<b>38</b>
11.1. Natural England	38
11.2. Historic England	40
11.3. Environment Agency	41
<hr/>	

# 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 Buckingham Scope for a Neighbourhood Plan Review.
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. Buckinghamshire Council considers that in this Final Screening Outcome following consultation with national bodies, the Buckingham Neighbourhood Plan Review Scope does have potential to introduce

significant environmental effects so does require an SEA but does **not** require an HRA Appropriate Assessment.

7. A consultation is taking place with the statutory bodies and their conclusions will be reflected in the final report. The consultation took place with Natural England, The Environment Agency and Historic England for 4 weeks between 20 June 2023 and 18 July 2023.
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 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).
13. 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 Buckingham Neighbourhood Plan Review -Scope

14. The original neighbourhood plan for the Buckingham Town Council area was made on 30 September 2015. The plan area was the Buckingham Town Council area and also, with agreement from an adjacent parish (Gawcott-with Lenborough), a small area of the northern extent of that parish (near Gawcott Road to Osier Way). The Buckingham Neighbourhood Development Plan (BNDP) provided allocated sites for 617 dwellings, a reserve housing site for 300 homes and in addition, for 400 student units. On Site Q, south of Buckingham Industrial Estate, the plan allocated 10 hectares of employment land and car parking sites in the town centre and 2 areas for University expansion. The plan also allocated a cemetery and allotment site, local green spaces around the town and a new park at St Rumbold's Well. The plan also included a wide range of policies managing impacts on the built and natural environment. The made plan can be found on the Buckinghamshire Council website at <https://www.buckinghamshire.gov.uk/planning-and-building-control/planning-policy/neighbourhood-planning/the-plans/> .
15. There is as yet no draft neighbourhood plan review- being known as Neighbourhood Plan 2 (NP2). However, the Town Council has agreed the following as a scope, provided on 27 March 2023 for the purpose of this screening and written the following in a letter to the council.
16. "In order to assist you in providing your opinion I can provide you with the following information on intended policy scope of the NP2:
  - It will cover the plan period to 2040 to coincide with the emerging Bucks Local Plan.
  - It is likely to allocate one or more sites for development in lieu of the emerging Local Plan and more specifically to try and address important infrastructure issues affecting the town. This will also extend to working with local stakeholders, such as the University, the Canal Society, and others in terms of their future plans.

- It is also likely to contain policies on design coding, local heritage assets, green infrastructure (including Local Green Space designation), housing mix, zero carbon building standards and traffic management

In terms of environmental designations and policies, I have noted from published sources that the town includes Conservation Areas, Listed Buildings, an Area of Attractive Landscape and a Local Landscape Area and land subject to flood risk. There are no SSSIs, NNRs, LNRs or SPA/SAC/Ramsar sites in the Parish, although the Foxcote Reservoir and Wood SSSI lies approximately 1km from its boundary.

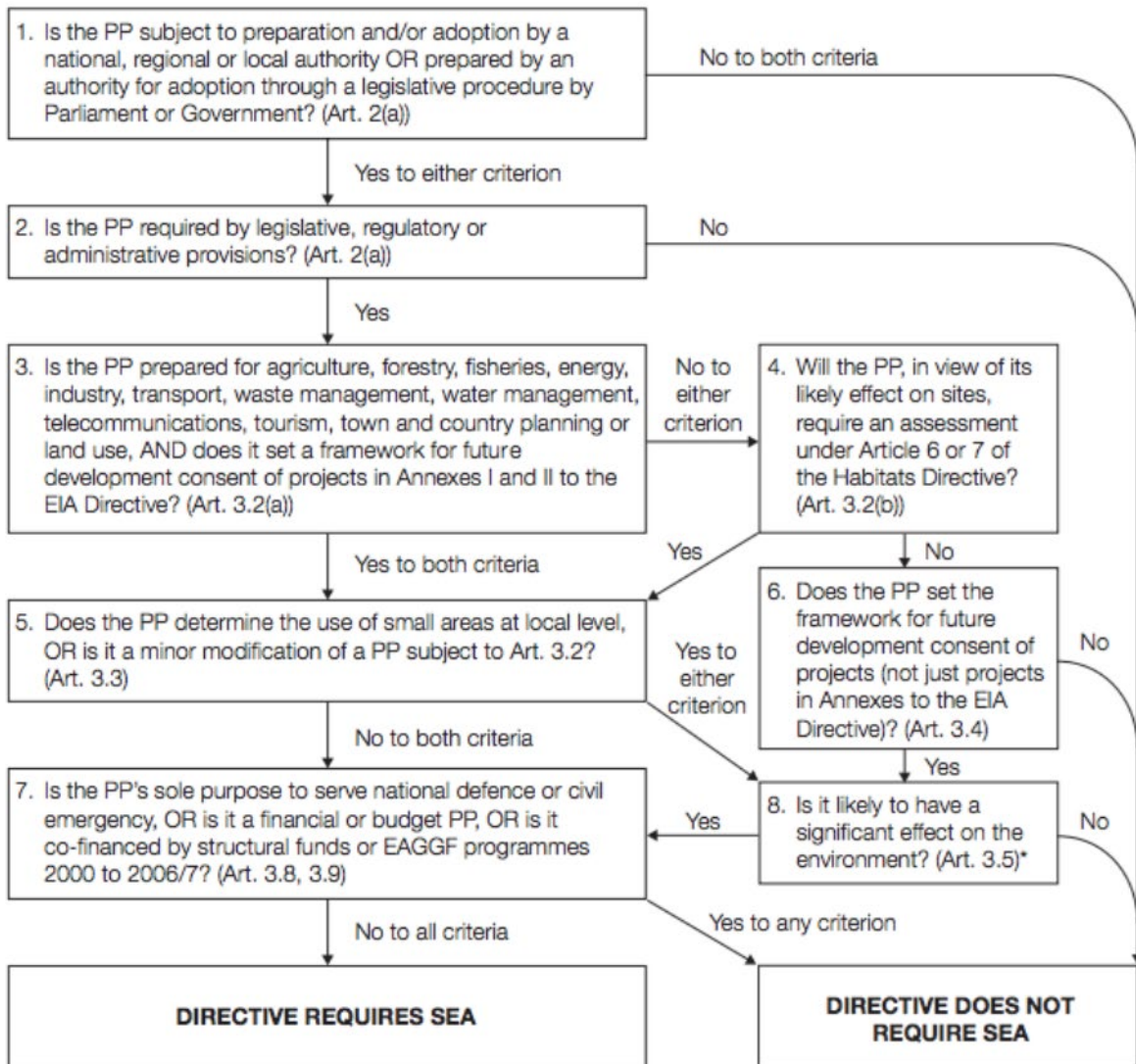
Given the NP2 is likely to allocate land for development I anticipate from Buckinghamshire Council screening determinations in relation to other neighbourhood plans in its area that you and/or the statutory bodies will conclude that an SEA is required. I appreciate that you will want to consult those bodies before concluding your opinion.”

## 4. The SEA Screening Process

17. 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.
18. 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.”
19. 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.

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

## Stage 1

21. 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 Review 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 Review is an optional plan produced by Buckingham 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 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 neighbourhood plan review is likely to allocate one or more sites for development in lieu of the emerging Local Plan and more specifically to try and address important infrastructure issues affecting the town. This will also extend to working with local stakeholders, such as the University, the Canal Society, and others in terms of their future plans. It is also likely to contain policies on design coding, local heritage assets, green infrastructure (including Local Green Space designations), housing mix, zero carbon building standards and traffic management. None of these policies should impact on a Special Area of Conservation or Special Protection Area due to the considerable distance to the nearest site, the Chiltern Beechwoods. When the plan is fully worked up and draft policies are available, any impact can be reconsidered and if necessary, re-screened for SEA/HRA.

The neighbourhood area (the Town Council area and a small area of Gawcott with Lenborough Parish) does not include any area of Special Area of Conservation or Special Protection Area. The nearest part of the Chiltern Beechwoods SAC (which is the nearest SAC to the parish) is near Ringshall and Ashridge, 29.2km to the south-southeast of the neighbourhood area boundary. There is also an SAC at Oxford Meadows just east of Oxford, 30.4km southwest of the neighbourhood area boundary. The neighbourhood area is not in the Ashridge Commons and Woods SSSI 12.6km buffer zone. The nearest part of the neighbourhood area is 29.2km to the Ashridge Commons and Woods SSSI (see the recreational pressures issue affecting this and Tring Woodlands SSSIs confirmed in March 2022 [Chilterns Beechwoods Special Area of Conservation \(dacorum.gov.uk\)](https://dacorum.gov.uk) . There would also be no adverse effects due to the nature of the plan and distance on the Burnham Beeches, Aston Rowant, Windsor Forest and Great Park SAC or Richmond Park SAC or any SPAs and RAMSAR sites.

The neighbourhood area has a large number (69) European species recorded. There have been recorded sightings of the following protected species in the parish - all species protected under either Schedule A2, A4 or A5 of the EU Habitats Directive 1992, transposed into UK law.

Group_	Species	Vernacular
Amphibians and reptiles	Rana temporaria	Common Frog
Amphibians and reptiles	Rana temporaria	Common Frog



Amphibians and reptiles	<i>Rana temporaria</i>	Common Frog
Amphibians and reptiles	<i>Rana temporaria</i>	Common Frog
Amphibians and reptiles	<i>Rana temporaria</i>	Common Frog
Insects: beetles	<i>Lucanus cervus</i>	Stag Beetle
Invertebrates: molluscs	<i>Helix pomatia</i>	Roman Snail
Mammals	<i>Chiroptera sp.</i>	a bat species
Mammals	<i>Chiroptera sp.</i>	a bat species
Mammals	<i>Chiroptera sp.</i>	a bat species
Mammals	<i>Chiroptera sp.</i>	a bat species
Mammals	<i>Chiroptera sp.</i>	a bat species
Mammals	<i>Chiroptera sp.</i>	a bat species
Mammals	<i>Chiroptera sp.</i>	a bat species
Mammals	<i>Chiroptera sp.</i>	a bat species
Mammals	<i>Chiroptera sp.</i>	a bat species
Mammals	<i>Eptesicus serotinus</i>	Serotine
Mammals	<i>Lutra lutra</i>	Otter
Mammals	<i>Lutra lutra</i>	Otter
Mammals	<i>Lutra lutra</i>	Otter
Mammals	<i>Lutra lutra</i>	Otter
Mammals	<i>Lutra lutra</i>	Otter
Mammals	<i>Lutra lutra</i>	Otter
Mammals	<i>Lutra lutra</i>	Otter
Mammals	<i>Lutra lutra</i>	Otter
Mammals	<i>Lutra lutra</i>	Otter
Mammals	<i>Lutra lutra</i>	Otter
Mammals	<i>Lutra lutra</i>	Otter
Mammals	<i>Myotis daubentonii</i>	Daubenton's Bat
Mammals	<i>Myotis daubentonii</i>	Daubenton's Bat
Mammals	<i>Myotis daubentonii</i>	Daubenton's Bat
Mammals	<i>Myotis daubentonii</i>	Daubenton's Bat
Mammals	<i>Myotis nattereri</i>	Natterer's Bat
Mammals	<i>Myotis sp.</i>	Myotis bat sp.
Mammals	<i>Myotis sp.</i>	Myotis bat sp.
Mammals	<i>Myotis sp.</i>	Myotis bat sp.
		Leisler's Bat / Lesser Noctule
Mammals	<i>Nyctalus leisleri</i>	Bat
Mammals	<i>Nyctalus noctula</i>	Noctule Bat
	<i>Pipistrellus</i>	
Mammals	<i>pipistrellus</i>	Common Pipistrelle
	<i>Pipistrellus</i>	
Mammals	<i>pipistrellus</i>	Common Pipistrelle
	<i>Pipistrellus</i>	
Mammals	<i>pipistrellus</i>	Common Pipistrelle
Mammals	<i>Pipistrellus</i>	Common Pipistrelle

	pipistrellus	
	Pipistrellus	
Mammals	pipistrellus	Common Pipistrelle
	Pipistrellus	
Mammals	pipistrellus	Common Pipistrelle
	Pipistrellus	
Mammals	pipistrellus	Common Pipistrelle
	Pipistrellus	
Mammals	pipistrellus	Common Pipistrelle
	Pipistrellus	
Mammals	pipistrellus	Common Pipistrelle
	Pipistrellus	
Mammals	pipistrellus	Common Pipistrelle
	Pipistrellus	
Mammals	pipistrellus	Common Pipistrelle
	Pipistrellus	
Mammals	pipistrellus	Common Pipistrelle
	Pipistrellus pygmaeus	Soprano Pipistrelle
Mammals	Pipistrellus pygmaeus	Soprano Pipistrelle
Mammals	Pipistrellus pygmaeus	Soprano Pipistrelle
Mammals	Pipistrellus pygmaeus	Soprano Pipistrelle
Mammals	Pipistrellus pygmaeus	Soprano Pipistrelle
Mammals	Pipistrellus pygmaeus	Soprano Pipistrelle
Mammals	Pipistrellus pygmaeus	Soprano Pipistrelle
Mammals	Pipistrellus sp.	Pipistrelle species
Mammals	Pipistrellus sp.	Pipistrelle species
Mammals	Pipistrellus sp.	Pipistrelle species
Mammals	Pipistrellus sp.	Pipistrelle species
Mammals	Pipistrellus sp.	Pipistrelle species
Mammals	Pipistrellus sp.	Pipistrelle species
Mammals	Plecotus auritus	Brown Long-eared Bat
Mammals	Plecotus auritus	Brown Long-eared Bat
Vertebrates	Chiroptera	bats

## 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 neighbourhood plan review is likely to allocate one or more sites for development in lieu of the emerging Local Plan and more specifically to try and address important infrastructure issues affecting the town. This will also extend to working with local stakeholders, such as the University, the Canal Society, and others in terms of their future plans. It is also likely to contain policies on design coding, local heritage assets, green infrastructure (including Local Green Space designation), housing mix, zero carbon building standards and traffic management.

## 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 review scope does intend to 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 Buckingham Neighbourhood Plan Review - Scope

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? – Yes

Reason - The neighbourhood plan review is likely to allocate one or more sites for development in lieu of the emerging Local Plan and more specifically to try and address important infrastructure issues affecting the town. This will also extend to working with local stakeholders, such as the University, the Canal Society, and others in terms of their future plans. It is also likely to contain policies on design coding, local heritage assets, green infrastructure (including Local Green Space designation), housing mix, zero carbon building standards and traffic management.

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 Buckingham Neighbourhood Plan Review Scope, 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 Buckingham Town Council area and a small extent of the north of the Gawcott-with-Lenborough parish) 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 Buckingham Neighbourhood Plan Review to be in general conformity with.

None of the policies in the Neighbourhood Plan have any significant impact on other plans in neighbouring areas, there are no neighbourhood plans in areas adjoining. The nearest such made plan is at Great Horwood 2.3km to the east then Steeple Claydon 3km to the South. The neighbourhood area is 4.3km from the county boundary with Oxfordshire to the west.

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? – Yes

Reason – The neighbourhood plan review is likely to allocate one or more sites for development in lieu of the emerging Local Plan and more specifically to try and address important infrastructure issues affecting the town. This will also extend to working with local stakeholders, such as the University, the Canal Society, and others in terms of their future plans. It is also likely to contain policies on design coding, local heritage assets, green infrastructure (including Local Green Space designation), housing mix, zero carbon building standards and traffic management.

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

Likely to have significant environmental effects? – Yes

Reason – The neighbourhood plan review is likely to allocate one or more sites for development in lieu of the emerging Local Plan and more specifically to try and address important infrastructure issues affecting the town. This will also extend to working with local stakeholders, such as the University, the Canal Society, and others in terms of their future plans. It is also likely to contain policies on design coding, local heritage assets, green infrastructure (including Local Green Space designation), housing mix, zero carbon building standards and traffic management.

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 Buckingham Neighbourhood Plan Review 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? – Yes

Reason - The neighbourhood plan review is likely to allocate one or more sites for development in lieu of the emerging Local Plan and more specifically to try and address important infrastructure issues affecting the town. This will also extend to working with local stakeholders, such as the University, the Canal Society, and others in terms of their future plans. It is also likely to contain policies on design coding, local heritage assets, green infrastructure (including Local Green Space designation), housing mix, zero carbon building standards and traffic management.

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? – Yes

Reason – It is possible there will be effects as it is unknown where the site allocations are to be considered. The neighbourhood plan review is likely to allocate one or more sites for development in lieu of the emerging Local Plan and more specifically to try and address important infrastructure issues affecting the town. This will also extend to working with local stakeholders, such as the University, the Canal Society, and others in terms of their future plans. It is also likely to contain policies on design coding, local heritage assets, green infrastructure (including Local Green Space designation), housing mix, zero carbon building standards and traffic management.

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? – Yes

Reason - The Neighbourhood Area covers an area which is 1,126 ha and contains a population of which Buckingham was 12,890 in the 2011 Census. The neighbourhood plan review is likely to allocate one or more sites for development in lieu of the emerging Local Plan and more specifically to try and address important infrastructure issues affecting the town. This will also extend to working with local stakeholders, such as the University, the Canal Society, and others in terms of their future plans. It is also likely to contain policies on design coding, local heritage assets, green infrastructure (including Local Green Space designation), housing mix, zero carbon building standards and traffic management.

45. 2f) The value and vulnerability of the area likely to be affected due to:

I. special natural characteristics or cultural heritage,

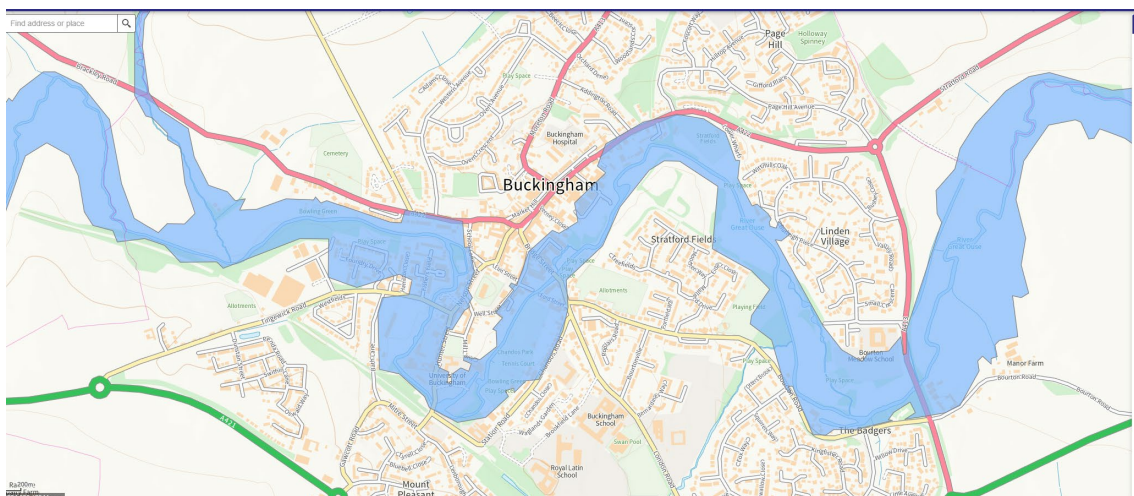
II. exceeded environmental quality standards or limit values

III. intensive land-use

Likely to have significant environmental effects? – Yes

Reason - The neighbourhood plan review is likely to allocate one or more sites for development in lieu of the emerging Local Plan and more specifically to try and address important infrastructure issues affecting the town. This will also extend to working with local stakeholders, such as the University, the Canal Society, and others in terms of their future plans. It is also likely to contain policies on design coding, local heritage assets, green infrastructure (including Local Green Space designation), housing mix, zero carbon building standards and traffic management.

There is no Green Belt or AONB in or near the neighbourhood area. There is the Stowe Area of Attractive Landscape partly in the neighbourhood area and covering a significant area to the north of Buckingham. Also, in the neighbourhood area on the east and west side are the Great Ouse Valley (east) and Great Ouse Valley (west) Local Landscape Areas. The AALs and LLAs are designated in the Vale of Aylesbury Local Plan and are an important consideration in assessing the landscape and visual impact of development proposals. The River Great Ouse passes through Buckingham town centre bringing vulnerability to fluvial flooding and has flooded on several notable occasions on record since the 1950s.

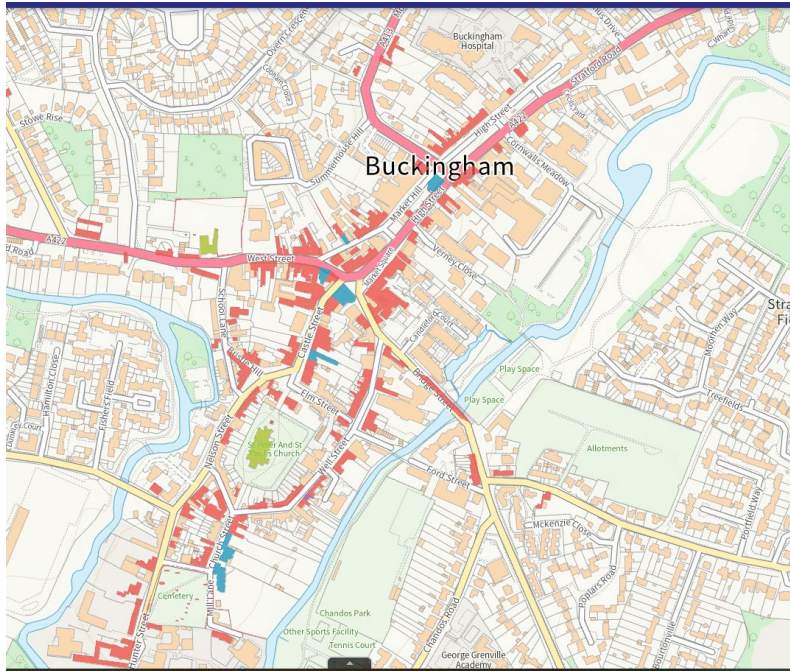


### River Great Ouse Floodplain

There are two Conservation Areas in the neighbourhood area – Buckingham Conservation Area is entirely in the NA and Stowe Conservation Area is partly. There are over 50 Listed Buildings (see map below) including the Grade I Church of St Peter and St Paul. There is one Historic Park and Garden (Stowe) in part in the neighbourhood area – the size of this Garden in total is over 800 hectares. There is a Site of Special Scientific Interest 1.2km



northeast of the neighbourhood area - at Foxcote. St Rumbold's Well is a Scheduled Ancient Monument located west of Buckingham Town Centre near the old railway viaduct and south of Tingewick Road. The Buckingham Arm of the Grand Union Canal, currently being restored, runs from Buckingham just east of the Town Centre out to the Stratfords and east where it joins the main Grand Union Canal.



Listed Buildings in Buckingham - Green- Grade I, Blue- Grade II\* Red -Grade II

The Neighbourhood Area does not include any sites which form part of the National Site Network (formerly Natura 2000 sites) and the neighbourhood area is not in proximity to any SAC or SPA. There are no SSSIs within the Neighbourhood Area and no Air Quality Management areas.

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 neighbourhood area is not within or in proximity to a landscape with national, community or international status. There is landscape designated under the Vale of Aylesbury Local Plan - Stowe Area of Attractive Landscape and Great Ouse Valley (east) and Great Ouse Valley (west) Local

Landscape Areas. Any effects from development on this area are protected under policies in the VALP.

## 6. SEA Screening Opinion

47. The neighbourhood area contains and is adjacent to some significant heritage constraints (historic park and gardens, listed buildings, scheduled monument and conservation areas) and environmental constraints providing a sensitive context for embarking on preparing a neighbourhood plan review. These constraints have their own national levels of protection or are in some cases as local designations protected under the Vale of Aylesbury Local Plan. However, the plan review is expected, like the made plan to focus on Buckingham Town area and in terms of sites, sites in and around the edge of the existing built up area. Nevertheless, the town itself is sensitive and there should be an SEA prepared to inform the plan, focusing on heritage as well as landscape and other environmental impacts.
48. The neighbourhood plan review is likely to allocate one or more sites for development in lieu of the emerging Local Plan and more specifically to try and address important infrastructure issues affecting the town. This will also extend to working with local stakeholders, such as the University, the Canal Society, and others in terms of their future plans. It is also likely to contain policies on design coding, local heritage assets, green infrastructure (including Local Green Space designation), housing mix, zero carbon building standards and traffic management.
49. This screening opinion can be revisited as a full plan in draft is presented at the Pre-Submission stages and if it 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 review currently intended currently would be likely to give rise to significant environmental effects.
50. Therefore, a Strategic Environmental Assessment (SEA) is needed.

# 7. Habitat Regulations Assessment Screening

## Introduction

51. The screening statement will consider whether the Scope for a Neighbourhood Development Plan Review 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. The neighbourhood area (the Town Council area and a small area of Gawcott with Lenborough Parish) does not include any area of Special Area of

Conservation or Special Protection Area. The nearest part of the Chiltern Beechwoods SAC (which is the nearest SAC to the parish) is near Ringshall and Ashridge, 29.2km to the south-southeast of the neighbourhood area boundary. There is also an SAC at Oxford Meadows just east of Oxford, 30.4km southwest of the neighbourhood area boundary. The neighbourhood area is not in the Ashridge Commons and Woods SSSI 12.6km buffer zone. The nearest part of the neighbourhood area is 29.2km to the Ashridge Commons and Woods SSSI (see the recreational pressures issue affecting this and Tring Woodlands SSSIs confirmed in March 2022 Chilterns Beechwoods Special Area of Conservation ([dacorum.gov.uk](http://dacorum.gov.uk))). There would also be no adverse effects due to the nature of the plan and distance on the Burnham Beeches, Aston Rowant, Windsor Forest and Great Park SAC or Richmond Park SAC or any SPAs and RAMSAR sites.

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 review 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 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 review is likely to allocate one or more sites for development in lieu of the emerging Local Plan and more specifically to try and address important infrastructure issues affecting the town. This will also extend to working with local stakeholders, such as the University, the Canal Society, and others in terms of their future plans. It is also likely to contain policies on design coding, local heritage assets, green infrastructure (including Local Green Space designation), housing mix, zero carbon building standards and traffic management. However, the neighbourhood area is not in any proximity to an SAC or SPA.

## 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 Buckingham Neighbourhood Plan Review - Scope

### 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 Buckingham Neighbourhood Plan Review- Scope**

89. There is as yet no draft neighbourhood plan review- being known as Neighbourhood Plan 2 (NP2). However, the Town Council has agreed the following as a scope, provided on 27 March 2023 for the purpose of this screening.

“In order to assist you in providing your opinion I can provide you with the following information on intended policy scope of the NP2:

- It will cover the plan period to 2040 to coincide with the emerging Bucks Local Plan.
- It is likely to allocate one or more sites for development in lieu of the emerging Local Plan and more specifically to try and address important infrastructure issues affecting the town. This will also extend to working with local stakeholders, such as the University, the Canal Society, and others in terms of their future plans.
- It is also likely to contain policies on design coding, local heritage assets, green infrastructure (including Local Green Space designation), housing mix, zero carbon building standards and traffic management.

90. The neighbourhood area (the Town Council area and a small area of Gawcott with Lenborough Parish) does not include any area of Special Area of Conservation or Special Protection Area. The nearest part of the Chiltern Beechwoods SAC (which is the nearest SAC to the parish) is near Ringshall and Ashridge, 29.2km to the south-southeast of the neighbourhood area boundary. There is also an SAC at Oxford Meadows just east of Oxford, 30.4km southwest of the neighbourhood area boundary. The neighbourhood area is not in the Ashridge Commons and Woods SSSI 12.6km buffer zone.

The nearest part of the neighbourhood area is 29.2km to the Ashridge Commons and Woods SSSI (see the recreational pressures issue affecting this and Tring Woodlands SSSIs confirmed in March 2022 Chilterns Beechwoods Special Area of Conservation ([dacorum.gov.uk](http://dacorum.gov.uk)) .There would also be no adverse effects due to the nature of the plan and distance on the Burnham Beeches, Aston Rowant, Windsor Forest and Great Park SAC or Richmond Park SAC or any SPAs and RAMSAR sites.

91. The neighbourhood plan review is likely to allocate one or more sites for development in lieu of the emerging Local Plan and more specifically to try and address important infrastructure issues affecting the town. This will also extend to working with local stakeholders, such as the University, the Canal Society, and others in terms of their future plans. It is also likely to contain policies on design coding, local heritage assets, green infrastructure (including Local Green Space designation), housing mix, zero carbon building standards and traffic management. However, the neighbourhood area is not in any proximity to an SAC or SPA.
92. 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**

93. The Buckingham neighbourhood plan review is expected to allocate one or more sites for development in lieu of the emerging Local Plan and more specifically to try and address important infrastructure issues affecting the town. This will also extend to working with local stakeholders, such as the University, the Canal Society, and others in terms of their future plans. It is also likely to contain policies on design coding, local heritage assets, green infrastructure (including Local Green Space designation), housing mix, zero carbon building standards and traffic management. However, the neighbourhood area is not in any proximity to an SAC or SPA.
94. The neighbourhood area (the Town Council area and a small area of Gawcott with Lenborough Parish) does not include any area of Special Area of

Conservation or Special Protection Area. The nearest part of the Chiltern Beechwoods SAC (which is the nearest SAC to the parish) is near Ringshall and Ashridge, 29.2km to the south-southeast of the neighbourhood area boundary. There is also an SAC at Oxford Meadows just east of Oxford, 30.4km southwest of the neighbourhood area boundary. The neighbourhood area is not in the Ashridge Commons and Woods SSSI 12.6km buffer zone. The nearest part of the neighbourhood area is 29.2km to the Ashridge Commons and Woods SSSI (see the recreational pressures issue affecting this and Tring Woodlands SSSIs confirmed in March 2022 Chilterns Beechwoods Special Area of Conservation ([dacorum.gov.uk](http://dacorum.gov.uk))). There would also be no adverse effects due to the nature of the plan and distance on the Burnham Beeches, Aston Rowant, Windsor Forest and Great Park SAC or Richmond Park SAC or any SPAs and RAMSAR sites.

95. 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.

96. Therefore, **no** HRA stage 2 (Appropriate Assessment) is deemed required.

## 10. Conclusions

97. Based on the above assessment, the Final Screening Outcome for SEA and HRA is that the Buckingham Neighbourhood Plan Review - Scope requires a Strategic Environmental Assessment (SEA). However, under the Habitat Regulations (HRA) it is not considered there is any need for an HRA Report or to proceed to Stage 2 of HRA- an Appropriate Assessment.
98. The final outcome reflects the consultation responses received and it will now be for the Town Council neighbourhood plan group to progress preparation of a Strategic Environmental Assessment.

# 11. Consultation Responses

## 11.1. Natural England

**Received 29 June 2023**

Date: 29 June 2023

Our ref: 439074

Your ref: Buckingham Neighbourhood Plan – SEA and HRA Screening

Buckinghamshire Council

BY EMAIL ONLY

Hornbeam House, Crewe Business Park, Electra Way, Crewe, Cheshire, CW1 6GJ

T 0300 060 3900

Dear Sir/Madam,

**Buckingham Neighbourhood Plan – 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 19<sup>th</sup> June 2023.

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**

Based on the plan submitted, Natural England agree with the assessment that the Neighbourhood Plan does require a SEA.

Foxcote Reservoir Site of Special Scientific Interest (SSSI) is located within close proximity to the Parish boundary. The Plan will allocate development within the



Parish however, the number and location of the sites is not yet known. Therefore the allocations within the Plan have the potential to damage or destroy the interest features for which Foxcote Reservoir SSSI has been notified. Natural England does not hold information on the location of significant populations of protected species, so is unable to advise whether this plan is likely to affect protected species to such an extent as to require an SEA. Further information is included in Natural England's standing advice on protected species.

Furthermore, Natural England does not routinely maintain locally specific data on all environmental assets. The plan may have environmental impacts on priority species and/or habitats, local wildlife sites, soils and best and most versatile agricultural land, or on local landscape character that may be sufficient to warrant an SEA. Information on ancient woodland, ancient and veteran trees is set out in Natural England/Forestry Commission standing advice.

We therefore recommend that advice is sought from your ecological, landscape and soils advisers, local record centre, recording society or wildlife body on the local soils, best and most versatile agricultural land, landscape, geodiversity and biodiversity receptors that may be affected by the plan before determining whether a SEA is necessary.

### **Habitats Regulations Assessment**

Based on the plan submitted, the proposed neighbourhood plan is unlikely to significantly affect any Special Areas of Conservation (SAC), Special Protection areas (SPA), Ramsar wetland or sites in the process of becoming SACs or SPAs ('candidate SACs', 'possible SACs', 'potential SPAs') or a Ramsar wetland. Therefore, Natural England agree with the conclusion that a Habitats Regulations Assessment is not required.

For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours faithfully,

Ellen Satchwell

Sustainable Development Lead Adviser

Thames Solent Team

## 11.2. Historic England

**Received 6 July 2023**

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

Our ref: PL00793426

Your ref: Buckingham Neighbourhood Plan SEA

Main: 020 7973 3700

e-seast@historicengland.org.uk

louise.dandy@historicengland.org.uk

Date: 04/08/2023

Dear Sir or Madam

### **Buckingham 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 supporting information supplied with the consultation indicates that within the plan area there is a range of designated historic environment assets. There is also likely to be other features of local historic, architectural or archaeological value, and consideration should also be given to the wider historic landscape. The documentation indicates that the Neighbourhood Plan proposes to allocate sites for housing/other use.

Given the likely significant effects (both positive and negative) upon the historic environment, Historic England hence concurs with the Council's view and considers that a Strategic Environmental Assessment will be required.

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.

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.

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

Yours sincerely

Louise

Louise Dandy

Historic Places Adviser

### **11.3. Environment Agency**

#### **No Response Received**