

Scoping Report for Strategic Environmental Assessment (SEA) of Boxgrove Neighbourhood Plan

April 2019

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1. Introduction

- 1.1 Boxgrove Neighbourhood Plan must meet certain Basic Conditions, including the requirement that the making of the plan “does not breach, and is otherwise compatible with, EU obligations.” One of these obligations is Directive 2001/42/EC ‘on the assessment of the effects of certain plans and programmes on the environment’ or the Strategic Environmental Assessment (SEA) Directive.
- 1.2 The SEA Directive “seeks to provide a high level of protection of the environment by integrating environmental considerations into the process of preparing plans and programmes.” The SEA Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations or SEA Regulations 2004. It is these regulations that neighbourhood plans will need to comply with.
- 1.3 Boxgrove Neighbourhood Plan has been informed by a wide range of evidence and the SEA is a component of the evidence base. The SEA ensures that the plan promotes sustainable development by ensuring that the significant environmental impacts of proposals and policies are understood and these impacts are considered in the plan.

2. The Strategic Environmental Assessment Process

- 2.1 The purpose of the SEA is to ensure that the environmental implications of options within the neighbourhood plan have been assessed.
- 2.2 In accordance with the SEA Regulations, the main stages of the SEA Process are as follows:
 - Stage A: The Screening Stage – determining whether the neighbourhood plan is likely to have significant environmental effects and consulting the environmental assessment consultation bodies;**
 - Stage B: The Scoping Stage – Setting the context and objectives, establishing the baseline and deciding on the scope and consultation;**
 - Stage C: Main SEA of neighbourhood plan – Developing and refining alternatives and assessing effects;**
 - Stage D: Preparing the Environmental Report;**
 - Stage E: Consultation – publishing and consulting on the Environmental Report;**
 - Stage F: Post plan making reporting and monitoring.**
- 2.3 The first stage of the SEA is the screening stage whereby the local planning authority, in this case Chichester District Council, will determine whether a neighbourhood plan will require SEA. The main factor in determining this is whether the plan is likely to have significant effect on the environment. The SEA Directive makes SEA a mandatory requirement for:
 - a) Plans which are prepared for town and country planning or land use and which set the framework for future development consent of projects listed in the Environmental Impact Assessment (EIA) Directive; or
 - b) Plans which have been determined to require an assessment under the Habitats Directive.

- 2.4 In the case of Chichester Local Plan Area, the majority of neighbourhood plans have been determined to require an appropriate assessment under the Habitats Directive. This is because the so called “Sweetman II / People over wind” judgement of the CJEU (April 2018) requires plans and projects that rely on mitigation measures to only consider the effects of mitigation through the Appropriate Assessment (AA) stage of Habitats Regulations Assessment. Neighbourhood Plans rely on the strategic mitigation schemes that are in place to protect the Special Protection Areas of the District and so trigger the requirement for AA. The requirement for AA means that Neighbourhood Plans that need AA will also require Strategic Environmental Assessment.
- 2.5 Since Boxgrove Neighbourhood Plan required Appropriate Assessment under the Habitats Directive, it will also require Strategic Environmental Assessment.

3.1 Stage B: Scoping

- 3.1.1 The second stage in the Strategic Environmental Assessment is the scoping stage which gathers information about what is happening in the neighbourhood plan area. This information informs the assessment by setting the context and objectives, establishing the baseline and establishing the scope of the SEA. More specifically it involves:
1. Identifying relevant policies, plans and programmes and sustainability objectives;
 2. Collecting baseline information;
 3. Identifying sustainability issues and problems;
 4. Developing the strategic environmental assessment framework;
 5. Consulting the environmental assessment consultation bodies on the scope of the strategic environmental assessment.

3.2 Plans and Programmes

- 3.2.1 The first activity in determining the scope of the SEA is identifying the relevant policies, plans and programmes that will influence the scope. These documents are presented in Figure 2 below.

Figure 2: Plans, Programmes or Policies

	Plan, Programme or Policy	Environmental Issues	Implications for the Neighbourhood Plan	Source
INTERNATIONAL/EUROPEAN LEVEL				
	European Communities Directive on the conservation of natural and semi-natural habitats and of wild fauna and flora (The Habitats Directive 92/43/EEC)	Member states must take measures to maintain in a favourable condition, the selected sites, or take action to restore them; conserve threatened habitats and species; designate Special Areas of Conservation; encourage management of features which are of major importance for wild flora and fauna. The Habitats Directive is transposed into UK law through the Habitats Regulations (1994)	Need for Appropriate Assessment (AA) of the neighbourhood plans, under the Habitats Directive as SACs are part of the Natura 2000 network. Will also trigger the need for Strategic Environmental Assessment.	https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31992L0043:EN:HTML
	European Communities Directive on the conservation of wild birds (The Birds Directive 79/409/EEC)	Member states must take measures to maintain in a favourable condition, the selected sites, or take action to restore them. Prevent or avoid the destruction and pollution of bird habitats of certain identified species. Designate Special Protection Areas. See also managing Natura 2000 sites: The provisions of article 6 of the Habitats Directive	Need for Appropriate Assessment (AA) of the neighbourhood plan, under the Habitats Directive as SPAs are part of the Natura 2000 network. Will also trigger the need for Strategic Environmental Assessment.	http://europa.eu.int/eur-lex/en/consleg/pdf/1979/en_1979LO4609_do_001.pdf
	European Strategic Environmental Assessment Directive (2001/42/EC)	Ensures that environmental consequences of certain plans and programmes are identified and assessed during their preparation and before their adoption.	Ensure that environmental assessment of policy options is built into Strategic Environmental Assessment to meet requirements of Directive.	http://europa.eu.int/comm/environment/eia/ea-legalcontext.htm

Figure 2: Plans, Programmes or Policies

	Plan, Programme or Policy	Environmental Issues	Implications for the Neighbourhood Plan	Source
	The Ramsar Convention (1971) – The Convention on Wetlands of International Importance especially as Waterfowl Habitat	The Convention has three main pillars of activity: the designation of wetlands of international importance as Ramsar sites; the promotion of the wise-use of all wetlands in territory in each Country; and international cooperation with other countries to further the wise-use of wetlands and their resources.	Government has issued policy statements which extend the same protection at a policy level to listed Ramsar sites in respect of new development as that afforded to sites which have been designated under the EC Birds and Habitats Directives as part of the EU Natura 2000 network.	https://www.ramsar.org/about/the-ramsar-convention-and-its-mission
NATIONAL LEVEL				
	Planning and Compulsory Purchase Act (2004)	The Act makes Sustainable Development the purpose of the entire land use planning system. The provisions introduce powers which allow for the reform and speeding up of the plan system and an increase in the predictability of planning decisions; the speeding up of the handling of major infrastructure projects and the need for simplified planning zones to be identified in the strategic plan for a region. They support policies relating to investment in major infrastructure and regeneration.	Sustainability must be at the heart of the Neighbourhood Plan.	https://www.legislation.gov.uk/ukpga/2004/5/c/ontents

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	Plan, Programme or Policy	Environmental Issues	Implications for the Neighbourhood Plan	Source
	Natural Environment White Paper - The Natural Choice: securing the value of nature (2011)	Outlines the Government's vision for the natural environment over the next 50 years. It aims to set a clear institutional framework to achieve the recovery of nature: 1) establish Local Nature Partnerships (LNPs); 2) create new Nature Improvement Areas (NIAs); 3) reforms to the planning system. Specific actions include: 1. removing barriers to learning outdoors; 2. creating a new Local Green Areas designation; and 3. establishing a Green Infrastructure Partnership.	The Neighbourhood Plan should allow for a strategic approach to planning for nature within the Local Plan area.	http://www.official-documents.gov.uk/document/cm80/8082/8082.pdf

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	Plan, Programme or Policy	Environmental Issues	Implications for the Neighbourhood Plan	Source
	National Planning Policy Framework (2019)	<p>Under section 2. Achieving sustainable development: 13. The application of the presumption [in favour of sustainable development] has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.</p> <p>Under section 15. Conserving and enhancing the natural environment: 171. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in the Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.</p>	NPPF replaces planning policy guidance and statements. It aims to support economic growth but also to promote strong communities and the need to protect and enhance the environment. Neighbourhood plans must be prepared in accordance with the NPPF.	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf
	Wildlife and Countryside Act 1981	This act aims to prevent loss of diversity of flora and fauna by making it illegal to intentionally damage wild plants and animals or their habitats.	Neighbourhood plans will not have to repeat legal protections under the criminal law.	https://www.legislation.gov.uk/ukpga/1981/69

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	Plan, Programme or Policy	Environmental Issues	Implications for the Neighbourhood Plan	Source
	Countryside and Rights of Way Act 2000	Provides for the public's ability to enjoy the countryside whilst also providing safeguards for landowners and occupiers. It provides a statutory right of access to open country and registered common land, modernises the rights of way system, protects Sites of Special Scientific Interest (SSSIs), manages arrangements for Areas of Outstanding Natural Beauty (AONBs), and strengthens wildlife enforcement legislation.	Maintain rights of way, and provide enhanced access to them where possible. Protect SSSI from degradation through development. Maintain and enhance the natural beauty of AONBs.	https://www.legislation.gov.uk/ukpga/2000/37/contents
	UK Post 2010 Biodiversity Framework (2012) - superseding the UK Biodiversity Action Plan 1994	Commits detailed plans for the protection of the UK's biological resources, through Species Action Plans and Habitat Action Plans.	Plans will need to ensure the best wildlife sites are protected.	http://jncc.defra.gov.uk/page-6189
	Natural Environment and Rural Communities Act 2006	Section 40: requires all public bodies (including district and parish councils) in exercising its functions to have regard to the purpose of conserving biodiversity.	Plans will need to ensure that they are in accordance with the duty and the purpose of conserving biodiversity.	https://www.legislation.gov.uk/ukpga/2006/16/schedule/3

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	Plan, Programme or Policy	Environmental Issues	Implications for the Neighbourhood Plan	Source
	Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their impact within the planning system	Brings together advice on various nature conservation topics. Part I deals with the conservation of internationally designated sites; Part II deals with Sites of Special Scientific Interest (SSSI) and the consultation and notification processes; Part III covers planning for nature conservation outside the designated sites; Part IV deals with conservation of species and Part V provides advice on other duties and use of statutory powers.	Re-iterates the circumstances whereby neighbourhood plans will require Appropriate Assessment; neighbourhood plans must not result in the damage of the special interest features of SSSIs; the impact of development on priority habitats or species or protected species are a material consideration in the preparation of the neighbourhood plan; re-iterates the circumstances whereby Strategic Environmental Assessment of the neighbourhood plan is required.	https://www.gov.uk/government/publications/biodiversity-and-geological-conservation-circular-06-2005
SUB-REGIONAL				

Figure 2: Plans, Programmes or Policies

	Plan, Programme or Policy	Environmental Issues	Implications for the Neighbourhood Plan	Source
	<p>South Downs Local Plan 2014-2033 (Submission version)</p> <p>Adoption due summer 2019</p>	<p>The objectives to meet the National Park Vision are: To conserve and enhance the landscapes of the National Park; To conserve and enhance the cultural heritage of the National Park; To conserve and enhance large areas of high-quality and well-managed habitat to form a network supporting wildlife throughout the landscape; To achieve a sustainable use of ecosystem services thus enhancing natural capital across the landscapes of the National Park and contributing to wealth and human health and wellbeing; To protect and provide opportunities for everyone to discover, enjoy, understand and value the National Park and its special qualities; To adapt well to and mitigate against the impacts of climate change and other pressures; To conserve and enhance the villages and market towns of the National Park as thriving centres for residents, visitors and businesses; To protect and provide for the social and economic wellbeing of National Park communities supporting local jobs, affordable homes and local facilities. The spatial strategy for the South Downs Local Plan is for a medium level of growth dispersed across the towns and villages of the National Park.</p>	<p>Neighbourhood plans should not impact on the ability of the SDNPA to achieve the objectives within its Local Plan. It will need to consider access to services by those settlements within the National Park and also connectivity for wildlife.</p>	<p>https://www.southdowns.gov.uk/wp-content/uploads/2019/02/MM_LP_Change_Final.pdf</p>

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	Plan, Programme or Policy	Environmental Issues	Implications for the Neighbourhood Plan	Source
	Chichester Harbour AONB Management Plan (2019)	The relevant key concepts within the Management Plan are: 1) Conserving and enhancing the special qualities of the AONB; 2) Sustainability and wise Use of the Harbour; 3) Increasing knowledge and understanding of the Harbour; 4) Helping people to enjoy Chichester Harbour; 5) Support sustainable development; 6) Working in partnership.	Neighbourhood plans will need to: consider the policy to protect the special qualities of the AONB; minimise the impact of recreational disturbance on the designated habitats and species; encourage appropriate agricultural land uses; ensure development is appropriate and conserves the landscape, wildlife and historic environment of the AONB; ensure development complies with the protective framework for sites designated for nature conservation and where appropriate, mitigation measures are incorporated; safeguard the socio-economic activities supporting the AONB and its communities; ensure developments of commercial sites are sympathetic with the AONB; support and encourage marine-related businesses through safeguarding marine sites and employment uses; promote better public and sustainable transport options both to and within the AONB.	http://chichester.moderngov.co.uk/documents/s13876/Chichester%20Harbour%20AONB%20Management%20Plan%202019-2024%20-%20Appendix%20-%20Online%20Only.pdf
LOCAL				

Figure 2: Plans, Programmes or Policies

	Plan, Programme or Policy	Environmental Issues	Implications for the Neighbourhood Plan	Source
	Chichester District Local Biodiversity Action Plan 2015 - 2019	The proposed outcomes from the LBAP are: 1) A comprehensive record of the presence and location of important habitats and species within the District has been established and maintained; 2) Chichester District's Ecological Networks are comprehensive and resilient through the protection, management and enhancement of important wildlife sites and habitats, the components that connect them and the species that use them; 3) Projects and initiatives that halt the decline of important species and habitats are supported through advice and signposting; 4) protection and improvement of the natural environment is a core objective of the planning system in Chichester District; 5) Residents of Chichester District are well informed on the wealth of biodiversity within the District, particularly CDC's Parks and Gardens.	Positive planning policies to secure enhancement as well as conservation. Protect Sussex BAP species and habitats in addition to legally protected species and designated sites. Identify, protect and enhance wildlife corridors and other connective features.	www.chichester.gov.uk/CHttpHandler.ashx?id=23393&p=0
	Adopted Chichester Local Plan: Key Policies 2014 - 2029	The Local Plan provides the broad policy framework and a long-term strategy to manage development, protect the environment, delivery infrastructure and promote sustainable communities within Chichester District, excluding the area within the South Downs National Park and covers the period until 2029.	Neighbourhood plans will need to be consistent with the Local Plan and the National Planning Policy Framework. Parishes will be expected to ensure that its Neighbourhood Plan satisfies at least the required number of homes assigned in the Local Plan, as a minimum (policy 5).	http://www.chichester.gov.uk/CHttpHandler.ashx?id=24759&p=0

Figure 2: Plans, Programmes or Policies

	Plan, Programme or Policy	Environmental Issues	Implications for the Neighbourhood Plan	Source
	Brent Geese Strategy 2010	The Strategy relates to internationally important Brent Goose and wading bird populations within and around the SPAS of the Solent Coast. The strategy sets out how the feeding and roosting sites supporting the Solent's designated water and Brent Geese populations are functionally important for the integrity of the designated sites.	<p>The neighbourhood plan will need to recognise the importance of wading bird and Brent Goose sites outside of the designated areas.</p> <p>Proposals which could affect important wading bird and Brent Goose sites outside of the statutory designated areas need to demonstrate level of impact, alone and in combination. Where a negative impact upon an important wading bird or Brent Goose site cannot be mitigated, and the tests of the Habitats Regulations are met as necessary, appropriate compensatory measures will be sought.</p>	https://solentwbgs.files.wordpress.com/2017/02/solent-waders-and-brent-geese-strategy.pdf
	Bird Aware Strategy: Solent Recreation Mitigation Strategy 2017	The Strategy aims to prevent the disturbance of over-wintering birds within the three Special Protection Areas in the Solent (including Chichester Harbour) through a series of measures which encourage visitors to enjoy their visits in a responsible manner.	The measures are funded by 'developer contributions' for new homes built within 5.6km of the SPAs. Some developments may require additional mitigation due to their size or proximity to a SPA.	http://www.birdaware.org/CHttpHandler.ashx?id=29372&p=0

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	Plan, Programme or Policy	Environmental Issues	Implications for the Neighbourhood Plan	Source
	Pagham Harbour Recreational Disturbance Joint Strategy	<p>The aim of the strategy is to set out the proposed joint scheme of mitigation at Pagham Harbour to ensure that development, with the increases in population, does not have a negative impact on the bird population of the SPA at Pagham Harbour.</p> <p>The mitigation measures will be funded by developer contributions for development that occurs within 3.5km of the boundary of Pagham Harbour SPA within Chichester Local Plan area.</p>	For all new dwellings within 3.5km of the boundary of the Pagham Harbour SPA, developers will need to contribute to the mitigation scheme.	http://chichester.moderngov.co.uk/documents/s9052/Recreational%20Disturbance%20at%20Pagham%20Harbour%20-%20Revision%20to%20the%20Joint%20Approach%20to%20Mitigation%20with%20Arun%20.pdf
	Sussex Bat Special Area of Conservation: Planning and Landscape Scale Enhancement Protocol (DRAFT)	The aim of the protocol is ensure that the bat populations associated with The Mens, Ebernoe Common and Singleton and Cocking Tunnels Special Areas of Conservation (SAC) thrive and development around these SACs avoids impacts on them.	Neighbourhood plans will not only need to consider the SACs but also the habitat outside the SACs but which are functionally linked to the SACs. Proposals within 6.5km of the SACs will need all impacts assessed. Proposals within 12km of the SACs will need significant impacts or severance to flightlines to be considered.	https://www.southdowns.gov.uk/wp-content/uploads/2018/04/TLL-15-Draft-Sussex-Bat-SAC-Protocol.pdf

3.3 Baseline Information and Key Environmental Issues

3.3.1 The SEA Regulations require that the environmental baseline considers the following:

- Biodiversity, fauna and flora
- Population and human health
- Water and soil
- Air
- Climate Factors
- Cultural heritage and landscape

3.3.2 However only those issues where significant effects are likely, need to be included in Environmental Report at Stage D of the SEA process. Due to the fact that the need for SEA of the Boxgrove Neighbourhood Plan is triggered solely by biodiversity issues and the other environmental issues listed above were considered in detail under the Sustainability Assessment of the Adopted Local Plan, the following issues have been scoped out on the basis that significant effects are unlikely:

- Population and human health
- Water and soil
- Air
- Climate Factors
- Cultural heritage and landscape

3.3.3 However since Boxgrove Neighbourhood Plan has been determined to require an assessment under the Habitats Directive, this automatically triggers the mandatory requirement for Strategic Environmental Assessment. Therefore it is clear that the impact of the plan on the European sites will need consideration.

3.3.4 The European Sites within the Chichester Local Plan Area and those sites which are linked to development within the Local Plan boundary were considered for inclusion in the scope of the SEA process. However for the following sites the Neighbourhood plan area is too far from the European site and there is no potential mechanism of impact:

- Chichester and Langstone Harbours SPA/ Ramsar site
- Pagham Harbour SPA / Ramsar site
- Ebenoe Common SAC
- The Mens SAC
- Kingley Vale SAC
- Duncton to Bignor Escarpment SAC
- Arun Valley SAC / SPA / Ramsar site
- Solent and Dorset Coast potential Marine SPA (pSPA)

3.3.5 However those European sites which will need to be included in the scope are listed below with baseline information and key environmental issues for the site.

3.4 Singleton and Cocking Tunnels SAC

Singleton and Cocking Tunnels SAC	
Qualifying Criteria	Qualifying Features
Habitats Directive Annex II species	<ul style="list-style-type: none"> • Barbastelle <i>Barbastella barbastellus</i>; and • Bechstein's bat <i>Myotis bechsteinii</i>.
Conservation Objectives	<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:</p> <ul style="list-style-type: none"> • The extent and distribution of habitats of qualifying species; • The structure and function of the habitats of qualifying species; • The supporting processes on which the habitats of qualifying species rely; • The populations of qualifying species; and • The distribution of qualifying species within the site.
<p><u>Site Condition</u></p> <p>The Natural England condition assessment indicates that 100% of Singleton and Cocking Tunnels SSSI is in favourable condition.</p>	
<p><u>Key Environmental Issues at the Site</u></p> <p>1. Key Conservation Areas – although the foraging of routes of bats using Singleton and Cocking Tunnels has not been specifically identified, the guidance from Natural England indicates that the same principles for key conservation areas should apply as for Ebernoe Common and The Mens.</p>	

4.0 Developing the Strategic Environmental Assessment Framework for Boxgrove Neighbourhood Plan

4.1 The SEA framework is the working heart of the SEA process and it is against the framework that options can be assessed to determine their impact on the environment. It is not essential that the SEA process uses sustainability objectives but they are widely used to ensure that the right level of consideration is achieved. The SEA objectives are a statement of what is intended or the outcome against which options are assessed. As indicated earlier it is only the impact on European sites where there is likely to be significant effects and therefore it is the following main objective against which the Boxgrove Neighbourhood Plan will need to be assessed:

Will the proposals maintain or restore the integrity of the European sites?

4.2 Considering the Environmental Issues identified during the collection of baseline information, the following assessment criteria have been developed to define the SEA framework for Boxgrove Neighbourhood Plan as follows:

Objective	Assessment Criteria Based on Environmental Issues	Indicators
1. The integrity of Singleton and Cocking Tunnels SAC is maintained and restored.	1a) Will the option prevent disturbance of Bat Flight Lines?	<ul style="list-style-type: none"> Is the proposal within the conservation areas for bats (up to 12km)?

4.3 The proposals within the neighbourhood plan can be assessed against each of the assessment criteria above and based on the level of effect or impact as follows:

Assessment symbol	Explanation
++	Significant positive effects
+	Positive effects, benefits clearly outweigh any disadvantages.
0	Overall neutral, effects both positive and negative roughly balancing each other
-	Negative effect, disadvantages clearly outweighing benefits
--	Significant negative effects
N/a	Either no interaction between the policy option and assessment criteria, or the effect is not location specific

5.0 The Consultation Exercise

5.1 The draft SEA Scoping Report and SEA Framework for Boxgrove Neighbourhood Plan will be subject to a 5-week consultation exercise. Consultees are invited to comment on any aspect

of the report and following the consultation, amendments will be made to the document and framework as appropriate. The lists of consultees are as follows:

- a) Statutory consultees:
 - Environment Agency
 - Natural England
 - Historic England

- b) Additional consultees:
 - Havant BC
 - East Hampshire DC
 - South Downs National Park Authority
 - Highways England
 - West Sussex County Council

6.0 The Next Steps

- 6.1 Following the consultation exercise the amended (as necessary) SEA Framework will be used to assess the objectives/policies within Boxgrove Neighbourhood Plan during Stage C of the SEA Process: Developing and refining alternatives and assessing effects.