

Determination Statement
on the need for a
Strategic Environmental Assessment (SEA)
and
Habitats Regulations Assessment (HRA)

Draft Ruscombe Neighbourhood Plan 2019-2036
(Submission Plan)

January 2022

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Summary

Following consultation with statutory bodies, Wokingham Borough Council ('the Council') determines that the Ruscombe Neighbourhood Development Plan does not require a Strategic Environmental Assessment (SEA).

1. Introduction & Background

- 1.1. This screening statement relates to, and should be read in conjunction with the submitted Ruscombe Neighbourhood Plan (October 2021).
- 1.2. A provisional draft screening opinion was used to determine whether or not the contents of the draft Ruscombe Neighbourhood Plan required a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2011/42/EC (the Directive) and associated Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations).
- 1.3. The National Planning Policy Framework (NPPF) at paragraph 32 ensures that the preparation of Local Plans and spatial development strategies are informed by a sustainability appraisal that meets the relevant legal requirements. The narrative is supported by footnote 19 which states that *'the reference to legal requirements refers to Strategic Environmental Assessment. Neighbourhood plans may require Strategic Environmental Assessment, but only where there are potentially significant environmental effects'*.
- 1.4. In accordance with national policy and legislation, this Screening Statement has been prepared to consider whether the Ruscombe Neighbourhood Plan is likely to give rise to significant environmental effects, or not.¹ The Screening Assessment uses the set of criteria from Annex II of the Directive and Schedule 1 of the Regulations and is set out in **Section 3** of this report.
- 1.5. The screening opinion was also used to assess the Ruscombe Neighbourhood Plan through the Habitats Regulations process, which looks at the potential for significant impacts on nature conservation sites that are of European importance, also referred to as Natura 2000 sites. The 'Screening Assessment' uses the Habitats Regulations Assessment for the adopted Core Strategy (2010) and Managing Development Delivery (2014) local plans as its basis for assessment. The Screening Assessment is set out in **Section 4** of this report.
- 1.6. The initial screening opinion was subject to consultation with the Environment Agency, Historic England and Natural England. The results of the screening process are detailed in **Section 5** of this Screening Statement.

¹ Environmental Assessment of Plans and Programmes Regulations 2004

Ruscombe Neighbourhood Plan

- 1.7. Neighbourhood planning gives communities the power to develop a shared vision for their area and are prepared by a town/parish council or neighbourhood forum for a designated neighbourhood area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions. This is because, if successful at an independent examination and subsequent referendum, the Ruscombe Neighbourhood Plan will form part of the council's statutory development plan².
- 1.8. Ruscombe Parish Council has taken the decision to prepare a Neighbourhood Plan for the whole of their parish. Ruscombe Parish was designated as a neighbourhood area on 25 January 2018. A Screening Statement on the need for an SEA and HRA on a working draft version of the plan (November 2019) was subject to consultation with the relevant environmental bodies on 31st March 2020 for a period of six weeks. This informed the initial Determination Statement (June 2020) which concluded that an SEA was not required. Subsequently, two additional policies were added to the draft plan, which was subject to Regulation 14 (Pre-submission) consultation under the Neighbourhood Planning (General) Regulations 2012, from 22 February to 19 April 2021.
- 1.9. The two additional policies included in the draft plan (Regulation 14) were Policy RU3: Community Engagement in Planning, and Policy RU10: Car Parking. Following a review, it is considered that the nature and scope of the additional policies which have subsequently been included in the submission version are unlikely to give rise to significant environmental effects in the context of SEA and HRA and therefore additional screening is not necessary. In addition, the draft Ruscombe Neighbourhood Development Plan was subject to formal public consultation (Regulation 14), at which point, the relevant environmental bodies were consulted, and did not raise any further issues regarding the neighbourhood plan. This determination statement has therefore taken into account earlier consultations and responses from the relevant environmental bodies.
- 1.10. Further details of the Ruscombe Neighbourhood Plan is provided in **Section 2**.

² section 3 of the Neighbourhood Planning Act 2017

2. Ruscombe Neighbourhood Plan

2.1. Ruscombe Parish Council formally submitted their Neighbourhood Plan to the Council in October 2021. The submitted plan is published for public consultation under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. The Neighbourhood Plan will supplement the policies contained within Wokingham Borough Council's Core Strategy (adopted 29 January 2010), the Managing Development Delivery (MDD) Local Plan (adopted 21 February 2014) and the emerging Local Plan Update, with regard to the parish of Ruscombe. Once adopted, the Neighbourhood Plan will cover the period to 2036, in line with the proposed period of the emerging Local Plan Update.

2.2. The Ruscombe Neighbourhood Plan will contain policies that will help guide decisions on development proposals in the parish. The current draft vision for the neighbourhood plan is:

"To remain a busy and vibrant community with access to a wide range of facilities. Growth will be through sustainable infill and brownfield developments of homes contained within the existing fabric of the village, whilst protecting the Metropolitan Green Belt. The many significant historic buildings and landscape will be preserved for future generations. Design of new buildings will reflect the rural character of the village."

2.3. The plan's seven draft objectives are as follows:

- To retain the present Green Belt boundaries
- To ensure high quality design and construction in both residential and commercial development
- To preserve and enhance the character of the St. James' Church Conservation Area
- To protect the biodiversity of our area, our wildlife and its habitat and our trees
- To enhance and protect all existing green spaces, including roadside verges, within the neighbourhood to ensure they remain for the benefit of the community
- To encourage walking in and around the village and to better manage the harmful effects of traffic and parking
- To sustain community facilities, shops and businesses that are essential to community life

2.4. The draft neighbourhood plan contained the following policies:

- **Policy RU1: A Spatial Plan** seeks to define the built-up area of Ruscombe village to manage and shape future development in the settlement. The policy also supports the continued separation between the settlements of Ruscombe and Hare Hatch to retain their open and tranquil landscape character.

- **Policy RU2: High Quality Design** establishes design principles for specific character areas in the neighbourhood plan area, including *'The Conservation Area around the Parish Church', 'New Road, Northbury Avenue and London Road', 'Land either side of Ruscombe Lane', 'Castle End Road', 'Waltham Road to Southbury Lane'*. The policy will be supported by an update to the Village Design Statement, adopted by Ruscombe Parish Council in 2009.
- **Policy RU3: Community Engagement in Planning*** seeks to ensure developers demonstrate that they have effectively engaged with the local community in the preparation of major development proposals
- **Policy RU4: Buildings of Traditional Local Character** seeks to identify specific buildings and structures in the neighbourhood plan area as 'Buildings of Traditional Local Character' based on their local architectural or historic interest. The policy will be supported by evidence to assess their significance and justify their designation in the neighbourhood plan.
- **Policy RU5: Employment** continues to support Ruscombe Business Park as a Core Employment Area, as defined in Policy CP15 of the adopted Core Strategy (2010). The policy seeks to avoid the loss of employment floor space on the site, unless it can be demonstrated that development proposals are in accordance with relevant policies of the development plan.
- **Policy RU6: Community Facilities** seeks to safeguard existing community facilities in the neighbourhood plan area. This policy also supports improvements, extensions or the partial redevelopment of community facilities provided they are designed appropriately and consider the amenity of existing residents.
- **Policy RU7: Local Green Spaces** will identify areas of green space in the neighbourhood plan area that are of particular value to the local community. The policy will be supported by evidence to assess certain areas of green space in line with the key criteria for their designation set out in national policy.
- **Policy RU8: Green Infrastructure and Biodiversity** seeks to identify a Green Infrastructure network to conserve and enhance existing assets such as open spaces, woodlands, trees, ponds, biodiversity, Public Rights of Way, bridleways and cycle ways. The policy requires that development proposals enhance and maintain the existing Green Infrastructure network.
- **Policy RU9: Managing Traffic** seeks to ensure development proposals contribute towards the mitigation of highway impacts in the parish, such as through implementing traffic calming schemes and a reduced speed limit in certain locations.
- **Policy RU10: Car Parking*** seeks to ensure appropriate car parking is delivered as a component of any development proposal.

*These two policies were not subject to the provisional draft SEA screening opinion. However, all the policies listed above were subject to Regulation 14 consultation in July 2020

- 2.5. The submitted Ruscombe Neighbourhood Plan does not allocate any sites for housing or other land uses not already allocated in the adopted Core Strategy or MDD local plans. The neighbourhood plan continues to support Ruscombe Business Park as an existing Core Employment Area, as defined in Policy CP15 of the adopted Core Strategy (see paragraph 2.4 above).
- 2.6. Regarding natural heritage, there are no designated sites of international importance in the neighbourhood plan area. The nearest Special Protection Area (SPA) is the Thames Basin Heaths SPA, located approximately 10km south from its nearest point. The three closest sites of Special Area of Conservation (SAC) are: Chiltern Beechwoods SAC, located approximately 8km north-east from its nearest point, the Thursley, Ash, Pirbright and Chobham SAC and the Windsor Forest and Great Park SAC are both located approximately 8km to 10km south-east and east at their respective nearest points. There are no Sites of Special Scientific Interest (SSSI) in the designated neighbourhood plan area. Beyond, there are a number of SSSIs located in proximity to the parish of Ruscombe, notably, Lodge Wood and Sandford Mill SSSI, which is approximately 2km south from its nearest point. Harpsden Wood SSSI is also just over the border and into South Oxfordshire, less than 4km north-west from its nearest point. Great Thrift Wood, another SSSI, is just over the border into the Royal Borough of Windsor and Maidenhead and is approximately 5km east from its nearest point.
- 2.7. Ruscombe Conservation Area was designated in June 1971. The Conservation Area is located within the Metropolitan Green Belt, towards the south of Ruscombe Parish and east of the village, with a distinctive rural character³. It extends beyond the church land, consisting of the village green and a number of attractive cottages. The Conservation Area also contains the Old Drover's Pond at Castle End and the Village Pond. There are a substantial number of listed buildings in and around the Conservation Area, and throughout the Neighbourhood Plan area, including the Grade I listed building at St James the Great Church, dating back to the late 12th century, and several Grade II listed buildings, including the Twyford and Ruscombe Church Hall.

³ Ruscombe Conservation Area (1994), available at: <https://www.wokingham.gov.uk/planning/planning-permission/listed-buildings-heritage-and-conservation-areas/>

3. Strategic Environmental Assessment

3.1. The Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations) require the undertaking of an environmental assessment for all plans and programmes that are likely to give rise to significant environmental effects.

3.2. A neighbourhood plan falls under criterion (a) of Regulation 5(2), being a plan that is prepared for town and country planning or land use purposes, as set out below:

(2) The description is a plan or programme which—

(a) is prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, and

3.3. However, for a plan or programme to be deemed relevant under SEA Regulation 5(2), it must also be consistent with sub-paragraph (b):

(b) sets the framework for future development consent of projects listed in Annex I or II to Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive 97/11/EC(1).

3.4. In respect of sub-paragraph (b) the Ruscombe Neighbourhood Plan will supplement existing policy within the Core Strategy and MDD local plans, providing further policies on development in Ruscombe Parish. The Neighbourhood Plan is unlikely to relate to any of the uses listed under Annex I or II of EC Directive 85/337/EEC as amended by Directive 97/11/EC.

3.5. Further to the above, Regulation 5(6) of the SEA Regulations indicates that an environmental assessment need not be carried out –

- a) for a plan or programme of the description set out in paragraph (2) or (3) which determines the use of a small area at local level; or
- b) for a minor modification to a plan or programme of the description set out in either of those paragraphs, unless it has been determined under regulation 9(1) that the plan, programme or modification, as the case may be, is likely to have significant environmental effects, or it is the subject of a direction under Regulation 10(3).

3.6. Before making a determination on whether a plan is likely or unlikely to have significant environmental effects, it is a requirement to take into account the criteria specified in Schedule 1 and Regulation 9 of the Regulations. Schedule 1 sets out the criteria for determining the likely significance of effects on the environment and Regulation 9 requires the council to consult the three environmental bodies: Natural England, Historic England and the Environment Agency on the assessment to determine the need for an SEA.

- 3.7. The National Planning Policy Framework (NPPF), at paragraph 32, advises that local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements. Footnote 19 expands on this by advising that a neighbourhood plan may require SEA, but only where there are potentially significant environmental effects.

SEA Screening of the Ruscombe Neighbourhood Plan

- 3.8. The screening process set out in Regulation 9 and Schedule 1 to the SEA Regulations includes two sets of characteristics for determining the likely significance of effects on the environment, as follows:
- 1) The characteristics of the Ruscombe Neighbourhood Plan; and
 - 2) The characteristics of the effects and of the area likely to be affected.
- 3.9. Under each characteristic are a number of criteria against which to assess the plan. These criteria are assessed individually for the draft Ruscombe Neighbourhood Plan in **Table 1** below.
- 3.10. This report constitutes the Determination Statement as to the need for a full SEA under Regulation 9(3) of the SEA Regulations and sets out the SEA screening process for the submitted Ruscombe Neighbourhood Plan (October 2021), along with the Council's reasoning as to whether an SEA for the neighbourhood plan is required or not.
- 3.11. Previous consultation was undertaken by the council on a provisional view with the relevant bodies, as detailed in **Section 5** of the statement. The content of the working draft Ruscombe Neighbourhood Plan (November 2019) contained some working draft planning policies and policy intentions which, at that time, required further work and some technical evidence that was unavailable during the initial stage of the screening process. The neighbourhood planning group included two further policies in the draft Neighbourhood Plan (July 2020) that were not subject to the provisional draft SEA screening opinion undertaken on 31st March 2020. Given the nature and scope of the two policies (Policy RU3: Community Engagement in Planning and Policy RU10: Car Parking), they were unlikely to have any significant effects in the context of SEA and HRA. As a result the submitted plan provides an appropriate basis for the relevant environmental bodies to consider whether or not the plan would be likely to give rise to significant environmental effects⁴. Additional screening on the draft plan was therefore not necessary. Furthermore, the draft Ruscombe Neighbourhood Development Plan was subject to formal public consultation (Regulation 14), at which point, the relevant environmental bodies did not raise any further issues regarding the neighbourhood plan. This determination statement has therefore been prepared and taken into account earlier consultations and responses from the relevant environmental bodies.

⁴ Locality (2018) Neighbourhood Planning: Screening neighbourhood plans for Strategic Environmental Assessment – A toolkit for neighbourhood planners, page 13, available at: <https://neighbourhoodplanning.org/wp-content/uploads/16-LOCALITY-Screening-neighbourhood-plans-SEA-HMJS-07.06.18.pdf>

Table 1: Assessment of likely significance of effects on the environment		
Criteria	Details	Likely significant effects?
1. The characteristics of plans and programmes, having regard, in particular, to –		
(a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	<p>The Ruscombe Neighbourhood Plan would, if made, form part of the statutory development plan which guides decisions on planning applications. The Neighbourhood Plan sits within the wider planning framework set by the National Planning Policy Framework (NPPF), the Council's adopted Core Strategy and MDD local plans and the emerging Local Plan Update. The policies within the Neighbourhood Plan are local in nature and have limited resource implications, with no land allocated for development.</p> <p>The policies within the Neighbourhood Plan primarily seek to protect valued characteristics and influence the design and character of development proposals. They do not guide where development should take place in principle through the allocation of land for specific developments.</p>	No
(b) the degree to which the plan or programme influences other plans and programmes, include those in a hierarchy;	The Ruscombe Neighbourhood Plan will be in conformity with the NPPF. The policies within the neighbourhood plan will be in general conformity to the strategic policies as set out in the adopted Core Strategy and compliment policy in the MDD.	No

Table 1: Assessment of likely significance of effects on the environment		
Criteria	Details	Likely significant effects?
	<p>The Ruscombe Neighbourhood Plan sets out a spatial vision and objectives solely for the neighbourhood area (Ruscombe Parish), but does not guide where development should take place, in principle, or designate land for particular purposes.</p> <p>The document does not set a framework for other plans and is unlikely to influence other plans or programmes within the Council's statutory development plan. It does however help to inform the interpretation of adopted development plan policies which requires regard to local character of the area in decisions.</p>	
(c) the relevance of the plan or programme for the integration of environmental considerations, in particular with a view to promoting sustainable development;	<p>The Ruscombe Neighbourhood Plan contains policies that ensure development is suitable and appropriate for the parish of Ruscombe. The neighbourhood plan sets out a spatial vision and objectives solely for the neighbourhood area (Ruscombe Parish), but does not guide where development should take place, in principle, or designate land for particular purposes.</p> <p>The neighbourhood plan will, however, help inform the interpretation of adopted development plan policies, which requires</p>	No

Table 1: Assessment of likely significance of effects on the environment		
Criteria	Details	Likely significant effects?
	regard to the local character of the area in decisions.	
(d) environmental problems relevant to the plan or programme; and	<p>The Ruscombe Neighbourhood Plan sets out a spatial vision and objectives solely for the neighbourhood area (Ruscombe Parish), but does not guide where development should take place, in principle, or designate land for particular purposes. Planning policies in the Ruscombe Neighbourhood Plan will aim to support sustainable development in the parish that will not adversely impact on the rural nature of the village.</p> <p>The Ruscombe Neighbourhood Plan continues to support the separation between the settlements of Ruscombe and Hare Hatch to retain their open and tranquil landscape character.</p> <p>The neighbourhood plan also includes a policy to conserve and enhance existing assets such as open spaces, woodlands, trees, ponds, biodiversity, Public Rights of Way, bridleways and cycle ways. In addition, the plan proposes several areas for Local Green Space designation that are considered demonstrably special to the local community</p>	No

Table 1: Assessment of likely significance of effects on the environment		
Criteria	Details	Likely significant effects?
	<p>and for their recreational, ecological or historical value.</p> <p>The neighbourhood plan will, however, help inform the interpretation of adopted development plan policies, which requires regard to the local character of the area in decisions. This is reflected in the neighbourhood plan's objectives and several planning policies.</p>	
(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).	<p>The Ruscombe Neighbourhood Plan seeks to ensure that where development is acceptable in principle (in the neighbourhood plan area) under development plan policy, consideration is given to the character of an area. It does not directly address other environmental issues such as pollution, waste or traffic, but seeks to minimise such issues through planning policy, e.g. through the implementation of traffic calming schemes and speed limit reductions.</p> <p>A provisional Habitat Regulations Assessment (HRA) Screening has been undertaken by the Council. The provisional screening opinion (Section 4) has concluded that the Ruscombe Neighbourhood Plan is unlikely to give rise to</p>	No

Table 1: Assessment of likely significance of effects on the environment		
Criteria	Details	Likely significant effects?
	‘likely significant effects’ and that an appropriate assessment is not required. The provisional HRA screening opinion was subject to consultation with the environmental bodies in accordance with Regulation 105(2) of the Conservation of Habitats and Species Regulations 2017. A determination statement with the outcome, following consultation with the environmental bodies, is issued alongside the submitted Ruscombe Neighbourhood Plan.	
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to –		
(a) the probability, duration, frequency and reversibility of the effects;	The Ruscombe Neighbourhood Plan supplements policy within the adopted Core Strategy and the MDD, providing further guidance on the requirements for development in the designated Neighbourhood Plan area. Although the Ruscombe Neighbourhood Plan does not allocate any sites for housing/commercial development within the parish, several areas are proposed for designation as Local Green Space. It is extremely unlikely that the plan’s implementation will generate likely significant effects. This is because any sites where a planning application is submitted, which falls within the Neighbourhood Plan	No

Table 1: Assessment of likely significance of effects on the environment		
Criteria	Details	Likely significant effects?
	area, and where the Ruscombe Neighbourhood Plan is applied, will only be acceptable to the Council where environmental effects do not arise or can be appropriately mitigated. The neighbourhood plan will, however, help inform the interpretation of adopted development plan policies, which requires regard to the local character of the area in decisions.	
(b) the cumulative nature of the effects;	The Ruscombe Neighbourhood Plan would be a material consideration when deciding on planning applications within the neighbourhood plan area. The neighbourhood plan will, however, help inform the interpretation of adopted development plan policies, which requires regard to the local character of the area in decisions.	No
(c) the trans-boundary nature of the effects;	The Ruscombe Neighbourhood Plan sets out a spatial vision and objectives solely for the neighbourhood area (Ruscombe Parish), but does not guide where development should take place, in principle, or designate land for particular purposes, although the neighbourhood plan does seek to identify areas of greenspace within the neighbourhood area for Local Green Space designation.	No

Table 1: Assessment of likely significance of effects on the environment		
Criteria	Details	Likely significant effects?
	<p>The document does not therefore promote or support development that might have an effect on other Member States and is therefore unlikely to have transboundary effects.</p> <p>The approach within the Ruscombe Neighbourhood Plan does not affect how the Council would consider applications with respect of these issues.</p>	
(d) the risks to human health or the environment (for example, due to accidents);	<p>The Ruscombe Neighbourhood Plan sets out a spatial vision and objectives solely for the neighbourhood area (Ruscombe Parish), but does not guide where development should take place, in principle, or designate land for particular purposes.</p> <p>The policies in the Ruscombe Neighbourhood Plan will help inform the interpretation of adopted development plan policies, which requires regard to the local character of the area in decisions and are not likely to lead to increased risks to human health or the environment.</p>	No
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The Ruscombe Neighbourhood Plan sets out policies solely for the neighbourhood plan area (Ruscombe Parish). The neighbourhood plan will provide local detail to supplement	No

Table 1: Assessment of likely significance of effects on the environment		
Criteria	Details	Likely significant effects?
	<p>policies in the adopted Core Strategy and MDD local plans. The plan does not allocate any sites for development. The neighbourhood plan, will, however help inform the interpretation of adopted development plan policies, which requires regard to the local character of the area in decisions.</p>	
<p>(f) the value and vulnerability of the area likely to be affected due to –</p> <ul style="list-style-type: none"> (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use; and 	<p>Ruscombe Parish has a number of characteristics, notably:</p> <ul style="list-style-type: none"> • Undeveloped agricultural land (forming part of the Metropolitan Green Belt) • Conservation Area around St James the Great Church • Some archaeological sites • Several listed buildings, noticeably the Grade I listed building at St James the Great Church as well as several Grade II listed buildings, including Twyford and Ruscombe Church Hall. <p>The Ruscombe Neighbourhood Plan sets out a spatial vision and objectives solely for the neighbourhood area (Ruscombe Parish), but does not guide where development should take place, in principle, or designate land for particular purposes.</p>	No

Table 1: Assessment of likely significance of effects on the environment		
Criteria	Details	Likely significant effects?
	<p>The document does not therefore promote or support development that might affect areas of recognised national or international importance. The neighbourhood plan will, however, inform the interpretation of adopted development plan policies, which requires regard to the local character of the area in decisions.</p> <p>A key objective of the neighbourhood plan is to conserve and enhance features of historical and cultural interest through design and character. Policies within the neighbourhood plan are supported by evidence, including an update to the existing Conservation Area Appraisal (1994), the existing Village Design Statement for Ruscombe Parish and a Local Green Spaces assessment. A policy is also included in the Ruscombe Neighbourhood Plan to identify a list of 'Buildings of Traditional Local Character'.</p> <p>Chiltern Beechwoods SAC is located within approx. 8km north-east from its nearest point. Both Thursley, Ash, Pirbright and Chobham SAC and Windsor Forest and Great Park SAC are located within approx. 8km to 10km of the neighbourhood plan area to the</p>	

Table 1: Assessment of likely significance of effects on the environment		
Criteria	Details	Likely significant effects?
	<p>south-east and east of their respective nearest points.</p> <p>There are no Sites of Special Scientific Interest (SSSI) in the plan area. Three SSSIs are located in proximity to the parish of Ruscombe, notably the Lodge Wood and Sandford Mill SSSI, which is approximately 2km south from its nearest point. Harpsden Wood SSSI is also just over the border of Wokingham Borough and into South Oxfordshire district, less than 4km north-west from its nearest point. Great Thrift Wood, another SSSI, is just over the border into the Royal Borough of Windsor and Maidenhead and is approximately 5km east from its nearest point.</p> <p>There are a number of Biodiversity Action Plan (BAP) habitats within the plan area, including:</p> <ul style="list-style-type: none"> • Lowland Mixed Deciduous Woodland • Traditional orchards • Lowland Wood Pasture and Parkland • Wet Woodland • Calcareous grassland • Eutrophic Standing Water 	

Table 1: Assessment of likely significance of effects on the environment		
Criteria	Details	Likely significant effects?
	<p>Whilst these are not referred to in the SEA directive, they should be a consideration in plan-making. BAP priority habitats are those that were identified as being the most threatened and requiring conservation action under the UK Biodiversity Action Plan (UK BAP).</p>	
(g) the effects on areas or landscapes which have a recognised national, European Community or international protection status.	<p>The Ruscombe Neighbourhood Plan sets out a spatial vision and objectives solely for the neighbourhood area (Ruscombe Parish), but does not guide where development should take place, in principle, or designate land for particular purposes.</p> <p>The document does not therefore promote or support development that might affect areas of recognised national or international importance. The neighbourhood plan will, however, inform the interpretation of adopted development plan policies, which requires regard to local character of the area in decisions.</p> <p>Regarding natural heritage, the nearest Special Protection Area (SPA) is the Thames Basin Heath SPA, located approx. 10km south at its nearest point, outside of the</p>	No

Table 1: Assessment of likely significance of effects on the environment		
Criteria	Details	Likely significant effects?
	<p>neighbourhood plan area. The plan area is also beyond the outermost 7km Linear Mitigation Zone for the Thames Basin Heaths SPA, as specified in Policy CP8 of the Core Strategy. There are no other SACs within the plan area, albeit there are some sites in relative proximity in neighbouring boroughs, notably Chiltern Beechwoods SAC, Thursley, Ash, Pirbright and Chobham SAC and Windsor Forest and Great Park SAC.</p> <p>There are no Sites of Special Scientific Interest (SSSI) in the plan area, although there are some SSSIs located in proximity to the parish of Ruscombe, notably the Lodge Wood and Sandford Mill SSSI, which is approximately 2km south from its nearest point. Harpsden Wood SSSI is also just over the border of Wokingham Borough and into South Oxfordshire district, less than 4km north-west from its nearest point. Great Thrift Wood, another SSSI, is just over the border into the Royal Borough of Windsor and Maidenhead and is approximately 5km east from its nearest point.</p>	

4. Habitats Regulations Assessment

4.1. The European Community (EC) Directive on the conservation of natural habitats and of wild fauna and flora (92/43/ECC) (commonly known as the Habitats Directive) provides legal protection for habitats and species of European importance. The Directive is implemented in the UK by the Conservation of Habitats and Species Regulations 2017.

4.2. Articles 3-9 provide the legal means to protect habitats and species of EC interest through the establishment and conservation of a European-wide network of sites, known as Natura 2000. Natura 2000 sites are Special Areas of Conservation (SAC) designated under the Habitats Directive, and Special Protection Areas (SPA) designated under the conservation of wild birds (79/409/EEC) (commonly known as the Birds Directive).

4.3. Article 6(3) and 6(4) of the Habitats Directive sets out the decision-making tests for plans and projects affecting Natura 2000 sites. Article 6(3) establishes a requirement for an assessment as outlined below:

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

4.4. While not European sites as a matter of law, it is national planning policy that the following sites are given the same protection as a European site:

- potential Special Protection Areas and possible Special Areas of Conservation
- listed or proposed Ramsar sites
- sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protections Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

4.5. The Conservation of Habitats and Species Regulations 2017 (commonly known as the Habitat Regulations) requires the assessment of land use plans. The neighbourhood plan will constitute a land use plan for the purpose of the Habitats Regulations.

4.6. Regulation 105(1) sets out that where a land use plan is likely to have a significant effect on a European site, and how the plan making authority must make an appropriate assessment of the implications for the site in view of the site’s conservation objectives.

4.7. Under Regulation 105(2), before making a determination under Regulation 105(1), the Council is required to consult Natural England as the appropriate environmental body and have regard to any representations made.

4.8. Additionally, Regulation 5(3) of the SEA Regulations indicates that an SEA could be required where:

“The description is a plan or programme which, in view of the likely effect on sites, has been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive.”

4.9. This report examines the Ruscombe Neighbourhood Plan and:

- Identifies, through a screening process, any European site that could potentially be affected by policies in the neighbourhood plan;
- Outlines details of the nature conservation importance of any European sites ‘screened in’ to the process;
- Identifies the possible impacts that the neighbourhood plan may have on features of nature conservation importance within European sites; and
- Identifies any controls within the neighbourhood plan, and other development plan documents, strategies, policies and plans that could act to avoid or mitigate these effects.

Identification of relevant international sites

4.10. The parish of Ruscombe does not contain any designated international sites. The following sites are in relative proximity to the neighbourhood plan area:

- Chiltern Beechwoods SAC – 8km
- Windsor Forest and Great Park SAC – 8km to 10km
- Thursley, Ash, Pirbright and Chobham SAC – 8km to 10km
- Thames Basin Heaths SPA – 10km

4.11. Information on these sites is provided below:

Chiltern Beechwoods SAC	
Conservation Objective:	<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.</p> <p>To maintain or restore:</p> <ul style="list-style-type: none"> • The extent and distribution of qualifying natural habitats and habitats of qualifying species • The structure and function (including typical species) of qualifying natural habitats • The structure and function of the habitats of qualifying species • The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely • The populations of qualifying species, and • The distribution of qualifying species within the site
Qualifying Features:	<ul style="list-style-type: none"> • Semi-natural dry grasslands and scrubland facies: on calcareous substrates (<i>Festuco-Brometalia</i>); Dry grasslands and scrublands on chalk or limestone • <i>Asperulo-Fagetum</i> beech forests; Beech forests on neutral to rich soils • <i>Lucanus cervus</i>; Stag beetle

Windsor Forest and Great Park SAC	
Conservation Objective:	<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.</p> <p>To maintain or restore:</p> <ul style="list-style-type: none"> • The extent and distribution of qualifying natural habitats and habitats of qualifying species • The structure and function (including typical species) of qualifying natural habitats • The structure and function of the habitats of qualifying species • The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely, and • The distribution of qualifying species within the site
Qualifying Features:	<ul style="list-style-type: none"> • Old acidophilous oak woods with <i>Quercus robur</i> on sandy plains • Atlantic acidophilous beech forests with <i>Llex</i> and sometimes also <i>Taxus</i> in the shrub layer (<i>Quercion robori-petraeae</i> or <i>Llici-Fegenion</i>) Beech forests on acid soils • Violet click beetle <i>Limoniscus violaceus</i>

Thursley, Ash, Pirbright and Chobham SAC	
Conservation Objective:	<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.</p> <p>To maintain and restore:</p> <ul style="list-style-type: none"> • The extent and distribution of qualifying natural habitats • The structure and function (including typical species) of qualifying natural habitats, and • The supporting processes on which qualifying natural habitats rely
Qualifying Features:	<ul style="list-style-type: none"> • North Atlantic wet heaths with <i>Erica tetralix</i>; Wet heathland with cross-leaved heath • European dry heaths • Depressions on peat substrates on the <i>Rhynchosporion</i>

Thames Basin Heaths Special Protection Area	
Conservation Objective:	<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:</p> <ul style="list-style-type: none"> • The extent and distribution of the habitats of the qualifying features • The structure and function of the habitats of the qualifying features • The supporting processes on which the habitats of the qualifying features rely • The population of each of the qualifying features, and • The distribution of the qualifying features within the site.
Qualifying Features:	<ul style="list-style-type: none"> • <i>Caprimulgus europaeus</i>; European nightjar (Breeding) • <i>Lullula arborea</i>; Woodlark (Breeding) • <i>Sylvia undata</i>; Dartford warbler (Breeding)

Screening Criteria

- 4.12. In carrying out this screening process, regard has been had to the main possible sources of effects on the international sites, possible pathways to the international site and the effects on possible sensitive receptors in the international sites. Only if there is an identifiable source (a pathway and a receptor) is there likely to be a significant effect.
- 4.13. Possible sources and pathways for effects arising from development and used in this screening are considered to be:
- Water (water pollution and hydrology)
 - Air (air pollution)
 - Direct land-take
 - Habitat / species disturbance
 - Recreational pressure (increased population)
- 4.14. Operations that may damage the special interest of the Thames Basins Heaths SPA, Chiltern Beechwoods SAC, the Thursley, Ash, Pirbright and Chobham SAC or the Windsor Forest and Great Park SAC are considered to be:
- Damage or removal of any plant or plant remains (including recreational impacts)
 - Changes to drainage arrangements or watercourses
 - Pollution of watercourses
 - Water abstraction
 - Extraction of materials from the site
 - Dumping of materials on the site
 - Storage of materials on the site
 - Erection of structures on the site

Screening of the Ruscombe Neighbourhood Plan

- 4.15. The Ruscombe Neighbourhood Plan has been analysed to assess whether it would be likely to result in significant effects. The results are presented in **Table 2** below.

Table 2: Habitats Regulations Assessment Screening assessment for the Ruscombe Neighbourhood Plan

Operation	Potential impact from the Ruscombe Neighbourhood Plan	Mitigating factors and comments	Likelihood of significant effect
Damage or removal of any plant or plant remains (including recreational impacts)	None	<p>The Ruscombe Neighbourhood Plan does not steer development towards an international site, therefore it does not increase any potential for increased damaged to the site through either construction or recreational activities.</p> <p>The Council, in consultation with Natural England, has formed the view that any net increase in residential development between 400m and 5km straight line distance from the Thames Basin Heath Special Protection Area (SPA) is likely to have a significant effect on the integrity of the SPA, either alone or in combination with other plan or projects.</p> <p>The HRA for the Core Strategy and MDD local plans considered the overall level of development across the Borough. Therefore, it has already been determined (and impact avoidance and reduction measures established to allow) that there will be no likely significant effects on the integrity of the Thames Basin Heaths SPA.</p> <p>The neighbourhood plan area is also located outside the Thames Basin Heaths SPA and linear mitigation zones as defined in Policy CP8 of the adopted Core Strategy (2010) for this particular site.</p> <p>Furthermore, the neighbourhood plan does not propose development that would have an effect on existing features of habitat or conservation value, but solely defines the existing features of value in the neighbourhood plan area.</p>	No

Operation	Potential impact from the Ruscombe Neighbourhood Plan	Mitigating factors and comments	Likelihood of significant effect
Changes to drainage arrangements or watercourses	None	The Ruscombe NDP does not change existing drainage arrangements or watercourses.	No
Pollution of watercourses	None	The Ruscombe NDP does not increase any potential for pollution of watercourses.	No
Water abstraction	None	The Ruscombe NDP does not increase any potential for water abstraction.	No
Extraction of materials from the site	None	The Ruscombe NDP does not address the need or suitability of extraction operations. The Replacement Minerals Local Plan for Berkshire (incorporating alterations adopted in December 1997 and May 2001) specifically guides minerals extraction.	No
Dumping of materials on the site	None	The Ruscombe Neighbourhood Plan does not steer development towards an international site, therefore it does not increase any potential for the dumping of materials.	No
Storage of materials on the site	None	The Ruscombe Neighbourhood Plan does not steer development towards an international site, therefore it does not increase any potential for increased damage to the site through the storage of materials. The adopted Core Strategy (2010) sets out the spatial vision for the borough. The Thames Basin Heaths Special Protection Area (SPA) and Linear Mitigation Zones are located outside the neighbourhood plan area.	No

Operation	Potential impact from the Ruscombe Neighbourhood Plan	Mitigating factors and comments	Likelihood of significant effect
		Three sites of Special Area of Conservation (SAC): Chiltern Beechwoods SAC (within the Royal Borough of Windsor and Maidenhead) is located approximately 8km north-east from its nearest point, the Thursley, Ash, Pirbright and Chobham SAC (within Surrey County) and the Windsor Forest and Great Park SAC (within the Royal Borough of Windsor and Maidenhead) are both located approximately 8km to 10km south-east and east at their respective nearest point.	
Erection of structures on the site	None	<p>The Ruscombe Neighbourhood Plan does not steer development towards an international site, therefore it does not increase any potential for the erection of structures on the site.</p> <p>The adopted Core Strategy (2010) sets out the spatial vision for the borough. The Thames Basin Heaths Special Protection Area (SPA) and Linear Mitigation Zones are located outside the neighbourhood plan area.</p> <p>Three sites of Special Area of Conservation (SAC): Chiltern Beechwoods SAC (within the Royal Borough of Windsor and Maidenhead) is located approximately 8km north-east from its nearest point, the Thursley, Ash, Pirbright and Chobham SAC (within Surrey County) and the Windsor Forest and Great Park SAC (within the Royal Borough of Windsor and Maidenhead) are both located approximately 8km to 10km south-east and east at their respective nearest point.</p>	No

- 4.16. This conclusion does not factor in any measures contained within the Neighbourhood Plan intended to avoid or reduce the harmful effects of the plan, and is therefore consistent with the Court of Justice of the European Union (CJEU) judgement '*People over Wind, Peter Sweetman v Coillte Teoranta*' (April 2018). This concerns a judgement by the Court, which held that Article 6(3) of the Habitats Directive requires that measures intended to avoid or reduce the harmful effects of a plan or project on a European Protected Site should not be taken into consideration at the screening stage.

In Combination Effects

- 4.17. The Habitat Regulations require the consideration of significant effects of a plan or programme arising from in combination effects with other plans or programmes. It can be considered that this will fall into two categories: those effects associated with regional strategic plans and proposals and those relating to more localised effects.
- 4.18. The revoked South East Plan (apart from NRM6: Thames Basin Heaths SPA) considered in-combination effects of the region's projects and plans at a strategic level and therefore regionally strategic plans are not considered further. As regards other plans within the borough, or in neighbouring authorities, these will have been individually assessed during the plan-making process.
- 4.19. As detailed above, no likelihood of significant effects of the Ruscombe Neighbourhood Plan have been found following a screening opinion. The Ruscombe Neighbourhood Plan does not propose development that would have an effect on existing features of habitats or conservation and solely defines what features are valuable in the neighbourhood plan area. Furthermore, given the narrow geographical scope of the neighbourhood plan (the Parish of Ruscombe) and the controls in place in other plans, it is unlikely that in-combination effects would arise.
- 4.20. It is noted that content of the working draft Ruscombe Neighbourhood Plan (November 2019) that was subject to the provisional screening consultation from 31st March 2020 to 12th May 2020 contained some working draft planning policies and policy intentions which, at that time, required further work and some technical evidence that was unavailable during the initial stage of the screening process. The neighbourhood planning group included two further policies in the draft Neighbourhood Plan (July 2020) that were not subject to the provisional draft screening opinion. The Council consider that given the nature and scope of these two policies (Policy RU3: Community Engagement in Planning and Policy RU10: Car Parking), they were unlikely to have any significant effects in the context of HRA. As a result, the submitted plan provides a sufficient basis for the relevant environmental bodies to determine whether or not the plan would be likely to give rise to significant environmental effects⁵. Additional screening on the draft plan was therefore not necessary. Furthermore, the draft Ruscombe Neighbourhood Development Plan was subject to formal public consultation

⁵ Locality (2018) Neighbourhood Planning: Screening neighbourhood plans for Strategic Environmental Assessment – A toolkit for neighbourhood planners, page 13, available at: <https://neighbourhoodplanning.org/wp-content/uploads/16-LOCALITY-Screening-neighbourhood-plans-SEA-HMJS-07.06.18.pdf>

(Regulation 14), at which point, the relevant environmental bodies did not raise any further issues regarding the neighbourhood plan. This determination statement has therefore been prepared taken into account earlier consultations and responses from the relevant environmental bodies.

5. Consultation with Statutory Bodies

- 5.1. Under regulation 9(2) of the SEA Regulations, the Council has a duty to consult with specified environmental organisations (Natural England, Historic England and the Environment Agency) before determining whether or not a plan or programme is likely to have significant effects. It also has a duty to prepare a statement of its reasons for this determination.
- 5.2. Under Regulation 11(1), a provisional draft screening opinion was undertaken from 31st March 2020 to 12th May 2020 for six weeks with the following organisations requesting their opinion:
- The Historic Buildings and Monuments Commission for England (Historic England);
 - Natural England; and
 - The Environment Agency.
- 5.3. The Council received responses from Natural England, Historic England and the Environment Agency.
- 5.4. Natural England concluded that the draft neighbourhood plan would be unlikely to have any significant effects and therefore there is no requirement for further assessment of impacts under the SEA or HRA regulations.
- 5.5. Historic England concluded that, at this stage, the draft plan would be unlikely to have any likely significant effects that merit completion of an SEA, but reserved their right to review this opinion at a later stage as the plan develops.
- 5.6. The Environment Agency were unable to resource a review of the plan and provide a detailed response, but agreed that it related to an area where environmental risks were lower implying that no SEA or HRA would be required.
- 5.7. Full responses from the provisional draft screening opinion with the three environmental bodies can be found in **Appendix 1**.
- 5.8. In addition, the draft neighbourhood plan was also subject to formal public consultation (Regulation 14) at which point the relevant environmental bodies had a further opportunity to comment on the plan.

6. Conclusions

- 6.1. Following consultation with the specific environmental bodies through the screening opinion and taking into account earlier consultations, the Council considers that, having taken account of the Environmental Assessment of Plans and Programmes Regulations 2004, the submitted Ruscombe Neighbourhood Plan (October 2021) is unlikely to have significant environmental effects and therefore a Strategic Environmental Assessment is not required.
- 6.2. In addition, the council also considers that the submitted Ruscombe Neighbourhood Plan (October 2021) is unlikely to have significant effects on Natura 2000 sites, either alone or in-combination with other plans or projects, therefore an Appropriate Assessment for the Ruscombe NDP is not required.
- 6.3. The Ruscombe Neighbourhood Plan will supplement the policies within the Council's adopted Core Strategy and Managing Development Delivery local plans with respect to the parish of Ruscombe.

Appendix 1: Statutory Body Responses

Ben Davis

From: Lloyd Sweet, Robert <
Sent: 12 May 2020 16:20
To: Ben Davis
Subject: Fw: SEA/HRA Provisional Screening Opinion Consultation – Draft Ruscombe Neighbourhood Plan ~[UNCLASSIFIED]~

Dear Mr Davis

Thank you for consulting Historic England on the draft screening opinion for the Ruscombe Neighbourhood plan.

I am happy to confirm that Historic England agree that, within areas of interest to Historic England, we considered it unlikely that there would be likely significant environmental effects that would merit completion of and SEA for the neighbourhood plan.

We retain the right to review this opinion should the plan change significantly in scope at a later stage of development.

Yours sincerely

Robert Lloyd-Sweet

Robert Lloyd-Sweet | Historic Places Adviser | South East England | Historic England
Cannon Bridge House | 25 Dowgate Hill | London | EC4R 2YA
Mobile: 07825 907288

Ben Davis

From: Behnke, Piotr <
Sent: 21 May 2020 15:05
To: Ben Davis
Cc: Policy and Plans
Subject: Natural England Response - SEA/HRA Provisional Screening Opinion Consultation - Draft Ruscombe Neighbourhood Plan ~[UNCLASSIFIED]~

Importance: High

Dear Mr Davis,

Firstly apologies for the delay in responding to you regarding this provisional screening opinion.

Having taken a look at the document and given the location of the parish of Ruscombe, with regard to distances from N2k sites, Natural England would agree with the authority that there is no requirement for further assessment of impacts under the SEA or HRA regulations.

I trust that this is of use and again apologies for the delay in our response.

Regards,

Piotr Behnke
Planning and UAS
Thames Solent Team
0208 026 3893

Ben Davis

From: Planning_THM <1
Sent: 06 April 2020 11:28
To: Ben Davis
Subject: RE: SEA/HRA Provisional Screening Opinion Consultation - Draft Ruscombe Neighbourhood Plan ~[UNCLASSIFIED]~

Dear Mr Davis

Thank you for consulting the Environment Agency on the draft SEA and HRA Screening Opinion for the Ruscombe Neighbourhood Plan.

We regret that at present, the Thames Area Sustainable Places team is unable to review this consultation. This is due to resourcing issues within the team, a high development management workload and an increasing volume of neighbourhood planning consultations. We have had to prioritise our limited resource, and must focus on influencing plans where the environmental risks and opportunities are highest. For the purposes of neighbourhood planning, we have assessed those authorities who have "up to date" local plans (plans adopted since 2012, or which have been confirmed as being compliant with the National Planning Policy Framework) as being of lower risk. At this time, therefore, we are unable to make any detailed input on neighbourhood plans being prepared within this local authority area.

Kind regards

Cathy Harrison
Planning Advisor, Thames Sustainable Places Team
Environment Agency | Red Kite House, Wallingford, OX10 8BD

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for people and wildlife**

