



# **Strategic Environmental Assessment and Habitat Regulations Assessment Screening Report**

**Draft Maidenhead Neighbourhood Plan**

**March 2025**

## 1. Introduction

- 1.1. This screening report will determine the need for the draft Maidenhead Neighbourhood Plan to require a Strategic Environmental Assessment (SEA) or Habitat Regulations Assessment<sup>1</sup> in accordance with the European Directive 2001/42/EC and associated Environmental Assessments of Plans and Programmes Regulations 2004.

## 2. Maidenhead Neighbourhood Plan

- 2.1. The draft Maidenhead Neighbourhood Plan will present a vision statement, principles and key objectives for the town. It will then set out key topics and related policies covering the following main aspects:
- Design
  - Housing
  - Getting Around
  - Climate
  - Built Heritage
  - Biodiversity
  - Site specific policies
  - Infrastructure and Developer Contributions
  - Delivery and Implementation
- 2.2. The draft Maidenhead Neighbourhood Plan does not set the level of development or allocate sites for development. The site specific policies do not relate to development sites. The Plan will also include a local heritage list of assets and a design code.

## 3. SEA Purpose and Screening

- 3.1. The basis for Strategic Environmental Assessment legislation is the European Directive 2001/42/EC (SEA Directive). This was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations).
- 3.2. Under the requirements of the European Union Directive 2001/42/EC and Environmental Assessment of Plans and Programmes Regulations (2004), certain types of plans that set the framework for the consent of future development projects must be subject to an environmental assessment.
- 3.3. As of 1<sup>st</sup> January 2021, to reflect the fact that the UK's departure from the EU was finalised from that date, EU directives have been amended in the UK so that they

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<sup>1</sup> The Conservation of Habitats and Species Regulations 2010 (known as the Habitats Regulations) transposes the requirements of the Habitats Directive (Directive 92/43/EEC on the Conservation of Natural Habitats and of wild fauna and flora) into UK Law.

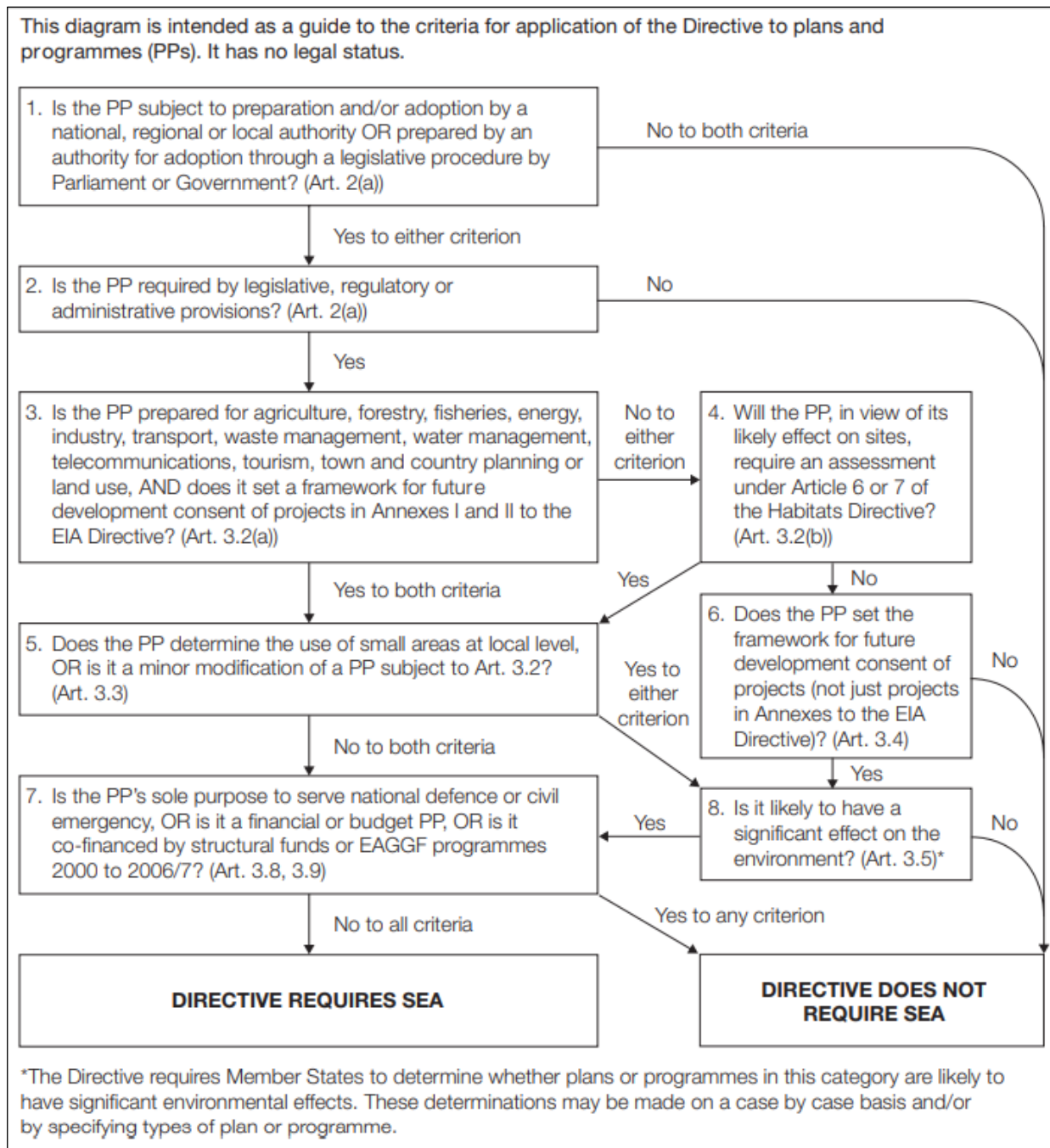
continue to operate effectively. For example, in terms of habitat regulations assessment, the Conservation of Habitats and Species Regulations 2017 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended) have both been altered. The changes ensure that the strict protections afforded to sites, habitats and species, as derived from the EU Habitats and Wild Birds directives, continue in the UK. There is more information available on these legislation changes at: [www.legislation.gov.uk/eu-legislation-and-uk-law](http://www.legislation.gov.uk/eu-legislation-and-uk-law) .

- 3.4. The Planning Practice Guidance (PPG) discusses SEA requirements in relation to Neighbourhood Plans in paragraph: 027 Reference ID: 11-027-20190722. The PPG states that:

*In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a strategic environmental assessment. Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects. This initial assessment process is commonly referred to as a 'screening' assessment and the requirements are set out in regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.*

- 3.5. Screening is the process for determining whether an SEA is required. The screening process is undertaken in two parts: the first assesses whether the Neighbourhood Plan requires SEA, and the second part of the assessment considers whether the Neighbourhood Plan is likely to have a significant effect on the environment. To make a full determination three statutory bodies must be consulted: Historic England, Environment Agency, and Natural England.
- 3.6. The Environmental Assessment of Plans and Programmes Regulations 2004 came into force on 20<sup>th</sup> July 2004. The ODPM publication, 'A Practical Guide to the Strategic Environmental Assessment Directive' (2005), sets out the approach to be taken in order to determine whether SEA is required (figure 1).

Figure 1 - Application of the SEA Directive to plans and programmes



3.7. Table 1 below establishes the need for an SEA based on Figure 1.

Table 1 – Establishing the need for an SEA

Environment Regulations	Assessment of SPD potential effects
<p><i>Question 1</i> Is the PP (plan or programme) 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 or Government? (Art. 2(a))</p>	<p>Yes.</p> <p>The preparation and adoption of the Neighbourhood Plan is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011.</p> <p>Once the plan is ‘made’ by the Royal Borough of Windsor and Maidenhead, as the Local Authority, subject to passing an independent examination and community referendum, it will be part of the statutory development plan for the area.</p> <p><b>PROCEED TO QUESTION 2</b></p>
<p><i>Question 2</i> Is the PP required by legislative, regulatory, or administrative provisions? (Art. 2(a))</p>	<p>Yes.</p> <p>Communities are not required by legislative, regulatory or administrative provisions to produce a Neighbourhood Plan. However, once ‘made’, the Maidenhead Neighbourhood Plan would form part of the statutory development plan for the borough. It is therefore considered necessary to answer the following questions to determine whether an SEA is required.</p> <p><b>PROCEED TO QUESTION 3</b></p>
<p><i>Question 3</i> Is the PP 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))</p>	<p>Yes.</p> <p>The Maidenhead Neighbourhood Plan is prepared for town and country planning and land use. The plan will set out a framework for future development in the plan area, and once ‘made’ will form part of the statutory development plan. The plan will not allocate sites for development but will be used to inform decisions on planning applications.</p>

	<b>PROCEED TO QUESTION 4</b>
<p><i>Question 4</i> Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive (Art. 3.2(b))</p>	<p>No.</p> <p>The Neighbourhood Plan is not anticipated to have a detrimental impact on any European sites. The SA/SEA produced to support the adopted BLP is considered to be sufficient.</p> <p>The Appropriate Assessment of the HRA undertaken to support the BLP concluded that with the mitigation the Plan provides (as modified), it will not give rise to an adverse effect upon the integrity of any relevant sites, either alone or in combination with other plans or projects.</p>
	<b>PROCEED TO QUESTION 6</b>
<p><i>Question 5</i> Does the PP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)</p>	<p>Not applicable.</p> <p>For information, the Neighbourhood Plan will not propose any development site allocations for future development within the plan area, therefore it does not determine at what specific locations certain land uses will take place.</p>
<p><i>Question 6</i> Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)</p>	<p>Yes.</p> <p>The Neighbourhood Plan will be used when determining relevant planning applications and will aim to ensure that development is of a high quality, in accordance with strategic policies in the adopted BLP.</p>
	<b>PROCEED TO QUESTION 8</b>
<p><i>Question 7</i> Is the PP'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)</p>	<p>Not applicable</p>
<p><i>Question 8</i> Is it likely to have a significant impact on the environment? (Art 3.5)</p>	<p>No.</p> <p>See Table 2 below.</p>

3.4. This screening report follows the criteria found in Table 2 below, which is based on the criteria found in the European Directive 2001/42/EC Annex II.

Table 2 - Criteria assessment of SPD potential effects

SEA Directive Criteria	Assessment of SPD potential effects	Likely significant impact?
1. The characteristics of the 'plans and programmes' having regard 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;	The Maidenhead Neighbourhood Plan would, if 'made', form part of the statutory development plan and would contribute to the local planning policy framework. The Neighbourhood Plan will form a material consideration in planning application decisions. However, it will not allocate sites for development. As such, the SA/SEA carried out by the Royal Borough as part of the Borough Local Plan is considered sufficient.	No
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The Neighbourhood Plan is required to be in conformity with the Borough Local Plan (BLP) and the National Planning Policy Framework. The Neighbourhood Plan only provides policies for the area it covers, with the adopted BLP providing the necessary strategic context when determining planning applications.	No
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The Neighbourhood Plan is required to contribute to the achievement of sustainable development, minimising any effects on the environment. Policies within the Neighbourhood Plan will sit alongside those within the adopted BLP, which provides environmental protection and promotes sustainable development.	No
(d) environmental problems relevant to the plan or programme; and	There are several environmental issues to be considered in the BLP area including: potential impacts of development on natural and historic environment, climate change impacts including fluvial flooding risk, and potential loss of biodiversity. The Neighbourhood Plan does not propose more development than that outlined in the adopted BLP. As a result, the SA/SEA and Habitats Regulation Assessment carried out to support the adopted BLP are considered sufficient.	No
(e) the relevance of the plan or programme for the implementation of Community legislation	The Neighbourhood Plan has to be in conformity with the adopted BLP. The adopted BLP has had regard to the European Community legislation on	No

on the environment (e.g., plans and programmes linked to waste management or water protection).	the environment and therefore, this legislation will not be relevant to the Neighbourhood Plan.	
<b>2. Characteristics of the likely effects having regard (in particular) to:</b>		
(a) the probability, duration, frequency, and reversibility of the effects;	The Neighbourhood Plan does not allocate sites for development. Any environmental impacts that may occur as a result of development within the area have been assessed accordingly in the evidence base produced to support the adopted BLP.	No
(b) the cumulative nature of the effects;	The cumulative effects of the Neighbourhood Plan are unlikely to be significant on the local environment given that the level of development does not exceed that within the adopted BLP, which was subject to a comprehensive SA, incorporating an SEA. The Appropriate Assessment of the HRA undertaken to support the BLP concluded that with the mitigation the Plan provides (as modified), it will not give rise to an adverse effect upon the integrity of any relevant sites, either alone or in combination with other plans or projects	No
(c) the transboundary nature of the effects;	Any potential significant transboundary environmental effects have already been assessed as part of the BLP Sustainability Appraisal, the Habitat Regulations Assessment (HRA) and the BLP examination process.	No
(d) the risks to human health or the environment (e.g., due to accidents);	The Neighbourhood Plan poses no risk to human health.	No
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The magnitude and spatial extent of any effects is not expected to be significant because of the localised nature of the Neighbourhood Plan.	No
(f) 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	The Neighbourhood Plan includes policies to enhance/protect natural and historic assets when considering future development and the overall impacts are unlikely to be significant.  The Neighbourhood Plan does not promote greater residential development than is already set out in the adopted BLP, which also includes	No



values; or. (iii) intensive land-use; and	<p>policies to mitigate the impacts of recreational pressures on SACs. The Neighbourhood Plan is unlikely to result in any exceedance of environmental quality standards, such as those relating to air, water and soil quality.</p> <p>The Neighbourhood Plan does not allocate sites for future development, and therefore is unlikely to bring forward development that would lead to significant intensification of local land use.</p>	
(g) the effects on areas or landscapes which have a recognised national, community or international protection status.	<p>The Neighbourhood Plan is not expected to adversely impact on landscapes which have national, community or international protection.</p> <p>The BLP HRA Screening identified that only designated sites within 5km of proposals or plans may possibly suffer significant effects from the plan. The Chilterns Beechwoods (Bisham Woods) SAC and the Windsor Forest and Great Park SAC are within 5km of the Neighbourhood Plan boundary. However, the Neighbourhood Plan is in conformity with the adopted BLP policies NR2 and NR4, which ensures designated sites of international and national importance will be maintained, protected and enhanced. The HRA produced to support the adopted BLP is considered to be sufficient. There will be no significant effects from the Maidenhead Neighbourhood Plan on SACs and SPAs.</p>	No

## 4. Other Considerations

### Habitats Regulations Assessment

- 4.1. In addition to SEA and SA, the Council is required to consider the requirement for a Habitats Regulations Assessment (HRA). HRA is the process used to determine whether a plan or project would have significant adverse effects on the integrity of internationally designated site of nature conservation importance, known as European sites. The need for a HRA is set out within the Conservation of Habitats and Species Regulations 2010, which transposed EC Habitats Directive 92/43/EEC into UK law.
- 4.2. As with the SA, the Borough Local Plan was also subject to a comprehensive HRA. The Appropriate Assessment of the HRA concluded that with the mitigation the Plan provides (as modified), it will not give rise to an adverse effect upon the integrity of

any relevant sites, either alone or in combination with other plans or projects. As the Neighbourhood Plan must be in conformity with the policies of the BLP, the Council has determined that a HRA is not required.

- 4.3. The Habitats Regulations Assessment of the BLP can be viewed on the Council's website: [Evidence base | Royal Borough of Windsor and Maidenhead \(rbwm.gov.uk\)](https://evidencebase.rbwm.gov.uk)

## 5. Conclusion

- 5.1 The Council considers the Maidenhead Neighbourhood Plan is unlikely to have significant environmental effects. The Neighbourhood Plan will need to be in general conformity with strategic policies within the Borough Local Plan which have themselves already been subject to Strategic Environmental Assessment and Habitat Regulation Assessment. The Neighbourhood Plan will not allocate new sites for development. Therefore, the Maidenhead Neighbourhood Plan does not itself need to be subject to SEA.

## 6. Screening Outcome

- 6.1 The statutory consultees, Environment Agency, Historic England and Natural England were consulted on a draft screening report for a 5 week period commencing on 21<sup>st</sup> August 2024. Historic England and Natural England replied. There was no response from the Environment Agency.
- 6.2 Historic England confirmed that on the basis of the information provided the plan will not have any significant effects on the historic environment. They note that the plan does not intend to allocate any sites. Natural England also set out in their response that, based on the material supplied, significant effects on statutorily designated nature conservation sites or landscapes are unlikely, and significant effects on Habitats sites, either alone or in combination, are unlikely. Their full responses are set out Appendix A. Given the responses no further changes were made to this screening report as a result of the feedback from the statutory consultees.

## Appendix A – SEA/HRA Screening Responses

- Historic England – 26<sup>th</sup> September 2024
- Natural England – 23<sup>rd</sup> September 2024
- Environment Agency – no response received



Historic England

By email only to: [lan.Manktelow@RBWM.gov.uk](mailto:lan.Manktelow@RBWM.gov.uk)

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Your ref: Maidenhead Neighbourhood Plan SEA

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Date: 26/09/2024

To whom it may concern

### **Maidenhead Neighbourhood Plan SEA Screening Opinion**

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

The information supplied indicates that the plan will not have any significant effects on the historic environment. We note there are no site allocations.

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

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

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



Historic England, 4th Floor, The Atrium, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA

Telephone 020 7973 3700 [HistoricEngland.org.uk](http://HistoricEngland.org.uk)

Please note that Historic England operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available.





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

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

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

Yours sincerely

**Louise Dandy**  
Historic Places Adviser



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Telephone 020 7973 3700 [HistoricEngland.org.uk](http://HistoricEngland.org.uk)

Please note that Historic England operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available.



Date: 23 September 2024  
Our ref: 485834  
Your ref: Maidenhead Neighbourhood Plan



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**BY EMAIL ONLY**

T 0300 060 3900

Dear Mr Manktelow

### **Maidenhead Neighbourhood Plan**

Thank you for your consultation on the above dated 21 August 2024 which was received by Natural England on 21 August 2024

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.

#### **Screening Request: Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA)**

It is Natural England's advice, on the basis of the material supplied with the consultation, that:

- significant effects on statutorily designated nature conservation sites or landscapes are unlikely; and,
- significant effects on Habitats sites<sup>1</sup>, either alone or in combination, are unlikely.

The proposed neighbourhood plan is unlikely to significantly affect any Site of Special Scientific Interest (SSSI), Marine Conservation Zone (MCZ), 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. The plan area is unlikely to have a significant effect on a National Park, Area of Outstanding Natural Beauty or Heritage Coast, and is unlikely to impact upon the purposes for which these areas are designated or defined.

Guidance on the assessment of Neighbourhood Plans, in line with the Environmental Assessment of Plans and Programmes Regulations 2004 is contained within the [Planning Practice Guidance](#). This identifies three triggers that may require the production of an SEA:

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

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<sup>1</sup> Habitats sites are those referred to in the [National Planning Policy Framework](#) (Annex 2 - glossary) as "any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites".

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.

Natural England reserves the right to provide further advice on the environmental assessment of the plan. This includes any third party appeal against any screening decision you may make. If a SEA is required, Natural England must be consulted at the scoping and environmental report stages.

Please send any new consultations, or further information on this consultation to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)

Yours sincerely

Chloe Lancaster  
Consultations Team