

# Strategic Environmental Assessment Screening Report

November 2018

## South Cerney Neighbourhood Plan

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### Introduction

- 1.1 This screening report is designed to determine whether or not the content of the South Cerney Neighbourhood Plan (Draft Version 17/7/2018) requires a Strategic Environmental Assessment (SEA) in accordance with European Directive 2001/42/EC. It also includes an assessment of whether a Habitats Regulation Assessment (HRA) in accordance with Article 6(3) and (4) of the Habitats Directive 92/43/EEC would be required. Under EU regulations the legal requirement for SEA/HRA depends on the content of the plan.
- 1.2 The South Cerney Neighbourhood Plan is being prepared, to set out the vision for the area and the planning policies for use and development of land within the Neighbourhood area.
- 1.3 The area covered by the NDP is the Parish of South Cerney which includes the village of South Cerney and Cerney Wick, and lies adjacent to the Wiltshire District border. South Cerney Parish lies approximately 1.6km to the south east of Cirencester, the largest Principal Settlement within Cotswold District. The Cotswold Water Park (CWP) crosses South Cerney Parish and is an extensive series of lakes formed by mineral extraction. Some of the lakes form the designated CWP SSSI. A Special Area of Conservation lies just beyond the Parish boundary.
- 1.4 The Neighbourhood Plan is being prepared in the context of the Cotswold District Local Plan 2011-2031. The Local Plan was adopted by the Council in August 2018 having been through Independent Examination. The Development Plan for the area will comprise both the Cotswold District Local Plan and (when 'made') the South Cerney Neighbourhood Plan, and be used to help determine planning applications and appeals.
- 1.5 The Vision for South Cerney is based on key issues raised by local people and includes; a stronger network of facilities and services whilst ensuring the character and landscape, as well as historical buildings, are conserved and enhanced, alongside sympathetic new developments. <http://southcerneyplan.org.uk/>
- 1.6 The South Cerney draft Neighbourhood Plan considers the following;

- Maintaining the physical and historic separation of the village of South Cerney from Cirencester, Siddington and Preston
- Enhance the landscape and nature conservation, designate Local Green Space.

Preserve the character South Cerney in terms local design and rural setting, · Support and strengthen local businesses, including tourism, and within the Lakeside Business Park

- Improve and enhance local facilities and services, improve traffic issues where appropriate; and footpaths and cycleways, and access to lakeside areas.

1.7 The Plan does not directly allocate land for development. It provides local guidance on how applications for development in the plan area should be determined.

1.8 The legislation set out below outlines the regulations that require the need for a screening exercise.

## Legislative Background

2.1.1 Establishing whether a neighbourhood plan requires an environmental assessment is an important legal requirement and forms part of the neighbourhood planning process.

2.2 In order to be ‘made’ neighbourhood Plans are required to be tested against and meet a number of ‘basic conditions’ set out in the Localism Act 2011 (Appendix 2). One of the basic conditions is whether the Neighbourhood Plan is compatible with European Union obligations, including those under the SEA Directive and Habitats Directive. Neighbourhood Plans in England require SEA if their effects are likely to be significant, or if the plan requires appropriate assessment under Habitats Regulations Assessment (HRA). While screening for SEA and HRA is a parallel process both are integrated here into one report.

2.3 Neighbourhood Development Plans (NDPs) are not required to undertake the type of sustainability appraisal required for a Local Plan. However NDPs may require a strategic environmental assessment (SEA) of the Plan in accordance with European Directive 2001/42/EC or ‘**SEA Directive**’. This was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 or the ‘SEA Regulations’. Regulation 9 sets out the requirements to assess (screen) the plan, and includes a requirement to consult the environmental assessment consultation bodies. Detailed guidance of these regulations can be found in the Government publication ‘A Practical Guide to the Strategic Environmental Assessment Directive’ (ODPM 2005).

2.4 The Local Plan was subject to a full, comprehensive Sustainability Appraisal (SA) including SEA, which has considered the significant environmental, economic and social effects of the Local Plan for the District. The SA Report that accompanied the Local Plan to Examination can be found here: <https://www.cotswold.gov.uk/media/1500110/Cotswold-LP-Focussed-Changes-SA-Report-v10-120117.pdf>

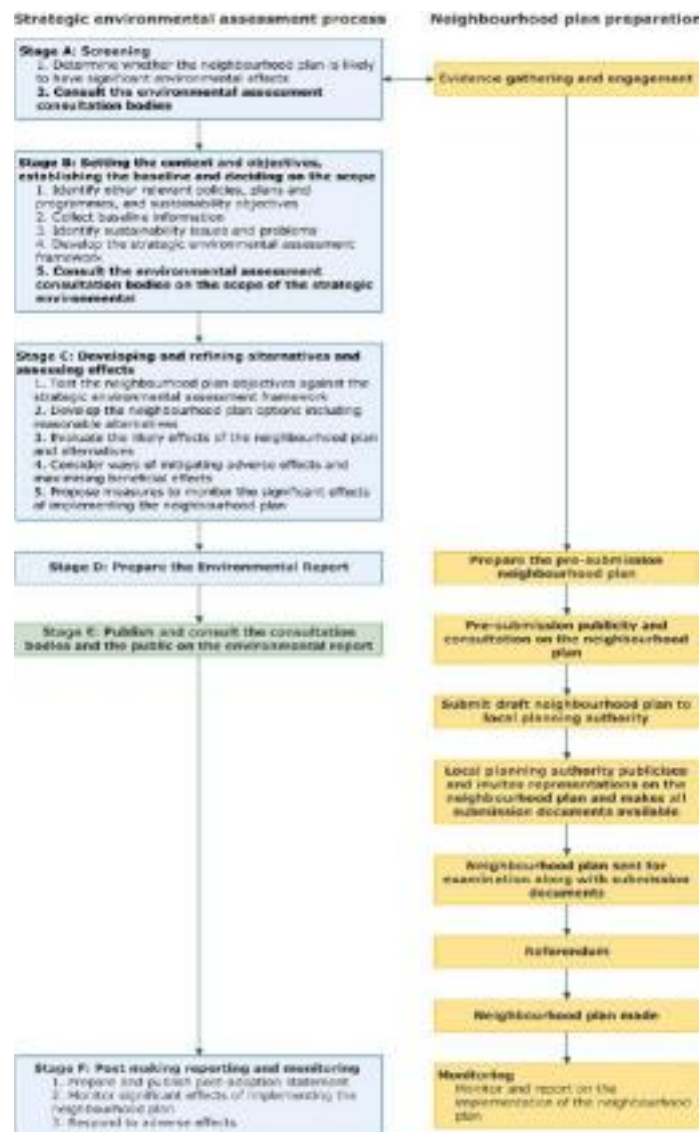
2.5 The **Habitats Directive** 92/43/EEC is another key obligation and requires that any plan or project likely to have a significant effect on a European Site must be subject to an ‘appropriate assessment,’ rather than just screening. The effectiveness of measures to mitigate the impact of the plan, on sites protected by the Habitats Directive, should also be tested through full appropriate assessment, rather than just screening (EU Court of Justice ruling in People Over Wind and Sweetman v Coillte Teoranta, April 2018).

2.6 The Habitats Directive was transposed into English law by the ‘Conservation of Habitats and Species Regulations (as amended) 2012’ or Habitats Regulations. HRA is the screening

combination) is likely to be significant. European Sites are also known as Natura 2000 sites. The HRA submitted alongside the Local Plan to Examination can be found here: <https://www.cotswold.gov.uk/media/1500069/Updated-HRA-Report-for-Local-Plan-Focussed-Changes.pdf>

## Screening Process

2.7 Screening is ‘Stage A’ of the SEA process outlined in the Governments’ National Planning Practice Guidance (NPPG)<sup>1</sup>, and should be undertaken as early as possible in the neighbourhood plan process.



<sup>1</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/580028/sea2\\_033\\_20150209\\_fixed.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/580028/sea2_033_20150209_fixed.pdf)

2.8 The criteria to decide whether a neighbourhood plan, might have significant environmental effects is set out in Schedule 1 of the regulations (Annex II of ODPM Guidance).

## ANNEX II

### Criteria for determining the likely significance of effects referred to in Article 3(5)

1. The characteristics of plans and programmes, having regard, in particular, to
  - 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 degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
  - the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
  - environmental problems relevant to the plan or programme,
  - the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to
  - the probability, duration, frequency and reversibility of the effects,
  - the cumulative nature of the effects,
  - the transboundary nature of the effects,
  - the risks to human health or the environment (e.g. due to accidents),
  - the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
  - the value and vulnerability of the area likely to be affected due to:
    - special natural characteristics or cultural heritage,
    - exceeded environmental quality standards or limit values,
    - intensive land-use,
  - the effects on areas or landscapes which have a recognised national, Community or international protection status.

2.9

2.10 In the final section, table 2 applies the SEA Directive 'process' to neighbourhood plans and summarises whether the NDP will require an SEA, based on the information gathered in the following section,<sup>2</sup> and above criteria (see table 1). A screening outcome is provided in the conclusion.

2.11 '*Assessment of the effects should be done in a proportionate way...*' (Screening NDPs for SEA, Locality, page 10), and although there may be some gaps in information, there should be enough to assess the likely significant effects of the plan.

### Assessment – Gathering Data

2.12 Once data on the environmental constraints and assets in the area have been gathered, it is then possible to determine any likely significant effects of the NDP proposals (positive and /or negative) on the environment.

2.13 The Plan vision and objectives, or draft proposals, and a list of sites considered for inclusion in the plan (if any) and potential impact of new development will help determine whether or not the plan would give rise to significant effects.

<sup>2</sup>RTPI SEA/SA Guidance, January 2018

2.14 The following section on 'assessment' provides a screening assessment of the likely need for a full SEA. The text in the box below is taken from the Government's Planning Practice Guidance

(NPPG)<sup>3</sup>:

Whether a neighbourhood plan proposal requires a strategic environmental assessment, and (if so) the level of detail needed, will depend on what is proposed. A strategic environmental assessment may be required, for example, where:

- 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 is likely to have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan

Paragraph: 046 Reference ID: 11-046-20150209

*Will the neighbourhood plan allocate sites for development?*

2.15 The draft version of the plan does not directly allocate housing or employment sites. It does suggest the redevelopment of Clarks Hay Garage in the centre of the village and designate Local Green Space. Should the scope of the plan change this will need to be re-assessed.

*Does the neighbourhood area contain sensitive natural or heritage assets that may be affected by the proposals in the plan?*

2.16 The more environmentally sensitive a location, the more likely it is that potential environmental effects from a plan will be significant.

2.17 The NPPG provides guidance on this topic through providing a list of sites and area which should be deemed as '**sensitive areas**' for the purposes of environmental assessment (i.e. screening projects for Environmental Impact Assessment or EIA):

- ◆ Natura 2000 Sites <sup>4</sup>
- ◆ Sites of special scientific interest (SSSIs)
- ◆ National parks
- ◆ Areas of Outstanding Natural Beauty (AONB)
- ◆ World Heritage Sites
- ◆ Scheduled Monuments

2.18 In the context of the most 'sensitive areas,' within and in the vicinity<sup>5</sup> of the Neighbourhood Area, the following sites and areas exist:

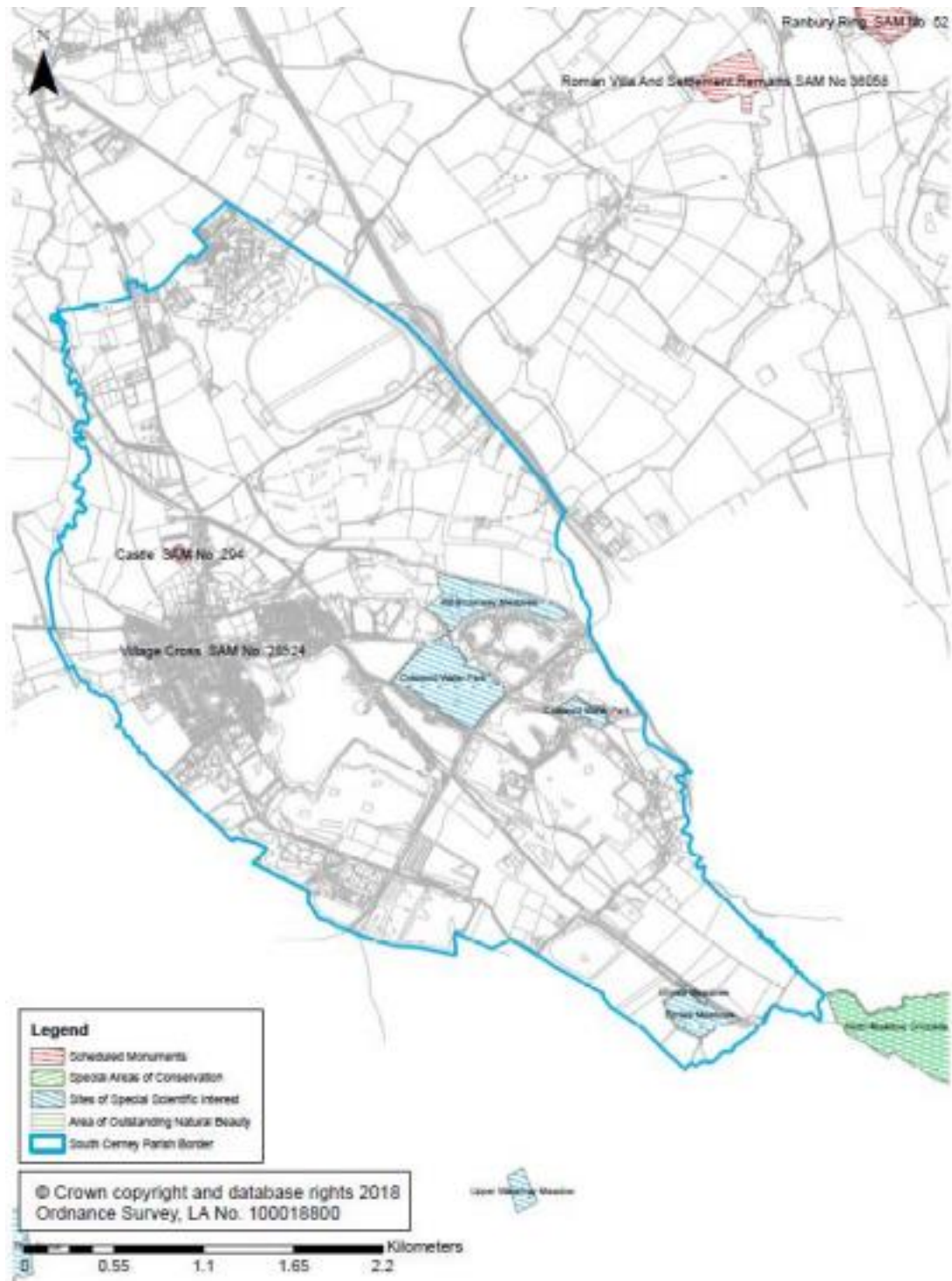
<sup>3</sup><https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal#baseline-environmental-characteristics>

<sup>4</sup>Natura 2000 is a network of nature protection areas in the territory of the European Union. It is made up of Special Areas of Conservation and Special Protection Areas designated respectively under the Habitats Directive and Birds Directive

- there are two scheduled monument (SAM) designations:

- o (site of) Castle to north west edge of the village
- o Village Cross at junction High Street and Station Road
- Sites of Special Scientific Interest (SSSI's):
  - o Cotswold Water Park to the south east (two areas)
  - o Wildmoorway Meadows to the east
  - o Elmlea Meadows to the south
  - o North Meadow SSSI lies beyond but close to the Parish and District boundary to the south

<sup>5</sup>To determine whether the effects of the plan are likely to affect areas outside the plan area, i.e. define 'within the vicinity' an indicative threshold of 1km has been used as there are no allocations [Screening Neighbourhood Plans for SEA, Locality, p.12). Designations beyond this area however are also considered



2.19 The European designated 'Natura 2000' sites are included within an area of search of 15km for HRA purposes. The plan below shows those Natura sites within 15km of the neighbourhood plan boundary. The relevant site is;

- North Meadow and Clattinger Farm Special Area of Conservation (SAC).



2.20 Further **key environmental assets** (see Locality guidance on Screening Neighbourhood Plans for SEA) located within, and in the vicinity of, the area include;

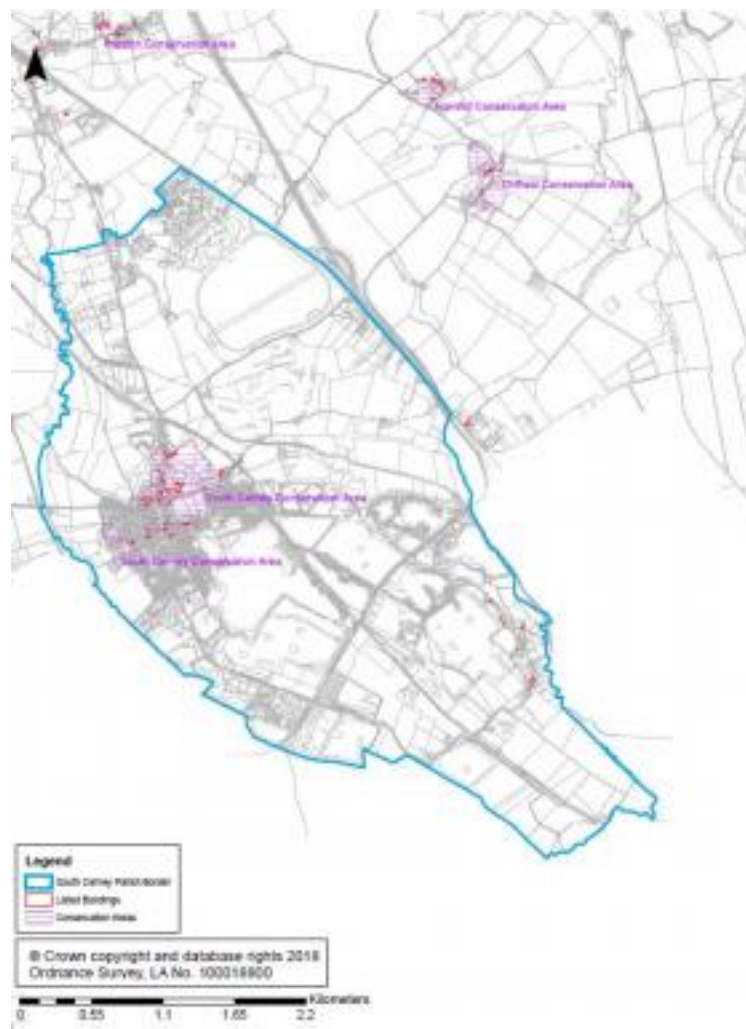
- South Cerney Conservation Area lies within South Cerney village, with Driffield and Harnhill Conservation Areas situated just beyond the 1km 'area of search' to the north east; and Preston conservation area to the north.
- Listed Buildings, including the Grade 1 Church of All Hallows
- Siddington Copse Ancient Woodland lies to the north just beyond the area of search

- South Cerney Railway Cutting lies just to the north of South Cerney village (RIGs)<sup>6</sup>and



Shorncote Quarry to the west on the edge of the 'area of search'.

- Agricultural Land classification is mostly Grade 3b, some Grade 2 and Grade 1 · Priority habitats; areas of lowland meadow, deciduous woodland and areas of floodplain grazing marsh to the south.
- North Meadow National Nature Reserve lies beyond the plan area to the south east, but close to the District and Parish boundary (this nearly covers the North Meadow and Clattinger Farm SAC areas)
- The Plan also contains the Cotswold Water Park Key Wildlife Sites<sup>7</sup>(KWS) mainly within the south of the Parish and the lakes, River Churn KWS to North and the smaller Crane Farm KWS in the centre.
- A strategic nature area (SNA<sup>8</sup>) lies across the centre and south of the Parish area.



<sup>6</sup>Regionally Important Geological and Geomorphological Sites (RIGS) are locally designated sites of local, national and regional importance for geodiversity (geology and geomorphology) are considered important places for Earth Science which are worthy of conservation. <sup>7</sup>Key Wildlife Sites are areas with a rich diversity of habitats that provide refuges and corridors for wildlife across Gloucestershire. These sites have no legal protection, yet deserve recognition as the most important places for wildlife outside of legally protected land such as Sites of Special Scientific Interest (SSSI).

<sup>8</sup>Strategic Nature Areas (SNAs) are landscape scale areas of land that have been selected by Biodiversity South West as being important areas for conservation and expansion, they are not designated.



· Flood Zones – located in the Upper Thames valley and crossed by the River Churn approximately half of the Parish is covered by fluvial flood zones, including the highest risk flood zone 3b ‘fluvial floodplain’ and high risk flood zone 3a to the south. The Plan area also has the right characteristics for both groundwater flooding<sup>9</sup> and surface water flooding<sup>10</sup>,

<sup>9</sup>In some areas where there is a high water table and water levels in watercourses are high, less groundwater is able to drain away, leading to water-logging and groundwater emergence.

<sup>10</sup>Surface water flooding is a problem throughout the District caused by intense rainfall that may only last a few hours, and usually occurs in lower lying areas often where the drainage system is unable to cope with the volume of water.

with the highest risk of groundwater emergence indicated to be mainly in the south. South Cerney has also experienced sewer flooding (Strategic Flood Risk Assessment Level 2, 2016). · Source Protection Zones – Reflecting the vulnerability of groundwater in the area to pollution, a SPZ covers the area. Source Protection Zone (II –outer protection zone) covers most of the plan

area with a smaller area of Zone I –inner protection zone, extending to the east (MAGIC interactive maps, Natural England)

See Figure 3



### Assessment - Commentary

2.21 The potential environmental effects which may arise as a result of the NDP and if they are likely to be significant, are grouped by the SEA 'topics' as suggested by Annex I(f) of the SEA Directive.

Annex I (f) of the SEA Directive – environmental receptors (physical and cultural attributes of an area) which could be affected by proposals in the plan. Grouped into themes:

(f) the likely significant effects (1) on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors;

11

*Is the neighbourhood plan likely to have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan?*

2.22 While the Neighbourhood Plan is likely to focus on more local detail than the Local Plan, The Planning Inspector stated in his report that he was '...satisfied that the sustainability appraisal that has been carried out throughout the process of preparing the Plan, as required by section 19(5) of the Act, has complied with the requirements of the European Directive on strategic

*environmental assessment and relevant national policy and guidance*. 11 (Para.24, Cotswold District Local Plan 2011-2031: Inspector's Report June 2018).

### **Biodiversity, flora and fauna, soil, water, air**

- 2.23 The NDP does not directly allocate sites for housing or employment. However there are environmentally sensitive areas in the Parish; three designated SSSI's lie (one in two parts) within the Plan area and a Natura Site (SAC) lies close to the southern border of the Plan area and Parish.
- 2.24 Much of the central area of the Plan area is also covered by the Cotswold Water Park key wildlife site. There are also a number of Priority Habitats.<sup>12</sup> An ancient woodland (Siddington Copse) lies within 1km of the Parish, and two Regionally Important Geological Sites lie, one within, and one to the west, just within the area of search. North Meadow National Nature Reserve also lies beyond the plan area to the south east, but close to the District and Parish boundary.
- 2.25 Much of the Parish falls within SSSI Impact Risk Zones, however while a location nearest the SSSI would require consultation with Natural England on the likely effects of any planning application, nearer the settlement of South Cerney this would apply for example, only to larger non-residential development or residential developments of 10 to 50 units, which is not promoted by the NDP. Due to the lack of allocations in the Neighbourhood Plan, and only indirect potential for more small-scale development, the NDP is considered unlikely to lead to additional pressures on the SSSIs, or due to location and scale in relation to North Meadow and Clattinger Farm SAC.
- 2.26 The Plan has a draft policy to protect and enhance habitats and species it lists as important 'Local Ecology Sites' in the appendix; and seeks to support (and extend) the designation of Local Green Spaces (Upper Up Playing Fields and Church Lane allotments). Such protection and enhancement of habitats and species will help limit potential negative effects of any development. Draft policy on an 'area of separation' to retain the physical and historic separation between settlements to the north would not change, but safeguard the current use of the land; although the policy also suggests that [some] 'Development within the area should be compatible with a rural setting.' An 'area of separation' may increase any potential development pressure elsewhere in the Neighbourhood area and beyond, as an indirect and/or cumulative effect.
- 2.27 No significant air quality issues currently exist (Air Quality Management Areas's - AQMAs) in the area. The NDP proposals to reduce commuting, improve and extend access to the countryside and gravel lakes, and on sustainable travel to improve rights of way, with

<sup>11</sup> <https://www.cotswold.gov.uk/media/1605407/Cotswold-Local-Plan-Report-Final.pdf>

<sup>12</sup> UK BAP priority species and habitats were those that were identified as being the most threatened and requiring conservation action under the UK Biodiversity Action Plan (UK BAP). Despite new requirements the UK BAP lists of priority species and habitats remain, however, important and valuable reference sources

cycleway and footpath improvements have the potential to support a reduction in emissions.

- 2.28 There is a small pocket of Grade 1, along with some areas of Grade 2 and Grade 3a to the south of the 'best and most versatile' agricultural land<sup>13</sup> within the Parish. However no land has been allocated for development therefore there is unlikely to be a direct loss of the higher quality agricultural land.
- 2.29 Similarly while there are areas of groundwater, and surface water flooding in the Parish, there is

unlikely to be an increase in water demand from development or for development activities to contaminate water quality (the area is largely covered by a groundwater Source Protection Zone<sup>14</sup>) and/or contribute to potential flood risk in the area proposed by the Plan.

2.30 The NDP itself does not directly allocate sites for housing or employment, and any facilitation of development is considered to be minimal, and therefore unlikely to be significant in terms of the SEA Directive.

### **Landscape; cultural heritage**

2.31 The plan seeks to support local design (South Cerney Neighbourhood Character Assessment) and protect historic character, and lists non-designated Local Heritage Assets. There is a conservation area, listed buildings and two Scheduled Monuments in the Parish. The latest Heritage at Risk Register [<https://www.historicengland.org.uk/advice/heritage-at-risk/search-register/>] did not highlight any features deemed to be at risk in the Neighbourhood Area, other than the already noted Castle SAM. The draft policies propose to 'conserve and enhance where possible' the historic environment and villagescape, and so are likely to have positive effects protecting local distinctiveness and character in the Neighbourhood area.

2.32 Similarly a positive effect would likely apply to the landscape, a draft policy seeks to 'conserve and enhance' important views and vistas of the local landscape; as well as the policy to preserve the open countryside and historic separation between South Cerney, other villages and Cirencester but would not change the use of the land. Furthermore draft policies relating to tourism and leisure in the Water Park seek to encourage tranquillity and respect for the lakes and landscape of the area, limiting noise and other disturbance for example. There is no Area of Outstanding Natural Beauty (AONB) in the Parish and no areas of locally designated Special Landscape Area (SLAs). As no land has been allocated in the plan there is unlikely to be a significantly negative effect.

2.33 The NDP itself does not directly allocate sites for housing or employment, and any facilitation of development is considered to be minimal, and unlikely to be significant in terms of the SEA Directive.

### **Climatic change; human health; population**

<sup>13</sup> Agricultural land is classified in five categories according to versatility and suitability for growing crops. The top three grades, Grade 1, 2 and 3a, are referred to as 'Best and Most Versatile' land. <sup>14</sup> Groundwater source protection zones (SPZs) are defined by the Environment Agency to protect groundwater sources such as wells, boreholes and springs that are used for public drinking water. These are designated zones around public water supply.

2.34 The plan seeks to encourage sustainable modes of transport, walking and cycling, which help limit potential increases in greenhouse gases from transport; and potential benefits for resident's health and well-being, as well as accessibility to the lakes, services and promote local employment. Draft policy approaches may also provide opportunities for, and benefit, community and tourist facilities/ infrastructure and village amenity; no allocations are proposed to increase population pressure from such development, although there may be some small scale development, these are considered unlikely to be significant effects in terms

of SEA.

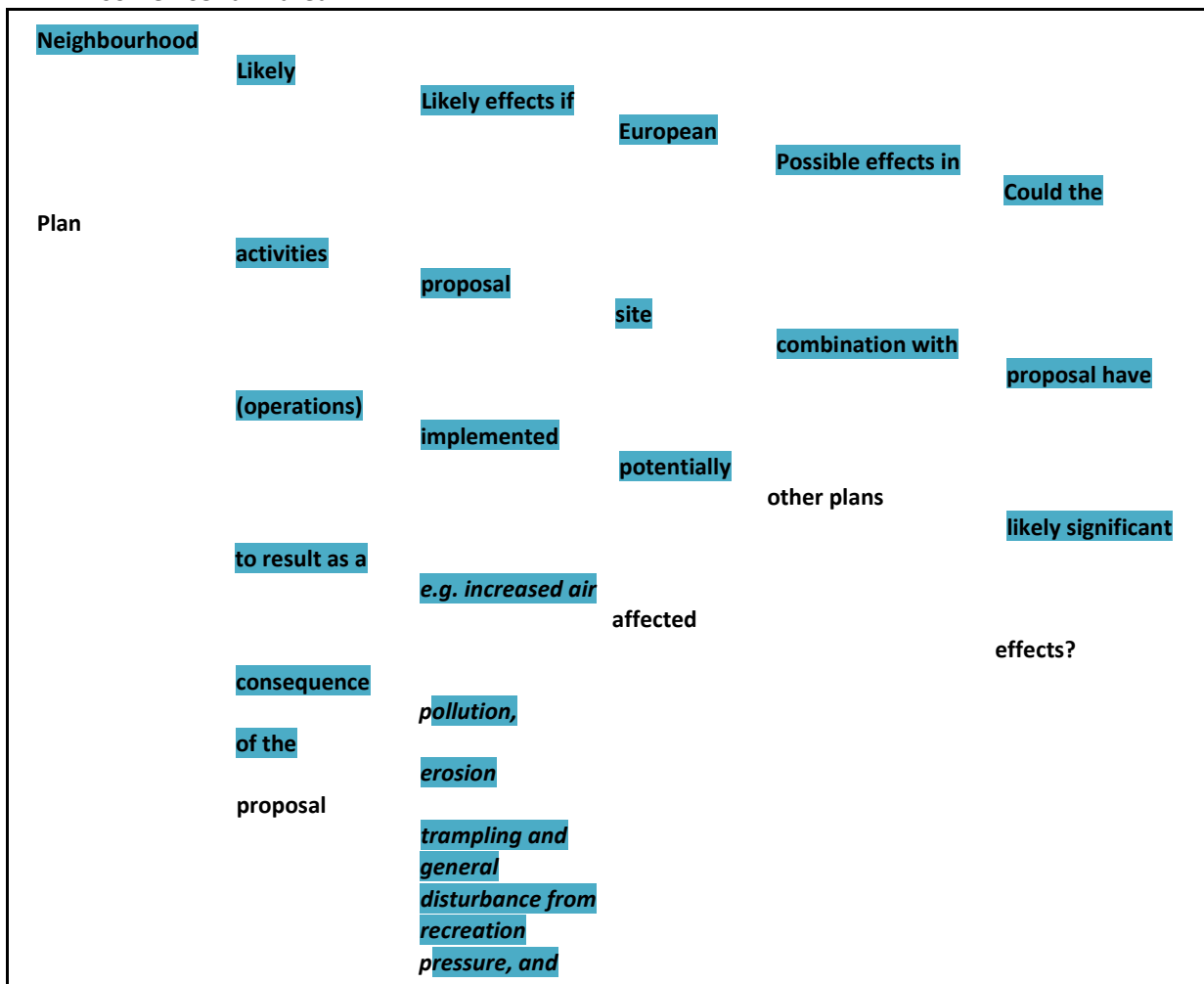
### Material assets

2.35 Potential increases in waste are likely to be limited due to the lack of proposed allocations through the draft plan and while there are areas for example, permitted for existing sand and gravel extraction at Shorcote Pit, and an area south and west of Cerney Wick (Adopted Gloucestershire Minerals Plan) this is unlikely to be affected as a result of the NDP.

### Assessment – HRA

2.36 The Cotswold District Local Plan was subject to HRA which looked at designated sites which could be impacted by development within Cotswold District. Appropriate Assessment concluded that adverse effects on any European Sites were ruled out in relation to physical loss, damage to habitat, air pollution, increased recreation pressure, and no likely significant in-combination effects with other authorities development plans. This section provides a HRA screening for the South Cerney NDP as to whether Appropriate Assessment is required.

2.37 The closest Natura site, known as the North Meadow and Clattinger Farm Special Area of Conservation (SAC), *'a fragmented site located immediately adjacent to the southern boundary of Cotswold District'* (CDC HRA Report, page 43. Jan 2017), lies within the vicinity of the Parish approximately 20m at the nearest point beyond the plan boundary. The SAC represents lowland hay meadows and contains rare species characteristic of lowland meadows. It covers some 105ha in area.



**physical loss or  
damage to  
habitat**

South Cerney No housing or

Minimal

North

The NDP does not

Unlikely.

employment

Meadow

propose

The NDP does

allocations

Likely to be

and

development.

not propose

positive effects

Clattinger

Therefore unlikely

development and

from policies

any effects with

which support	Farm SAC other Plans may	the adopted
protection open	combine with the	Local Plan
spaces,	NDP to have	includes policy
sustainable	adverse effect.	(EN9) to
transport and to	The SAC lies	safeguard such
work locally.	outside the Parish	sites from
Public access to	and District	development
lakes is	boundary,	that could cause
promoted within	therefore	a significant
the NDP area.	development	adverse effect on
	planned elsewhere	the integrity of
	is an important	the SAC
	consideration. No	
	such effects were	
	identified by the	
	HRA and	
	Appropriate	
	Assessment for the	
	District Local Plan.	

2.38 It is not considered that any further stages of HRA (Appropriate Assessment) are required for the NDP.

**Assessment – likely significant effects?**

2.39 Stage 8 in applying the SEA Directive (see table 2 – is SEA required?) is derived from the table below (table 1) which itself outlines, in terms of the formal SEA Criteria (Annex II), the assessment above; providing maps, data and commentary.



<p>8. Is it likely to have a significant effect on the environment?</p>	<p>Criteria for determining the likely significance of effects (Annex II SEA Directive)</p>	<p>Summary Significant Effects</p>
	<p>The degree to which the plan or programme sets a framework for projects or other activities, either with regard to the location , nature, size and operating conditions or by allocating resources</p>	<p>The South Cerney Neighbourhood Plan will set out the framework to be used to determine proposals for development within the neighbourhood. It supports for example small scale ‘rural’ development, redevelopment of a garage, and seeks to protect ‘areas of separation’ and local green spaces. It does not allocate land for development or propose development in excess of that identified within the Cotswold District Local Plan.</p>
	<p>The degree to which the plan or programme influences other plans or programmes including those in a hierarchy</p>	<p>The South Cerney Neighbourhood Plan can only provide policies for the area it covers while the policies at the District and National level provide a strategic context for the NDP to be in general conformity with. South Cerney is identified as a Principal Settlement in, and will help deliver the aims</p>

<p>8. Is it likely to have a significant effect on the environment?</p>	<p>Criteria for determining the likely significance of effects (Annex II SEA Directive)</p>	<p>Summary Significant Effects</p>

	<p>of, the Local Plan, but is not allocated to take significant growth.</p> <p>None of the policies in the likely to have a direct impact on other plans in neighbouring areas.</p>
<p>The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development</p>	<p>A Neighbourhood Plan is required to contribute to the achievement of sustainable development. The proposals in the NDP look to balance environmental, social and economic considerations such as sustainable modes of transport, encourage local businesses and designate Local Green Space. In particular to the NDP is the importance of the environment, it contains polices to protect and enhance the environment; encourage tranquillity and respect for the lakes and landscape of the area. It is considered overall, as no development is allocated, any impact on the local environment and places valued by the local people is likely to be positive.</p>
<p>Environmental problems relevant to the plan</p>	<p>The South Cerney Neighbourhood Plan is not allocating land for housing or employment use, therefore any adverse impact on the environment arising from the NDP proposals (causing environmental problems) is considered to be minimal and unlikely to be significant. No change of use of the land in the NDP is proposed other than to LGS.</p>
<p>The relevance of the plan or programme for the implementation of community legislation on the environment (e.g. plans linked to waste</p>	<p>The South Cerney Neighbourhood Plan is to be developed in general conformity with the Local Plan, the Gloucestershire Minerals and Waste Plans, and national policy. Therefore the implementation of (EU) community legislation on water protection or waste is</p>

<p>management or water protection)</p>	<p>not relevant to the NDP.</p>
<p>The probability, duration, frequency and reversibility of effects</p>	<p>It is considered unlikely that proposals in the NDP will lead to irreversible, long or short term or frequent adverse effects on the environment, especially no allocation of land, and therefore changing the of use of the land, is proposed. The NDP seeks to minimise the negative effects of potential development and promote positive impacts to enhance and conserve. It is more likely to have positive local effects.</p>
<p>The cumulative nature of the effects</p>	<p>It is considered unlikely that there will be any significant cumulative effects as the potential limited level of development is in conformity with the Local Plan and appropriate for such a rural area / open countryside.</p>

<p>8. Is it likely to have a significant effect on the environment?</p>	<p>Criteria for determining the likely significance of effects (Annex II SEA Directive)</p> <p>Summary Significant Effects</p>
<p>The transboundary nature of the effects</p>	<p>Effects will be local with limited effects on neighbouring areas as the proposals within the NDP only apply to designated area.</p>

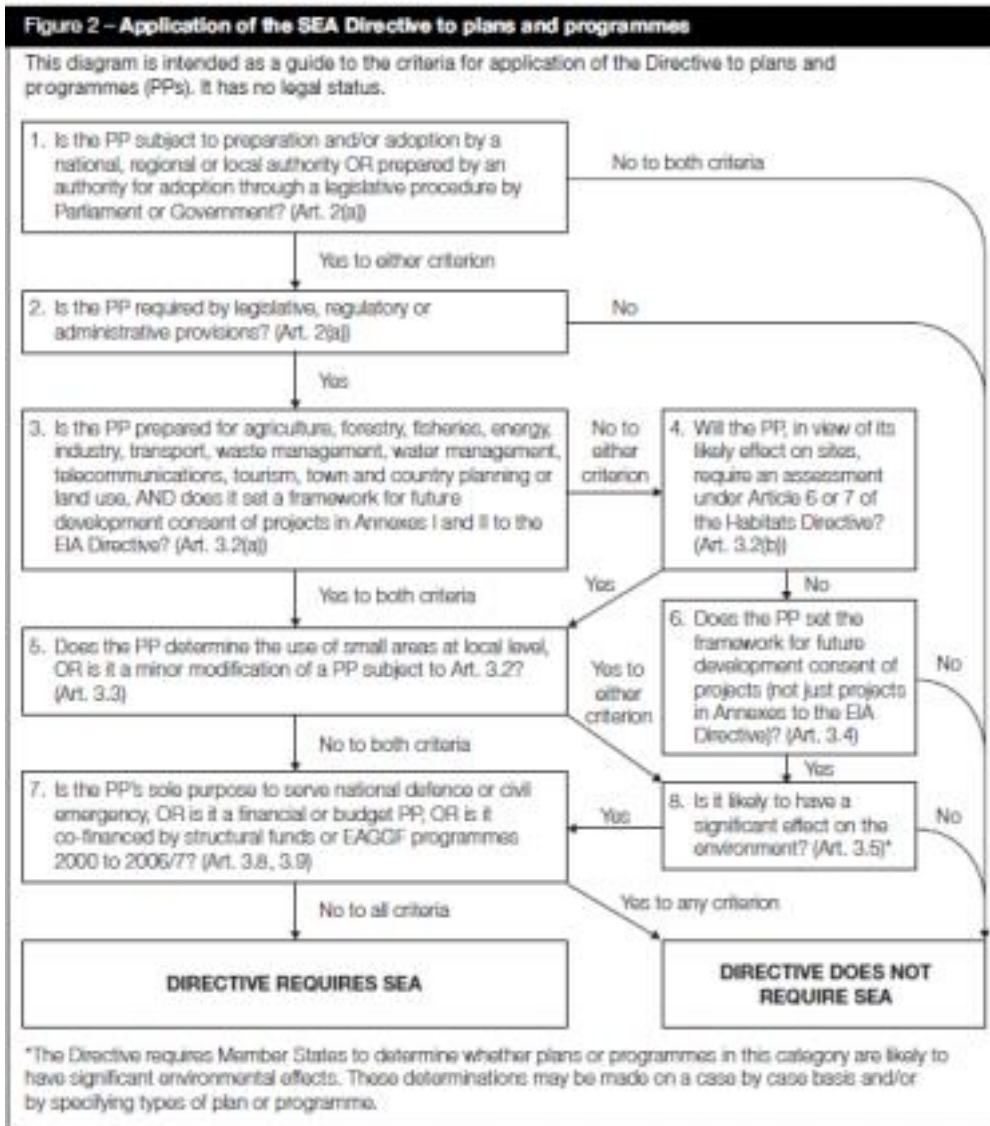
<p>The risks to human health or the environment (e.g. due to accidents)</p>	<p>No risks have been identified</p>
<p>The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)</p>	<p>The Neighbourhood Area covers an area of about 12.40km<sup>2</sup> and contains a population of 3465 (2011 Census). The scale of development is supported by the NDP is small (and none is allocated) therefore effects are likely to be localised. It is unlikely that the effects of proposals within the neighbourhood plan will be large scale and extensive.</p>
<p>The value and vulnerability of the area likely to be affected due to;</p> <p>i) special natural characteristics or cultural heritage</p> <p>ii) exceeded environmental quality standards</p> <p>iii) intensive land-use</p>	<p>The South Cerney Neighbourhood Plan is unlikely to adversely affect the value and vulnerability of the area in relation to natural or cultural heritage. The Plan area is close to a SAC and National Nature Reserve and contains SSSI's, a strategic nature area, key wildlife site and Priority Habitats. South Cerney also contains a Conservation Area and two SAMs; and draft policies seek to enhance local ecology sites, landscape views, and protect local heritage assets, local green spaces, open spaces and allotments as well as the rural character of the area. Such policies are considered to have a positive effect on the area. There is unlikely to be intensive land use and therefore the NDP will not affect the value and vulnerability of the area.</p>

The effects on areas or  
landscapes which have a  
recognised national  
community or international  
protections status

The Plan boundary is within 15km (almost adjacent  
to) the North Meadow and Clattinger Farm Special  
Area of Conservation (SAC) and contains three SSSI's.  
The South Cerney Neighbourhood Plan however, is  
unlikely to lead to additional pressures on the  
European designated SAC or nationally designated  
SSSI's as it does not allocate and change the use of  
land for development. The level of development  
supported by the proposals in the NDP is likely to be  
minimal and therefore unlikely to be a significant  
effect.

#### **Assessment – Is an SEA required?**

2.40 The process for screening a planning document to ascertain whether a SEA is required is illustrated below:



2.41 The table below is drawn from the 'decision making' flow diagram above, and shows the assessment (in terms of the SEA Directive) of whether the NDP will require an SEA, based on the information gathered in the appendix<sup>15</sup>. It establishes the need for a SEA.

Stage	Y/N	Reason
1	Y	Is the PP subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative
	Y	The Neighbourhood Development Plan will be 'made' by Cotswold District Council as the Local Authority. The Plan is prepared by the relevant Qualifying Body - South Cerney Parish Council

<sup>15</sup> RTP1 SEA/SA Guidance, January 2018

<b>Stage Y/N Reason</b>	
procedure by Parliament or Government? (Art. 2(a))	
2 Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	N The Neighbourhood Plan is an optional plan and not a requirement. The requirement for a NDP to have an SEA depends on its content and therefore it is necessary to screen the likely significant environmental effects of the NDP in line with the SEA Regulations.
3. 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))	N The Neighbourhood Plan is prepared for town and country planning purposes, but it does not set a framework for future development consent of projects in Annexes I and II to the EIA Directive (Art 3.2 (a)). <a href="http://ec.europa.eu/environment/eia/eia_legalcontext.htm">http://ec.europa.eu/environment/eia/eia_legalcontext.htm</a>

4 Will the PP, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? (Art. 3.2(b))

N A District wide HRA Report for Cotswold District was prepared for the Local Plan process. The HRA Screening conclusions for the Local Plan were that a number of policies may result in significant effects on European Sites. These were considered further in Appropriate

Assessment in 2017. This concluded that adverse effects on the integrity of any of the sites could be ruled out in relation to physical loss, damage to habitat, air pollution, increased recreation pressure, or in-combination effects with other development plans.

Of the 8 Natura Sites looked at in the HRA Report, North Meadow and Clattinger Farm SAC (one of two areas) are the closest to South Cerney Neighbourhood area lying adjacent to Cotswold District, to the south of the Parish approximately 20m beyond the boundary at its closest point .

In light of a recent ECJ<sup>16</sup> ruling proximity or presence to a European site may trigger SEA if there is a potential impact, where mitigation measures *cannot* be used to conclude there is 'no significant effect'. As the NDP does not in any case allocate sites for development and no mitigation policies are included in the Plan proximity (within 15km buffer<sup>17</sup>) of the SAC it is unlikely to have a significant effect and require Appropriate Assessment.

<sup>16</sup> The People Over Wind and Sweetman vs. Coillte Teoranta

<sup>17</sup> Para 3.4, HRA Report, January 2017



**Stage Y/N Reason**

It is considered that the NDP will not affect the specified Natura 2000 site over and above the impacts identified in the HRA Report carried out for the Local Plan. Therefore a full Appropriate Assessment is not considered to be required for the NDP.

The HRA submitted alongside the Local Plan to Examination can be found here:  
<https://www.cotswold.gov.uk/media/1500069/Updated-HRA-Report-for-Local-Plan-Focussed-Changes.pdf>

5 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)

N/Y The Neighbourhood Development Plan does not make allocations to determine the new use of land. Small areas for 'separation' and Local Green Space designations may be identified however this does not change the current use of the land.

6 Does the PP set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Art. 3.4)

N/ Y An NDP is (a framework) to be used in determining future planning applications, and once 'made' will form part of the statutory development plan. However South Cerney NDP does not make allocations and so does not in this sense set a 'framework for future development consent' or beyond those projects listed in the EIA Directive.

7 Is the PP's sole purpose to serve 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)

N The purpose of the NDP is not for any of those categories listed in Art 3.8,3.9.

8<sup>18</sup> Is it likely to have a significant effect on the environment?

*(See table 1)*

N South Cerney NDP does not make any housing or employment allocations and as such there is no major level of proposed development in the Plan to impact upon environmentally sensitive areas. It is considered there would be little or no impact on nationally recognised designation of three SSSI's, and two Scheduled Monuments, or to the risk of flooding within the Parish. Although the Neighbourhood Area does not have any Areas of Outstanding Natural Beauty (AONB) a European Natura 2000 Site (SAC) and National Nature Reserve also lie in close proximity to the southern Plan boundary. Policies in the draft NDP however do not change the use of the land.

<sup>18</sup> Annex II of the SEA Directive— Criteria for determining the likely significance of effects on the environment. See table below.

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**Stage Y/N Reason**

More locally there are identified Key Wildlife Sites, a strategic nature area (SNA), Priority Habitats, listed buildings, and a Conservation Area which lies within South Cerney village. However given the draft plan policies on design and development in South Cerney, it is considered the Plan is unlikely to significantly affect (positively or negatively) the natural or cultural heritage of the area.

The impact of any potential development (in general conformity with the Local Plan) is expected to be localised and minimal and therefore not significant.

Table 2

**Conclusion:**

2.42 As a result of the assessment, it is considered unlikely that there will be any significant environmental effects arising from South Cerney Neighbourhood Plan draft as submitted at the date of this assessment, that were not covered in the Sustainability Appraisal or Appropriate Assessment of the Local Plan.

- 2.43 Significant environmental effects have already been considered and dealt with through sustainability appraisal of the Local Plan for the District, to which the NDP must be in general conformity to meet its 'basic conditions' (Appendix 1). In addition, there are no allocations proposed in the NDP, and the impact of any potential development (in general conformity with the Local Plan) is expected to be localised and minimal and therefore not significant; and given the distance of the nearest SAC from the Neighbourhood Plan area and lack of activities that could have a potential impact, overall it is not considered necessary to require either a standalone Strategic Environmental Assessment or Appropriate Assessment for the NDP.
- 2.44 It is considered the South Cerney Neighbourhood Plan does not require a full SEA or HRA to be undertaken.
- 2.45 The Screening Report was provided to the statutory environmental consultation bodies for SEA (Historic England, the Environment Agency and Natural England) for their opinion. The 5 week consultation period ended on the 8th November 2018, with no objections being raised (See their responses, Appendix 2).
- 2.46 Based on the Screening Report and taking into account responses from the statutory environmental bodies, it is **determined** by Cotswold District Council in accordance with SEA Regulation 9, as the 'responsible authority', that the Preston Neighbourhood Plan is unlikely to have significant environmental effects and is therefore 'screened out' i.e. that no Strategic Environmental Assessment is required.
- 2.47 In accordance with Regulation 106(1) of the Habitats Regulations, Cotswold District Council, as the 'competent authority,' also does not consider that an 'appropriate assessment' under Regulation 105 is required.
- 2.48 If the issues in the Neighbourhood Plan should change then a new screening may need to be undertaken. New development proposals in South Cerney will be determined in line with the

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Local and Neighbourhood Plans, and may individually require screening for Environmental Impact Assessment (EIA) based on their type, scale and location.

- 2.49 Even if an SEA is not legally required preparation of an SA (not SEA) report could be useful because it documents how the neighbourhood plan contributes to sustainable development, which is one of the 'basic conditions,' a legal requirement, that the plan must meet to proceed to referendum (Appendix 1)

## Appendix 1

NPPG on Neighbourhood Planning - Paragraph: 065 Reference ID: 41-065-20140306

### **What are the basic conditions that a draft neighbourhood plan or Order must meet if it is to proceed to referendum?**

Only a draft neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in [paragraph 8\(2\) of Schedule 4B to the Town and Country Planning Act 1990](#) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:

- a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan). [Read more details.](#)
- b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders. [Read more details.](#)
- c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders. [Read more details.](#)
- d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development. [Read more details.](#)
- e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). [Read more details.](#)
- f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations. [Read more details.](#)
- g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan). [Read more details.](#)

**Appendix 2****Historic England**

Wed 07/11/2018 12:14

Dear Jo

Thank you for your consultation on the SEA Screening of the emerging South Cerney Neighbourhood Plan.

Our only involvement with this Plan to date has been to offer generic advice at the time of the area's designation in February 2016. We note from the Plan's website that a draft was to have been available for public consumption in September but that this has been delayed. Consequently we are dependent for our understanding of the scope and likely content of the Plan on the briefing provided in your Screening Report.

This is a most helpful Report in its comprehensive setting out of the background to the Plan and related issues. For the purposes of the current exercise our interest focuses on whether the Plan intends to allocate sites for development. The Report indicates that there is no intention for the Plan to do so and on that basis we have no objection to the view that a full SEA is not required.

Reference is made within the Report that the draft Plan suggests the redevelopment of Clarks Hay Garage (p5). As what we assume is a brownfield site the principle of development is probably not an issue and the specific nature of any redevelopment proposals which emerge can be influenced by any criteria within a dedicated policy, and complementary and overarching policy, to ensure the protection and enhancement of relevant heritage assets and thus avoiding significant environmental effects. But should any policy become specific or prescriptive in itself as far as such matters as quantum of development are concerned then it is probable that such provision will trigger the need for a Screening review and possible full SEA as a consequence.

Kind regards

David

David Stuart | Historic Places Adviser South West  
Historic England | 29 Queen Square | Bristol | BS1 4ND  
<https://historicengland.org.uk/southwest>

**Natural England**

Date: 02 November 2018

Dear Ms Corbett,

### **Draft South Cerney Neighbourhood Plan – SEA/HRA Screening**

Thank you for your consultation on the above dated 4th October 2018 which was received by Natural England on the same date.

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**

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

### **Neighbourhood Plan**

Guidance on the assessment of Neighbourhood Plans in light of the SEA Directive is contained within the National Planning Practice Guidance. The guidance highlights three triggers that may require the production of an SEA, for instance where:

- 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.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape

advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

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

Yours sincerely

Victoria Kirkham

Consultations Team

## **Environment Agency**

Mon 08/10/2018 16:05

Dear Ms Corbett,

Thank you for consulting the Environment Agency on your SEA screening opinion for the draft South Cerney 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.

However, together with Natural England, English Heritage and Forestry Commission, we have published joint guidance on neighbourhood planning, which sets out sources of environmental information and ideas on incorporating the environment into plans. This is available at:

[http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/LIT\\_6524\\_7da381.pdf](http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/LIT_6524_7da381.pdf)

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