



Chipping Campden Neighbourhood Development Plan

Strategic Environmental Assessment & Habitat Regulation Assessment Screening

28 February 2024

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Conclusion

1. In December 2023, Chipping Campden Town Council supplied a preliminary draft of their Neighbourhood Development Plan to Cotswold District Council, for the express purpose of having their proposals screened in line with the requirements of both the Strategic Environmental Assessment ('SEA') and Habitats Regulation Assessment Regulations ('HRA').
2. Cotswold District Council commissioned Land Use Consultants Ltd ('LUC') to carry out both these assessments on their behalf. LUC provided two reports, one for each screening requirement: the SEA screening is attached as Annex A; the HRA Screening as Annex B.
3. Following review by the Council, these screening reports were provided to the statutory consultation bodies for SEA and HRA (Historic England, the Environment Agency and Natural England) for their opinion, in line with the SEA and Habitats Regulations. The 5 week consultation period ended on the 22nd February 2024. The responses provided indicated no concerns with the conclusions reached by LUC in their review (see responses in Annex C; the Environment Agency declined to comment).
4. 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 Chipping Campden Neighbourhood Plan is unlikely to have significant environmental effects and is therefore 'screened out' i.e. that no Strategic Environmental Assessment is required.
5. In accordance with Regulation 106(1) of the Habitats Regulations, Cotswold District Council, as the 'competent authority,' does not consider that an 'appropriate assessment' under Regulation 105 is required.
6. If the issues in the Neighbourhood Plan should change then a new screening may need to be undertaken. New development proposals in Chipping Campden will be determined in line with the Development Framework, and may individually require screening for Environmental Impact Assessment (EIA) based on their type, scale and location.



Chipping Campden Neighbourhood Development Plan

SEA Screening Opinion

Cotswold District Council

Final report

Prepared by LUC

January 2024

Version	Status	Prepared	Checked	Approved	Date
1	Draft SEA Screening Report	H Ennis	K Nicholls	K Nicholls	10.01.2024
2	Final SEA Screening Report	H Ennis	K Nicholls	K Nicholls	17.01.2024



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Chipping Campden Neighbourhood Development Plan

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Chapter 1

Introduction

1.1 Chipping Campden Town Council is supporting the preparation of a Neighbourhood Development Plan, which is being prepared by a Steering Group supported by Andrea Pellegram Ltd. The entirety of the parish of Chipping Campden is included within the Cotswold National Landscape (formerly called the Cotswold Area of Outstanding Natural Beauty). The emerging Neighbourhood Development Plan covers the full extent of the electoral boundary of the Town Council, which includes the Campden Vale Ward.

1.2 LUC has been appointed by Cotswold District Council to consider whether there is a need for Strategic Environmental Assessment (SEA) to be undertaken for the Neighbourhood Development Plan. SEA may be required for a Neighbourhood Development Plan if it is likely to have significant environmental effects. Sustainability Appraisal (SA) is similar to SEA but includes assessment of the likely significant effects of a plan or programme on economic and social factors, as well as environmental factors. Planning Practice Guidance (PPG) **[See reference 1]** clarifies that there is no legal requirement for a Neighbourhood Development Plan to be subject to SA, but that SA can be used to demonstrate how the plan will contribute to sustainable development.

1.3 Cotswold District Council has commissioned LUC to carry out SEA Screening of the Draft policies for Chipping Campden Neighbourhood Development Plan (December 2023) in order to determine whether an assessment is required under European Directive 2001/42/EC (the SEA Directive), transposed into UK law through the SEA Regulations **[See reference 2]**.

1.4 In October 2023 the Levelling up and Regeneration Act received royal assent, setting out detailed reforms to the planning system. Amongst other things, the Act allows for the replacement of the current SEA regime with a new

Chapter 1 Introduction

requirement for an Environmental Outcomes Report. The specific requirements will be set out in forthcoming regulations, along with information about transition arrangements; however at present the requirement for SEA remains as set out in existing legislation.

Chapter 2

SEA Screening

Scope of the Chipping Campden Neighbourhood Development Plan

2.1 Chipping Campden Town Council approached Cotswold District Council to have the electoral boundary designated as a neighbourhood area, so the Town Council could develop a Neighbourhood Development Plan. A Steering Group, supported by Chipping Campden Town Council and Andrea Pellegram Ltd, has been involved in producing the Draft Policies for the Chipping Campden Neighbourhood Development Plan (December 2023).

2.2 The Chipping Campden Neighbourhood Development Plan seeks to address the issues identified by the local community during consultations carried out by the Town Council since 2014.

2.3 The Neighbourhood Development Plan covers the entire electoral boundary of Chipping Campden Town Council, which includes Campden Vale Ward. The Chipping Campden Neighbourhood Development Plan includes a vision for the long-term future of Chipping Campden along with 17 objectives under six themes:

- Environment and Sustainability
 - To conserve and enhance the natural environment, and encourage a wide diversity of flora and fauna.
 - To conserve and enhance the natural setting that characterises the town.
 - To provide and/or maintain green corridors for wildlife across and around Chipping Campden.

- To meet the challenge of climate change, flooding and light pollution.
- Housing
 - To ensure that the community has an appropriate range and supply of housing to meet its needs, including affordable and social housing developed in sympathy with the existing townscape and surrounding countryside.
 - To ensure that new housing location is consistent with the environmental objectives noted above, and is designed in accordance with the design objectives below.
- Economy
 - To protect and develop the town's economy.
 - To strengthen the vitality and viability of the town centre by protecting and enhancing the range of retail, hospitality and other commercial offerings.
 - To improve the town's tourism offer and its attraction to tourists and visitors by improving existing facilities and introducing new ones.
 - To ensure that there is an appropriate balance between rental accommodation for tourists and that which meets the needs of residents and their families.
 - To support the development of specialist food and food-related industry and businesses.
 - To encourage start-up business.
- Design
 - To protect and enhance the area's heritage assets and its AONB location, by encouraging development and conservation projects for uses that are sympathetic to the character of Chipping Campden and its beautiful landscape setting and resisting developments for inappropriate uses, or that are unsympathetic to the character and setting of the Town.
- Facilities, Services and Amenities

- To ensure that the community has appropriate infrastructure in terms of health services, sports/leisure facilities, amenities, public transport and green infrastructure.
- To protect existing green spaces and to increase the provision of green spaces.
- Traffic and Transport
 - To improve facilities for car parking.
 - To improve the facilities and safety for cyclists and pedestrians.

2.4 The Neighbourhood Development Plan sets out six planning policies to realise and deliver the vision for Chipping Campden. These include:

- Policy 1: Chipping Campden town centre
- Policy 2: Social and Community infrastructure
- Policy 3: Design of the built and natural environment
- Policy 4: Non-designated heritage assets
- Policy 5: Biodiversity net gain and local nature recovery
- Policy 6: Local Green Spaces

2.5 No sites have been allocated for housing or other forms of built development within the Neighbourhood Development Plan, although various policies include criteria that will apply to any proposals for development. Policy 1 restricts change of use from residential and town centres uses to visitor accommodation within Chipping Campden town centre. The policy also supports proposals that provide extra parking at Chipping Campden School or elsewhere to alleviate congestion. In addition, the policy modifies the 'town centre' boundary beyond that defined in the Local Plan Policy EC7. Policy 2 identifies existing social and community infrastructure that should be protected. The policy also supports suitable land for human burial: the Cotswold Local Plan allocated land for burial but this site is no longer available, so an alternative has been sought. Policy 3 requires planning proposals to have regard to the Chipping Campden Design Guide and to be designed according to

the Building with Nature Standards Framework. Policy 5 identifies habitats that could be improved for biodiversity as part of Chipping Campden's Nature Recovery Areas and how developments could contribute to biodiversity gain. Policy 4 and 6 provide protection for non-designated heritage assets and local green space.

Baseline Information

2.6 This section summarises baseline information for the town of Chipping Campden, drawing from the information set out in the Draft Policies for the Chipping Campden Neighbourhood Development Plan.

Context

2.7 The town of Chipping Campden is located within Cotswold District and includes part of the Cotswold National Landscape. The Town Council electoral boundary, which the Neighbourhood Development Plan covers, includes Campden Vale Ward.

Biodiversity, Flora and Fauna

2.8 There are no Special Protection Areas (SPAs), Special Areas of Conservation (SACs) or Ramsar sites within Chipping Campden, the closest being Dixton Wood SAC approximately 13.6km south-west and Bredon Hill SAC approximately 13.5km west.

2.9 There are a number of Sites of Special Scientific Interest (SSSIs) around Chipping Campden although none are within the area covered by the Neighbourhood Development Plan. These include Wellacre Quarry SSSI next to the eastern boundary of Chipping Campden, Broadway Hill SSSI approximately 0.1km to the west, Campden Tunnel Gravel Pit SSSI approximately 0.2km to

the north, Hornsleasow Roughs SSSI approximately 1.3km to the south and Hornsleasow Quarry SSSI approximately 1.4km south. All are in favourable condition.

2.10 Within Cotswold District as a whole there are over 260 locally designated Key Wildlife Sites. In addition, there are 13 Nature Recovery Areas within Chipping Campden.

Population

2.11 In 2021, Chipping Campden had a population of approximately 2,288 people. The town has a higher than average population of elderly people, with 32.9% of people being over the age of 65 compared to 18.4% nationally. The number of people aged 0-15 is lower than nationally, at 12.3% compared to 17.4% across England.

2.12 Chipping Campden has a higher proportion of one and two person households compared to England as a whole and household composition is dominated by one person households (35%) and single-family households (62%). In 2019, all of Chipping Campden fell within the 20% or 30% least deprived areas in England according to the Indices of Multiple Deprivation.

Human Health

2.13 The majority of Chipping Campden's residents are in good or very good health (81.6%) with a small proportion (4.2%) in bad to very bad health. Information from the 2021 Census indicates that the proportion of the Chipping Campden population that is in very good health (42.8%) is slightly lower than the Cotswold average (50.4%) and the England average (47.5%). This may reflect the older age profile of the town.

Soil

2.14 Around Chipping Campden town the land is classified as Grade 1 or Grade 2 agricultural land. The majority of the rest of the plan area comprises of Grade 3 agricultural land. It is not known whether the Grade 3 land comprises Grade 3a which is classed as high quality, or the lower quality Grade 3b.

2.15 The soil type in and around Chipping Campden is primarily clay-enriched soils or relatively young soils or soils with little profile.

Water

2.16 While the majority of the plan area is at very low risk of fluvial and surface water flooding, there are areas of flood zone 3 and flood zone 2 associated with the River Cam which runs through Chipping Campden town. The areas of flood zone 3 cover mainly the floodplains of the River Cam which includes the majority of the centre of Chipping Campden town and small rural parts to the east of Chipping Campden town. In the face of climate change, the risk of further surface water drainage problems is likely to increase.

Air and Climatic Factors

2.17 Air Quality in the Cotswold area is generally very good. There are two Air Quality Management Areas (AQMA) within Cotswold District at Air Balloon roundabout, Birdlip and Thames Street, Lechlade, which are approximately 27.8km and 37.3km respectively from Chipping Campden. There are no AQMAs within Chipping Campden. Air quality monitoring, using a network of diffusion tubes to measure nitrogen dioxide (NO₂) levels, is undertaken throughout the District. The District's air quality monitoring shows that NO₂ levels during 2022 were below the National Air Quality Objective in all locations.

2.18 Climate data is not available at ward level, but within Cotswold District as a whole, reductions in overall carbon emissions of 32% were achieved between 2005 and 2021. This reduction is mostly due to progress in reducing emissions from domestic, followed by commercial with minimal progress on public sector and transport. Transport makes the largest contribution to carbon emissions in Cotswold District.

Material Assets

2.19 Chipping Campden is a relatively rural parish with limited public transport and therefore the majority of residents are reliant on private cars to travel. Two bus routes run from Chipping Campden town to Stratford-upon-Avon every two hours. There are only B roads within the plan area. However, the A44 runs along the south of Chipping Campden Parish.

2.20 The main settlements within Chipping Campden are Chipping Campden town and Broad Campden. Chipping Campden town is a small market town with a historic high street containing a variety of small shops, food and drink establishments and local services including a library. Within Chipping Campden town, there is a thriving arts and makers industry. In 2023, there were the following commercially active organisations: 15 organisations that specialised in performance and exhibition; nine “visual artists” including painters and photographers; 14 artisans and makers; and six digital designers and publishers. Broad Campden is a small hamlet that lies close to Chipping Campden town.

2.21 Due to its location within the Cotswold National Landscape, tourism is a major and growing part of Chipping Campden’s local economy. Reflecting this, there are 21 food and drink establishments in Chipping Campden town. There is also a large number of holiday cottages, B&Bs and hotels.

2.22 Due to the popularity of the Cotswold National Landscape with tourists, there is a high rate of second homes, with the majority of residential properties within Chipping Campden town centre serving as holiday homes as well. There

were 3,776 houses and flats in the District classed as second homes for council tax purposes as of October 2021. This means one in every 18 homes in Cotswold District were out of use. This issue can impact housing supply and create pressure for new development sites to be built out to meet the local housing need.

Landscape

2.23 The majority of Chipping Campden falls within the Cotswold National Landscape (formally called the Area of Outstanding Natural Beauty, or AONB).

2.24 Chipping Campden falls within National Character Area 107: Cotswolds. The Cotswolds landscape consists of a steep slopes crowned by high, open uncultivated land with increasingly wooded valleys.

Cultural Heritage

2.25 There are two Conservation Areas within Chipping Campden: Chipping Campden Conservation Area and Broad Campden Conservation Area. Chipping Campden Conservation Area covers the majority of Chipping Campden town.

2.26 Within Chipping Campden there are five Grade I, 22 Grade II* and 228 Grade II Listed Buildings. There is also one Scheduled Monument and one Park and Garden of Special Historic Interest. These include:

- Campden House formal garden and associated medieval cultivation earthwork; and
- Spring Hill House, at the southern-most part of the parish is an 18th century landscape park.

SEA Screening

2.27 An assessment has been undertaken to determine whether the Draft Policies for the Chipping Campden Neighbourhood Development Plan (December 2023) requires SEA in accordance with the SEA Regulations.

2.28 Figure 2.1 overleaf presents the flow diagram entitled 'Application of the SEA Directive to plans and programmes' which is taken from the Practical Guide to the Strategic Environmental Assessment Directive, published in September 2005. This is a useful guide when considering whether a plan should be subject to SEA (The Practical Guide has been superseded by the National Planning Practice Guidance; however it still provides a useful and relevant guide to the process to use in making SEA screening decisions).

Table 2.1: Application of SEA Directive to the Chipping Campden Neighbourhood Development Plan

Stage	Yes/No	Reason
<p>1. 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 Chipping Campden Neighbourhood Development Plan is being prepared under the Localism Act 2011 and will be adopted ('made') by the Local Authority (Cotswold District Council) as part of the statutory development plan.</p> <p>Move to Q2.</p>
<p>2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))</p>	<p>No</p>	<p>The Chipping Campden Neighbourhood Development Plan is being prepared under the Localism Act 2011 and in accordance with the Neighbourhood Planning (General) Regulations 2012. However, there is no requirement to produce a Neighbourhood Development Plan; it is an optional plan. Once made it will become part of the statutory development plan. Therefore, it should continue to be screened.</p> <p>Move to Q3.</p>
<p>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))</p>	<p>Yes and No</p>	<p>The Chipping Campden Neighbourhood Development Plan is being prepared for town and country planning and land use, but it does not set a framework for future development consent of projects in Annexes I and II to the EIA Directive.</p> <p>Move to Q4.</p>

Stage	Yes/No	Reason
4. 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))	No	HRA screening of the Chipping Campden Neighbourhood Development Plan has identified that there are no likely significant effects on European sites and an Appropriate Assessment is not required. No: Move to Q6.
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)	Yes and No	The Chipping Campden Neighbourhood Development Plan does not allocate sites for development; however it includes policies against which proposals for development within the plan area will be assessed. Move to Q8.
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	No	See Table 2.2. SEA IS NOT REQUIRED.

Table 2.2: Likely Significant Effects

SEA Requirement	Comments
The characteristics of the plans and programmes, having regard, in particular, to:	N/A.
1. 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.	Once made, the Chipping Campden Neighbourhood Development Plan will become part of the statutory development plan and will guide the delivery of development in Chipping Campden, including in terms of design. The Chipping Campden Neighbourhood Development Plan does not allocate sites for residential or other forms of development. Policy 2 supports suitable land for human burial: the Cotswold Local Plan had allocated land for

SEA Requirement	Comments
	<p>burial but this is no longer available, so an alternative has been sought.</p> <p>The Cotswold District Local Plan 2011-2031 (adopted in August 2018) allocates new development sites in Chipping Campden through Policy S16. These include one housing development site, one established employment site, one allocated employment development site, a burial ground site, public car park and coach car park and new open space.</p> <p>The adopted Local Plan is set to deliver 9,671 dwellings over the Local Plan period. In addition, it is expected that a further 233 homes will be released to the market resulting from the net increase in bedrooms in communal accommodation developments over the plan period. In total, the updated housing need aims to deliver 9,904 dwellings. The delivery of 9,904 dwellings will be delivered over the Local Plan period and will provide more homes than the housing need. Therefore, the housing land supply is capable of fully delivering the updated housing need.</p> <p>The emerging Cotswold District Local Plan Partial Update Regulation 18 'Issues and Options' was consulted on between 4th February and 20th March 2022. It is at an early stage in its preparation and does not yet set out information about housing figures.</p>
<p>2. The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.</p>	<p>The Chipping Campden Neighbourhood Development Plan has to be in general conformity with the local strategic framework (the adopted Cotswold District Local Plan 2011-2031 (2018) and the emerging Cotswold District Local Plan Partial Update). The Chipping Campden Neighbourhood Development Plan must also have regard to the National Planning Policy Framework. The Chipping Campden Neighbourhood Development Plan does not have influence over other plans. Once made, the Chipping</p>

SEA Requirement	Comments
	Campden Neighbourhood Development Plan will form part of the statutory development plan for Chipping Campden and will be used in conjunction with the Cotswold District Local Plan 2011-2031 and the emerging Cotswold District Local Plan Partial Update (once adopted) to determine planning applications.
3. The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.	One of the Basic Conditions which the Neighbourhood Development Plan must meet is to contribute to sustainable development.
4. Environmental problems relevant to the plan or programme.	Baseline information relating to the plan area was described earlier in this chapter. Key issues of relevance to the Neighbourhood Development Plan are the presence of the Cotswold National Landscape, local biodiversity assets and the variety of designated heritage assets.
5. 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).	N/A.
Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:	N/A.
6. The probability, duration, frequency and reversibility of the effects.	The Chipping Campden Neighbourhood Development Plan does not allocate sites for housing or other forms of development. The Chipping Campden Neighbourhood Development Plan covers the period up to 2031. Effects of the Chipping Campden Neighbourhood Development Plan are expected to be indirect (due to not allocating sites) but long-term and permanent.

SEA Requirement	Comments
<p>7. The cumulative nature of the effects.</p>	<p>Cumulative effects could result from the Chipping Campden Neighbourhood Development Plan in combination with development that takes place in the surrounding towns and villages, although the Chipping Campden Neighbourhood Development Plan does not allocate sites for housing or other forms of development.</p> <p>As the emerging Cotswold District Local Plan Partial Update is still at an early stage in its development, it is not yet possible to assess with certainty the amount and location of development that may result from the Plan within and close to Chipping Campden.</p> <p>The Cotswold District Local Plan 2011-2031 (adopted August 2018) allocates a number of new development sites in Chipping Campden, as detailed in row 1 above.</p>
<p>8. The transboundary nature of the effects.</p>	<p>The Neighbourhood Development Plan focuses on Chipping Campden only. Transboundary effects under the SEA Regulations refers transboundary effects on other EU Member States; therefore they are not relevant to the Neighbourhood Development Plan.</p>
<p>9. The risks to human health or the environment (e.g. due to accidents).</p>	<p>There are no anticipated risks to human health or the environment from the Chipping Campden Neighbourhood Development Plan.</p>
<p>10. The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).</p>	<p>The Chipping Campden Neighbourhood Development Plan covers all of Chipping Campden. The population of the town was estimated to be around 2,288 people as of 2021.</p>
<p>11. The value and vulnerability of the area likely to be affected due to:</p> <ul style="list-style-type: none"> ■ Special natural characteristics or cultural heritage; 	<p>The plan area falls within the Cotswold National Landscape. There are a number of SSSIs within 3km and numerous designated heritage features within the plan area.</p>

SEA Requirement	Comments
<ul style="list-style-type: none"> ■ Exceeded environmental quality standards or limit values; and ■ Intensive land-use. 	
<p>12. The effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>The plan area falls within the Cotswold National Landscape.</p>

SEA Screening Conclusion

2.29 A screening assessment has been undertaken by applying the criteria from the SEA Directive and Schedule 1 of the SEA Regulations to determine whether or not the Chipping Campden Neighbourhood Development Plan is likely to have significant environmental effects when assessed against the topics listed in the SEA Regulations.

2.30 The Chipping Campden Neighbourhood Development Plan sets out a vision and planning policies to shape development in Chipping Campden up to 2031 and decision makers will need to consider the criteria of these policies when determining future applications in Chipping Campden. However, it does not directly impact on land use through the allocation of sites for housing or other forms of development.

2.31 On this basis, it is therefore considered that the Chipping Campden Neighbourhood Development Plan is unlikely to have significant environmental effects and that full SEA is therefore not required.

Next Steps

2.32 This SEA Screening Report will be sent to the three statutory consultees (Natural England, Historic England and the Environment Agency) and will be reviewed as appropriate in light of any comments received.

LUC

January 2024

References

- 1 Available at: [Department for Levelling Up, Housing and Communities \(2016, updated 2023\) Planning practice guidance](#)
- 2 The Environmental Assessment of Plans and Programmes Regulations 2004 (SI 2004/1633) as amended by The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (SI 2018/1232) and The Environmental Assessment of Plans and Programmes (Amendment) Regulations 2020 (SI 2020/1531). It should be noted that the purpose of the amendments to the SEA Regulations is to ensure that the law functions correctly after the UK has left the European Union. No substantive changes are made to the way the SEA regime operates.

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Landscape Management / Ecology / Historic Environment / GIS & Visualisation



Chipping Campden Neighbourhood Development Plan

Habitats Regulations Assessment Screening Report

Cotswold District Council

Final report

Prepared by LUC

January 2024

Version	Status	Prepared	Checked	Approved	Date
1	Draft HRA Screening Report	H Ennis	K Sydney	D Green	12.01.2024
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Chipping Campden Neighbourhood Development Plan

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Chapter 1

Introduction

1.1 LUC has been commissioned by Cotswold District Council to carry out Habitats Regulations Assessment (HRA) Screening of the Chipping Campden Neighbourhood Development Plan (hereafter referred to as the ‘Neighbourhood Plan’). This HRA report assesses the impacts of the Draft policies in the December 2023 version of the Neighbourhood Plan and considers whether further, more detailed, assessment will be required as part of a HRA Appropriate Assessment.

1.2 HRA considers the effect of a development plan on Special Areas of Conservation (SACs), Special Protection Areas (SPAs), and Ramsar sites – collectively referred to as ‘European sites’ (see Appendix A for further information on the legislative context).

1.3 The overall purpose of an HRA is to conclude whether or not a proposal or policy, or a whole development plan would adversely affect the integrity of the European site in question. This is judged in terms of the implications of the plan for a site’s ‘qualifying features’. Significantly, HRA is based on the precautionary principle. Where uncertainty or doubt remains, an adverse effect should be assumed.

Stages of HRA

1.4 The HRA of development plans is undertaken in stages (as described below) and should conclude whether or not a proposal would adversely affect the integrity of the European site in question.

1.5 LUC has been commissioned by the Council to carry out HRA work on the Council's behalf, and the outputs will be reported to and considered by the Council, as the competent authority, before adopting the Plan.

Typical Stages

1.6 Below summarises the stages and associated tasks and outcomes typically involved in carrying out a full HRA of a development plan, based on various guidance documents [\[See reference 1\]](#) [\[See reference 2\]](#) [\[See reference 3\]](#).

1.7 This report focusses on Stage 1 (Screening).

Stage 1: HRA Screening

Task

- Description of the development plan and confirmation that it is not directly connected with or necessary to the management of European sites.
- Identification of potentially affected European sites and their conservation objectives [\[See reference 4\]](#).
- Assessment of likely significant effects of the development plan alone or in combination with other plans and projects, prior to consideration of avoidance or reduction ('mitigation') measures [\[See reference 5\]](#).

Outcome

- Where effects are unlikely, prepare a 'finding of no significant effect report'.
- Where effects judged likely, or lack of information to prove otherwise, proceed to Stage 2.

Stage 2: Appropriate Assessment (where Stage 1 does not rule out likely significant effects)

Task

- Information gathering (development plan and European Sites [See reference 6]).
- Impact prediction.
- Evaluation of development plan impacts in view of conservation objectives of European sites.
- Where impacts are considered to directly or indirectly affect qualifying features of European sites, identify how these effects will be avoided or reduced ('mitigation').

Outcome

- Appropriate assessment report describing the plan, European site baseline conditions, the adverse effects of the plan on the European site, how these effects will be avoided or reduced, including the mechanisms and timescale for these mitigation measures.
- If effects remain after all alternatives and mitigation measures have been considered proceed to Stage 3.

Stage 3: Assessment where no alternatives exist and adverse impacts remain taking into account mitigation

Task

- Identify 'imperative reasons of overriding public interest' (IROPI).

- Demonstrate no alternatives exist.
- Identify potential compensatory measures.

Outcome

- This stage should be avoided if at all possible. The test of IROPI and the requirements for compensation are extremely onerous.

1.8 It is normally anticipated that an emphasis on Stages 1 and 2 of this process will, through a series of iterations, help ensure that potential adverse effects are identified and eliminated through the inclusion of mitigation measures designed to avoid or reduce effects. The need to consider alternatives could imply more onerous changes to a plan document. It is generally understood that so called 'imperative reasons of overriding public interest' (IROPI) are likely to be justified only very occasionally and would involve engagement with the Government.

Previous HRA Work

1.9 The Neighbourhood Plan is a new plan and has not previously been subject to HRA. However, HRA work has been undertaken for the Cotswold District Local Plan.

1.10 The Local Plan was adopted in 2018 and the HRA of the Local Plan was prepared by LUC in 2017. LUC is currently undertaking the HRA of the emerging revisions to the Local Plan. The Regulation 18 'Issues and Options' consultation took place in February and March 2023. LUC prepared a HRA Scoping Report, which was published as part of the Regulation 18 Consultation. Information from the Local Plan HRAs has informed the HRA of the Chipping Campden Neighbourhood Development Plan, where relevant.

Structure of this Report

1.11 This chapter (Chapter 1) described the background to the production of the Neighbourhood Plan and the requirement to undertake HRA. The remainder of the report is structured as follows:

- Chapter 2: Chipping Campden Neighbourhood Development Plan summarises the content of the plan, which is the subject of this report.
- Chapter 3: Method sets out the approach used, and the specific tasks undertaken during the screening stage of the HRA.
- Chapter 4: Screening assessment describes the findings of the screening stage of the HRA.
- Chapter 5: Conclusions and next steps summarises the HRA conclusions for the Chipping Campden Neighbourhood Development Plan and describes the next steps to be undertaken.

1.12 The information in the main body of the report is supported by the following appendices:

- Appendix A provides details of relevant legislation and case law.
- Appendix B presents a map showing the European sites within 15km of the Chipping Campden Neighbourhood Development Plan Area.
- Appendix C sets out information about the European sites that are considered in the HRA.

Chapter 2

Chipping Campden Neighbourhood Development Plan

Vision

2.1 The overarching vision for Chipping Campden by the end of the Neighbourhood Development Plan period in 2031 is:

A vibrant community, renowned for its creativity, culture and commerce, as much as for the beauty of its buildings and natural surroundings. A society working together to realise the potential of our young people, to develop our businesses, and to provide financially rewarding work and fulfilling activities for all our residents and amenities for all visitors to the area.

Objectives

2.2 The overarching vision is supported by a series of objectives within six themes. The objectives for the Chipping Campden Neighbourhood Development Plan are as follows:

- Environment and Sustainability
 - To conserve and enhance the natural environment, and encourage a wide diversity of flora and fauna.
 - To conserve and enhance the natural setting that characterises the town.

- To provide and/or maintain green corridors for wildlife across and around Chipping Campden.
- To meet the challenge of climate change, flooding and light pollution.
- Housing
 - To ensure that the community has an appropriate range and supply of housing to meet its needs, including affordable and social housing developed in sympathy with the existing townscape and surrounding countryside.
 - To ensure that new housing location is consistent with the environmental objectives noted above, and is designed in accordance with the design objectives below.
- Economy
 - To protect and develop the town's economy.
 - To strengthen the vitality and viability of the town centre by protecting and enhancing the range of retail, hospitality and other commercial offerings.
 - To improve the town's tourism offer and its attraction to tourists and visitors by improving existing facilities and introducing new ones.
 - To ensure that there is an appropriate balance between rental accommodation for tourists and that which meets the needs of residents and their families.
 - To support the development of specialist food and food-related industry and businesses.
 - To encourage start-up business.
- Design
 - To protect and enhance the area's heritage assets and its AONB location, by encouraging development and conservation projects for uses that are sympathetic to the character of Chipping Campden and its beautiful landscape setting and resisting developments for

inappropriate uses, or that are unsympathetic to the character and setting of the Town.

- Facilities, Services and Amenities
 - To ensure that the community has appropriate infrastructure in terms of health services, sports/leisure facilities, amenities, public transport and green infrastructure.
 - To protect existing green spaces and to increase the provision of green spaces.
- Traffic and Transport
 - To improve facilities for car parking.
 - To improve the facilities and safety for cyclists and pedestrians.

Policies

2.3 The policies within the Chipping Campden Neighbourhood Development Plan are listed below. New development provided for within the Chipping Campden Neighbourhood Development Plan is expected to be in line with the Cotswold Local Plan, and no development sites are allocated within the Chipping Campden Neighbourhood Development Plan. There are a total of six policies within the Chipping Campden Neighbourhood Development Plan:

- Policy 1: Chipping Campden town centre
- Policy 2: Social and Community infrastructure
- Policy 3: Design of the built and natural environment
- Policy 4: Non-designated heritage assets
- Policy 5: Biodiversity net gain and local nature recovery
- Policy 6: Local Green Spaces

Chapter 3

HRA Screening Methodology

3.1 HRA Screening of the Chipping Campden Neighbourhood Development Plan has been undertaken in line with current available guidance and sought to meet the requirements of the Habitats Regulations. The tasks that were undertaken during the screening stage of the HRA are described in detail below; and the conclusions reached are provided in Chapter 4. Relevant legislation and case law is described in Appendix A.

3.2 The purpose of the screening stage is to:

- Identify all aspects of the plan which would have no effect on a European site, so that they can be eliminated from further consideration in respect of this and other plans.
- Identify all aspects of the plan which would not be likely to have a significant effect on a European site (i.e. would have some effect because of links/connectivity, but which are not significant), and which therefore do not require 'Appropriate Assessment'. These effects are considered in relation to the plan both alone and in combination with other aspects of the same plan or other plans or projects.
- Identify those aspects of the plan where it is not possible to rule out the risk of significant effects on a European site, either alone or in combination with other plans or projects. This provides a clear scope for the parts of the plan that will require Appropriate Assessment.

Identifying European Sites that may be Affected and their Conservation Objectives

3.3 In order to initiate the search of European sites that could potentially be affected by a development, it is established practice in HRA to consider sites within the area covered by the plan, and other sites that may be affected beyond this area.

3.4 A distance of 15km from the boundary of the plan area is typically used in the first instance to identify European sites with the potential to be affected by the proposals within a development plan. Consideration is then given to whether any more distant European sites may be connected to the plan area via effects pathways, for example through hydrological links or recreational visits by residents. The 15km distance has been agreed with Natural England for HRAs elsewhere and is considered precautionary. All European sites within 15km have been assessed in this HRA.

3.5 The assessment also takes into account areas that may be functionally linked to the European sites. The term 'functional linkage' is used to refer to the role or 'function' that land beyond the boundary of a European site might fulfil in terms of supporting the species populations for which the site was designated or classified. Such an area is therefore 'linked' to the site in question because it provides a (potentially important) role in maintaining or restoring a protected population at favourable conservation status.

3.6 While the boundary of a European site will usually be drawn to include key supporting habitat for a qualifying species, this cannot always be the case where the population for which a site is designated or classified is particularly mobile. Individuals of the population will not necessarily remain in the site all the time. Sometimes, the mobility of qualifying species is considerable and may extend so far from the key habitat that forms the SAC or SPA that it would be entirely impractical to attempt to designate or classify all of the land or sea that

may conceivably be used by the species [See reference 7]. HRA therefore considers whether any European sites make use of functionally linked habitats, and the impacts that could affect those habitats.

3.7 Two European sites are within 15km of the Chipping Campden Neighbourhood Development Plan area:

- Bredon Hill SAC (13.5km west); and
- Dixton Wood SAC (13.4km south-west).

3.8 These sites are shown on the figure in Appendix B. Detailed information about each European site is provided in Appendix C, described with reference to Standard Data Forms for the SPAs and SACs, and Natural England's Site Improvement Plans [See reference 8]. Natural England's conservation objectives [See reference 9] for the SPAs and SACs have also been reviewed.

3.9 None of the sites with 15km of the Neighbourhood Development Plan area has qualifying features that require functionally linked habitat (i.e. mobile species such as bats or birds). No other European sites beyond 15km from the parish boundary are considered to be linked to the Plan area.

Assessment of 'Likely Significant Effects' of the Plan

3.10 As required under Regulation 105 of the Conservation of Habitats and Species Regulations 2017 [See reference 10] (as amended) (the 'Habitats Regulations'), an assessment has been undertaken of the 'likely significant effects' of the Plan. The assessment has been prepared in order to identify which policies would be likely to have a significant effect on European sites. The screening assessment has been conducted without taking mitigation into account, in accordance with the 'People over Wind' judgment (see Appendix A).

3.11 A risk-based approach, involving the application of the precautionary principle, has been adopted in the assessment, such that a conclusion of ‘no significant effect’ has only been reached where it is considered unlikely, based on current knowledge and the information available, that a policy would have a significant effect on a European site.

3.12 Relevant case law helps to interpret when effects should be considered as a likely significant effect, when carrying out HRA of a land use plan (see Appendix A).

3.13 A screening assessment has been prepared, to document consideration of the potential for likely significant effects resulting from each policy in the Chipping Campden Neighbourhood Development Plan. A summary of the findings of this assessment is provided in Chapter 4.

In-combination Effects

3.14 Regulation 105 of the Habitats Regulations 2017 requires an Appropriate Assessment where “a land use plan is likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site”. Therefore, the Screening assessment must consider whether any impacts identified from the Neighbourhood Development Plan may combine with other plans or projects to give rise to significant effects in-combination.

3.15 Where the Neighbourhood Development Plan is likely to have an effect on its own e.g. due to water pollution (due to impact pathways being present) but it is not likely to be significant, the in-combination assessment at Screening stage needs to determine whether there may also be the same types of effect from other plans or projects that could combine with the Neighbourhood Development Plan to produce a significant effect. If so, this likely significant effect (e.g. water pollution) arising from the Neighbourhood Development Plan in combination with other plans or projects, would then need to be considered through the Appropriate Assessment stage to determine if water pollution would

have an adverse effect on integrity of the relevant European site. Where the screening assessment concludes that there is no impact pathway between development proposed in the Neighbourhood Development Plan and the conditions necessary to maintain qualifying features of a European site, then there will be no in-combination effects to assess at the Screening or Appropriate Assessment stage. Where the screening assessment concludes that likely significant effects from the Neighbourhood Development Plan alone cannot be ruled out, this potential effect is carried forward for more detailed consideration (including of in-combination effects) at the Appropriate Assessment stage and no consideration of in-combination effects is necessary at the Screening stage. This approach accords with current guidance contained in the HRA Handbook [\[See reference 11\]](#).

3.16 The in-combination assessment will focus on planned growth (including housing, employment, transport, minerals and waste) around the affected site, or along the impact corridor, for example, if impacts could arise as a result of changes to a waterway, then planned growth in local authorities along that waterway will be considered. Where relevant, any strategic projects in the area that could have in-combination effects with the Neighbourhood Development Plan will also be identified and reviewed.

3.17 The HRA Handbook suggests the following plans and projects may be relevant to consider as part of the in-combination assessment:

- Applications lodged but not yet determined, including refusals subject to an outstanding appeal or legal challenge;
- Projects subject to periodic review e.g. annual licences, during the time that their renewal is under consideration;
- Projects authorised but not yet started;
- Projects started but not yet completed;
- Known projects that do not require external authorisation;
- Proposals in adopted plans; and
- Proposals in draft plans formally published or submitted for final consultation, examination or adoption.

Types of Impact

3.18 Where a development plan results in new development or activities, the HRA considers the impact pathways that could result in a likely significant effects. These impacts typically include:

- Physical loss or damage to habitat;
- Non-physical disturbance (noise, vibration and light pollution);
- Non-toxic contamination;
- Air pollution;
- Recreation pressure; and
- Changes to water quantity or quality.

Chapter 4

Screening Assessment

4.1 As described in the Chapter 3, a screening assessment has been carried out in order to identify the likely significant effects of the plan. The detailed screening assessment, which sets out the decision-making process used for this assessment can be found below.

Screening of Impact Pathways

4.2 Only Bredon Hill SAC and Dixton Wood SAC are within 15km of the Neighbourhood Plan area. This section considers potential impact pathways in relation to those two sites.

Physical Loss or Damage to Habitat

4.3 Physical loss or damage to habitat will only occur where development is within the boundaries of a European site, or its functionally linked land. There are no European sites within the Plan area and functionally linked land is not relevant to the sites within 15km. Therefore, there is no impact pathway for physical loss or damage to habitat and this impact has not been assessed in the HRA Screening.

Non-physical Disturbance

4.4 Non-physical disturbance is most likely to be significant within a distance of 500 metres from a European site. There are no European sites or functionally linked land within 500m of the Plan area; therefore there is no impact pathway

for non-physical disturbance and this impact has not been assessed in the HRA Screening.

Non-toxic Contamination

4.5 Non-toxic contamination can include the creation of dust and is most likely to be significant if development takes place within 500m of a European site with qualifying features sensitive to these disturbances. There are no European sites or functionally linked land within 500m of the Plan area; therefore there is no impact pathway for non-toxic contamination and this impact has not been assessed in the HRA Screening.

Air Pollution

4.6 Air pollution is most likely to affect European sites where plant, soil and water habitats are the qualifying features, but some qualifying animal species may also be affected, either directly or indirectly, by deterioration in habitat as a result of air pollution. In terms of vehicle traffic, nitrogen oxides (NO_x, i.e. NO and NO₂) are considered to be the key pollutants. Deposition of nitrogen compounds may lead to both soil and freshwater acidification, and NO_x can cause eutrophication of soils and water.

4.7 Based on the Highways England Design Manual for Road and Bridges (DMRB) LA 105 Air quality [See reference 12] (which sets out the requirements for assessing and reporting the effects of highway projects on air quality), it is assumed that air pollution from roads is unlikely to be significant beyond 200m from the road itself. Where increases in traffic volumes are forecast, this 200m buffer needs to be applied to the relevant roads in order to make a judgement about the likely geographical extent of air pollution impacts.

4.8 The two European sites within 15km of the Plan area are sensitive to air pollution (see Appendix C). However, neither Dixton Wood SAC or Bredon Hill SAC are within 200m of an A road or a motorway. Therefore, there is no impact

pathway for air pollution and this impact has not been assessed in the HRA Screening.

Recreation Pressure

4.9 Recreation activities and human presence can result in significant effects on European sites. European sites with qualifying bird species are likely to be particularly susceptible to recreational disturbances, for example from walking, dog walking, angling, and illegal use of off-road vehicles and motorbikes. Recreation can also physically damage habitat as a result of trampling, fire or vandalism and also through erosion associated with terrestrial activities.

4.10 The two European sites within 15km of the Plan area have habitats that are sensitive to recreation pressure (see Appendix C); therefore recreation pressure has been considered within the HRA Screening.

4.11 Each European site will typically have a 'Zone of Influence' (ZOI) within which increases in population would be expected to result in likely significant effects. ZOIs are usually established following targeted visitor surveys and the findings are therefore typically specific to each European site (and often to specific areas within a European site). There is currently no visitor surveys for Dixton Wood SAC and Bredon Hill SAC. Therefore, using a precautionary approach and based on the findings of the Monitor of Engagement with the Natural Environment (MENE) survey [See reference 13], a ZOI of 8km has been applied to all non-coastal European sites where a ZOI derived from visitor surveys is not available. The 8km ZOI derived from the MENE data relates to the distance of '3 to 5 miles' that 75% of visitors from Cotswold District travel to reach a natural environment. ZOIs are typically based on the distance that 75% of visitors travel from; therefore, 8km is deemed appropriate to use as a precautionary ZOI in this assessment. ZOIs for the three European sites within 15km of the Plan area have been established through visitor survey work and are as follows:

- Dixton Wood SAC: 8km

- Bredon Hill SAC: 8km

4.12 Both Dixton Wood SAC and Bredon Hill SAC are beyond 8km from Chipping Campden parish boundary. Recreation impacts are therefore screened out of this HRA.

Changes to Water Quality or Quantity

4.13 An increase in demand for water abstraction and treatment resulting from the growth can result in changes in hydrology at European sites. Depending on the qualifying features and particular vulnerabilities of the European sites, this could result in likely significant effects, for example, due to changes in environmental or biotic conditions, water chemistry and the extent and distribution of preferred habitat conditions.

4.14 Dixton Wood SAC and Bredon Hill SAC both contain moist soils which support the Violet click beetle, a qualifying feature of both sites. However, there are no abstraction licenses impacting Dixton Wood SAC and there are no other hydrological connectivity [See reference 14]. In addition, Bredon Hill SAC does not overlay the same aquifers as the plan area and there are no other hydrological connectivity. Therefore, the potential for hydrological impacts on Dixton Wood SAC and Bredon Hill SAC has been screened out.

HRA Screening of Policies

Policies with the Potential for Likely Significant Effects

4.15 This section provides an explanation of the HRA Screening conclusions reached in this HRA, in relation to each policy. The following categories are used:

- Screened out – Due to distance thresholds/lack of sensitivities of qualifying features as discussed in this chapter.
- No likely significant effects – As impact of Chipping Campden Neighbourhood Development Plan is unlikely to be significant on its own or in combination.

Policy 1: Chipping Campden Town Centre

4.16 This policy provides details of the use that will be acceptable within the town centre. It results in the following:

- Modifies the ‘town centre’ boundary beyond that defined in Local Plan Policy EC7;
- Withdraws Local Plan allocated sites ‘Wold’s End Orchard’ (Policy S16);
- Supports a new car park (100 spaces); and
- Discourages the conversion of residential accommodation to tourist accommodation, where possible.

4.17 Although the policy influences the location that specific uses would occur, it will not itself result in new development. This policy will not result in likely significant effects.

Policy 2: Social and Community Infrastructure

4.18 This policy identifies existing social and community infrastructure that should be protected (through Local Plan Policy INF2 and EC8). The policy also supports suitable land for human burial: the Local Plan allocated land for burial but this is no longer available, so an alternative will be sought. Therefore, although this policy influences the location that specific uses would occur, it will not itself result in new development. This policy will not result in likely significant effects.

Policy 3: Design of the Built and Natural Environment

4.19 This policy defines design standards and guidance relevant to developments in Chipping Campden but it will not result in new development. This policy has been screened out.

Policy 4: Non-designated Heritage Assets

4.20 This policy identified features that are non-designated heritage assets and therefore does not result in new development/activities. This policy has been screened out.

Policy 5: Biodiversity Net Gain and Local Nature Recovery

4.21 This policy identifies habitats that could be improved for biodiversity as part of Chipping Campden's Local Nature Recovery Areas, and sets out how developments can contribute to biodiversity gain. This policy will not result in new development/activities. This policy has been screened out.

Policy 6: Local Green Spaces

4.22 This policy designates 22 existing sites as local green space; but not result in new development/activities. This policy has been screened out.

Chapter 5

Assessment Conclusion

5.1 At the Screening stage of HRA, no likely significant effects are predicted on European sites, either alone or in combination with other policies and proposals.

Summary of HRA Screening

5.2 The HRA Screening has not identified any likely significant effects that will require Appropriate Assessment, either for the Neighbourhood Plan alone or in combination with other plans or projects.

5.3 Most policies have been screened out as they will not result in new development/activities and there are no impact pathways.

5.4 There are potential impact pathways for air pollution and recreation pressure, but the policies will not increase development relevant to these impacts so they have been screened out.

5.5 Policies 1 and 2 will influence the locations in which specific uses are acceptable, but will not themselves result in new development; therefore they will not result in likely significant effects.

Next Steps

5.6 An Appropriate Assessment is not required for the Chipping Campden Neighbourhood Development Plan as none of the policies will directly result in new built development and likely significant effects from the plan can therefore be ruled out.

Chapter 5 Assessment Conclusion

5.7 HRA is an iterative process and as such, this assessment should be updated if any relevant, newly available evidence or comments from key consultees are received prior to the plan being finalised. This report should be subject to consultation with Natural England to confirm that the conclusions of the assessment are considered appropriate at this stage of plan-making.

LUC

January 2024

Appendix A

Relevant Legislation and Case Law

Legislation

The Requirement to Undertake Habitats Regulations Assessment of Development Plans

A.1 The requirement to undertake HRA of development plans was confirmed by the amendments to the Habitats Regulations published for England and Wales in 2007 [See reference 15]; the currently applicable version is the Habitats Regulations 2017, as amended [See reference 16]. When preparing a development plan, the Council is therefore required by law to carry out an HRA. The Council can commission consultants to undertake HRA work on its behalf and this (the work documented in this report) is then reported to and considered by the Council as the ‘competent authority’. The Council will consider this work and would usually only progress a Plan if it considers that the Plan will not adversely affect the integrity [See reference 17] of any ‘European site’, as defined below (the exception to this would be where ‘imperative reasons of overriding public interest’ can be demonstrated). The requirement for authorities to comply with the Habitats Regulations when preparing a Plan is also noted in the Government’s online Planning Practice Guidance [See reference 18] (PPG).

A.2 HRA refers to the assessment of the potential effects of a development plan on one or more sites afforded the highest level of protection in the UK: SPAs and SACs. These were classified under European Union (EU) legislation but since 1 January 2021 are protected in the UK by the Habitats Regulations 20172 (as amended). Although the EU Directives from which the UK’s Habitats Regulations originally derived are no longer binding, the Regulations still make

Appendix A Relevant Legislation and Case Law

reference to the lists of habitats and species that the sites were designated for, which are listed in annexes to the EU Directives:

- SACs are designated for particular habitat types (specified in Annex 1 of the EU Habitats Directive [See reference 19]) and species (Annex II). The listed habitat types and species (excluding birds) are those considered to be most in need of conservation at a European level. Before EU exit day, designation of SACs also had regard to the coherence of the 'Natura 2000' network of European sites. After EU exit day, regard is had to the importance of such sites for the coherence of the UK's 'national site network'.
- SPAs are classified for rare and vulnerable birds (Annex I of the EU Birds Directive [See reference 20]), and for regularly occurring migratory species not listed in Annex I.

A.3 The term 'European sites' was previously commonly used in HRA to refer to 'Natura 2000' sites [See reference 21] and Ramsar sites (international designated under the Ramsar Convention). However, a Government Policy Paper [See reference 22] on changes to the Habitats Regulations 2017 post-Brexit states that:

- Any references to Natura 2000 in the 2017 Regulations and in guidance now refer to the new 'national site network'.
- The national site network includes existing SACs and SPAs; and new SACs and SPAs designated under these Regulations.
- Designated Wetlands of International Importance (known as Ramsar sites) do not form part of the national site network. Many Ramsar sites overlap with SACs and SPAs and may be designated for the same or different species and habitats.

A.4 Although Ramsar sites do not form part of the new national site network, Government guidance [See reference 23] states that:

"Any proposals affecting the following sites would also require an HRA because these are protected by government policy:

- proposed SACs
- potential SPAs
- Ramsar sites – wetlands of international importance (both listed and proposed)
- areas secured as sites compensating for damage to a European site.”

A.5 Furthermore, the NPPF [See reference 24] and practice guidance [See reference 25] currently state that competent authorities responsible for carrying out HRA should treat Ramsar sites in the same way as SACs and SPAs. The legislative requirement for HRA does not apply to other nationally designated wildlife sites such as Sites of Special Scientific Interest or National Nature Reserves.

A.6 For simplicity, this report uses the term ‘European site’ to refer to all types of designated site for which Government guidance [See reference 26] requires an HRA.

Requirements of the Habitats Regulations

A.7 In assessing the effects of a Local Plan in accordance with Regulation 105 of the Conservation of Habitats and Species Regulations 2017 (as amended) (the ‘Habitats Regulations’), there are potentially two tests to be applied by the competent authority: a ‘Significance Test’, followed if necessary by an Appropriate Assessment which would inform the ‘Integrity Test’. The relevant sequence of questions is as follows:

- Step 1: Under Reg. 105(1)(b), consider whether the plan is directly connected with or necessary to the management of the sites. If not, proceed to Step 2.
- Step 2: Under Reg. 105(1)(a) consider whether the plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects (the ‘Significance Test’). If yes, proceed to Step 3.

Appendix A Relevant Legislation and Case Law

- [Steps 1 and 2 are undertaken as part of Stage 1: HRA Screening.]
- Step 3: Under Reg. 105(1), make an Appropriate Assessment of the implications for the European site in view of its current conservation objectives (the 'Integrity Test'). In so doing, it is mandatory under Reg. 105(2) to consult Natural England, and optional under Reg. 105(3) to take the opinion of the general public.
 - [This step is undertaken during Stage 2: Appropriate Assessment.]
- Step 4: In accordance with Reg. 105(4), but subject to Reg. 107, give effect to the land use plan only after having ascertained that the plan would not adversely affect the integrity of a European site.
 - [This step follows Stage 2 where a finding of 'no adverse effect' is concluded. If it cannot be it proceeds to Step 5 as part of Stage 3 of the HRA process.]
- Step 5: Under Reg. 107, if Step 4 is unable to rule out adverse effects on the integrity of a European site and no alternative solutions exist then the competent authority may nevertheless agree to the plan or project if it must be carried out for 'imperative reasons of overriding public interest' (IROPI).
 - [This step is undertaken during Stage 3: Assessment where no alternatives exist and adverse impacts remain taking into account mitigation.]

Case Law

A.8 This HRA has been prepared in accordance with relevant case law findings, including most notably the 'People over Wind' and 'Holohan' rulings from the Court of Justice for the European Union (CJEU).

A.9 The People over Wind, Peter Sweetman v Coillte Teoranta (April 2018) judgment ruled that Article 6(3) of the Habitats Directive should be interpreted as meaning that mitigation measures should be assessed as part of an

Appendix A Relevant Legislation and Case Law

Appropriate Assessment and should not be taken into account at the screening stage. The precise wording of the ruling is as follows:

“Article 6(3)... must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site.

A.10 In light of the above, the HRA screening stage does not rely upon avoidance or mitigation measures to draw conclusions as to whether the Local Plan could result in likely significant effects on European sites, with any such measures being considered at the Appropriate Assessment stage as relevant.

A.11 This HRA also considers the *Holohan v An Bord Pleanala* (November 2018) judgement which stated that:

Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that an ‘appropriate assessment’ must, on the one hand, catalogue the entirety of habitat types and species for which a site is protected, and, on the other, identify and examine both the implications of the proposed project for the species present on that site, and for which that site has not been listed, and the implications for habitat types and species to be found outside the boundaries of that site, provided that those implications are liable to affect the conservation objectives of the site.

A.12 In undertaking this HRA, LUC has considered the potential for effects on species and habitats, including those not listed as qualifying features, to result

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in secondary effects upon the qualifying features of European sites, including the potential for complex interactions and dependencies. In addition, the potential for offsite impacts, such as through impacts to functionally linked land, and or species and habitats located beyond the boundaries of European site, but which may be important in supporting the ecological processes of the qualifying features, has also been considered in this HRA.

A.13 Similarly, effects on both qualifying and supporting habitats and species on functionally linked land (FLL) or habitat have been considered in the HRA, in line with the High Court judgment in *RSPB and others v Secretary of State and London Ashford Airport Ltd* [2014 EWHC 1523 Admin] (paragraph 27), which stated that:

“There is no authority on the significance of the non-statutory status of the FLL. However, the fact that the FLL was not within a protected site does not mean that the effect which a deterioration in its quality or function could have on a protected site is to be ignored. The indirect effect was still protected. Although the question of its legal status was mooted, I am satisfied... that while no particular legal status attaches to FLL, the fact that land is functionally linked to protected land means that the indirectly adverse effects on a protected site, produced by effects on FLL, are scrutinised in the same legal framework just as are the direct effects of acts carried out on the protected site itself. That is the only sensible and purposive approach where a species or effect is not confined by a line on a map or boundary fence. This is particularly important where the boundaries of designated sites are drawn tightly as may be the UK practice.”

A.14 In addition to this, the HRA takes into consideration the ‘Wealden’ judgement from the CJEU.

A.15 *Wealden District Council v Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority*

Appendix A Relevant Legislation and Case Law

(2017) ruled that it was not appropriate to scope out the need for a detailed assessment for an individual plan or project based on the annual average daily traffic (AADT) figures detailed in the Design Manual for Roads and Bridges or the critical loads used by Defra or Environmental Agency without considering the in-combination impacts with other plans and projects.

A.16 In light of this judgement, the HRA therefore considers traffic growth based on the effects of development from the Local Plan in combination with other drivers of growth such as development proposed in neighbouring districts and demographic change.

A.17 The HRA also takes into account the Grace and Sweetman (July 2018) judgement from the CJEU which stated that:

“There is a distinction to be drawn between protective measures forming part of a project and intended avoid or reduce any direct adverse effects that may be caused by the project in order to ensure that the project does not adversely affect the integrity of the area, which are covered by Article 6(3), and measures which, in accordance with Article 6(4), are aimed at compensating for the negative effects of the project on a protected area and cannot be taken into account in the assessment of the implications of the project.”

“As a general rule, any positive effects of the future creation of a new habitat, which is aimed at compensating for the loss of area and quality of that habitat type in a protected area, are highly difficult to forecast with any degree of certainty or will be visible only in the future.”

“A mitigation strategy may only be taken into account at AA (a.6(3)) where the competent authority is “sufficiently certain that a measure will make an effective contribution to avoiding harm, guaranteeing beyond all reasonable doubt that the project will not adversely affect the integrity of the area.”

Appendix A Relevant Legislation and Case Law

“Otherwise it falls to be considered to be a compensatory measure to be considered under a.6(4) only where there are “imperative reasons of overriding public interest”.”

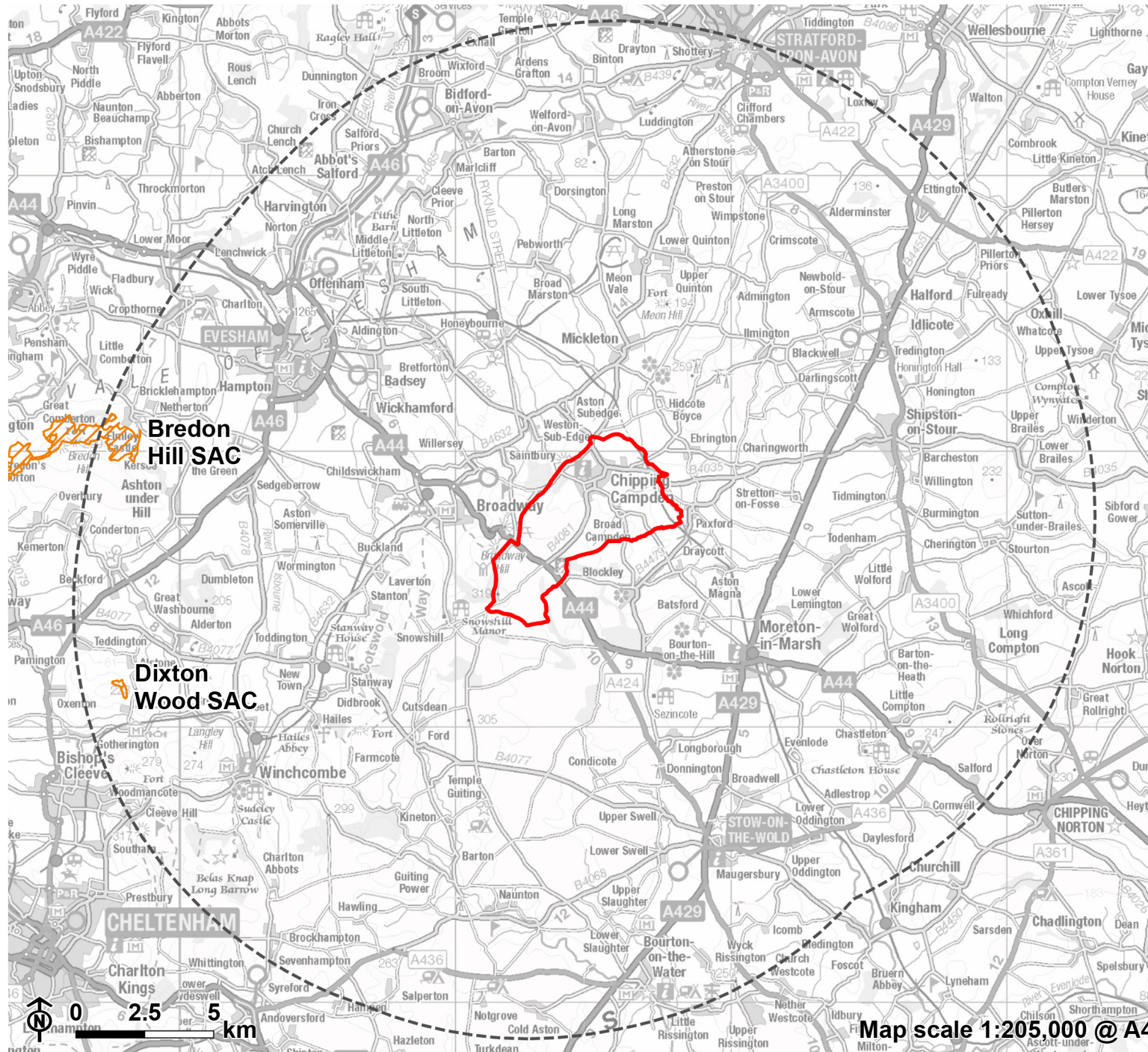
A.18 The Appropriate Assessment of the Local Plan therefore only considers the existence of measures to avoid or reduce its direct adverse effects (mitigation) if the expected benefits of those measures are beyond reasonable doubt at the time of the assessment.

Appendix B

Map of European Sites within 15km of the Chipping Campden Neighbourhood Development Plan Area



Figure B.1: European sites within 15km of the Chipping Campden Neighbourhood Development Plan area



- Chipping Campden Parish Boundary
- 15km buffer
- Special Area of Conservation (SAC)

Map scale 1:205,000 @ A4

Appendix C

Attributes of European Sites

C.1 This appendix contains information on the European sites scoped into the HRA. Site areas and designated features are drawn from SAC and SPA Standard Data Forms and Ramsar Site Information Sheets [See reference 27]. The overviews of sites and their locations are drawn from Natural England's Site Improvement Plans [See reference 28]. Site conservation objectives are drawn from Natural England's website and are only available for SACs and SPAs [See reference 29].

Dixton Wood SAC

C.2 Violet click beetle *Limoniscus violaceus* was discovered at Dixton Wood in 1998 and it has been found at the site on a single occasion subsequently. It is a small site with large number of ancient ash *Fraxinus excelsior* pollards, and supports a rich fauna of scarce invertebrate species associated with decaying timber on ancient trees.

Qualifying Features

- 1079 Violet click beetle; *Limoniscus violaceus*

Conservation Objectives

C.3 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:

- The extent and distribution of the habitats of qualifying species;

- The structure and function of the habitats of qualifying species;
- The supporting processes on which the habitats of qualifying species rely;
- The populations of qualifying species; and
- The distribution of qualifying species within the site.

Site Improvement Plan **[See reference 30]**: Pressures, Threats and Related Development

1. Changes in Species Distributions – Because of its rarity and highly specialised ecology associated with decaying wood and leaf litter in tree cavities, specialist involvement is required for survey, monitoring and the provision of detailed habitat management advice.
2. Forestry and Woodland Management – The beetle depends on the production of humid wood mould where it lives for part of its life cycle within decaying trees; this is typically found in veteran trees where they show signs of rot. The amount of suitable and available wood mould in the SAC is unknown. The lack of succession in veteran cohorts is an issue and it make the need for extending the life of the existing veteran trees even more important.
3. Disease – Ash dieback disease *Chalara fraxinea* is a potential threat to the site. The Violet click beetle population at Dixon Wood is thought only to use ash trees.

Non-qualifying Habitats and Species upon which the Qualifying Habitats and/or Species Depend on

- Violet click beetle

- Habitat preferences – Ancient and veteran trees.
- Diet – Wood mould.

Bredon Hills SAC

C.4 Bredon Hill is an outlier of the Cotswolds with remnants of wood pasture and many veteran trees. Their dead wood supports one of the three known populations of the Violet click beetle *Limoniscus violaceus*, in the UK.

Qualifying Features

- 1079 Violet click beetle; *Limoniscus violaceus*

Conservation Objectives

C.5 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:

- The extent and distribution of the habitats of qualifying species;
- The structure and function of the habitats of qualifying species;
- The supporting processes on which the habitats of qualifying species rely;
- The populations of qualifying species; and
- The distribution of qualifying species within the site.

Site Improvement Plan **[See reference 31]**: Pressures, Threats and Related Development

1. Forestry and Woodland Management – The lack of succession in veteran tree cohorts is an issue, as current planting will only benefit the beetles after about 400 years and it is uncertain how long tree surgery will prolong the veterans' lives. The beetle depends on the production of humid wood mould within decaying trees and the amount of available wood mould in the SAC is unknown.
2. Feature Location/Extent/Condition Unknown – There is a current lack of information on the distribution across the site of the rare and secretive Violet click beetle.
3. Disease – Ash die-back caused by the *Chalara fraxinea* fungus threatens the large number of current veteran ash trees and their replacements on which the Violet click beetle depends. Whilst the beetle is known to use other species elsewhere (eg Windsor), ash dominates the trees on Bredon Hill. The scale of this impact on the persistence and continuity of wood mould is uncertain and is likely to be beyond human control.
4. Air Pollution: impact of atmospheric nitrogen deposition – Nitrogen deposition exceeds site relevant critical loads. This site is sensitive to nitrogen deposition.
5. Climate Change – The likelihood of increased violent storm events and the viability of ash in a changed environment threatens the veteran ash trees on which the beetle depends.

Non-qualifying Habitats and Species upon which the Qualifying Habitats and/or Species Depend on

- Violet click beetle
 - Habitat preferences – Ancient and veteran trees.
 - Diet – Wood mould.

References

- 1 Available at: [UK Government Planning Practice Guidance](#)
- 2 European Commission (2001) Assessment of plans and projects significantly affecting European Sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC
- 3 Available at: [The HRA Handbook. David Tyldesley & Associates, a subscription based online guidance document](#)
- 4 Available at: [Conservation objectives are published by Natural England for SACs and SPAs](#)
- 5 In line with the CJEU judgment in Case C-323/17 People Over Wind v Coillte Teoranta, mitigation must only be taken into consideration at this stage and not during Stage 1: HRA Screening.
- 6 In addition to European site citations and conservation objectives, key information sources for understanding factors contributing to the integrity of European sites include (where available) [conservation objectives supplementary advice and Site Improvement Plans prepared by Natural England](#)
- 7 Chapman, C. & Tyldesley, D. (2016) Functional linkage: How areas that are functionally linked to European sites have been considered when they may be affected by plans and projects – a review of authoritative decisions. Natural England Commissioned Reports, Number 207.
- 8 Available at: [Obtained from the Natural England website](#)
- 9 Available at: [Natural England \(undated\) Conservation Objectives for European Sites](#)
- 10 SI No. 2017/2012
- 11 David Tyldesley and Associates (undated) The HRA Handbook (Section A3) – a subscription based online guidance document
- 12 Available at: [National Highways \(2019\) Design Manual for Roads and Bridges, LA 105 Air quality](#)

References

- 13 Available at: [Natural England \(2020\) Monitoring Engagement with the Natural Environment, MENE Visit data Year 1 to 10 filtered by resident local authority \(Cotswold\) and distance travelled \(q8\)](#)
- 14 Available at: [Natural England \(2018\) Supplementary advice on conserving and restoring site features: Dixton Woods SAC](#)
- 15 The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007 (2007) SI No. 2007/1843. TSO (The Stationery Office), London.
- 16 The Conservation of Habitats and Species Regulations 2017 (2017) SI No. 2017/1012, as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (SI 2019/579).
- 17 The integrity of a site is the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was designated. (Source: UK Government Planning Practice Guidance)
- 18 Available at: <https://www.gov.uk/guidance/appropriate-assessment>
- 19 Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (the 'Habitats Directive')
- 20 Directive 2009/147/EC of 30 November 2009 on the conservation of wild birds (the 'Birds Directive')
- 21 Available at: [The network of protected areas identified by the EU](#)
- 22 Available at: <https://www.gov.uk/government/publications/changes-to-the-habitats-regulations-2017/changes-to-the-habitats-regulations-2017>
- 23 Available at: [Defra and Natural England \(2021\) Guidance - Habitats regulations assessments: protecting a European site](#)
- 24 Available 1t: [NPPF para 187](#)
- 25 Available at: [The HRA Handbook, Section A3. David Tyldesley & Associates, a subscription based online guidance document](#)
- 26 Available at: [Defra and Natural England \(2021\) Guidance - Habitats regulations assessments: protecting a European site](#)

References

- 27 Available at: [JNCC \(2019\) UK Protected Area Datasets for Download](#)
- 28 Available at: [Natural England \(2014-2015\) Site Improvement Plans: East of England](#)
- 29 Available at: [Natural England \(undated\) Conservation Objectives for European Sites](#)
- 30 Available at: [Natural England - Site Improvement Plan: Dixton Wood](#)
- 31 Available at: [Natural England – Site Improvement Plan: Bredon Hills](#)

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Landscape Management / Ecology / Historic Environment / GIS & Visualisation

Joseph Walker

From: Stuart, David <David.Stuart@HistoricEngland.org.uk>
Sent: 15 February 2024 14:04
To: Neighbourhood Planning
Subject: Chipping Campden Neighbourhood Development Plan: SEA and HRA Screening opinions

Follow Up Flag: Follow up
Flag Status: Completed

You don't often get email from david.stuart@historicengland.org.uk. [Learn why this is important](#)

Dear Joseph

Thank you for your consultation on the SEA Screening for the emerging Chipping Campden neighbourhood Plan.

This would appear to be our first involvement in the preparation of this plan and we welcome the opportunity this also provides to identify and highlight any issues of interest to us.

That interest tends to focus on where Plans advocate the allocation of sites for development. We note that the Chipping Campden Plan does not propose to allocate sites, and there are no other issues raised by other policies upon which we wish to comment or envisage wishing to do so at future consultation stages.

On this basis we therefore have no objection to the view that a full SEA is not required. We are happy to leave providing a view on the need for an HRA to the relevant agencies.

Kind regards

David

David Stuart | Historic Places Adviser

I now work only 2 days a week, usually Tuesdays and Wednesdays

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From: Neighbourhood Planning <Neighbourhood.Planning@cotswold.gov.uk>
Sent: 17 January 2024 15:12

To: 'Planning_THM@environment-agency.gov.uk' <Planning_THM@environment-agency.gov.uk>; 'consultations@naturalengland.org.uk' <consultations@naturalengland.org.uk>; Stuart, David <David.Stuart@HistoricEngland.org.uk>
Cc: 'Robert.NIBLETT@gloucestershire.gov.uk' <Robert.NIBLETT@gloucestershire.gov.uk>
Subject: Chipping Campden Neighbourhood Development Plan: SEA and HRA Screening opinions

-- **WARNING: This is an external message. Please use caution when replying, opening attachments or clicking on any links in this e-mail.--**

Dear Sir/Madam

Please find attached two screening reports on whether the Draft **Chipping Campden Neighbourhood Plan** might have significant environmental effects and therefore require a full SEA or HRA.

Please also find attached the draft plan.

As you are aware, we are required to consult with the environmental assessment bodies and as such, we are seeking your advice on this matter. It is likely we will include your response with the statement of reasons, as to why (if this is the case) a SEA/HRA was not required, which is then submitted to the Examiner.

A response is due within 5 weeks, by 12:00 noon on **22nd February**

I would be grateful if you could [also](#) acknowledge receipt of this email. If you have any queries please feel free to contact me.

Regards,

Joseph Walker

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Date: 30 January 2024
Our ref: 463928
Your ref: Chipping Campden Neighbourhood Plan



Joseph Walker
Cotswold District Council

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Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY
Neighbourhood.Planning@cotswold.gov.uk

T 0300 060 3900

Dear Joseph Walker,

Cotswold District Council - Chipping Campden Neighbourhood Plan - SEA & HRA Screening Consultation

Thank you for your consultation on the above dated 17 January 2024 which was received by Natural England on 17 January 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 sites¹, 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.

¹ 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.

Cotswold National Landscapes

The proposed development is for a site within or close to a nationally designated landscape namely the Cotswolds AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 176 and 177 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 177 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals-outside the designated area but impacting on its natural beauty.

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.

Green Infrastructure

Natural England's [Green Infrastructure Framework](#) provides evidence-based advice and tools on how to design, deliver and manage green and blue infrastructure (GI). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional

and national scales.

Development should be designed to meet the [15 Green Infrastructure Principles](#). The GI Standards can be used to inform the quality, quantity and type of GI to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority GI strategies should be delivered where appropriate.

GI mapping resources are available [here](#) and [here](#). These can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

Please send any new consultations, or further information on this consultation to consultations@naturalengland.org.uk

Yours sincerely

Holly Marlow

Holly Marlow
Planning for a Better Environment – West Midlands Team

Annex A –Natural England general advice

Protected Landscapes

Paragraph 182 of the [National Planning Policy Framework](#) (NPPF) requires great weight to be given to conserving and enhancing landscape and scenic beauty within Areas of Outstanding Natural Beauty (known as National Landscapes), National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 183 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering relevant development proposals. [Section 245](#) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities (including local planning authorities) to seek to further the statutory purposes of a National Park, the Broads or an Area of Outstanding Natural Beauty in England in exercising their functions. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The local planning authority should carefully consider any impacts on the statutory purposes of protected landscapes and their settings in line with the NPPF, relevant development plan policies and the Section 245 duty. The relevant National Landscape Partnership or Conservation Board may be able to offer advice on the impacts of the proposal on the natural beauty of the area and the aims and objectives of the statutory management plan, as well as environmental enhancement opportunities. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to development and its capacity to accommodate proposed development.

Wider landscapes

Paragraph 180 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

Biodiversity duty

The local planning authority has a [duty](#) to conserve and enhance biodiversity as part of its decision making. Further information is available [here](#).

Designated nature conservation sites

Paragraphs 186-188 of the NPPF set out the principles for determining applications impacting on Sites of Special Scientific Interest (SSSI) and habitats sites. Both the direct and indirect impacts of the development should be considered. A Habitats Regulations Assessment is needed where there is a likely significant effect on a habitats site and Natural England must be consulted on '[appropriate assessments](#)'. Natural England must also be consulted where development is in or likely to affect a SSSI and provides advice on potential impacts on SSSIs either via [Impact Risk Zones](#) or as standard or bespoke consultation responses.

Protected Species

Natural England has produced [standing advice](#) to help planning authorities understand the impact of particular developments on protected species. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. A protected species [licence](#) may be required in certain cases.

Local sites and priority habitats and species

The local planning authority should consider the impacts of the proposed development on any local wildlife or geodiversity site, in line with paragraphs 180, 181 and 185 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity to help nature's recovery. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre,

Annex A –Natural England general advice

wildlife trust, geoconservation groups or recording societies. Emerging [Local Nature Recovery Strategies](#) may also provide further useful information.

Priority habitats and species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest on the Magic website or as Local Wildlife Sites. A list of priority habitats and species can be found on [Gov.uk](#).

Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

Biodiversity and wider environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 180(d), 185 and 186. It is anticipated that major development (defined in the [NPPF glossary](#)) will be required by law to deliver a biodiversity gain of at least 10% from early 2024 and that this requirement is expected to be extended to smaller scale development in spring 2024. For nationally significant infrastructure projects (NSIPs), it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

Further information on the timetable for mandatory biodiversity net gain can be found [here](#). Further information on biodiversity net gain, including [draft Planning Practice Guidance](#), can be found [here](#).

The statutory [Biodiversity Metric](#) should be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites, the [Small Sites Metric](#) may be used. This is a simplified version of the [Biodiversity Metric](#) and is designed for use where certain criteria are met.

The mitigation hierarchy as set out in paragraph 186 of the NPPF should be followed to firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered.

Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 74, 108, 124, 180, 181 and 186). Opportunities for enhancement might include incorporating features to support specific species within the design of new buildings such as swift or bat boxes or designing lighting to encourage wildlife.

Natural England's [Environmental Benefits from Nature tool](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the [Biodiversity Metric](#) and is available as a beta test version.

Further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain can be found in government [Planning Practice Guidance for the natural environment](#).

Ancient woodland, ancient and veteran trees

The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 186 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 180 and 181). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further

Annex A –Natural England general advice

information is contained in [GOV.UK guidance](#) Agricultural Land Classification information is available on the [Magic](#) website and the [Data.Gov.uk](#) website

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling, separate guidance on soil protection for site restoration and aftercare is available on [Gov.uk](#) website. Detailed guidance on soil handling for mineral sites is contained in the Institute of Quarrying [Good Practice Guide for Handling Soils in Mineral Workings](#).

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Green Infrastructure

Natural England's [Green Infrastructure Framework](#) provides evidence-based advice and tools on how to design, deliver and manage green and blue infrastructure (GI). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

Development should be designed to meet the [15 Green Infrastructure Principles](#). The GI Standards can be used to inform the quality, quantity and type of GI to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority GI strategies should be delivered where appropriate.

GI mapping resources are available [here](#) and [here](#). These can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths, together with the creation of new footpaths and bridleways should be considered. Links to urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 104 and 180 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Further information is set out in Planning Practice Guidance on the [natural environment](#)