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Cotswold District Council  
by email

**Our reference**

11703

**Date**

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**HRA Screening of Moreton-in-Marsh Neighbourhood Plan**

This letter sets out the Habitats Regulations Assessment (HRA) Screening of the draft Moreton-in-Marsh Neighbourhood Plan, January 2025. In summary, there are no likely significant effects on Habitats Sites associated with the Plan, and no further HRA assessment is required. This letter explains why.

**Summary of the Moreton-in-Marsh Neighbourhood Plan**

Cotswold District Council, as the local Planning Authority (LPA), designated the Moreton-in-Marsh Neighbourhood Area in September 2018 to enable Moreton-in-Marsh Town Council to prepare a Neighbourhood Plan. The Neighbourhood Plan for Moreton-in-Marsh will form part of the development plan over the period 2018 to 2031, alongside the Local Plan for Cotswold District Council 2011 - 2031<sup>1</sup>.

Neighbourhood Plans are intended to provide local principles and requirements that supplement the Local Plan policies and site allocations. The Moreton-in-Marsh Neighbourhood Plan has an overarching vision, which is supported by a series of objectives. The objectives for the Moreton-in-Marsh are used as a framework for a total of twenty-one (21) policies which provide principles for local development across five topic areas, including housing, economy and business, town centre, the environment, and transport and active travel.

These provide local principles to supplement the overarching Cotswold District Local Plan policies; and to ensure that new development (e.g. housing) proposed in Moreton-in-Marsh can be accommodated in a way that is sustainable.

The current Cotswold District Plan 2011-2031 Policy S18 Moreton-in-Marsh allocates the following housing, employment, and employment development sites in Moreton-in-Marsh:

Housing development sites

- Land at Evenlode Road (63 dwellings)

<sup>1</sup> Cotswold District Council Local Plan 2011-2013. Available at: <https://www.cotswold.gov.uk/planning-and-building/planning-policy/local-plan-2011-to-2031/>

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- Land south east of Fosseway Avenue (91 dwellings and 28 dwellings on two sites)
- Former hospital site (21 dwellings)

#### Employment sites

- Cotswold Business Park/Village
- Fosseway Industrial Estate

#### Employment development sites

- Fire Service College B (7ha)

The Neighbourhood Plan does not allocate any additional development sites, but sets out principles for new development in Moreton-in-Marsh, e.g. a development boundary outside which development would not be supported, parking standards and housing mix. Some of the policies support small scale development, infrastructure, or changes of use; in line with the Local Plan policies.

The Neighbourhood Plan is a new plan and has not previously been subject to HRA. However, HRA has been undertaken for the overarching Cotswold Local Plan. The Local Plan was adopted in 2018 and the most recent iteration of the HRA of the Local Plan was prepared by LUC in 2017<sup>2</sup>. LUC is currently undertaking the HRA of the Local Plan Partial Update. Information from the Local Plan HRAs has informed HRA Screening of the Neighbourhood Plan, where relevant.

#### Requirement for HRA

The requirement to undertake HRA of development plans was confirmed by the amendments to the Habitats Regulations published for England and Wales in 2007<sup>3</sup>; the currently applicable version is the Habitats Regulations 2017<sup>4</sup>, as amended. Prior to adopting the Moreton-in-Marsh Neighbourhood 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 HRA Screening documented in this letter) 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<sup>5</sup> of any Habitats Site.

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: Special Protection Areas (SPAs) and Special Areas of Conservation (SACs). The NPPF<sup>6</sup> and good practice guidance<sup>7</sup> confirms that Ramsar sites should be treated in the same way as SACs and SPAs, in HRA. For simplicity, and in line with common usage, this letter uses the term 'Habitats Sites' to refer to all types of designated site within the 'national site network' for which Government guidance<sup>8</sup> requires an HRA.

<sup>2</sup> <https://www.cotswold.gov.uk/media/fcolqyq3/5501-habitats-regulations-assessment-report-apr-2017.pdf>

<sup>3</sup> HM Government (2007) The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007 (SI No. 2007/1843) [online]. Available at: <https://www.legislation.gov.uk/ukksi/2007/1843/contents>

<sup>4</sup> HM Government (2017) The Conservation of Habitats and Species Regulations 2017 (SI No. 2017/1012) [online]. Available at: <https://www.legislation.gov.uk/ukksi/2017/1012/contents/made>, as amended by HM Government (2019) The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (SI No. 2019/579) [online]. Available at: <https://www.legislation.gov.uk/ukdsi/2019/9780111176573>

<sup>5</sup> 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)

<sup>6</sup> MHCLG, (2024). National Planning Policy Framework, para 194. Ministry of Housing Communities & Local Government. Available at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

<sup>7</sup> The HRA Handbook, Section A3. David Tyldesley & Associates, a subscription based online guidance document: <https://www.dtapublications.co.uk/handbook/European>

<sup>8</sup> Department for Environment, Food and Rural Affairs, Natural England, Welsh Government and Natural Resources Wales (2021) Habitats regulations assessments: protecting a European site, [www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site](http://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site)

### HRA approach

The HRA of development plans is undertaken in stages, as summarised below:

1. **HRA Screening:** determine whether the plan have 'likely significant effects' on a Habitat Site, alone or in combination with other plans or projects. This stage identifies potential impact pathways, based on the characteristics of Habitats Sites in proximity to the plan area.
2. **Appropriate Assessment:** where likely significant effects are identified, the Appropriate Assessment comprises a more detailed assessment, taking into account mitigation, for example in policy wording. This stage identifies whether the plan will have an adverse effect on the integrity of any Habitats Sites, alone or in-combination, with reference to those sites' conservation objectives<sup>9</sup>.
3. **'Imperative reasons of overriding public interest' (IROPI):** in rare cases, where adverse effects on integrity cannot be ruled out by the time a plan is adopted, 'IROPI' will need to be demonstrated and compensation provided.

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. 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.

This letter presents the findings of the HRA Screening.

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

A distance of 15km from the boundary of the plan area is typically used in the first instance to identify Habitats Sites with the potential to be affected by the proposals within a development plan. Consideration is then given to whether any more distant Habitats Sites may be connected to the plan area via effects pathways, for example through hydrological links or recreational visits by residents. Impacts from development in areas outside of the Habitats Site boundaries may also occur where habitat contributes towards maintaining the interest feature for which the Habitats Site is designated (known as 'functionally linked land'). This includes land which may provide offsite foraging and roosting habitat for birds.

The 15km distance has been agreed with Natural England for HRAs elsewhere and is considered precautionary.

### HRA Screening conclusion

In this case, there are no Habitats Sites within 15km of the Plan area, and none beyond that distance that are considered to have impact pathways (e.g. hydrological connectivity) that could lead to likely significant effects. This is shown in the figure, overleaf.

The Neighbourhood Plan also does not allocate additional development beyond that already in the Local Plan, which has been subject to HRA. Any changes to the Local Plan will be assessed further in the HRA of the Local Plan Partial Update.

Therefore, there are no impact pathways and no likely significant effects. As such, no further HRA (i.e. Appropriate Assessment) of the Moreton-in-Marsh Neighbourhood Plan is required.

<sup>9</sup> Conservation objectives are published by Natural England for SACs and SPAs. Available at: <http://publications.naturalengland.org.uk/category/6490068894089216>

Yours sincerely

A handwritten signature in blue ink that reads 'Katherine Sydney'.

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### Nearest Habitat Sites to Moreton-in-Marsh Neighbourhood Plan area

- Cotswold District boundary
- Moreton-in-Marsh parish boundary
- Moreton-in-Marsh parish boundary 15km buffer
- Special Area of Conservation

