



Strategic Environmental and Habitats Regulations Assessment

Screening Report Stow-on-the-Wold and Swell Neighbourhood Plan

October 2020

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Introduction

- 1.1 This screening report is designed to determine whether or not the content of the Stow-on-the-Wold (referred to as Stow) and Swell Neighbourhood Plan (Latest available public version Draft version 12 - 28/9/17) https://stowonthewoldtc.gov.uk/files/neighbourhood_plan_01_draft_neighbourhood_development_plan_version_12.pdf requires a Strategic Environmental Assessment (SEA) in accordance with European Directive 2001/42/EC. It also includes an assessment of whether a Habitats Regulation Assessment (HRA) in accordance with Article 6(3) and (4) of the Habitats Directive 92/43/EEC would be required. Under EU regulations the legal requirement for SEA/HRA depends on the content of the plan.



- 1.2 Please note, **a Scoping Report has already been produced for the draft NDP in 2017. This report is for completeness**, to acknowledge recent changes to the latest version of the NDP, and to formally note the reasons behind that request.
- 1.3 The Stow and Swell Neighbourhood Plan is being prepared, to set out the vision for the area and the planning policies for use and development of land within the Neighbourhood area.
- 1.4 The area covered by the NDP includes both Parishes of the town of Stow on the Wold and the rural Parish of Swell, including the villages of Upper Swell and Lower Swell. Stow is identified in the Local Plan as a 'Principal Settlement' and is located on a prominent hilltop setting, (the NDP area is) wholly within the Cotswold Area of Outstanding Natural Beauty (AONB).
- 1.5 The Neighbourhood Plan is being prepared in the context of the Cotswold District Local Plan 2011-2031. The Local Plan was adopted by the Council in August 2018 having been through Independent Examination. The Local Plan (Policy S13) supports in principle development of a Town Museum and a new community facility and small local workshops/B1 uses in the town (Local Plan, 7.15) but does not directly allocate land within the NDP area. The Development Plan for the area will comprise both the Cotswold District Local Plan and (when 'made') the Stow and Swell Neighbourhood Plan, and will be used to help determine planning applications and appeals.
- 1.6 The Vision for Stow and Swell is based on key issues raised by local people and includes; goals to conserve and enhance the environment, ensuring an adequate supply of affordable housing to meet the community's needs, developing the economy, and ensuring an appropriate infrastructure (including green infrastructure) of services, facilities, and additional parking sites.
- 1.7 **The latest version of the Plan (draft version 13 - 2020) supports more development with more possible sites than previously suggested in version 12 (above Draft version 12 - 28/9/17) and is now proposing in the region of some 150 dwellings.**
- 1.8 The Plan supports development (and the potential allocation) of sites and also provides local guidance on how applications for development in the plan area should be determined.
- 1.9 The legislation set out below outlines the regulations that require the need for a screening exercise.

Legislative Background

- 2.1.1 Establishing whether a neighbourhood plan requires an environmental assessment is an important legal requirement and forms part of the neighbourhood planning process.
- 2.2 In order to be 'made' neighbourhood plans are required to be tested against and meet a number of 'basic conditions' set out in the Localism Act 2011 (Appendix 1). One of the basic conditions is whether the Neighbourhood Plan is compatible with European Union obligations, including those under the SEA Directive and Habitats Directive. Neighbourhood Plans in England require SEA if their effects are likely to be significant, or if the plan requires appropriate assessment under Habitats Regulations Assessment (HRA). While screening for SEA and HRA is a parallel process both are integrated here into one report.

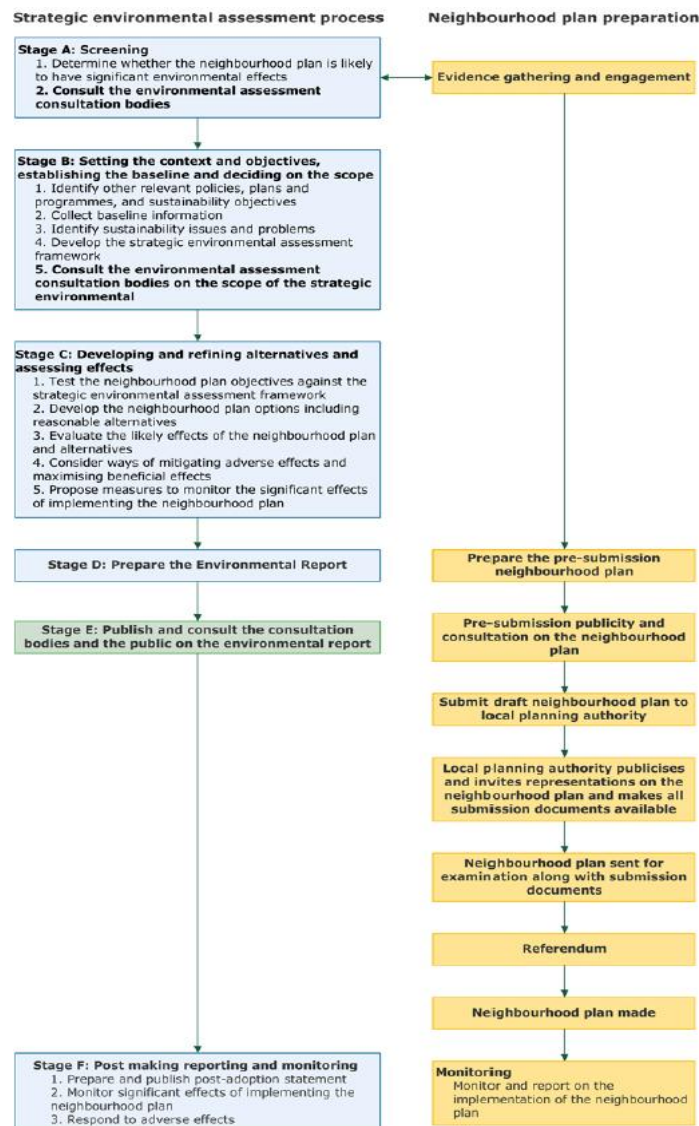


- 2.3 Neighbourhood Development Plans (NDPs) are not required to undertake the type of sustainability appraisal required for a Local Plan. However NDPs may require a strategic environmental assessment (SEA) of the Plan in accordance with European Directive 2001/42/EC or '**SEA Directive**'. This was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 or the 'SEA Regulations'. Regulation 9 sets out the requirements to assess (screen) the plan, and includes a requirement to consult the environmental assessment consultation bodies.
- 2.4 The Local Plan was subject to a full, comprehensive Sustainability Appraisal (SA) including SEA, which has considered the significant environmental, economic and social effects of the Local Plan for the District. A neighbourhood plan might require SEA if it is likely to have significant environmental effects that have not already been considered and dealt with through a SA of the Local Plan. The SA Report that accompanied the Local Plan to Examination can be found here: <https://www.cotswold.gov.uk/media/pf4dif24/8101-sustainability-appraisal-jan-2017.pdf>
- 2.5 While the Neighbourhood Plan is likely to focus on more local detail than the Local Plan, The Planning Inspector stated in his report that he was '*...satisfied that the sustainability appraisal that has been carried out throughout the process of preparing the Plan, as required by section 19(5) of the Act, has complied with the requirements of the European Directive on strategic environmental assessment and relevant national policy and guidance*'. 1 (Para.24, Cotswold District Local Plan 2011-2031: Inspector's Report June 2018).
- 2.6 The **Habitats Directive** 92/43/EEC is another key obligation and requires that any plan or project likely to have a significant effect on a European Site must be subject to an 'appropriate assessment,' rather than just screening. The effectiveness of measures to mitigate the impact of the plan, on sites protected by the Habitats Directive, should also be tested through full appropriate assessment, rather than just screening (EU Court of Justice ruling in *People Over Wind and Sweetman v Coillte Teoranta*, April 2018).
- 2.7 The Habitats Directive was transposed into English law by the 'Conservation of Habitats and Species Regulations (as amended) 2012' or 'Habitats Regulations'. HRA is the screening assessment (Reg 106(1)) of the likely effects, or impacts, of a land use proposal against the conservation objectives of European sites; and considers whether or not a proposal (alone or in combination) is likely to be significant. European Sites are also known as Natura 2000 sites. The HRA submitted alongside the Local Plan to Examination can be found here: <https://www.cotswold.gov.uk/media/fcolqyq3/5501-habitats-regulations-assessment-report-apr-2017.pdf>

Screening Process

- 2.8 Screening is 'Stage A' of the SEA process outlined in the Governments' National Planning Practice Guidance (NPPG), and should be undertaken as early as possible in the neighbourhood plan process. The NPPG also provides guidance on when an SEA might be required.

¹ <https://www.cotswold.gov.uk/media/1605407/Cotswold-Local-Plan-Report-Final.pdf>



- 3 Where the Neighbourhood Plan falls within the scope of the SEA Regulations (see ‘Assessment – Is an SEA required?’) a determination under Regulation 9 is required (see ‘Assessment – Likely significant effects?’). Regulation 9 requires that the responsible authority shall determine whether or not a plan is likely to have significant effects and
- take into account the criteria specified in Schedule 1 to the SEA Regulations and
 - consult the consultation bodies.
- 3.1 Where a Neighbourhood Plan is likely to have a significant effect on the environment an SEA (environmental report) must be carried out; and where the plan is unlikely to do so, and does not require an SEA, there should be a statement of reasons for the determination.
- 3.2 The criteria to decide whether a neighbourhood plan, might have significant environmental effects is set out in Schedule 1 of the Regulations (Annex II of ODPM Guidance) below.

ANNEX II

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

1. The characteristics of plans and programmes, having regard, in particular, to
 - the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,
 - the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
 - the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
 - environmental problems relevant to the plan or programme,
 - the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).
 2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to
 - the probability, duration, frequency and reversibility of the effects,
 - the cumulative nature of the effects,
 - the transboundary nature of the effects,
 - the risks to human health or the environment (e.g. due to accidents),
 - the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
 - the value and vulnerability of the area likely to be affected due to:
 - special natural characteristics or cultural heritage,
 - exceeded environmental quality standards or limit values,
 - intensive land-use,
 - the effects on areas or landscapes which have a recognised national, Community or international protection status.
-
- 1.1 An SEA would also be necessary if the plan requires appropriate assessment under **Habitats Regulations Assessment**. The overall purpose of a HRA is to conclude whether or not a proposal or policy or whole Plan would adversely affect the integrity of the site in question.
 - 3.3 Screening is 'Stage 1' of the HRA process, followed, if necessary, by an Appropriate Assessment. Under the Habitats Regulation 106 an assessment of the 'likely significant effects' of the Plan is the first step to be required. Where a doubt remains an adverse impact should be assumed – HRA's are thus based on the precautionary principle.
 - 3.4 The first step is to consider which European site or sites could be affected by the Plan. Then consider the policies within the NDP and screen using assumptions from the Local Plan HRA, both in relation to *how* likely significant effects may result from the NDP, and on a *proximity* basis, on how far such impacts may travel; looking at physical damage, pollution, recreational pressure, water quantity and quality.
 - 3.5 The Inspector needs to be satisfied that the SEA/HRA work properly demonstrates the making of the Plan would not have any significant effects and therefore satisfies the basic condition on compatibility with EU Regulations.
 - 3.6 '*Assessment of the effects should be done in a proportionate way...*' (Screening NDPs for SEA, Locality, page 10), and although there may be some gaps in information, there should be enough to assess the likely significant effects of the plan.
 - 3.7 A screening outcome for both SEA and HRA is provided in the conclusion.



Assessment – Gathering Data

- 3.8 Once data on the environmental constraints and assets in the area have been gathered, it is then possible to determine any likely significant effects of the NDP proposals (positive and /or negative) on the environment.
- 3.9 The potential environmental effects which may arise as a result of the NDP and if they are likely to be significant, are grouped by the SEA ‘topics’ as suggested by Annex I(f) of the SEA Directive.

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

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

- 3.10 The Plan vision and objectives, or draft proposals, and a list of sites considered for inclusion in the plan (if any) and potential impact of new development will help determine whether or not the plan would give rise to significant effects.
- 3.11 The following section provides a screening assessment of the likely need for a full SEA. The text in the box below is taken from the Government’s Planning Practice Guidance (NPPG)² on when an SEA may be required:

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

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

Paragraph: 046 Reference ID: 11-046-20150209

Will the neighbourhood plan allocate sites for development?

- 3.12 It is understood that it is the intention of the plan to allocate sites for development. Policy H1 seeks to satisfy the need for ‘at least 27 affordable houses’, with the majority most likely

² <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal#baseline-environmental-characteristics>

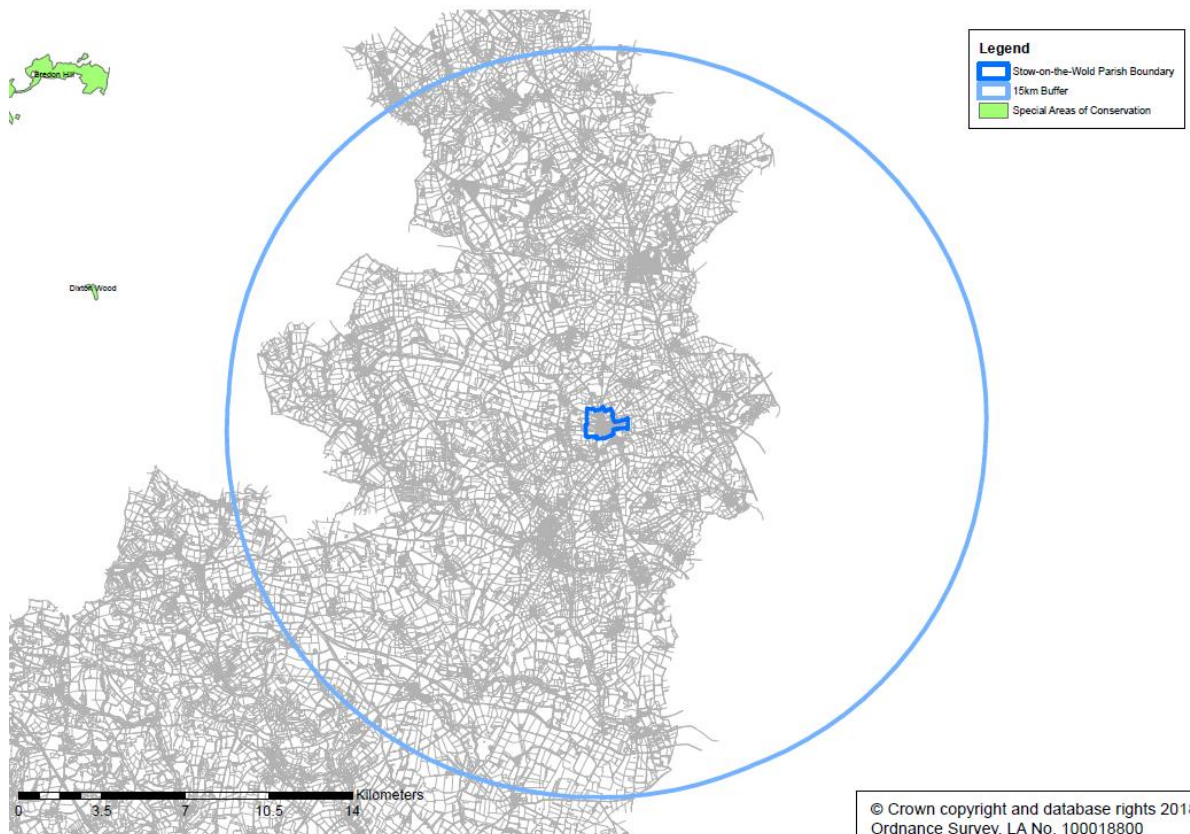


to be sought on the Town Council allotment site; and also several additional parking sites. The current Local Plan does not allocate sites at Stow.

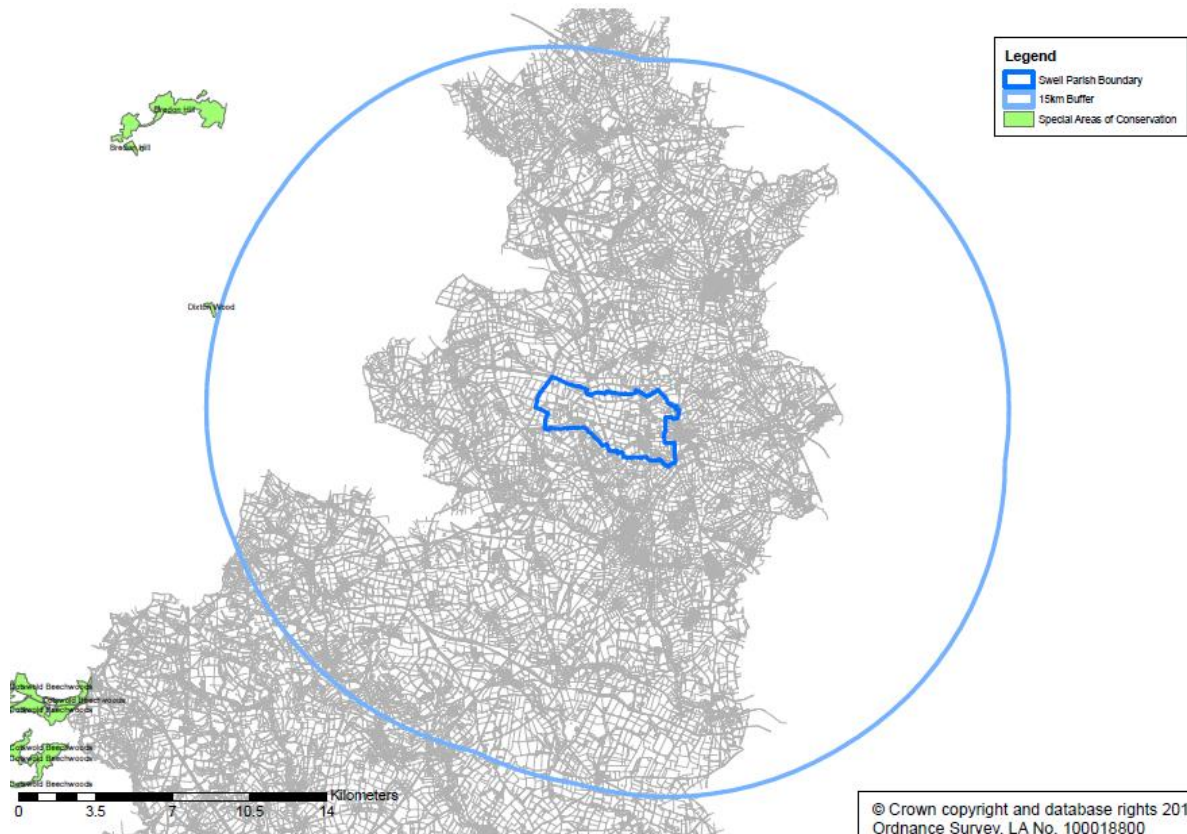
Does the neighbourhood area contain sensitive natural or heritage assets that may be affected by the proposals in the plan?

- 3.13 The more environmentally sensitive a location, the more likely it is that potential environmental effects from a plan will be significant.
- 3.14 The NPPG provides guidance on this topic through providing a list of sites and area which should be deemed as '**sensitive areas**' for the purposes of environmental assessment (i.e. screening projects for Environmental Impact Assessment or EIA):
- ◆ Natura 2000 Sites ³
 - ◆ Sites of special scientific interest (SSSIs)
 - ◆ National parks
 - ◆ Areas of Outstanding Natural Beauty (AONB)
 - ◆ World Heritage Sites
 - ◆ Scheduled Monuments
- 3.15 The European designated 'Natura 2000' sites are included within an area of search of 15km for HRA purposes. The plan below shows those Natura sites within 15km of the neighbourhood plan boundary.
- 3.16 Notably, the nearest SACs lie to the west beyond the 15km area of search; the closest is Bredon Hill to the North West (18.5km), with Cotswold Beechwoods, and Rodborough Common SACs further to the south west.

³Natura 2000 is a network of nature protection areas in the territory of the European Union. It is made up of Special Areas of Conservation and Special Protection Areas designated respectively under the Habitats Directive and Birds Directive



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3.17 In the context of the most ‘**sensitive areas**,’ within and in the vicinity⁴ of the Neighbourhood Area, (see figures 1 and 2) the following sites and areas exist:

- Cotswold Area of Outstanding Natural Beauty (AONB) washes over the Plan area
- there are 16 scheduled monument (SAM) designations within the NDP including:
 - Stow Camp - pre-historic enclosure, Stow-on-the-Wold
 - Market Cross – Stow on the Wold
 - Romano-British Villa near Abbotswood (Swell Parish)
 - Roman and medieval settlement remains adjacent to north east of Lower Swell
 - Poleswood East long barrow, approx. 850m NNW of Lower Swell
 - Poleswood South long barrow, approx. 950m NW of Lower Swell
 - The Tump (two bowl barrows) approx. 800m west of Lower Swell
 - Lower Swell long barrow 400m NW of Lower Swell
 - Several other SAMs lie to the west of the Roman Road, west of Lower Swell some 2.5km away.
- Sites of Special Scientific Interest (SSSI's):
 - New Park Quarry SSSI lies beyond the Parish boundary to the north some 481 metres away.
 - Huntsman's Quarry lies beyond the Parish boundary to the south west some 514 metres away.
 - Barton Bushes, and Lark Wood SSSI's lie further to the west some 2km away.

3.18 Further **key environmental assets** (see Locality guidance on Screening Neighbourhood Plans for SEA) located within, and in the vicinity of, (see figures 3 and 4) the area include;

- Conservation Areas lie within all three NDP settlements; Stow (extends into Maugersbury), Lower Swell and Upper Swell
- There are Listed Buildings within all three NDP settlements, approx. 170 in the area.
- Agricultural land⁵ classification is Grade 3b, some Grade 3a and Grade 2 to far west of NDP area
- Two areas of ancient woodland (Slate-pit Coppice and Slaughter wood (north)) lie adjacent to the southern NDP boundary
- Priority habitats; areas of good quality semi-improved grassland to the south of Lower Swell, and a linear area of lowland calcareous grassland to the north west of Upper Swell. Areas of woodland, deciduous woodland and broadleaved woodland, plus woodpasture and parkland mainly to the west of Stow.
- Registered Park and Garden, Abbotswood, between Lower Swell and Stow
- Registered Battlefield (Battle of Stow) adjacent a small area of the boundary with Swell to the north of Upper Swell.

⁴ To determine whether the effects of the plan are likely to affect areas outside the plan area, i.e. define 'within the vicinity' an indicative threshold of 1km has been used [Screening Neighbourhood Plans for SEA, Locality, p.12]. Designations beyond this area however are also considered

⁵ Agricultural land is classified in five categories according to versatility and suitability for growing crops. The top three grades, Grade 1, 2 and 3a, are referred to as 'Best and Most Versatile' land.

- The Plan also contains part of the Arkells Banks Key Wildlife Sites⁶ (KWS) which lies north-south in the northern edge of the NDP area, the Dikler Valley Meadows KWS to the south, and abuts the tip of Eyford Park KWS to the south.
- Swell Wold Quarry is a Regionally Important Geological site (RIGs)⁷
- A strategic nature area (SNA⁸) lies in part across the west and north edge of the NDP area

Figure 1

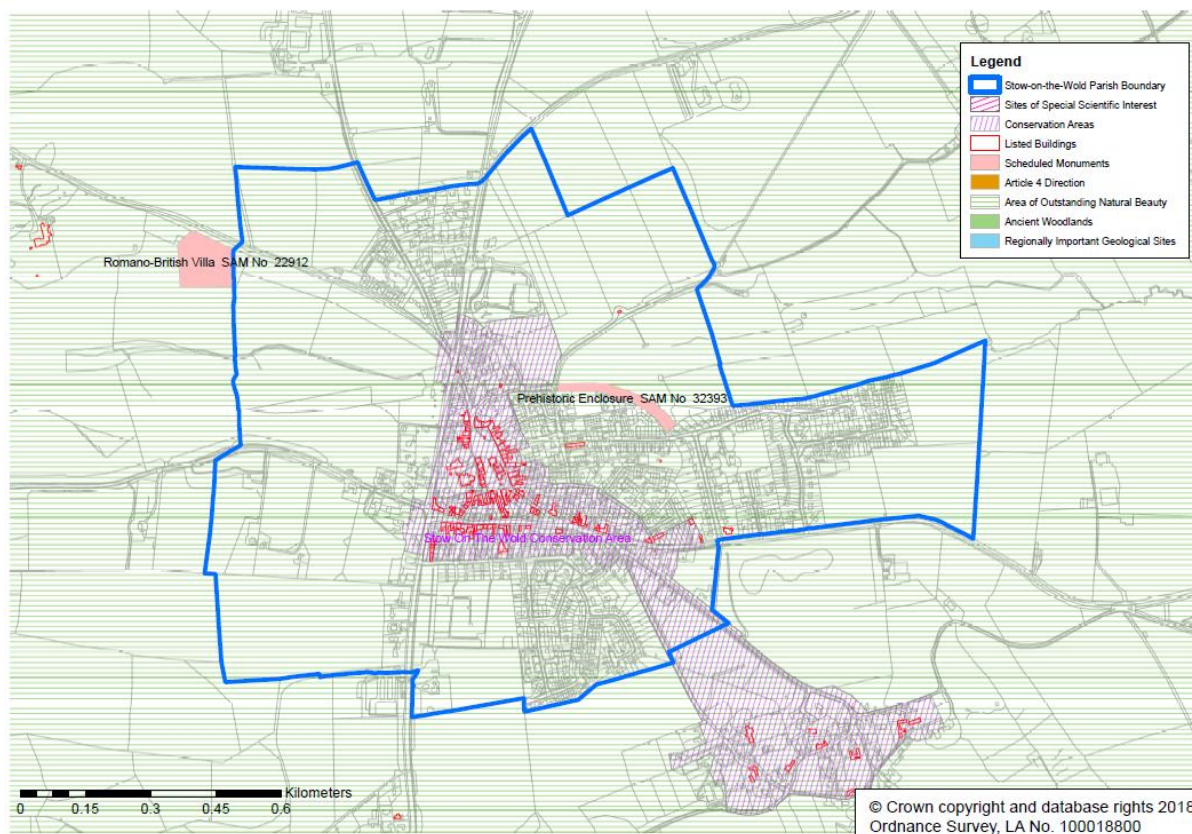


Figure 2

⁶ Key Wildlife Sites are areas with a rich diversity of habitats that provide refuges and corridors for wildlife across Gloucestershire. These sites have no legal protection, yet deserve recognition as the most important places for wildlife outside of legally protected land such as Sites of Special Scientific Interest (SSSI). A KWS designation does not necessarily include public access and boundaries are open to review.

⁷ Regionally Important Geological and Geomorphological Sites (RIGS) are locally designated sites of local, national and regional importance for geodiversity (geology and geomorphology) are considered important places for Earth Science which are worthy of conservation.

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

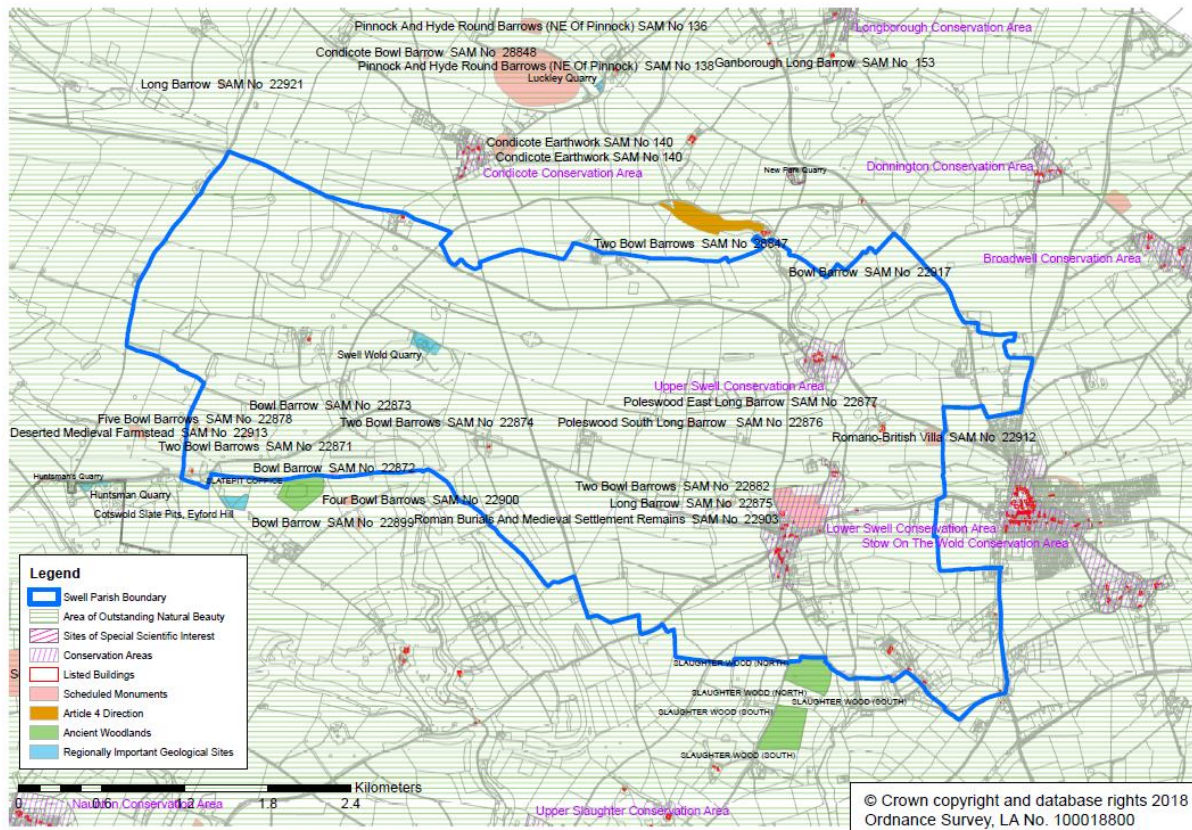


Figure 3

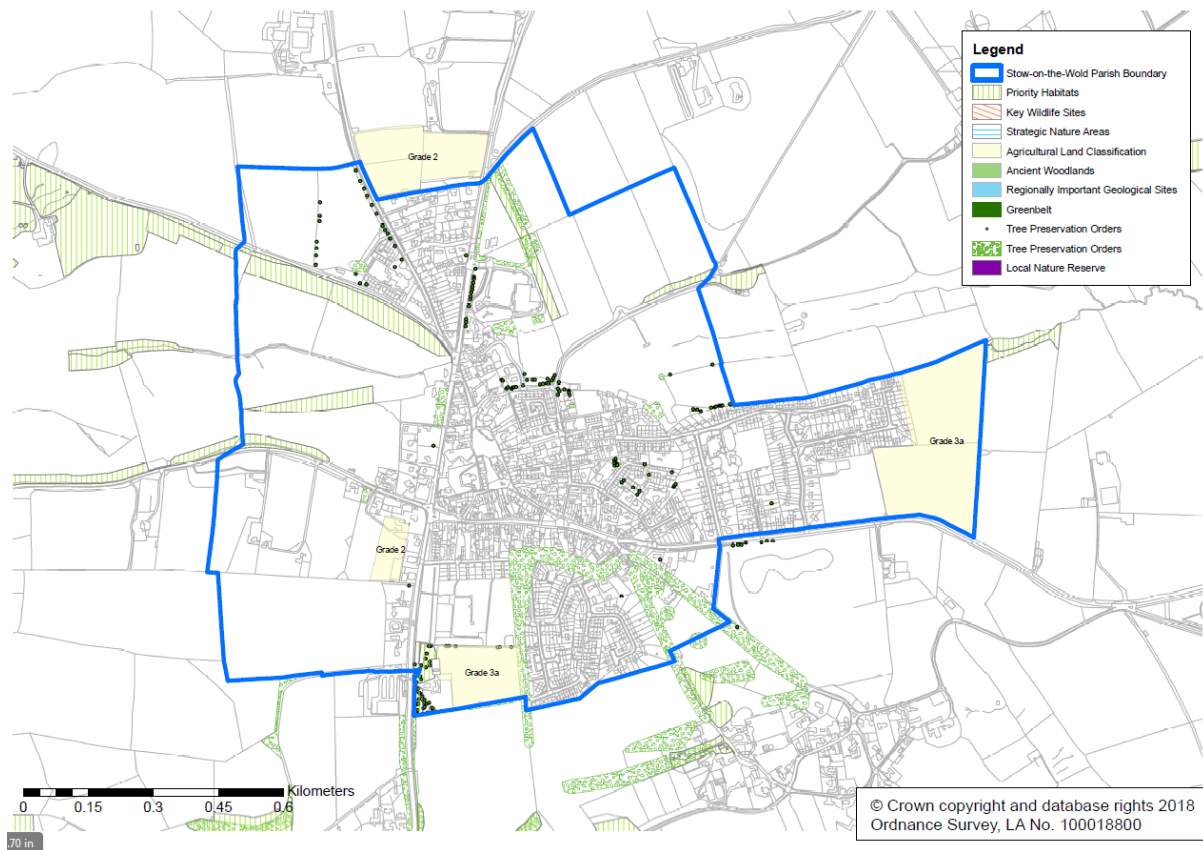
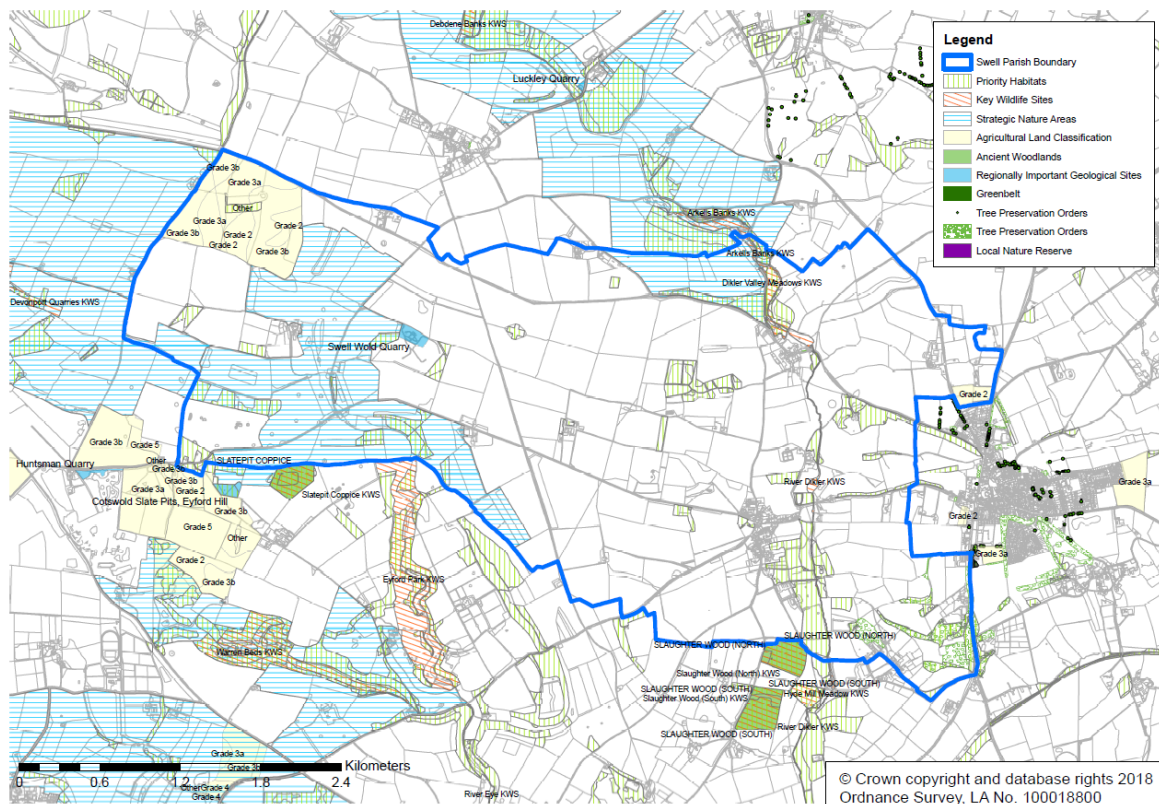
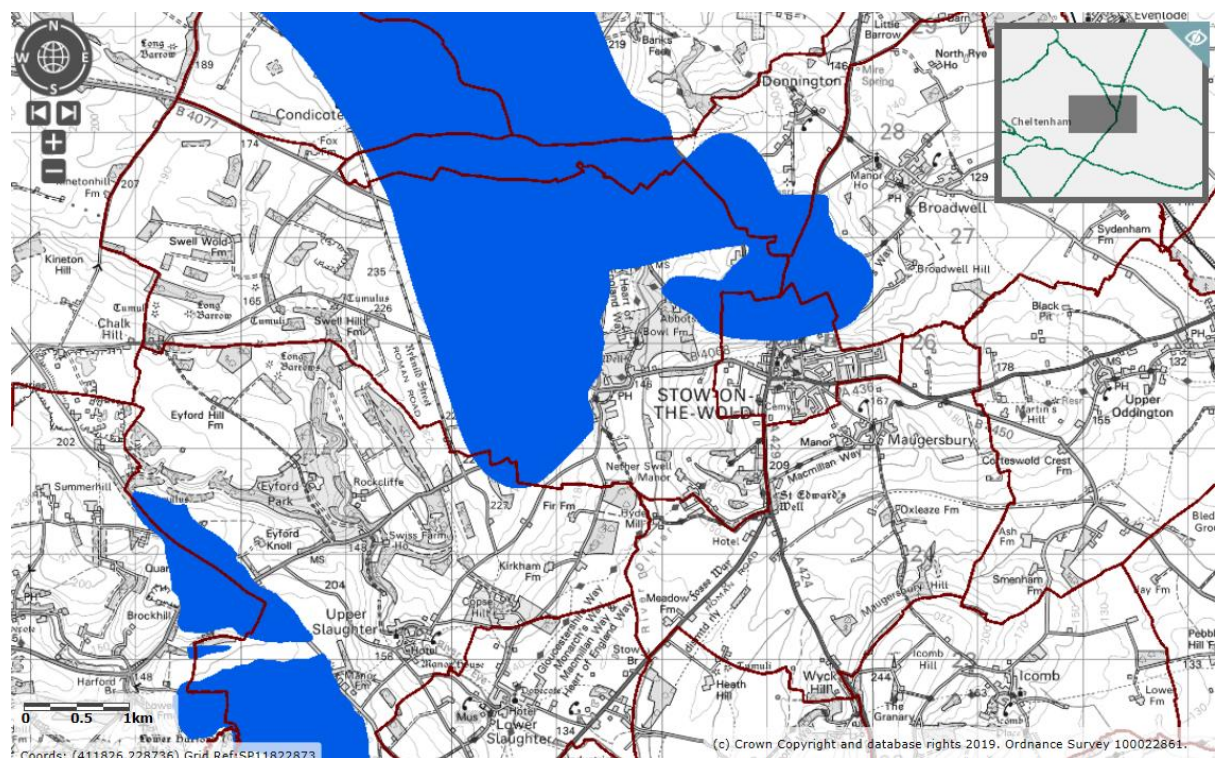


Figure 4



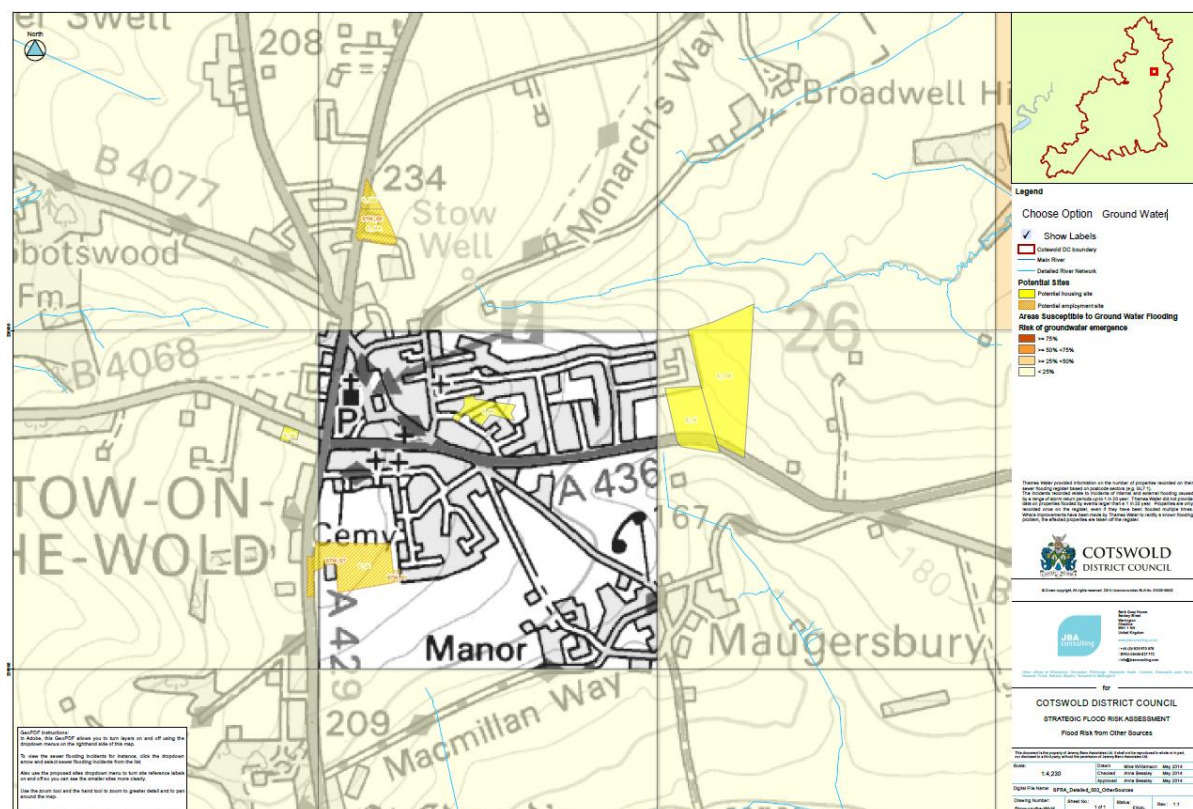
- Flood Zones – No significant fluvial or surface water flood risk issues are highlighted by the Cotswold Strategic Flood Risk Assessment for Stow on the Wold. The SFRA suggests it is also in the lowest category of risk of groundwater flood emergence (figure 6), and that there are no notable surface water flooding problems at Stow-on-the-Wold (Strategic Flood Risk Assessment Level 2, Appendices, 2016).
- Further west in the NDP area, Environment Agency flood maps⁹ show a small area of high risk surface water flooding to the east of Upper Swell and flood zones along the smaller watercourses. The River Dikler flows through the Neighbourhood Area in a north - south orientation, and is located immediately east of the villages of Upper Swell and Lower Swell, approximately 1.2km west of the built up area of Stow-on-the Wold.
- Source Protection Zones (figure 5) – Reflecting the vulnerability of groundwater in the area to pollution, Source Protection Zone III (total catchment) covers an area to the north of Stow and west of the Swells. (MAGIC interactive maps, Natural England).

Figure 5



⁹ <https://flood-warning-information.service.gov.uk/long-term-flood-risk/map>

Figure 6



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

- 3.19 While the Neighbourhood Plan is likely to focus on more local detail than the Local Plan, The Planning Inspector stated in his report that he was ‘...satisfied that the sustainability appraisal that has been carried out throughout the process of preparing the Plan, as required by section 19(5) of the Act, has complied with the requirements of the European Directive on strategic environmental assessment and relevant national policy and guidance’. 10 (Para.24, Cotswold District Local Plan 2011-2031: Inspector’s Report June 2018).
- 3.20 The SA looked at ten potential allocation sites in and around Stow. At least one potential allocation site in the NDP, the allotment site proposed in the NDP has not been assessed

¹⁰ <https://www.cotswold.gov.uk/media/1605407/Cotswold-Local-Plan-Report-Final.pdf>



either through the Strategic Housing Land Availability Assessment (SHLAA) or the District SA process.

- 3.21 It is important to note that for Stow, ***'All of the areas are significantly constrained by their location within the AONB'*** (SA, 2017, p.45) The SA tested and recommends measures to limit the potential significant effects, for all sites.

Assessment - HRA

- 3.22 The Cotswold District Local Plan was subject to HRA which looked at designated sites which could be impacted by development within Cotswold District. Appropriate Assessment concluded that adverse effects on any European Sites were ruled out in relation to physical loss, damage to habitat, air pollution, increased recreation pressure, and no likely significant in-combination effects with other authorities' development plans.
- 3.23 This section provides a HRA screening for the Stow and Swell NDP as to whether Appropriate Assessment is required.
- 3.24 The closest Natura site however is some 18.5km away beyond the 15km District HRA 'area of search'. *'With respect to Cotswold District the potential for significant effects on European Sites beyond the 15km distance is considered unlikely...'* (para. 3.4, page 10, HRA Jan 2017).
- 3.25 Development is likely within the Neighbourhood Plan area, and could have a potential impact on 'transient species' i.e. those which travel beyond the SAC area to roost or forage. However the Local Plan HRA also states, *'In all cases the [SAC] sites are not close enough to the District boundary for effects relating to offsite habitat loss to be a concern...'* (Local Plan HRA, Jan 2016 para 3.16)

Neighbourhood Plan	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented <i>e.g. increased air pollution, erosion trampling and general disturbance from recreation pressure, and physical loss or damage to habitat</i>	European site potentially affected	Possible effects in combination with other plans	Could the proposal have likely significant effects?
Stow and Swell	Housing and car parking allocations Increase in population,	None The NDP is not within the vicinity of a SAC or SPA and proposed	Bredon Hill is the closest SAC. It is approximately	The NDP does propose development. However given the distance to	Unlikely. The NDP is not within the vicinity of a SAC or



Neighbourhood Plan	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented e.g. <i>increased air pollution, erosion trampling and general disturbance from recreation pressure, and physical loss or damage to habitat</i>	European site potentially affected	Possible effects in combination with other plans	Could the proposal have likely significant effects?
	vehicular traffic, pollution.	allocations are not of a large strategic scale. Likely to be positive effects from policies which support protection local green/open spaces, sustainable transport and to work locally for example.	18.5km to the north west of the NDP area.	the nearest SAC, and scale of development proposed, it is unlikely any effects with Local Plan may combine with the NDP to have adverse effect. FYI -No such effects were identified by the HRA and Appropriate Assessment for the District Local Plan.	SPA, which lie beyond the 15km HRA 'area of search'

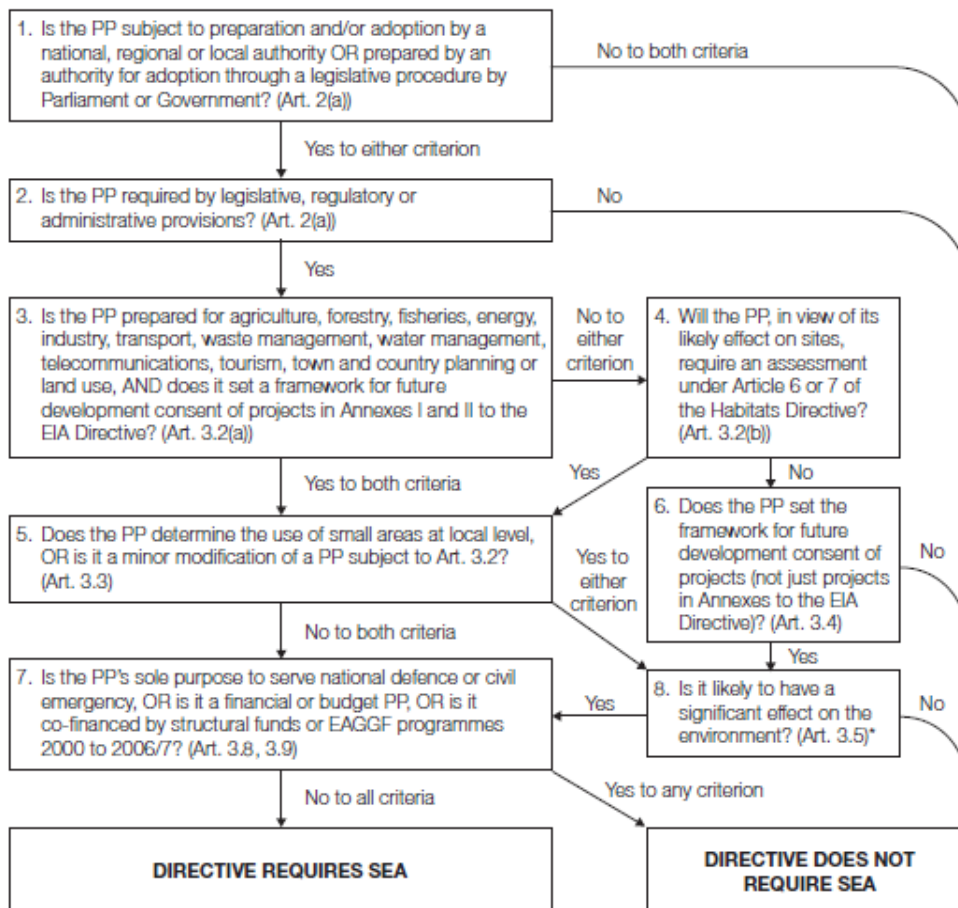
- 3.26 The NDP does propose development, but must be in general conformity with the Local Plan, which also includes policy (EN9) to safeguard such sites from development that could cause a significant adverse effect on the integrity of the SAC.
- 3.27 It is not considered that any further stages of HRA (Appropriate Assessment) are required for the NDP.

Assessment – Is an SEA required?

- 3.28 The process for screening a planning document in order to ascertain whether a SEA is required is illustrated below (ODPM 2004 Guidance):

Figure 2 – Application of the SEA Directive to plans and programmes

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

3.29 The table below is drawn from the 'decision making' flow diagram above, based on the information gathered above¹¹. It helps establish the need for a SEA.

Stage	Y/N	Reason
1 Is the PP subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	The Neighbourhood Development Plan will be 'made' by Cotswold District Council as the Local Authority. The Plan is prepared by the relevant Qualifying Body - Stow and Swell Town and Parish Councils . The NDP is adopted through a legislative procedure and supports the implementation of the Local Plan.
2 Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	N	The Neighbourhood Plan is an optional plan and not a requirement. The requirement for a NDP to have an SEA depends

¹¹ RTPI SEA/SA Guidance, January 2018



Stage	Y/N	Reason
		on its content and therefore it is necessary to screen the likely significant environmental effects of the NDP in line with the SEA Regulations.
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art. 3.2(a))	N	The Neighbourhood Plan is prepared for town and country planning purposes, but it does <i>not</i> set a framework for future development consent of projects in Annexes I and II to the EIA Directive (Art 3.2 (a)) ¹² . http://ec.europa.eu/environment/eia/eia-legalcontext.htm
4 Will the PP, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? (Art. 3.2(b))	N	<p>See also 'screening assessment for HRA' in section of this document.</p> <p>A District wide HRA Report for Cotswold District was prepared for the Local Plan process. The HRA Screening conclusions for the Local Plan were that a number of policies may result in significant effects on European Sites. These were considered further in Appropriate Assessment in 2017. This concluded that adverse effects on the integrity of any of the sites could be ruled out in relation to physical loss, damage to habitat, air pollution, increased recreation pressure, or in-combination effects with other development plans.</p> <p>Of the 8 Natura Sites looked at in the HRA Report, Bredon Hill is the closest to Stow and Swell Neighbourhood area, but lying outside of the District boundary just within the 15km buffer, and to the north west of the NDP area approximately 18.5km beyond its own boundary.</p> <p>As the levels of development supported by the NDP are not in the vicinity of SAC it is unlikely that a further HRA is needed</p> <p>In light of a recent ECJ¹³ ruling proximity or presence to a European site may trigger SEA if there is a potential impact, where mitigation measures <i>cannot</i> be used to conclude there is 'no significant effect'. While the NDP does seek to allocate sites for</p>

¹² Annex I (railways, roads waste disposal installations, waste water treatment plants), but also Annex II other types such as urban development projects, flood-relief works, changes of Annex I and II existing projects...

¹³ The People Over Wind and Sweetman vs. Coillte Teoranta



Stage	Y/N	Reason
		<p>development but no mitigation policies are included in the Plan proximity (within 15km buffer¹⁴) to overcome any effect on the SAC.</p> <p>It is considered that the NDP will not affect the specified Natura 2000 site over and above the impacts identified in the HRA Report carried out for the Local Plan. Therefore a full Appropriate Assessment is not considered to be required for the NDP.</p> <p>The HRA submitted alongside the Local Plan to Examination can be found here: https://www.cotswold.gov.uk/media/fcolqyg3/5501-habitats-regulations-assessment-report-apr-2017.pdf</p>
5 Does the PP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Y	<p>The Neighbourhood Plan will apply to a wider area than a small area (like a building plan) but it is at local level.¹⁵ – ‘only requires SEA if it is likely to have significant effects’ (article 3 (3)).</p> <p>It is not a minor modification to an existing plan.</p>
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)	Y	<p>An NDP is (a framework) to be used in determining future planning applications, and once ‘made’ will form part of the statutory development plan. It sets a framework beyond those projects listed in the EIA Directive, but does so more generally.</p> <p>The Local Plan allocations plan set a wider framework for the District including this area.</p> <p>However there is the potential/ intention for the NDP to set a development framework for smaller sites.</p>
7 Is the PP’s sole purpose to serve national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art. 3.8, 3.9)	N	<p>The (sole) purpose of the NDP is not for any of those categories listed in Art 3.8,3.9.</p>

¹⁴ Para 3.4, HRA Report, January 2017

¹⁵ The European Commission guidance (paragraphs 3.33–3.35) suggests that plans or programmes which determine the use of small areas at local level might include “a building plan which, for a particular, limited area, outlines details of how buildings must be constructed, determining, for example, their height, width or design.... The complete phrase... makes it clear that the whole of a local authority area could not be excluded (unless it were itself small)”.

Stage	Y/N	Reason
8 ¹⁶ Is it likely to have a significant effect on the environment?	Y	<p><i>See Table 3 below 'Assessment of the likely significance of effects' of the NDP.</i></p> <p>Stow and Swell NDP supports development and proposes housing and parking allocations, and as such there is a level of proposed development in the Plan to impact upon environmentally sensitive areas. It is considered there could be an impact in particular on a nationally recognised designation of Areas of Outstanding Natural Beauty (AONB). Although the Neighbourhood Area does not have any European Natura 2000 Sites (SAC). Policies in the draft NDP change the use of the land and promote development .</p> <p>More locally there are identified SAMs, Key Wildlife Sites, Priority Habitats, listed buildings, and Conservation Areas. Development is likely to affect (positively or negatively) the sensitive natural and cultural heritage of the area.</p> <p>The impact of any potential development (in general conformity with the Local Plan) is expected to be localised but could be significant especially in the context of Stow's prominent hilltop position.</p>

Table 2

Given the 'Yes' responses above, it is considered that the Neighbourhood Plan is within the scope of the SEA Regulations, and that a determination is therefore required as to whether the Stow and Swell NDP is likely to have significant effects on the environment and full SEA/SA should be carried out.

Assessment – Are there likely significant effects?

3.30 The screening requirements set out in Regulation 9 and Schedule 1 of the SEA Regulations include two sets of characteristics for determining the likely significance of effects on the environment:

- The characteristics of the Plan itself and

¹⁶ Annex II of the SEA Directive– Criteria for determining the likely significance of effects on the environment.

- The characteristics of the effects and of the area likely to be affected by the plan

3.31 These criteria are set out in table 3 below;

8. Is it likely to have a significant effect on the environment?	Criteria for determining the likely significance of effects (Schedule 1 of Regulations, Annex II SEA Directive)	Summary Significant Effects
1.The characteristics of the Plan, having regard in particular to:		
Yes	The degree to which the plan or programme sets a framework for projects or other activities, either with regard to the location , nature, size and operating conditions or by allocating resources	The Stow and Swell Neighbourhood Plan will set out the framework to be used to determine proposals for development within the neighbourhood. It also seeks to-allocate additional land and proposes housing development in excess of that identified for Stow within the Cotswold District Local Plan.
No	The degree to which the plan or programme influences other plans or programmes including those in a hierarchy	The Stow and Swell Neighbourhood Plan can only provide policies for the area it covers while the policies at the District and National level provide a strategic context for the NDP to be in general conformity with. Proposals within the NDP need to be considered when the District Local Plan is reviewed. None of the policies in the draft NDP are likely to have a direct impact on other plans in neighbouring areas.
No	The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	<p>A Neighbourhood Plan is required to contribute to the achievement of sustainable development. It is not specifically a plan for integrating environmental considerations. Any development must also be in accordance with the NPPF and in general conformity with the Local Plan.</p> <p>The proposals in the NDP look to balance environmental, social and economic considerations such as sustainable modes of transport encourage local businesses and designate Local Green Space. In particular to the NDP is the importance of the affordable housing need and an ‘unbalanced’ aging population age.</p> <p>It is considered overall, that as-development is also allocated, any impacts on the local environment and places valued by the local people are likely to be both positive and negative.</p>
Yes/No?	Environmental problems relevant to the plan	There are no specific environmental problems noted in the NDP itself that have not already been assessed and considered through the Local Plan and its accompanying SA.



8. Is it likely to have a significant effect on the environment?	Criteria for determining the likely significance of effects (Schedule 1 of Regulations, Annex II SEA Directive)	Summary Significant Effects
		<p>However for Stow, 'All of the areas are significantly constrained by their location within the AONB' (SA, 2017, p.45) The SA tested and recommends measures to limit the potential significant effects, for all sites; including high quality design and layout which reflects the special characteristics of the AONB, and conservation area where appropriate, and protection of key on-site landscape features and landscaping measures (p.59)</p> <p>The Stow and Swell Neighbourhood Plan intends to allocate land Any adverse impact on the environment arising from the NDP proposals (causing environmental problems) maybe considered significant within the environmental constraints of Stow on the Wold and therefore the effects are uncertain¹⁷.</p>
No	The relevance of the plan or programme for the implementation of community legislation on the environment (e.g. plans linked to waste management or water protection)	The Stow and Swell Neighbourhood Plan is to be developed in general conformity with the Local Plan, the Gloucestershire Minerals and Waste Plans, and national policy. Therefore the implementation of (EU) community legislation on water protection or waste is not relevant to the NDP.
2. Characteristics of the effects and of the area likely to be affected, having regard in particular to:		
Yes	The probability, duration, frequency and reversibility of effects	<p>Development is supported within the NDP and therefore an element of environmental change will occur, the impacts of which will depend upon the proposals and subject to the policies of the Local Plan.</p> <p>The NDP also seeks to minimise the negative effects of potential development and ensure positive impacts to 'enhance and conserve the unique character of the area.'</p> <p>It is considered possible that proposals in the NDP will lead to adverse effects on the environment, as changing the use of the land, is proposed. It is likely therefore that there will be some environmental effects however that should be investigated through</p>

¹⁷ "...The key criterion for the application of the EU Directive, however, is not the size of area covered but whether the plan or programme would be likely to have significant environmental effects". The European Commission guidance (paragraphs 3.33–3.35).



8. Is it likely to have a significant effect on the environment?	Criteria for determining the likely significance of effects (Schedule 1 of Regulations, Annex II SEA Directive)	Summary Significant Effects
		SEA.
Yes?	The cumulative nature of the effects	Any development will likely have some impact and several options are proposed beyond the development boundary of Stow. See above.
No	The transboundary nature of the effects	Effects will be local with limited effects on neighbouring areas as the proposals within the NDP only apply to the designated area.
No	The risks to human health or the environment (e.g. due to accidents)	No risks have been identified
No?	The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	<p>The Neighbourhood Area covers an area of about 15.9km² and contains a population of 2,431 (2011 Census). The scale of development supported by the NDP is relatively limited therefore the effects are uncertain, as they are likely to be localised but several allocations are promoted; although the numbers of dwellings proposed within the draft NDP are not of a strategic scale.</p> <p>It is unlikely that the effects of the proposals will be large scale and extensive in terms of area or population, they are within a sensitive nationally designated area, often beyond the development boundary of Stow.</p>
Yes	The value and vulnerability of the area likely to be affected due to; i) special natural characteristics or cultural heritage ii) exceeded environmental quality standards iii) intensive land-use	<p>The Stow and Swell Neighbourhood Plan is considered likely to adversely affect the value and vulnerability of the area in relation to natural /cultural heritage as the Plan area is washed over by the Cotswold AONB, and the NDP also contains 7 SAMs, including one on the north western edge of Stow, and a Conservation Areas in Stow (which extends into Maugersbury) and others in Upper and Lower Swell.</p> <p>The District SA (2017) states that all sites it appraised 'are significantly constrained by their location within the Cotswold AONB' (p.42). Of those areas relatively less constrained within the boundaries of Stow, they have 'the potential to have effects on the conservation area and landscape setting of town'. The potential allotment site has not been assessed through the Strategic Housing Land Availability Assessment (SHLAA) or subsequently the SA for</p>



8. Is it likely to have a significant effect on the environment?	Criteria for determining the likely significance of effects (Schedule 1 of Regulations, Annex II SEA Directive)	Summary Significant Effects
		<p>example, and some sites are promoted beyond the development boundary of Stow.</p> <p>The level of development supported by the proposals in the NDP will lead to a change of more intensive (allotment to housing, or field to parking) land use and parking. There is the possibility of significant environmental effects due to the location of the NDP i.e. in an area with 'special natural characteristics or cultural heritage.'</p> <p>Overall there are likely significant environmental effects that should be investigated through SEA.</p>
Yes	The effects on areas or landscapes which have a recognised national community or international protections status	<p>The level of development supported by the proposals in the NDP is likely to be some 150 dwellings, but the potential development sites are wholly within the sensitive and nationally designated Cotswold AONB, some of which are proposed beyond the development boundary of Stow. The Town of Stow also has a conservation area with listed buildings and SAM (prehistoric enclosure).</p> <p>The NDP area is not within or adjacent to any internationally protected SAC and unlikely to lead to additional pressures on the European designated SAC</p>

Table 3

Conclusion

- 3.32 Regulation 9 of the SEA Regulations requires that the responsible authority shall determine whether or not a plan is likely to have significant environmental effects. It shall
- a) take into account the criteria specified in Schedule 1 to these Regulations and
 - b) consult the consultation bodies
- 3.33 National Planning Guidance (NPPG) advises that a Neighbourhood Plan might require a SEA where a neighbourhood plan allocates sites for development; and or the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan; and likely to have significant environmental effects that have not already been considered and dealt with through a SA of the Local Plan.



- 3.34 A neighbourhood plan can allocate additional sites to those in a Local Plan where this is supported by evidence to demonstrate need above that identified in the Local Plan (NPPG, para 043).
- 3.35 Development is supported within the draft NDP for some 150 dwellings and parking, some of which are likely to be beyond the development boundary of Stow; and therefore an element of environmental change will occur.
- 3.36 The NDP area is wholly within the 'sensitive' Cotswold Area of Outstanding Natural Beauty (AONB). In addition to the potential environmental harm to the scenic beauty and landscape of the AONB, the prominent setting of Stow on the Wold, and the historic environment (sites may be adjacent or close to the conservation area), may also require investigation.
- 3.37 The District SA (2017) states that all sites it appraised in the area '*are significantly constrained by their location within the Cotswold AONB*' (p.42). The Local Plan did not allocate land at Stow. The potential allocation at the allotment site has not been assessed through the Strategic Housing Land Availability Assessment (SHLAA) or the District SA, for example.
- 3.38 Overall it is considered that the level of development proposed to be allocated in the NDP (including car parking and affordable housing) could have potentially significant environmental effects on a sensitive nationally designated area that should be investigated further through SEA.
- 3.39 A Scoping Report has been produced by consultants (AECOM) for the NDP, and this screening opinion, for clarity, forms the formal 'thinking' behind that decision.
- 3.40 It is considered that the Stow and Swell Neighbourhood Plan **requires a full SEA but not a HRA to be undertaken** as it is not within the vicinity of a SAC.
- 3.41 The Screening Report was provided to the statutory environmental consultation bodies for SEA (Historic England, the Environment Agency and Natural England) for their opinion. The 5 week consultation period ended on the 25th September 2020, with no objections being raised (See their responses, where provided, Appendix 2).
- 3.42 Based on the Screening Report and taking into account responses from the statutory environmental bodies, it is **determined** by Cotswold District Council as the 'responsible authority', in accordance with SEA Regulation 9, that the Neighbourhood Plan is likely to have significant environmental effects and is therefore 'screened in' i.e. that a Strategic Environmental Assessment is required.
- 3.43 In accordance with Regulation 106(1) of the Habitats Regulations, Cotswold District Council, as the 'competent authority,' does not consider that an 'appropriate assessment' is required.
- 3.44 If the issues in the Neighbourhood Plan should change then a new screening may need to be undertaken. New development proposals in Stow and Swell will be determined in line with the Local and Neighbourhood Plans, and may individually require screening for Environmental Impact Assessment (EIA) based on their type, scale and location.
- 3.45 Even if an SEA is not legally required preparation of an SA (not SEA) report could be useful because it documents how the neighbourhood plan contributes to sustainable development, which is one of the 'basic conditions,' a legal requirement, that the plan must meet to proceed to referendum ([Appendix 1](#)).



Appendix 1

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

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

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

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



Appendix 2

Consultation Response –

Historic England:

25/9/2020

Dear Joanne

Thank you for your SEA Screening Opinion consultation for the emerging Stow-on-the-Wold and Swell Neighbourhood Plan.

We are happy to concur with the view that a full SEA is required.

Apart from this consultation our only involvement in the preparation of the Plan so far has been a consultation in 2017 on the associated SEA Scoping. I attach that response again here for information.

Kind regards

David

David Stuart | Historic Places Adviser South West

Historic England | 29 Queen Square | Bristol | BS1 4ND

<https://historicengland.org.uk/southwest>

Consultation Response –



Natural England:

13/10/2020

Dear Joanne

Planning consultation: Request for SEA/HRA Screening Opinion on a NDP - draft Stow-on-the-Wold and Swell Neighbourhood Plan

Thank you for your consultation on the above dated 21 August 2020 which was received by Natural England on the same day. We are sorry for the delay replying. 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.

Strategic Environmental Assessment – Screening

We welcome the production of this SEA Screening report. Natural England notes and concurs with the screening outcome i.e. that SEA is required. This reflects the NDP's proposal to allocate housing within the Cotswolds Area of Outstanding Natural Beauty (AONB) and takes account of the local plan Sustainability Appraisal conclusions.

Habitats Regulations Assessment Screening

Natural England notes the screening process applied to this Neighbourhood plan. We agree with the Council's conclusion of no likely significant effect upon the named European designated sites:

- Bredon Hill SAC
- Dixon Wood SAC
- Cotswold Beechwoods SAC
- Rodborough Common SAC

For any queries relating to the specific advice in this letter only please contact me on XXX. For any new consultations, or to provide further information on this consultation please send your correspondence to consultations@naturalengland.org.uk.

Yours sincerely

Antony Muller
Lead Adviser – West Midlands Planning for A Better Environment Team