

In accordance with Regulation 9 of the SEA Regulations 2004, the Parish Council, as the responsible authority, has determined that an environmental assessment of the emerging Gotherington Neighbourhood Development Plan is not required as it is unlikely to have significant environmental effects. In making this determination the Parish Council has had regard to Schedule 1 of the Regulations and has carried out consultation with the consultation bodies. This determination was approved and minuted at the Parish meeting on the 8<sup>th</sup> December 2015

***The Environmental Assessment of Plans and Programmes Regulations 2004  
and the  
Habitats and Species Regulations (2010), as amended***

**Screening Statement for the  
Gotherington Neighbourhood Plan**

In accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 (The 2004 Regulations) and European Directive 2001/42/EC, this document is the screening determination of the need for a Strategic Environmental Assessment (SEA) for the Gotherington Neighbourhood Plan. It also covers the need for Habitats Regulations screening.

Under the regulations, SEA must be undertaken for land-use and spatial plans where there is a likelihood that they will have significant environmental effects. Neighbourhood plans (NP) are development plan documents that are required to be screened to see if they require SEA.

Regulation 9 requires the 'responsible authority' (i.e. the authority by which or on whose behalf the NP is prepared) to determine whether or not a plan is likely to have significant environmental effects. This is determined by a screening process, which should use a specified set of criteria (set out in Schedule 1 of the Regulations). The results of this process must be summarised in an SEA screening statement, which must be made publicly available.

The government's planning portal advises that the local planning authority should put in place a process to provide a screening opinion to the qualifying body on whether the proposed NP will require a SEA. The qualifying body should work with the local planning authority to be sure that the authority has the information it needs in order to provide a screening opinion.

The determination has been made that the Gotherington Neighbourhood Plan falls within the scope of the 2004 Regulations on the basis that:

- The NP is a plan and programme as defined in Regulation 2;
- The NP is prepared for town and country planning or land use as defined in Regulation 5;
- The NP will determine the use of a relatively small area at a local level but, depending upon its content, has the potential to have significant environmental effects.

The assessment below has been prepared on the basis of the information set out in the email from David Ward (30 September 2015) and subsequent information provided by the consultation bodies and related local bodies.

The screening process set out in Regulation 9 and Schedule 1 of the 2004 Regulations includes two sets of characteristics for determining the likely significance of effects on the environment. These relate firstly to the characteristics of the NP and secondly to the characteristics of the effects and of the area likely to be affected. There are a number of criteria relating to each of these characteristics, the responses to which are set out below.

**Table 1: Assessment of Significance of Effects**

<b>Criteria (Schedule 1)</b>	<b>Likely significance of environmental effect</b>	<b>Assessment and Justification</b>
<b>1. The characteristics of the plans and programmes, having regard in particular to;</b>		
(a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	Yes, but unlikely to have significant effects on the environment	The Gotherington Neighbourhood Development plan (NP) provides a local policy framework for Gotherington Parish. Specific sites are proposed for housing to the east and west of the existing village.
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	Yes, but unlikely to have significant effects on the environment	The Gotherington NP has been prepared taking into account the saved policies of the adopted Tewkesbury Local Plan to 2011, National Planning Policy Framework, the Draft Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury Borough and the Draft Tewkesbury Borough Plan. The Parish Council's view is that it does not conflict with any of the provisions of these documents.  Whilst the Neighbourhood Plan must generally conform to current development plans prepared by principal planning authorities, it could in turn inform preparation of the emerging Joint Core Strategy, the Tewkesbury Borough Plan and any supplementary planning documents, development briefs or site specific guidance notes covering the Gotherington Parish area.
(c) the relevance of the plan or programme for the integration of environmental considerations, in particular with a view to promoting sustainable development.	Yes, but unlikely to have significant effects on the environment	The Gotherington NP has been drawn up with the objective of achieving sustainable development in the Parish.

(d) environmental problems relevant to the plan or programme and;	Yes, but unlikely to have significant effects on the environment	The Gotherington NP will address some environmental, economic and social issues in the Gotherington Parish area. Within or nearby the area are: national and local landscape designations (AONB and SLA); nature sites (Dixton Wood (SAC and Site of Special Scientific interest [SSSI]), Bushcombe & Gotherington Woods Key Wildlife Site (KWS), Dixton Hill (KWS), Nottingham Hill (KWS), Prescott A (SNA), Prescott B (SNA), Scattered traditional orchard sites (PTES Survey of a priority habitat); historic assets (22 listed structures and scheduled monument Nottingham Hill Camp). These assets are already largely protected and the plan seeks to support this.
(e) the relevance of the plan or programme for the implementation of community legislation on the environment (for example, plans and programmes linked to waste management or water protection)	Yes, but unlikely to have significant effects on the environment	The Gotherington NP is prepared on the basis of community legislation in the Localism Act 2011 and Neighbourhood Planning regulations 2012.
<b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular to;</b>		
(a) the probability, duration, frequency and reversibility of effects	Significant effects on the environment are unlikely	The Gotherington NP sets the local vision, objectives and policies to guide new development in Gotherington Parish area. These need to be in line with strategic saved policies in the Tewkesbury Borough Local Plan and those likely to emerge in the Joint Core Strategy and Tewkesbury Borough Plan. Based on the information provided it is unlikely that the NP as currently framed will have significant environmental effects.
(b) the cumulative nature of the effects	Significant effects on the environment are unlikely	There are unlikely to be local cumulative effects arising from and between the different policies proposed in the Gotherington NP.
(c) the transboundary nature of the effects	Significant effects on the environment are unlikely	There are no transboundary effects arising from the Gotherington NP.
(d) the risks to human health or the environment (for example, due to accidents)	Significant effects on the environment are unlikely	Specific sites are proposed to be allocated to the east and west of Gotherington village but there are unlikely to be significant environmental risks as a consequence of the plan.

(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	Significant effects on the environment are unlikely	The Gotherington NP will guide new developments in the Gotherington Parish designated area only, and are unlikely to affect an extensive population.
(f) the value and vulnerability of the area likely to be affected due to; i. special natural characteristics or cultural heritage ii. exceeded environmental quality standards or limit values or iii. intensive land use	Whilst there are some of these within or proximate to the area significant effects on the environment are unlikely	The Gotherington NP covers the Gotherington Parish area where there are a number of important interests of acknowledged importance: historic assets, for example listed buildings and structures and a scheduled monument. Local nature assets such as, Bushcombe & Gotherington Woods Key Wildlife Site (KWS), Dixton Hill (KWS), Nottingham Hill (KWS), Prescott A (SNA), Prescott B (SNA), Scattered traditional orchard sites (PTES Survey of a priority habitat); Dixton Wood (SAC and Site of Special Scientific interest [SSSI] is in an adjacent parish); and national and local landscape designations. The NP is unlikely to generate environmental effects on those designations due to the plan not allocating sites that are close to these designations or including policies that would be contrary to the purposes of designating these sites. The proposed site allocations were considered not to significantly impact on the setting of historic assets due to the distance between such assets and also intervening development, topography and curtilage.
(g) the effects on areas or landscapes which have a recognised national, community or international protection status.	Whilst there are some within or proximate to the area significant effects on these aspects are unlikely due to the allocated site being viewed in the context of the existing village.	There is the national landscape designation of the Cotswolds AONB and the local (Tewkesbury Borough Council) special landscape area designation in Gotherington Parish. The main impact of the NP is likely to be the impact of the proposed housing site to the east of Gotherington within the special landscape area.

### **Consultation**

Regulation 9 requires the responsible authority to consult the ‘consultation bodies’ (these are English Heritage, Natural England and the Environment Agency). This was undertaken initially by email on 30 September 2015 by Tewkesbury Borough Council on behalf of Gotherington Parish Council. Local bodies (Lead Local Flood Authority, County Highways, County Ecologist, County Archaeology) were consulted along with Tewkesbury Borough Council officers in order to provide the basis for the draft screening opinion. The advice received has been summarised below:

#### ***Historic England (English Heritage)***

The information which the report contains, though still with an emphasis on assertion rather than evidence, nonetheless provides sufficient reassurance that the impacts on the historic environment will not trigger the need for an SEA - a position which I am now happy to agree with.

Notwithstanding this outcome, there remains of course the need for the Plan to still satisfy the policy imperatives of the NPPF concerning the historic environment. I can confirm now that our detailed interest in the content of the plan, as against the procedural technicalities it needs to satisfy, is limited and I do not envisage us offering further views at such times as further consultation may arise.

### ***Environment Agency***

Having regard for those matters within our remit, and Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004, we do not consider a SEA is required for the above NP. We would not comment on the need for HRA.

We would refer to the [Environment Agency] NP proforma/guide that the NP teams may find useful in preparation of their plans moving forward.

### ***Natural England***

Thank you for your consultation on the above dated the 5th November 2015 which was received by email on the same date. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. Natural England welcomes the production of an SEA Screening Report and is satisfied that the Local Planning Authorities conclusion that an SEA is not required is appropriate.

### ***County Archaeology***

Extensive developments located outside the parish, but close to the parish boundary, have resulted in the discovery of significant archaeological sites of prehistoric, Romano-British and medieval date. Similar is very likely to apply within Gotherington parish. Our response to the recent Tewkesbury Borough Plan Site Options consultation was that evaluation would be required for all the Gotherington options included in that consultation. The developments proposed in the Gotherington NDP are, however, smaller in scale and if archaeological evaluation of any of the proposed development sites is required, this can be adequately dealt with through the planning process. Therefore I have no reason to believe that this plan will have a significant impact on archaeological elements of the historic environment requiring SEA.

### ***County Highways***

No comments.

### ***County Ecology***

Given the proposals in the draft consultation version of the NDP the need for a SEA (looking at biodiversity as a theme) appears unlikely especially as the development allocations mainly give further detail to those already identified in the emerging JCS for Tewkesbury, Gloucester & Cheltenham.

### ***Tewkesbury Borough Council flood risk management engineer***

Having considered the draft neighbourhood development plan solely from a flood risk perspective, I do not believe the proposals will have a significant environmental impact.

It is worth noting that individual planning applications would in any case be assessed for flood risk impact both in the immediate area and beyond.

***Tewkesbury Borough Council Development Management Section (incorporating TBC landscape and conservation)***

Just to confirm that from a DM perspective the plan would not have significant effects on the environment in the context of the regulations.

**Cotswolds AONB Conservation Board**

On the basis that the majority of the settlement (and possible sites) lies outside the AONB we would not specifically ask for the need for an SEA. We would however ask generally that consideration is given to the aims of our Management Plan and our Setting Position Statement as part of good planning.

**Habitats Regulations Assessment**

The purpose of Habitats Regulations Assessment (HRA) of plans is to ensure that the protection of the integrity of European sites is part of the planning process. The requirement for HRA of plans or projects is outlined in Article 6(3) and (4) of the European Communities (1992) Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora ("Habitats Directive").

*Special Areas of Conservation (SAC)*

SACs are areas which have been given special protection under the European Union's Habitats Directive. They provide increased protection to a variety of wild animals, plants and habitats and are a vital part of global efforts to conserve the world's biodiversity.

In Gloucestershire there are 7 SACs:

1. Rodborough Common.
2. Dixon Wood.
3. The Wye Valley and Forest of Dean Bat Sites.
4. The River Wye.
5. The Wye Valley Woodlands.
6. The Severn Estuary.
7. Cotswold Beechwoods.

Dixon Wood SAC is situated within the nearby Alderton Parish area. The primary reason for selection of this site is on the basis of Annex II species (1079 Violet click beetle, *Limoniscus violaceus*). The violet click beetle *Limoniscus violaceus* was discovered at Dixon 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.

*Special Protection Areas (SPA)*

SPAs are areas which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within European Union countries. They are European designated sites, classified under the 'Birds Directive 1979' which provides enhanced protection given by the Site of Special Scientific Interest (SSSI) status all SPAs also hold.

In Gloucestershire there are 2 SPAs:

1. Walmore Common.
2. The Severn Estuary.

Aside from Dixon Wood SAC the nearest other European designated sites to the Gotherington NP area are Walmore Common SPA (within Forest of Dean District) and the Severn Estuary SPA/SAC. Both sites are outside of the NP area.

***County Ecologist (HRA comments)***

In relation to whether the NDP needs to come accompanied with a Habitats Regulations Assessment (HRA) then one European Site needs some consideration and this is the Dixon Wood Special Area of Conservation (SAC). This site lies just over half a kilometre outside the north eastern boundary of the parish. Possible effects of the NDP could be disturbance of woodlands from increased visits by new residents in the parish. Winchcombe Way runs through the parish and then on to but only adjacent to Dixon Wood (it does not cross through this European Site). An HRA Stage 1 Screening exercise would be initiated only if there was some reasonable possibility that some aspects of the plan could lead to a likely significant effect (LSE) on any European Site alone or in-combination with other plans and projects. Our tentative conclusion is that an HRA is not required for the NDP but this should be compared with the views of Natural England which will be important to ascertain.

**Natural England (Habitat Regulations Assessment comments)**

Where a Neighbourhood Plan could potentially lead to significant environmental effects it will be necessary to screen the Plan in relation to the Habitats and Species Regulations (2010), as amended (the 'Habitats Regulations'). One of the basic conditions that will be tested at Examination is whether the making of the plan is compatible with European obligations and this includes requirements relating to the Habitats Directive.

In relation to the Habitats Regulations, a Neighbourhood Plan cannot progress if the likelihood of significant effects on any European Site, either alone (or in combination with other plans and projects) cannot be ruled out) (see Schedule 2, The Neighbourhood Planning (General) Regulations 2012). Therefore measures may need to be incorporated into the Neighbourhood Plan to ensure that any likely significant effects are avoided in order to secure compliance with the Regulations. A screening exercise should be undertaken if there is any doubt about the possible effects of the Plan on European protected sites. This will be particularly important if a Neighbourhood Plan is to progress before a Local Plan has been adopted and/or the Neighbourhood Plan proposes development which has not be assessed and/or included in the

Natural England welcomes the consideration given to the Habitats Regulations. We are satisfied that the conclusion of the Local Planning Authority (as competent authority) that there are no likely significant effects on European sites is appropriate, and therefore advise that further Habitats Regulations Assessment is not required.

**Conclusion**

Following an analysis of the above information, the determination has been made that by virtue of the nature of the type and scope of policies and proposals contained in the draft Gotherington Neighbourhood Plan that it does not require a Strategic Environmental Assessment.

Effects on European sites have been screened out by virtue of the nature of the type and scope of policies and proposals contained in the draft NP. It is therefore concluded that HRA is not required.

Copies of the final determination, together with the reasons for the determination, will be circulated to the statutory consultation bodies in line with the regulations.

30 November 2015