

Determination Statement - Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA)

**Leckhampton and Warden Hill Draft Neighbourhood Plan
(Pre-Regulation 14 Version, June 2022)**

November 2022

Determination Statement - Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA)

1. Introduction

- 1.1 This statement has been prepared by Cheltenham Borough Council to determine whether or not a Strategic Environmental Assessment and / or a Habitats Regulations Assessment are required for the draft Leckhampton with Warden Parish Neighbourhood Plan following the request for a screening opinion.

2. Context

- 2.1 The preparation of a Neighbourhood Plan involves a series of stages as required by legislation before it can be 'made'. To be 'made', a Neighbourhood Plan must meet certain Basic Conditions, one of which being it must not breach or otherwise be incompatible with any EU obligations.
- 2.2 One of these obligations is Directive 2001/42/EC 'on the assessment of the effects of certain plans and programmes on the environment'. This is often referred to as the strategic environmental assessment (or SEA) Directive. The SEA Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) (the 'SEA Regulations') and it is these regulations that the neighbourhood plan will need to be compatible with. This requires those making plans that could impact on the environment to consider whether they are likely to have a significant environmental effect.
- 2.3 The legislative basis for the Habitats Regulations Assessment (HRA) is EU Habitats Directive Article 6(3) and Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). The 'Natura 2000 network' (more commonly referred to as 'European Sites') of sites are designated for the importance of habitats, species and birds (under the 'Habitats Directive' for Special Areas of Conservation, and the 'Birds Directive' for Special Protection Areas). The designation of European Sites was intended to provide legal protection for this flora and fauna of a European importance, requiring their maintenance or restoration in a favourable condition.
- 2.4 The process of HRA encompasses the requirements of the Habitats Directive and Habitats Regulations, and includes a decision on whether the plan (including Neighbourhood Plans) should be subject to appraisal. The 'screening' process is used to consider whether the plan would be likely to have significant effects on a European Sites, and if so whether an 'Appropriate Assessment' is necessary.

3. Process

- 3.1 A request for an SEA/HRA screening opinion, along with an accompanying screening report prepared by consultants on behalf of Leckhampton with Warden Hill Parish Council, was submitted to Cheltenham Borough Council on 13 June 2022. The request and report are included at appendix 1. That screening report, which amongst other aspects included draft Neighbourhood Plan policies, recommended that a full SEA would not be required and neither would an Appropriate (HRA) Assessment be required.
- 3.2 Cheltenham Borough Council considered the screening report submitted by the consultants and found it to be compliant with the SEA/HRA regulations in respect of both form and content. Cheltenham Borough Council considered the screening report and agreed with the conclusions that neither a full SEA nor an HRA appropriate assessment would be required. Consequently, Cheltenham Borough Council concluded that it was now appropriate for the screening report to be circulated to the statutory consultees for comment.

4. Consultation

- 4.1 Natural England, Historic England and the Environment Agency were consulted on the screening report during September to October 2022. Their responses are contained in Appendix 2.

5. Conclusion

- 5.1 The Neighbourhood Plan does not allocate any development sites.
- 5.2 With regard to SEA, the Council has had due regard to the statutory consultee responses from the Environment Agency, Natural England and Historic England and the criteria within Schedule 1 and Schedule 2 of the SEA Regulations in coming to a view on whether the proposed Neighbourhood Plan is likely to have significant environmental effects. Having taken all of the relevant policies of the draft Neighbourhood Plan into account, it is the Council's opinion that a full SEA is not required for the Leckhampton with Warden Hill Neighbourhood Plan.
- 5.3 With regard to the Habitats Regulations and whether an Appropriate Assessment is required, the site is located within 15km of Cotswolds Beechwoods Special Area of Conservation (SAC). The SAC consists of ancient beech woodland, some secondary woodland and a small area of unimproved grassland. The woods represent one of the most westerly extensive blocks of beech forests in Europe and are floristically rich compared to other similar sites.

- 5.4 Assessment of the plan by statutory consultees including Natural England together with Cheltenham Borough Council has not led to the identification of any matters that would either alone or in combination have a significant impact on any European Site.
- 5.5 Cheltenham Borough Council considers that the Leckhampton with Warden Hill Neighbourhood Plan will not have a significant effect on any identified European site including the Cotswolds Beechwoods SAC and that therefore further assessment under the Habitats Regulations is not required. This is supported by the response from Natural England.

APPENDIX 1

Screening Report prepared and submitted by

**Planning Consultants on behalf of Leckhampton with Warden Hill Parish
Council**



Andrea Pellegram Ltd.

Andrea Pellegram Ltd
6 Chesterton Park
Cirencester
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13 June 2022

Tracey Birkinshaw

Cheltenham Borough Council

Sent by email to tracey.birkinshaw@cheltenham.gov.uk

Dear Tracey,

Request for HRA/SEA Screening Opinion for Leckhampton with Warden Hill Neighbourhood Plan

I write with reference to the Environmental Assessment of Plans and Programmes Regulations 2004 ('The SEA Regulations', which transposed the European SEA Directive (2001/42/EC)), to request that Cheltenham Borough Council (as the Competent Authority) provides a Screening Opinion on a requirement for Strategic Environmental Assessment and Habitats Regulations Assessment of the Leckhampton with Warden Hill Neighbourhood Plan.

In relation to Strategic Environmental Assessment (SEA) and neighbourhood plan basic condition, Schedule 4B of the Town and Country Planning Act 1990 and the Neighbourhood Planning General Regulations (2012) (as amended) require that:

- the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations; and that:
- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

Follow the UK's departure from the European Union, these requirements remain in force until such time as new UK legislation is enacted to remove or replace them.

Before issuing its Screening Opinion, we understand that Cheltenham Borough Council must consult Historic England, Natural England and the Environment Agency, allowing five weeks for a response.

STRUCTURE OF THIS REQUEST

This letter provides information to support the above SEA/HRA screening request, with the remainder organised as follows:

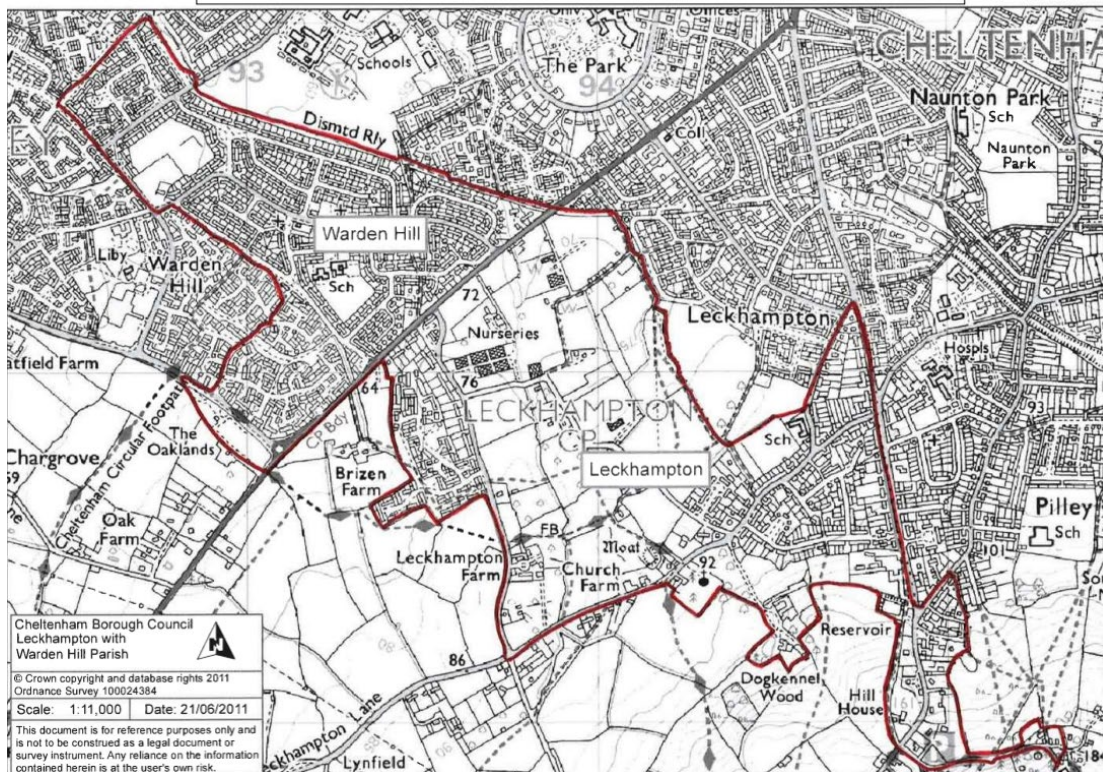
- Basic information on the neighbourhood plan
- Local Plan Context
- Purpose, Scope and Policies of the Neighbourhood Plan
- Summary of environmental constraints in the area in relation to Sensitive Sites and other environmental assets
- Screening Assessments of the Neighbourhood Plan in relation to Habitat Regulations Assessments and to SEA (regarding the characteristics of the plan, the characteristics of the effects and of the area likely to be affected, and criteria from Schedule 1 of the SEA Regulations).
- Recommendations for the Screening Opinion.

BASIC INFORMATION ON THE NEIGHBOURHOOD PLAN

The Qualifying Body is Leckhampton with Warden Hill Parish Council and the title of the plan is the 'Leckhampton with Warden Hill Neighbourhood Plan'. The Neighbourhood Area is indicated on the plan below.

The period covered by the neighbourhood plan will be 2021-2031. This reflects the starting point of work on the Neighbourhood Plan and the end date of the adopted local plan for Cheltenham.

LECKHAMPTON WITH WARDEN HILL NEIGHBOURHOOD AREA APPLICATION FOR DESIGNATION PLAN NP1 - JUNE 2015



LOCAL PLAN CONTEXT

The adopted local plan for the area is made up of the following development plan documents:

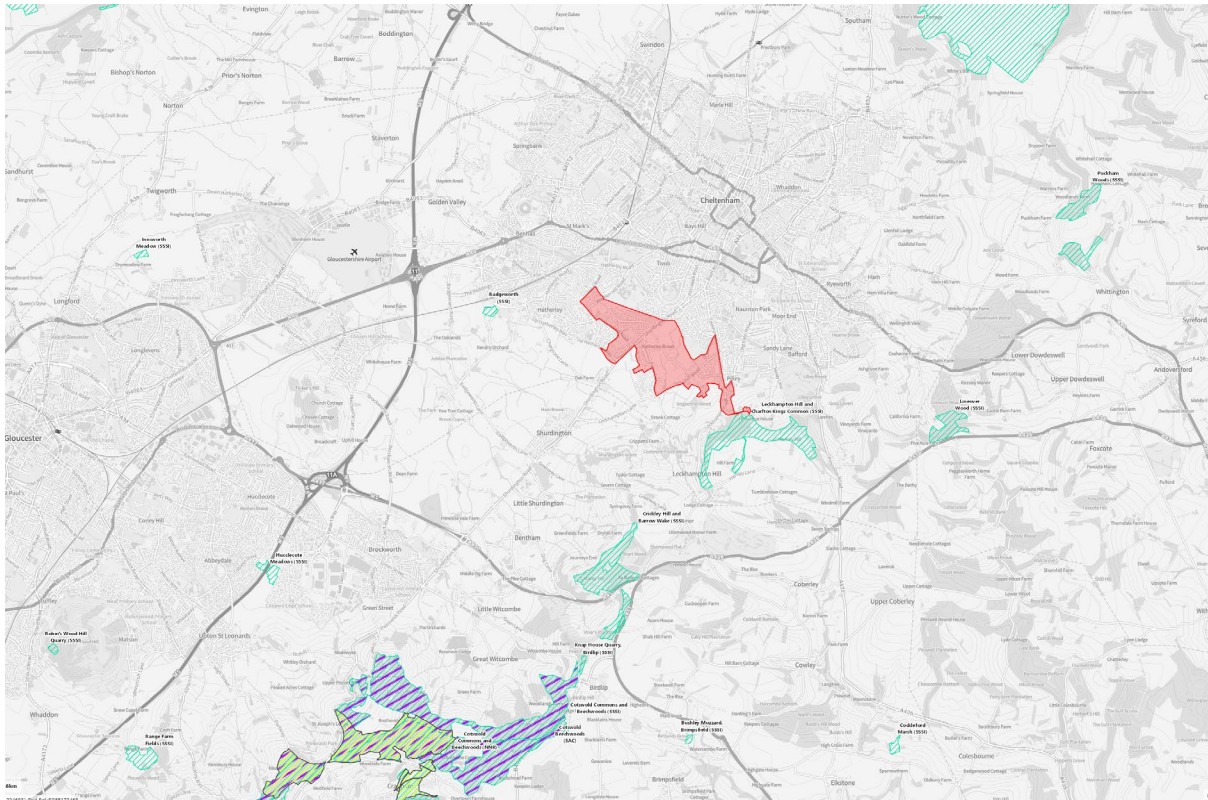
- The **Joint Core Strategy**, adopted in adopted in 2017. This plan runs until 2031.
- The **Cheltenham Plan**, adopted in 2020. This plan runs until 2031
- **Saved policies from Cheltenham Local Plan, 2006**
- The **Gloucestershire Waste Core Strategy 2012-2027**
- **Saved Waste Local Plan Policies**
- **Minerals Local Plan 2018-2032**
- **Cotswold Area of Outstanding Natural Beauty Management Plan, 2018-2023** (relating to the Cotswold National Landscape).

SUMMARY OF ENVIRONMENTAL CONSTRAINTS

Sites of Special Scientific Interest (SSSI) – There are no SSSI located within the Neighbourhood Area. The Leckhampton Hill and Charlton Kings Common SSSI is located immediately outside the southeastern corner of the Neighbourhood Area. Badgeworth SSSI is located 1.4km to the west of the Neighbourhood Area.

Natura 2000 sites – There are no Special Areas of Conservation, Special Protection Areas or RAMSAR sites located within the Neighbourhood Area. The Cotswold Commons and Beechwoods National Nature Reserve Special Area of Conservation is located approximately 4.6km at the closest point from the southernmost extent of the Neighbourhood Area.

The plan below indicates the position of nature designations in relation to the Neighbourhood Area.

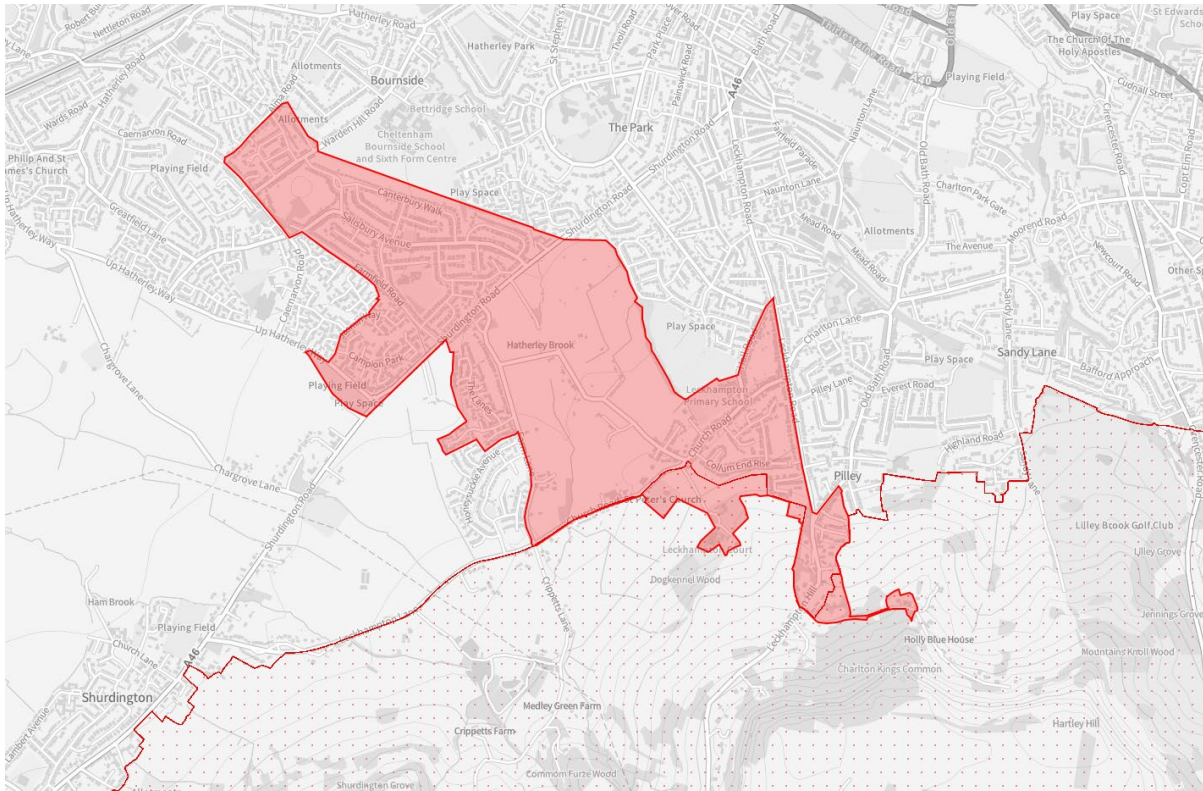


Local Nature Reserves and Local Wildlife Sites – There are no Local Wildlife Sites located within the Neighbourhood Area. There is one Local Nature Reserve located in Warden Hill within the western end of the Neighbourhood Area.

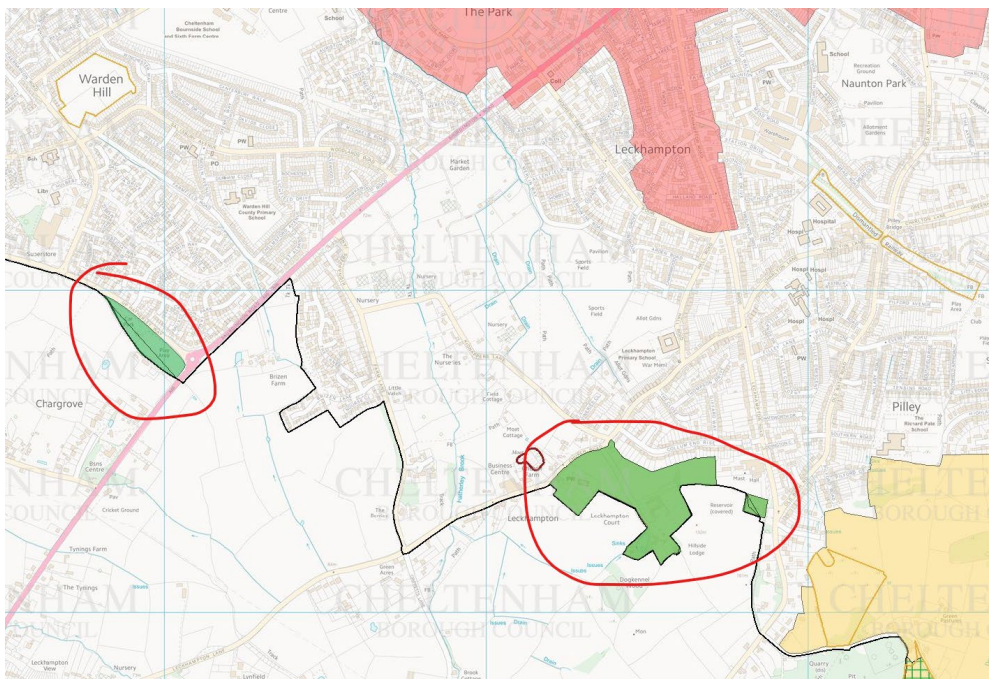


National Parks – There are no National Parks located within or in proximity to the Neighbourhood Area.

Areas of Outstanding Natural Beauty – The Cotswold National Landscape AONB is located within the Neighbourhood Area as shown in the plan below (red dotted area).



Green Belt – The areas marked green (circled) on the plan below are areas of Green Belt located within the Neighbourhood Area. The area outside the boundary of the plan area, to the south, is designated as Green Belt.



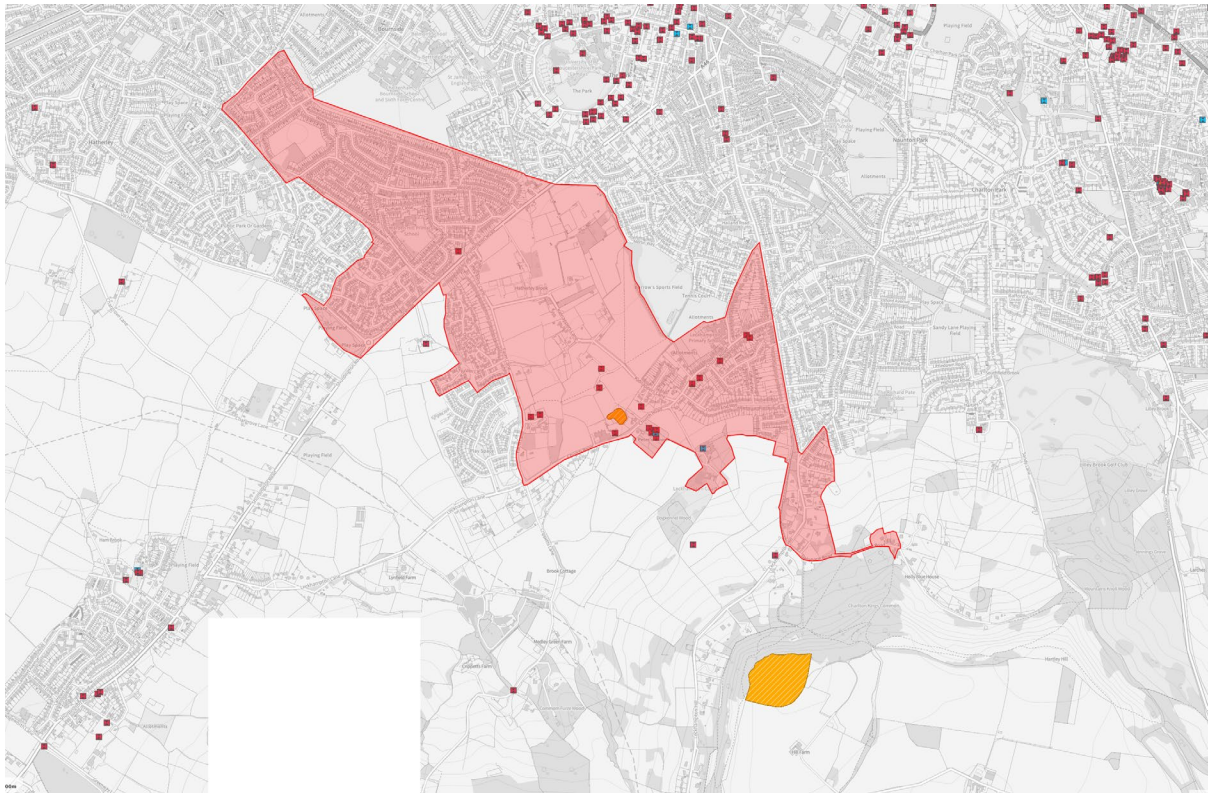
World Heritage Sites – There are no World Heritage Sites located within or in proximity to the Neighbourhood Area.

Registered Historic Parks and Gardens – There are no Registered Parks and Gardens within or in proximity to the Neighbourhood Area (the park and garden associated with Glenfall House is located 4.6km to the east of the Neighbourhood Area).

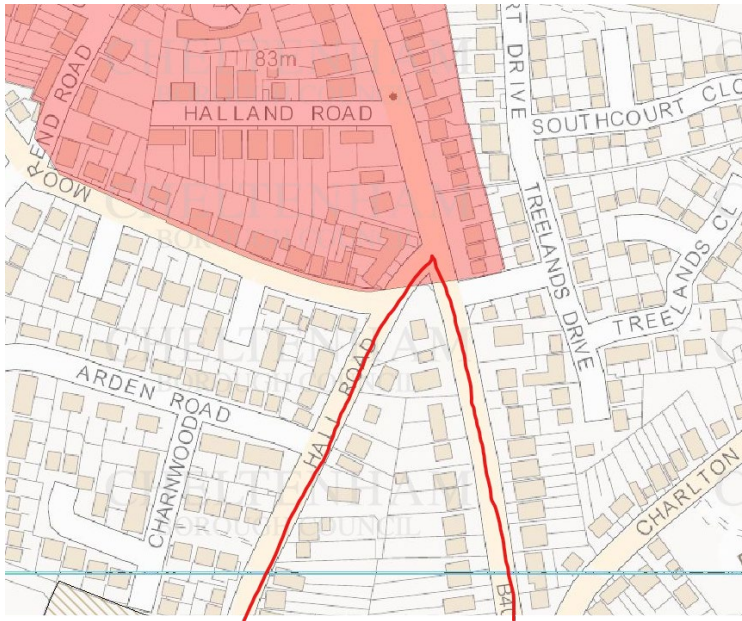
Scheduled Monuments – The ‘Moated Site and Fishponds at Church Farm’ Scheduled Monument is located within the Neighbourhood Area, as shown on the plan below (marked orange). The ‘Leckhampton Camp and Tumulus’ Scheduled Monument is located about 390m south of the Neighbourhood Area, approximately 120m higher than the elevation at the southern end of the plan area at the top of Leckhampton Hill at the Devil’s Chimney.

Listed Buildings – There are eighteen Grade II (marked red) and two Grade II* (marked blue) Listed Buildings within the Neighbourhood Area.

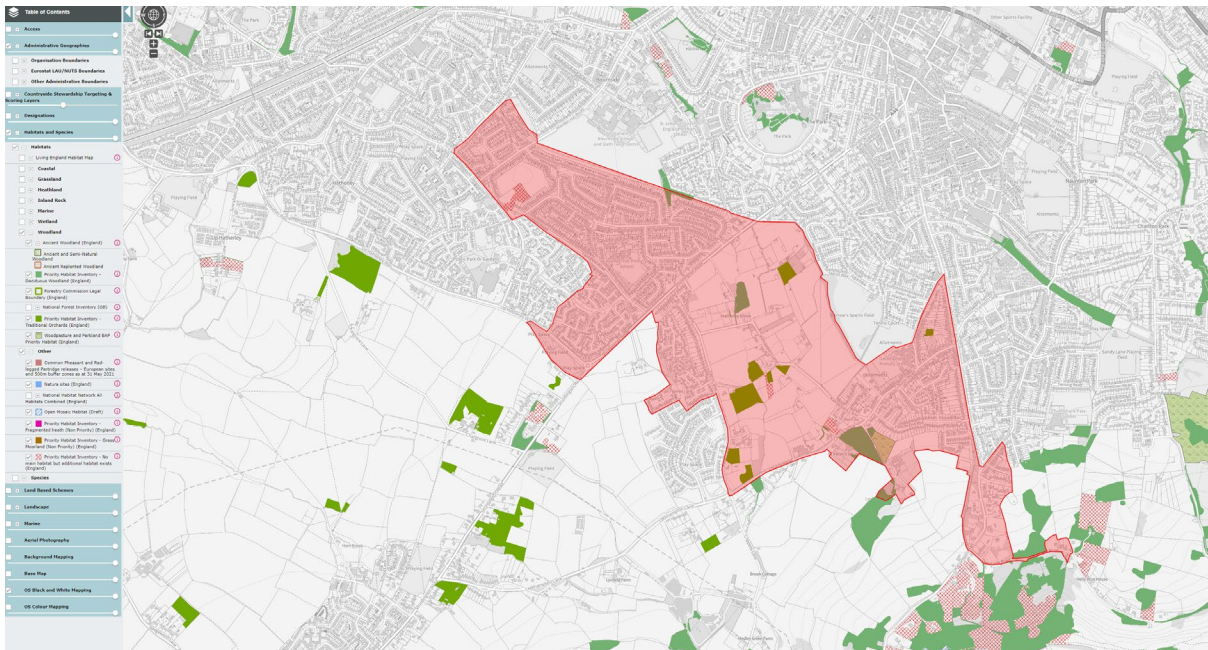
The plan below shows the location of listed buildings and Scheduled Ancient Monuments



Conservation Areas – The southern boundary of the Central Conservation Area clips the northernmost point of the Neighbourhood Area, as shown on the plan below. The area concerned is the operational highway.



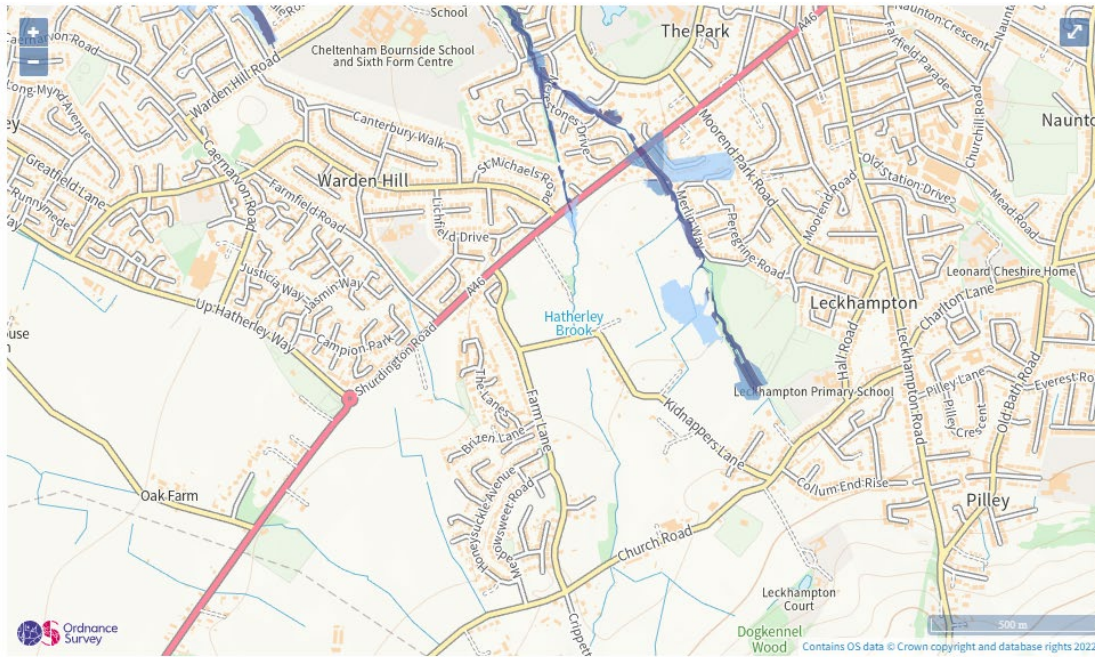
Areas of Priority Habitat – Natural England information online shows priority habitat inventory, Open Mosaic Habitat, Traditional Orchard HAP and Wood Pasture & P Parkland. Some of this information indicated habitat on sites which have been granted planning permission for housing and schools development, which have been implemented. Other habitat areas indicated were designated Public Green Space in the adopted local plan.



Ancient Woodland – There is no ancient woodland located within the Neighbourhood Area.

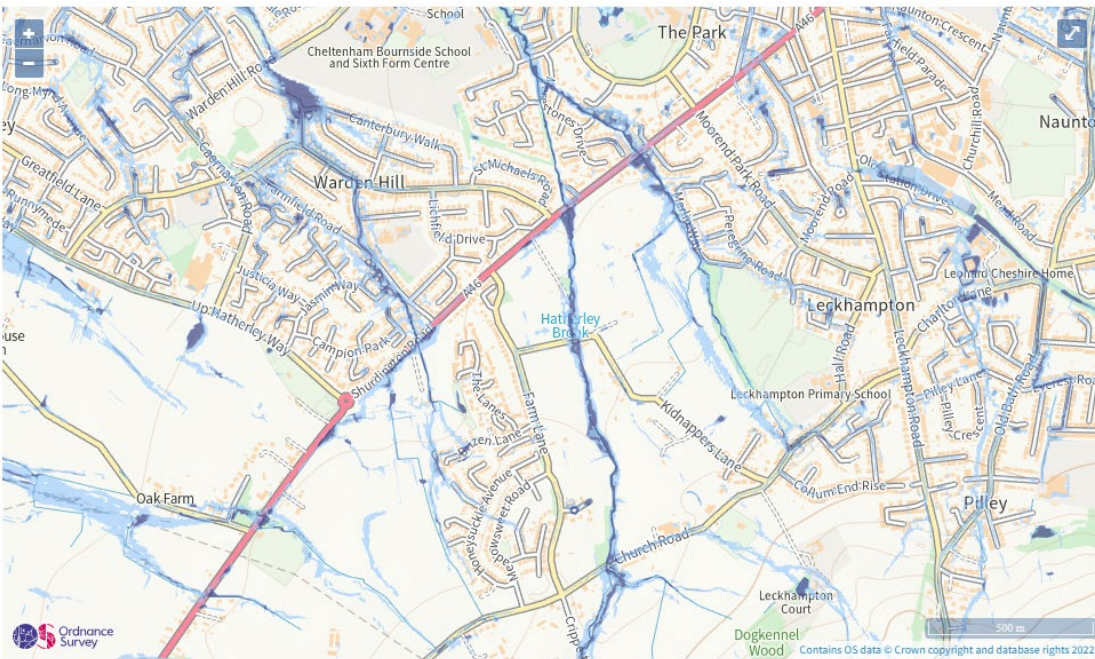
Areas of flood risk – The government’s Long Term Flood Risk Map for Planning indicates the level of flood risk from rivers and the sea, and from surface water. Some parts of the Neighbourhood Area experience heightened risk from flooding from both rivers and streams and from surface water run-off. There have been flood events within the Neighbourhood Area in recent years.

The plans below indicate, first, the parts of the Neighbourhood Area located within Flood Risk Zones 2 and 3. The second plan shows the long-term risk of flooding from surface water run-off.



Extent of flooding from rivers or the sea

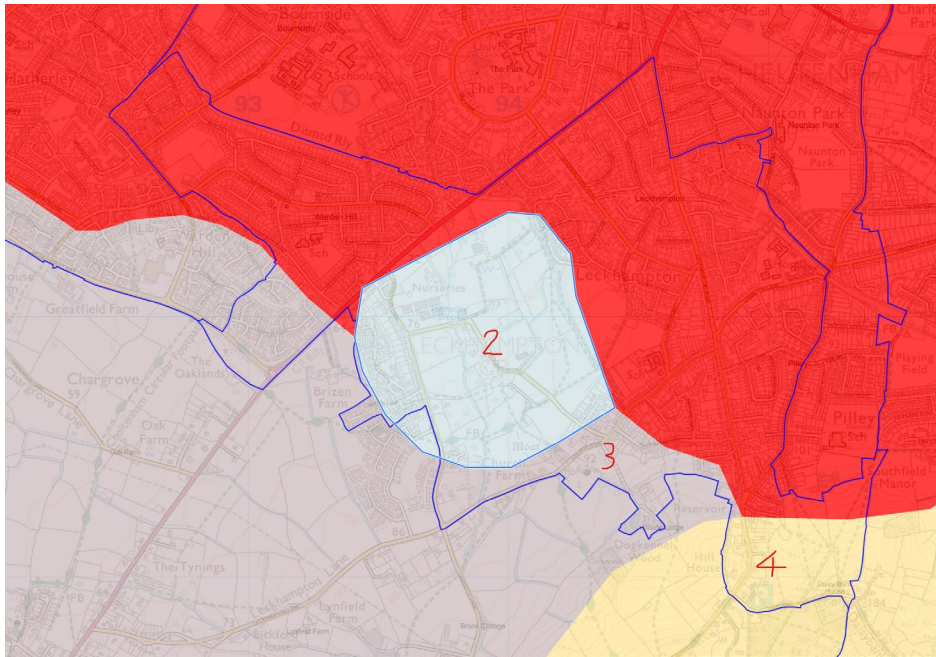
● High ● Medium ● Low ● Very low ⊕ Location you selected



Extent of flooding from surface water

● High ● Medium ● Low ○ Very low ⊕ Location you selected

Agricultural Land Classification - Parts of the Neighbourhood Area contain agricultural land. The area in which the nurseries are located is Grade 2 whilst the remaining non-urban open land is Grade 3 or Grade 4. The Plan below indicates the Natural England provisional grade of agricultural land based on the parish boundary.



PURPOSE, SCOPE AND POLICIES OF THE LECKHAMPTON WITH WARDEN HILL NEIGHBOURHOOD PLAN

The purpose and scope of the neighbourhood plan was discussed and set following consultation with the community over a number of years, with a clear vision and set of targeted objectives set, as follows:

Vision and objectives – The Neighbourhood Plan has the following vision:

‘By 2031, the Leckhampton with Warden Hill Neighbourhood Plan Area will look and feel better than it does today. Essential valued landscape and visual characteristics of the area will remain in place, whilst the area will be greener, more sustainable and better protected from flood risk. People will be able to find a home that meets their needs. More people will work locally. They will be able to walk and cycle to a good network of local shops and community facilities. People will be able to live healthier lives.’

To achieve this Vision the following objectives have been set:

‘LWH OBJECTIVE 1 To promote a good quality of life for all of the area’s residents.

LWH OBJECTIVE 2 To make sure new housing development delivers housing of a size and type and level of affordability which meets the needs of people living in the area.

LWH OBJECTIVE 3 To protect and enhance local green space to secure a range of benefits including physical and mental well-being, flood resilience, cleaner air, Valued Landscape and improvements to habitats.

LWH OBJECTIVE 4 To seek ongoing improvements to travel and transport to reduce traffic congestion and promote alternatives to the use of private cars by providing safe walking and cycle routes.

LWH OBJECTIVE 5 To involve local people in an ongoing basis in the process of place-making, monitoring and delivery of development.’

Neighbourhood Plan Draft Policies – To contribute to the achievement of the vision and objectives, the following draft policies have been included in the plan.

POLICY LWH1 – Shopping and Community Facilities

With regard to policies for the protection of existing social and community infrastructure set out in Joint Core Strategy Policy INF4 and to the range of potential planning obligations required to secure community infrastructure benefits set out in Cheltenham Adopted Local Plan 2020 Policy CI1, the local social, community, health and recreational facilities listed in **Table **** play a valuable role in meeting the needs of the local community and are identified as priorities for retention and improvement.

Applications for prior approval of changes of use away from local shops within Class E Commercial uses to Class MA Housing should not be permitted if it would significantly harm the overall function and role of the local shopping facilities identified in **Table ****.

Applications for change of use from Class F2 Local Community Uses, where that use is a local shop, should not be permitted if it would result in a loss of provision that could not be met by another local shop within 1000m.

POLICY LWH2 – Walking and Cycling

New development should contribute to the development of local walking and cycling routes as indicated in the Walking and Cycling Plan by incorporating specific proposals on site where feasible, or through financial contributions towards off-site provision where appropriate.

POLICY LWH3 – Managing and Enhancing Local Green Space

Within Local Green Space, the following types of development are supported to achieve the Neighbourhood Plans local objectives for Local Green Space:

- a) Pathways
- b) Signposts
- c) Interpretation Boards
- d) Benches
- e) Similar development compatible with the use and purposes of a Local Green Space and with Walking, Cycling, Green Infrastructure and Valued Landscape objectives and policies.

Landscaping, planting, biodiversity mitigation and net-gain, and pedestrian/cycle access proposals associated with proposals for new development on sites adjoining the Local Green Space should have regard to the Leckhampton Fields Local Green Space Management Plan.

POLICY LWH4 – Green Infrastructure

The roles and functions of existing green infrastructure described in **Table **** should be protected when considering new proposals for development. Where feasible, new development should contribute through onsite provision to the maintenance and enhancement of local green infrastructure roles and functions.

Future objectives for the maintenance and improvement of Leckhampton with Warden Hill Neighbourhood Plan Area green infrastructure outlined in **Table ****, should also be supported through developer contributions where appropriate.

POLICY LWH5 – Conserving and Enhancing Valued Landscape

In conjunction with Policy LWH3 and LWH4 of this Neighbourhood Plan, new developments within the Neighbourhood Plan Area should satisfy the following principles to:

- a) Maintain and enhance the strategic contribution of the Neighbourhood Plan Area to the setting important setting for Valued Landscape as defined in the Landscape and Visual Appraisal included in **Appendix ****.
- b) Incorporate design and layout elements to avoid harm to Valued Landscape.
- c) Provide a sufficient level of green infrastructure provision to maintain the strategic role of green infrastructure in providing a green setting for Valued Landscape.
- d) Complement management principles for the Leckhampton Local Green Space in the provision of external landscaping, planting and biodiversity enhancement, where relevant.

POLICY LWH6 – Non-Designated Heritage Assets and Buildings of Local Importance

Non-Designated Heritage Assets and Buildings of Local Importance identified in **Appendix **** of this Neighbourhood Plan should be protected from harm arising from new development unless it can be demonstrated that this is at the lower end of the scale and it is clearly outweighed by important social, economic and environmental benefits in the planning balance.

POLICY LWH7 – Protection of dwellings against Future Flooding and Climate Change

Proposals for new development must have regard to the following guidance on specific local flood risk matters:

- a) Any development on the scarp of Leckhampton Hill or on the land below the scarp between the scarp and the A46 must take fully into account the potential flash and cumulative water flow including a 30% margin for climate change, and specifically (1) high peak rainfall up to 65 mm in 75 minutes (1.3 times the measured rainfall in Leckhampton Village on 27 June 2007) and (2) a 100 year storm of 200 mm of rainfall in 6 to 8 hours (1.5 times the measured rainfall in Leckhampton Village for the 30 year storm on 20 July 2007), both on fully saturated land.
- b) In order to protect against flooding of residential areas west of the A46 in storms up to a 100-year level adjusted for climate change, floodable open land must be preserved between Church Road and the A46 along both Hatherley Brook and Moorend Stream to be able to hold back sufficient flood water.
- c) Any development on the scarp of Leckhampton Hill or on the land below the scarp must not divert water flows in a way that creates an additional flood risk to other residential areas. This includes diverting springs and underground water flow on the Leckhampton Fields as well as surface flow.
- d) The use of permeable materials on external surfaces and the installation of water butts would allow much better drainage and reduce the frequency of flash flooding.
- e) New development should incorporate tree planting, particularly important in Warden Hill which compares badly with the tree lined streets of Leckhampton Ward.
- f) Developer contributions for tree planting off site and for advice and guidance to householders on improving flood resilience, would be supported.

SCREENING ASSESSMENTS

When considering whether a plan would be likely to have significant environmental effects there are two routes that may lead to a positive conclusion on that question:

Firstly, in accordance with Regulation 5(3) of the SEA Regulations, if it has been determined that a plan requires ‘appropriate assessment’ under The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) as a result of its likely impacts on European designated sites, this automatically triggers the need for SEA and the preparation of an environmental report. In such circumstances there is no further requirement to provide a separate screening opinion under the SEA Regulations;

Secondly, in accordance with Regulation 9 of the SEA Regulations, the responsible authority must determine whether or not a neighbourhood plan is likely to have significant effects on the environment. This is generally known as a ‘screening opinion’. If a screening opinion prepared by a responsible authority concludes that there are likely to be significant environmental effects arising from the implementation of the plan then SEA will be required, including the need to prepare an environmental report.

Habitat Regulations Assessment – Assessment

Cheltenham Local Plan HRA Screening was based on the European Sites identified below. These sites will be considered in relation to HRA Screening of the Leckhampton with Warden Hill Neighbourhood Plan.

Characterisation of European Sites

Table 3.1: European Sites Characterisation

Bredon Hill SAC
Bredon Hill is an area of pasture woodland and ancient parkland. The site provides habitat for the Violet Click Beetle <i>Limoniscus violaceus</i> beetle, which develops in the decaying wood either of very large, old hollow beech trees (Windsor Forest) or ash trees (Worcestershire/Gloucestershire border sites). Currently the only site attributes which Natural England understands the species to need is related to the abundance and condition of the ancient trees within which it develops.
Cotswolds Beechwoods SAC
The Cotswolds Beechwoods SAC is the most westerly block of <i>Asperulo-Fagetum</i> beech forests in the UK. The woods are structurally varied with blocks of high forest and areas of remnant Beech Coppice. The area is designated as a SAC due to the presence of both <i>Asperulo-Fagetum</i> Beech forests and semi-natural dry grasslands and scrubland facies: on calcareous substrates (<i>Festuco-Brometalia</i>). The site has a number of vulnerabilities including recreational activities and invasive non-native species.
Dixton Woods SAC
Dixton Wood is an area of broadleaved woodland (formerly partially grazed) with a dominance of ash including exceptionally large ancient pollards. The site is designated for its population of Violet Click Beetle <i>Limoniscus violaceus</i> , which is largely dependent on these pollards (for breeding). Principal risks to the site's integrity are lack of future replacement pollards (age-class skewed to older generation) and game management practices.

As required under Regulation 106 of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), this request provides the information to enable Cheltenham Borough Council to determine whether the assessment under Regulation 105 is required. Consideration has been given to the potential for the neighbourhood plan to result in significant effects on the above European Sites, associated with the matters set out below:

CRITERIA	ASSESSMENT	ARE THE POTENTIAL EFFECTS SIGNIFICANT?
Physical loss or damage to habitat.	<p>All European Sites identified are located outside the Neighbourhood Area, with the closest (Cotswolds Beechwoods SAC) approximately 4.6km to the south. Dixton Woods SAC is 11km and Bredon Hill SAC is 21km to the north of the plan area.</p> <p>The Neighbourhood Plan addresses matters that exist within the boundary of the designated Neighbourhood Area. No proposals for development are included that would result in the physical loss or damage to habitat at European Sites.</p> <p>The Neighbourhood Plan proposals seek to establish a positive framework to enhance habitats within the Neighbourhood Area such that the area plays a positive</p>	No

	role in supporting any mobile species from European Sites that might utilise the area.	
Non-physical disturbance e.g. noise, vibration or light pollution.	The Neighbourhood Plan does not allocate sites for development and does not promote new development additional to that provided in adopted local plans. Instead it seeks to influence how development is carried out to secure sustainable movement, biodiversity, green infrastructure, community, landscape and resilience benefits. None of the proposals would result in operational development or construction works that would cause disturbance effects on European Sites.	No
Air pollution.	<p>The Neighbourhood Plan does not promote additional development that would result in traffic and does not promote development that would result in operational emissions. Development is not promoted that would result in dust/particulate impacts.</p> <p>The plan does promote the retention of local community facilities and better walking and cycling routes to promote a less car-dependent neighbourhood.</p> <p>Successful implementation of the plan would reduce the burden of air pollution from traffic within the Neighbourhood Area.</p>	No
Increased recreational pressures.	A significant area of land (around 25ha) within the Neighbourhood Area was designated as Local Green Space in the adopted local plan. The Neighbourhood Plan provides policies to enhance the Local Green Space for recreational enjoyment, nature conservation and in its role as Valued Landscape. This will provide increased local recreational opportunities in the Neighbourhood Area and reduce pressure on the closest European Sites that might otherwise result from development already promoted in adopted local plans.	No
Changes to hydrological regimes such water quantity and water quality.	The Neighbourhood Area sits below the Cotswolds Escarpment and has no hydrological relationship with the closest European Site at Cotswolds Beechwoods SAC. Policies within the Neighbourhood Plan seek to improve resilience of the Neighbourhood Area to the effects of climate change that currently result in increased run-off in storm events and heightened flood risk from rivers. These policies are combined with efforts to improve green infrastructure provision and biodiversity.	No
In-combination effects	The policies of the Neighbourhood Plan should interact to improve environmental conditions within the Neighbourhood Area and provide local amenities that could reduce recreational pressures on European Sites. The plan does not propose development that would result in individual physical, non-physical, hydrological, air pollution or in-combination impacts on European Sites.	No

Based on the above assessment it is considered that the Leckhampton with Warden Hill Neighbourhood Plan is unlikely to have significant effects on European (Natura 2000) sites, either alone or in combination with other plans or projects, therefore, an Appropriate Assessment for the Leckhampton with Warden Hill Neighbourhood Plan is not required.

SEA - Assessment

Neighbourhood Plans only require SEA where they are likely to lead to significant environmental effects. To decide whether a proposed Neighbourhood Plan is likely to have significant environmental effects, it should be screened against the criteria set out in Annex 2 of the SEA Directive.

CRITERIA	ASSESSMENT	ARE THE POTENTIAL EFFECTS SIGNIFICANT?
The criteria relate to the characteristics of the plan, having regard to:		
(a) the degree to which the plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	<p>The Neighbourhood Plan does not allocate sites or promote development additional to that set out in the adopted local plans for the Neighbourhood Area. Several policies refer to supporting management and implementation strategies. None of these would result in additional development likely to result in significant environmental effects on sensitive sites and key environmental assets.</p> <p>Instead, the plan policies would promote additional green infrastructure and biodiversity, greater walking and cycling, locally accessible community facilities, greater recreational opportunities on Local Green Space so reducing pressure on sensitive sites nearby outside the plan area, recognition and protection of non-designated heritage assets, flood risk mitigation and conservation of Valued Landscape.</p>	No
(b) the degree to which the plan influences other plans and programmes including those in a hierarchy.	Some policies of the Neighbourhood Plan will be implemented in conjunction with strategies prepared by Leckhampton with Warden Hill Parish Council as Qualifying Body and direct provider of local services. These do not exist in a hierarchy and will provide detail to support plan objectives and policies.	No
(c) the relevance of the plan for the integration of environmental considerations, in particular with a view to promoting sustainable development.	Policies in the plan seek to promote provision of walking and cycling routes and for these to be developed in accordance with green infrastructure which connects and creates new habitats. It seeks integrated approaches to the management of Local Green Space in the heart of the Neighbourhood Area, with the landscaping and green infrastructure provision in adjacent developments and site allocations. It recognises the role of green infrastructure in promoting greater resilience to flood risk and overheating in the urban	No

	environment through approaches to tree planting and management of open spaces.	
(d) environmental problems relevant to the plan	<p>Key environmental concerns relevant to the plan are traffic growth resulting from general urban development and specific developments in and around the area. Flood Risk is a concern relating to development approaches in large developments but also in relation to householder developments. Climate Change resulting in heavy downpours and rapid run-off from Leckhampton Hill are also a concern. Degradation of Valued Landscape within the Neighbourhood Area is a further environmental concern.</p> <p>Through measures to improve walking and cycling, improve resilience and develop an integrated approach to green infrastructure provision and management of local green space, the policies of the Neighbourhood Plan would not cause significant environmental effects that would exacerbate these problems, but they would promote solutions that would lessen them.</p>	No
(e) the relevance of the plan for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection).	The plan does not address matters relating to the implementation of Community legislation on the environment for example relating to waste management. The promotion of a more resilient neighbourhood based on sound principles of green infrastructure provision and management and a specific policy to reduce the risk of flash floods from storms, would mitigate issues of surface water overflows into local sewers.	No
The criteria also relate to the characteristics of the effects and of the area likely to be affected, having regard to:		
(a) the probability, duration, frequency and reversibility of the effects.	The policies of the plan would not create negative effects. Positive effects would be lasting if the policies of the plan are implemented effectively. This would be through the creation over time of a local walking and cycling network, a lasting approach to green infrastructure provision and management, which is integrated and meets multiple aims. These would be related to resilience to climate change, improvement in biodiversity, increased opportunities for local recreation, enhancement of Valued Landscape and the care of local heritage.	No
(b) the cumulative nature of the effects	If the policies in the Neighbourhood Plan are implemented as proposals for new development come forward, then there will be a cumulative benefit from a co-ordinated approach to green infrastructure, to building strong walking and cycling networks, to protecting local heritage, improving resilience to climate change and strengthening Valued Landscape.	No

<p>(c) the transboundary nature of the effects</p>	<p>Valued Landscape lies within the Neighbourhood Area and policies in the Neighbourhood Plan seeks to conserve and enhance it. Valued Landscape provides an important element of the setting for the Area of Outstanding Natural Beauty as viewed from Leckhampton Hill, outside the Neighbourhood Area.</p> <p>The policies of the plan would do nothing to harm the setting of the AONB and would only serve to strengthen it through the policy approach adopted.</p>	<p>No</p>
<p>(d) the risks to human health or the environment.</p>	<p>There are no specific proposals for walking and cycling routes or specifications in the Neighbourhood Plan. Broad corridors and route potential is identified and the detailed design and agreement of specification of routes would be considered and determined by Gloucestershire County Council through appropriate processes connected to individual planning applications or other means.</p>	<p>No</p>
<p>(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).</p>	<p>The focus of policies within the Neighbourhood Plan is to create positive effects from measures that can be secured from new developments that are already planned for the area in adopted plans. The plan does not propose additional development. Measures proposed would more effectively mitigate the local impacts from already planned development on the local population.</p>	<p>No</p>
<p>(f) 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; • 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 	<p>The plan policies seek to address a range of matters in an integrated way to produce positive effects for Local Green Space, green infrastructure, biodiversity, resilience to the effects of climate change and for Valued Landscape.</p> <p>The policies of the plan seek to enhance Valued Landscape within the Neighbourhood Area both through policies and strategy to manage important Local Green Space, provide green infrastructure and influence new development proposals. In so doing, this would improve the contribution of land within the Neighbourhood Area to the setting of the Cotswolds AONB.</p> <p>The plan focus on providing strong local green infrastructure and guiding principles for new development to contribute to this, and to the conservation and enhancement of Valued Landscape, would discourage over-intensive land use.</p> <p>Plan policy identifies additional local non-designated heritage features and these would be given regard in considering new development proposals.</p> <p>Effective implementation of the plan’s policy measures would reduce impacts of emissions from traffic on limit values, by encouraging greater walking and cycling, and by maintaining strong presence of local community facilities which can be accessed on foot or by cycle.</p>	<p>No</p>

	<p>The plan does not propose additional development and seeks to reduce the impacts from development which is already planned in adopted plans. In this way the Neighbourhood Plan would have a positive effect on SSSI and SAC/Natural Nature Reserves outside the Neighbourhood Area.</p> <p>Work on Valued Landscape in support of policies in the plan recognises the role of priority habitat traditional orchards.</p> <p>The focus of the plan policy is to create a co-ordinated approach to provision and management of green infrastructure to enhance and strengthen existing habitats and to create connections between them to create networks of habitats. This will benefit the existing local nature reserve at Warden Hill within the Neighbourhood Area.</p>	
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The screening criteria also relate to the consideration of likely significant effects, using the criteria from Schedule 1 of the SEA Regulations for each of the SEA issues:

CRITERIA	ASSESSMENT	ARE THE POTENTIAL EFFECTS SIGNIFICANT?
Biodiversity, flora and fauna	<p>As a whole the plan policies will promote and strengthen biodiversity in the Neighbourhood Area via policies to promote an integrated approach to green infrastructure provision and management, and management of important Local Green Space and Valued Landscape. The aim is to use these measures to strengthen biodiversity across the plan area.</p> <p>The plan will not create any significant effects on sensitive ecological sites (SSSI/SAC) located outside the neighbourhood plan area or on the Warden Hill Local Nature Reserve located within it.</p>	No
Population	The plan policies should create a positive effect for the local population, by working to ensure the local community facilities are maintained, that more opportunities exist for walking and cycling on safe routes, and by improving cultural heritage, green infrastructure and flood resilience.	No
Human health	Neighbourhood Plan policies should promote healthier lifestyles and provide opportunities for improved recreation, walking and cycling. It will provide benefits from approaches to enhance Valued Landscape and from measures to increase resilience to climate change within the area's residential environment.	No
Soil	Parts of the Neighbourhood Area are provisionally classified as Best and Most Versatile Land (Grade 2 and Grade 3a). Some parts form priority habitat and host traditional orchards. Taken as a whole these areas form a Valued Landscape and parts have been designated Local Green Space.	No

	The Neighbourhood Plan recognises allocations that have been made in adopted local plans and planning permissions have been granted, which affect these areas. Its policies seek to establish principles for the management of Local Green Space and protection of Valued Landscape in a way which ensures adjacent development contributes in the same way and which conserves and enhances some of the traditional elements of this landscape.	
Water	The plan seeks to improve green infrastructure in co-ordination with measures to improve flood storage, slow-down flow and reduce run-off of surface water in storms. This would reduce the potential for the flow of storm water into sewers. It would aim to improve the status of Moorend Stream and Hatherley Brook.	No
Air	Policies to promote more walking and cycling to local community facilities and provide more opportunities for enjoyment of local green infrastructure, would encourage less use of cars in the local area for short trips. This would reduce impacts from traffic emissions and so improve air quality.	No
Climatic factors	The plan policies recognise and encourage green infrastructure provision and management to make a significant contribution to the mitigation of impacts of climate change within the Neighbourhood Area. This would be through the creation of flood storage areas, and by slowing down water flow through planting, shading and reducing the amount impermeable surfaces in new development. Specific policy is proposed to address run-off from Leckhampton Hill (within the Neighbourhood Area) during flash-storms.	No
Material assets	The implementation of the neighbourhood plan's policies will result in improved material assets in the following ways: Built Assets – These will be enhanced through the provision of walking and cycling paths within new developments and via provision to connect local places via investment. Additional signage, seating and other infrastructure may be provided for interpretation, amenity and enjoyment of Local Green Space and cultural heritage, and to support local shopping parades. Natural Assets – These will be improved through the co-ordination and integration of provision that would be made through new developments already planned, with wider principles established in support of the Neighbourhood Plan. These aim to use Green infrastructure to contribute to a number of complementary objectives relating to sustainability, biodiversity, resilience and Valued Landscape.	No

RECOMMENDATIONS FOR A SCREENING OPINION.

Through its measures, the Leckhampton with Warden Hill Neighbourhood Plan aims to make a co-ordinated effort to address important local community concerns. These include to maintain local

community facilities, improve opportunities for walking and cycling, manage Local Green Space to improve opportunities for recreation. There is an important objective to ensure that development within the Neighbourhood Area as a whole conserves and enhances Valued Landscape, recognises and gives regard to local non-designated heritage assets, and improves resilience to flood risk. The provision and management of Green Infrastructure throughout the Neighbourhood Area is a thread which connects and integrates many of these aims.

The Plan does not allocate sites for development or expressly support further development in the Leckhampton with Warden Hill Neighbourhood Area, that would have potential to create significant effects against the criteria identified for consideration in screening requirements for Habitat Regulations Assessment or Strategic Environmental Assessment.

Accordingly, significant effects on the environment are considered unlikely to arise as a result of the introduction and implementation of the Neighbourhood Plan.

For these reasons, this request recommends that further Habitat Regulations Assessment or a Strategic Environmental Assessment of the LWWH Neighbourhood Plan is **NOT** required.

Yours Sincerely,

Lee Searles

of Andrea Pellegram Ltd

On behalf of Leckhampton with Warden Hill Parish Council

APPENDIX 2

Consultation Correspondence regarding submitted Screening Report

Environment Agency

From: Clare, Ruth

Sent: 07 October 2022 10:31

To: Alexander Bethell

Subject: RE: 220909/msr14 - CBC HRA/SEA opinion request - Leckhampton with Warden Hill Neighbourhood Plan

You don't often get email from

Hi Alex

Apologies for the oversight in not having responded to your email before now. We have a standard process / response for these consultations, which is as follows:

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](#)*

We would only make substantive further comments on the plan if you were seeking to allocate sites in flood zone 3 and 2 (the latter being used as the 1% climate change extent).

Having reviewed the details contained in your email, I note that no sites are specifically proposed within the NDP itself. As such we would have no comments to make, and concur with your Screening Opinion.

Kind regards,

Ruth.

Ruth Clare BA (Hons), MSc, MRTPI, PIEMA

She/Her - ([Why is this here?](#))

Planning Specialist – Sustainable Places

Environment Agency - West Midlands Area (Shropshire, Herefordshire, Worcestershire & Gloucestershire)

Environment Agency, Riversmeet House, Northway Lane, Tewkesbury, Gloucestershire, GL20 8JG.

Team email: westmidsplanning@environment-agency.gov.uk



From: Alexander Bethell

Sent: 01 September 2022 16:05

To: Enquiries, Unit <enquiries@environment-agency.gov.uk>

Subject: CBC HRA/SEA opinion request

You don't often get email from alexander.bethell@cheltenham.gov.uk. [Learn why this is important](#)

Dear Sir/Madam,

Please find attached a request for an opinion regarding the need for an SEA/HRA of the emerging Leckhampton with Warden Hill Neighbourhood Plan, along with supporting information. If you are able to send comments within 14 days to planning.policy@cheltenham.gov.uk it would be greatly appreciated.

Kind regards,

Alex

Alexander Bethell

Planning Policy Officer

Cheltenham Borough Council

Natural England

From: SM-NE-Consultations (NE) <consultations@naturalengland.org.uk>

Sent: 28 September 2022 11:16

To: Strategic Land Use (CBC) <Planning.Policy@cheltenham.gov.uk>

Subject: Consultations Response - FAO Alexander Bethell - Leckhampton with Warden Hill Neighbourhood Plan 2021- 2031 - SEA & HRA Screening Request

Importance: High

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

For the attention of Alexander Bethell

Please find Natural England's response in relation to the above mentioned consultation attached.

Kind regards,

Sally Wintle

Adviser
Operations Delivery, Consultations Team
Natural England
County Hall
Spetchley Road
Worcester
WR5 2NP

Tel 0300 0603900

mail to: consultations@naturalengland.org.uk

www.gov.uk/natural-england

Date: 28 September 2022
Our ref: 406911
Your ref: Leckhampton with Warden Hill Neighbourhood Plan



Mr A Bethell
Cheltenham Borough Council

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY
planning.policy@cheltenham.gov.uk

T 0300 060 3900

Leckhampton with Warden Hill Neighbourhood Plan – Review SEA & HRA Screening

Thank you for your consultation on the above dated and received by Natural England on 01 September 2022.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Screening Request: Strategic Environmental Assessment

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

Neighbourhood Plan

Guidance on the assessment of Neighbourhood Plans, in light of the Environmental Assessment of

Plans and Programmes Regulations 2004 (as amended), is contained within the [National Planning Practice Guidance](#). The guidance highlights three triggers that may require the production of an SEA, for instance where:

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

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

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

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

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

Habitats Regulations Assessment (HRA) Screening

Natural England agrees with the report's conclusions that the Leckhampton with Warden Hill Neighbourhood Plan would not be likely to result in a significant effect on any European Site, either alone or in combination and therefore no further assessment work would be required. This is based on the report highlighting that no allocations have been made within the plan. We would draw your attention to the emerging mitigation plans for the Cotswold Beechwoods SAC.

For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Sally Wintle

Consultations Team

Historic England

From: Stuart, David

Sent: 22 September 2022 13:41

To: alexander.bethell@cheltenham.gov.uk

Subject: Leckhampton with Warden Hill Neighbourhood Plan: SEA/HRA Screening

Dear Alex

Thank you for your consultation on the SEA Screening for the emerging Leckhampton with Warden Hill Neighbourhood Plan.

Our apologies for not responding within the requested 14 days. Our standard or default deadline for consultation responses is 21 days unless additional time is agreed. I hope nonetheless that our response can still be accommodated.

I can confirm that, based on the information provided, we have no objection to the view that a full SEA is not required.

On that same basis I can also confirm that there are unlikely to be any issues associated with the Plan upon which we will wish to comment.

Kind regards

David

David Stuart | Historic Places Adviser

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

Historic England | South West

1st Floor Fermentation North | Finzels Reach | Hawkins Lane | Bristol | BS1 6WQ

Direct Line: 0117 975 0680 | Mobile: 0797 924 0316

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

From: Alexander Bethell <Alexander.Bethell@cheltenham.gov.uk>

Sent: 01 September 2022 16:09

To: Historic England South West <southwest@historicengland.org.uk>; Historic England Customers <customers@historicengland.org.uk>

Subject: CBC HRA/SEA opinion request

THIS IS AN EXTERNAL EMAIL: do not click any links or open any attachments unless you trust the sender and were expecting the content to be sent to you

Dear Sir/Madam,

Apologies if these are the wrong email addresses to send this. Please find attached a request for an opinion regarding the need for an SEA/HRA of the emerging Leckhampton with Warden Hill Neighbourhood Plan, along with supporting information. If you are able to send comments within 14 days to planning.policy@cheltenham.gov.uk it would be greatly appreciated.

Kind regards,

Alex

Alexander Bethell
Planning Policy Officer
Cheltenham Borough Council

Tel: 01242 264174

alexander.bethell@cheltenham.gov.uk

www.cheltenham.gov.uk

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https://www.cheltenham.gov.uk/info/81/how_we_use_your_data