

Screening Opinion on the need for Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) – Statement of Reasons

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

November 2022

Screening Opinion on the need for Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) -

Statement of Reasons

1. Introduction

- 1.1 This statement of reasons has been prepared by Cheltenham Borough Council to set out 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 Site, and if so whether an ‘Appropriate Assessment’ is necessary.

3. Statement of Reasons

Habitat Regulations Assessment

- 3.1 As required under Regulation 106 of the Conservation of Habitats and Species Regulations 2017 (the ‘Habitats Regulations’), information has been provided by the Parish Council to enable Cheltenham Borough Council to determine whether an appropriate assessment under Regulation 105 is required. Consideration has been given to the potential for the neighbourhood plan to result in significant effects on a European Sites, associated with the matters set out in Figure 1 below:

Figure 1: Statement of Reasons relating to Habitat Regulations Assessment

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 Special Area of Conservation (SAC)) approximately 4.6km broadly to the south. Dixton Woods SAC is approximately 11km and Bredon Hill SAC is approximately 18km broadly 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 role in supporting any mobile species from European sites that might utilise the area.</p>	No
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	No

	cause disturbance effects on European Sites.	
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 promotes 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 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 hydrology, such as 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
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3.2 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.

Strategic Environmental Assessment

- 3.3 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 has been screened against the criteria set out in Annex II of the SEA Directive. A response to each of the individual criteria is set out in Figure 2.

Figure 2: Statement of Reasons relating to Strategic Environmental Assessment (individual criteria)

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

<p>(c) the relevance of the plan for the integration of environmental considerations, in particular with a view to promoting sustainable development.</p>	<p>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 environment through approaches to tree planting and management of open spaces.</p>	<p>No</p>
<p>(d) environmental problems relevant to the plan</p>	<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>	<p>No</p>
<p>(e) the relevance of the plan for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).</p>	<p>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 flashfloods from storms, would mitigate issues of surface water overflows into local sewers.</p>	<p>No</p>

<p>The criteria also relate to the characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</p>		
<p>(a) the probability, duration, frequency and reversibility of the effects.</p>	<p>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.</p>	<p>No</p>
<p>(b) the cumulative nature of the effects</p>	<p>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 coordinated approach to green infrastructure, to building strong walking and cycling networks, to protecting local heritage, improving resilience to climate change and strengthening valued landscape.</p>	<p>No</p>
<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 (AONB) as viewed from Leckhampton Hill, outside the Neighbourhood Area.</p> <p>The policies of the plan would not harm the setting of the AONB and seek 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>

(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	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.	No
(f) the value and vulnerability of the area likely to be affected due to: <ul style="list-style-type: none"> • special natural characteristics or cultural heritage; • exceeded environmental quality standards or limit values; or • intensive land-use; and • 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 identify 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>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 Sites of Special Scientific Interest (SSSI) and SACs/Natural</p>	No

	<p>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 coordinated 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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- 3.4 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 (taken from Schedule 2 of the SEA Regulations). This is set out in Figure 3.

Figure 3: Statement of Reasons relating to Strategic Environmental Assessment (for each SEA issue)

Criteria	Assessment (including taking account of the inter-relationship between each of the issues)	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	<p>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.</p> <p>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.</p>	No
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	There are policies to promote more walking and cycling to local community facilities and provide more opportunities for enjoyment of local green infrastructure, which 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. A specific policy is proposed to address run-off from Leckhampton Hill (within the Neighbourhood Area) during flash- storms.	No

Material assets	<p>The implementation of the neighbourhood plan’s policies will result in improved material assets in the following ways:</p> <p>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.</p> <p>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.</p>	No
Cultural heritage, including architectural and archaeological heritage	The plan has a policy which identifies non designated heritage assets and that these will be given regard when considering proposals for new development. The plan does not propose additional development.	No
Landscape	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.	No

3.5 Having taken all of the relevant policies of the draft Neighbourhood Plan into account, it is Cheltenham Borough Council’s opinion that a full SEA is not required for the Leckhampton with Warden Hill Neighbourhood Plan.