

# Strategic Environmental Assessment of the Brailes & Winderton Neighbourhood Plan

**SEA Screening Document**  
June 2017



**LEPUS** CONSULTING  
LANDSCAPE, ECOLOGY, PLANNING & URBAN SUSTAINABILITY



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SEA Screening Document

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# Acronyms

<b>AONB</b>	Area of Outstanding National Beauty
<b>EIA</b>	Environmental Impact Assessment
<b>LCA</b>	Landscape Character Area
<b>NDP</b>	Neighbourhood Development Plan
<b>NPPF</b>	National Planning Policy Framework
<b>ODPM</b>	Office of the Deputy Prime Minister
<b>PP</b>	Policy or Programme
<b>SA</b>	Sustainability Appraisal
<b>SEA</b>	Strategic Environmental Assessment
<b>SSSI</b>	Site of Special Scientific Interest
<b>SuDS</b>	Sustainable Drainage System

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# 1

## Introduction

### **1.1 This report**

1.1.1 This screening report has been prepared to determine whether the Brailes & Winderton Neighbourhood Development Plan 2016 - 2031 (Neighbourhood Development Plan, NDP) should be subject to a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC (SEA Directive) and associated Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations).

### **1.2 Strategic Environmental Assessment**

1.2.1 The basis for Strategic Environmental Assessment legislation is European Directive 2001/42/EC. This was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations). Detailed guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM, 2005) and Paragraph 009 of the Planning Practice Guidance (PPG) 'Neighbourhood Planning' section.

1.2.2 Under the requirements of the European Union Directive 2001/42/EC and Environmental Assessment of Plans and Programmes Regulations (2004), certain types of plans that set the framework for the consent of future development projects, must be subject to an environmental assessment.

### **1.3 The Brailes and Winderton Neighbourhood Development Plan**

1.3.1 The creation of neighbourhood development plans started with the Government's Localism Act 2011. The Act set out a series of measures to shift power away from central government and towards local people. One of the Localism Act's key components is the Neighbourhood Development Plan; a new tier in planning policy which enables local people to shape the development of the community in which they live.

1.3.2 The Parish Council appointed a steering group sub-committee in June 2013 to be responsible for the completion of the NDP. The group built up the majority of the evidence base for the NDP, the visions, objectives and policies over the following 3+ years. The NDP is based on extensive research and influenced by robust engagement with the local community, where they have indicated their wishes for the Parish.

1.3.3 The NDP is accompanied by local projects (Section 5 of the NDP, 2016). These are not formally part of the plan, but are ways to deliver changes the community has said it wants, in line with the policies and proposals in the Plan. Consequently, these projects have not be assessed as part of this SEA screening.

### Consultation

1.3.4 The NDP will be published for consultation. This provides an opportunity for the public and local organisations to comment on the plan. After consultation, any responses will be taken into account and used to prepare a 'submission draft' of the NDP. This version of the plan will be subject to inspection by an independent examiner. If the examiner approves the NDP it will be subject to a local referendum. If 50% or more of people voting in the referendum support the plan, the NDP will be adopted.

### Size

1.3.5 Brailes is a village and a parish located approximately 22km south east of Stratford-upon-Avon. The Civil Parish of Brailes & Winderton comprises three distinct areas:

- The village of Brailes which encompasses the separate settlements of Lower Brails, Upper Brails and Grove End;
- The hamlet of Winderton; and
- The surrounding countryside and farmsteads.

1.3.6 The Parish is a thriving community in South Warwickshire with a population of around 1,150<sup>1</sup>. **Figure 1.1** shows the current NDP boundary.

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<sup>1</sup> ONS, (2011) Neighbourhood Statistics. People and Society: Population and Migration. Available at: <http://www.neighbourhood.statistics.gov.uk/dissemination/LeadDatasetList.do?a=7&b=11121051&c=brailes&d=16&g=6472087&i=1001x1003&m=0&r=1&s=1491317300820&enc=1&domainId=13>

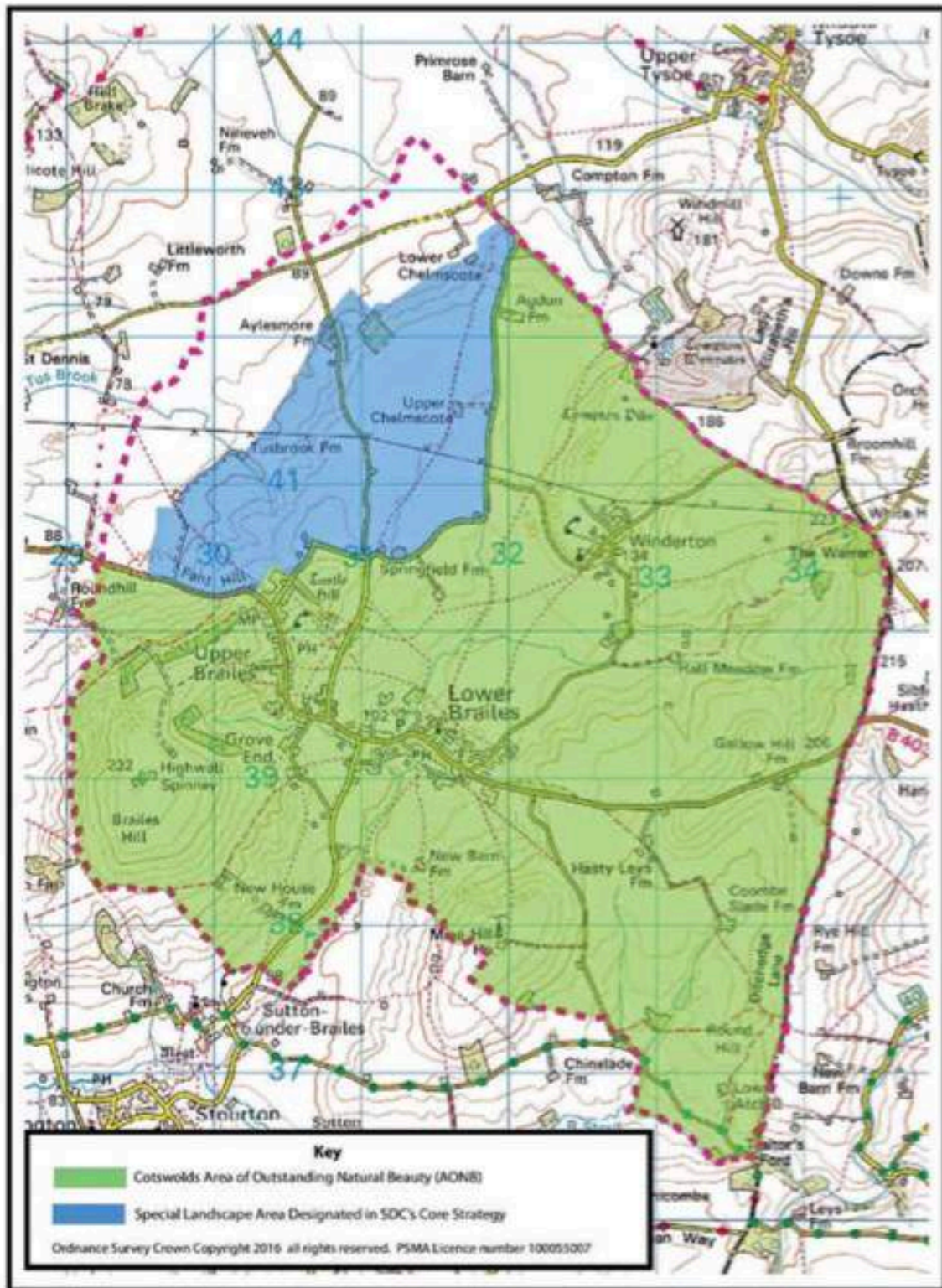


Figure 1.1: Neighbourhood Development Plan Boundary<sup>2</sup> (Brailes Parish outlined in red)

<sup>2</sup> Brailes Parish Council (2016) Brailes & Winderton Neighbourhood Development Plan



## Location

- 1.3.7 Brailes is a village and parish in the Stratford-on-Avon District of Warwickshire. It is in a rural area of the district, located approximately 22km south east of Stratford-upon-Avon and 16km west of Banbury. It is toward the south eastern end of the Stratford-on-Avon District, and is in proximity of the borders of both Gloucestershire and Oxfordshire. The B4035 travels east to west through the village, connecting with Shipston-on-Stour to the west. This main road was the principle route around which Upper and Lower Brailes grew. The Parish boundary is defined by two, possibly earlier routes; Ditchedge Lane marking the eastern limit of the Parish, and to the north an old salt road, known as Saltway. Access to Fosse Way (A429) is approximately 6.5km to the west of the town.
- 1.3.8 Most of the Parish lies within the Cotswolds Area of Outstanding Natural Beauty (AONB) and Special Landscape Area in recognition of the specific qualities of the landscape and settlements (**Figure 1.1**). This gives the parish a distinctive layout; the settlements that made up the larger medieval Parish were traditionally separated by open fields, still in evidence today.
- 1.3.9 The town is considered a ‘Local Service Village’ within the District Council’s Core Strategy 2011-2031, its role being to meet local need and also an element of demand for market housing from new households, including those moving to the District. The Parish is well served with amenities/services and activities; all centred around the village of Brailes. These include five shops, a hairdresser, a garage, a forge, two pubs, eleven working farms, and an industrial estate. There are also two Churches, a local primary school, and in terms of recreational facilities there is a playing field, village hall, pavilion and children’s play area.
- 1.3.10 The town supports a range of active societies and groups in the village, and there are many key annual events throughout the year. The two most significant are the Three Hills Walk and the Brailes Show which positively benefit the local economy.

1.3.11 The settlement is further characterised by its historic features. Upper Brailes is depicted by its open views to the north looking up to Brailes Hill, which at 761 feet is the second highest point in Warwickshire, and to the south looking over to Castle Hill, a Scheduled Ancient Monument (SAM). The Parish also benefits from over 40 Listed Buildings and two conservation areas (**Figures 1.2** and **1.3**). These historic features are spread across the Parish, with 18 Listed Buildings in Lower Brailes and 16 Listed Buildings in Upper Brailes.



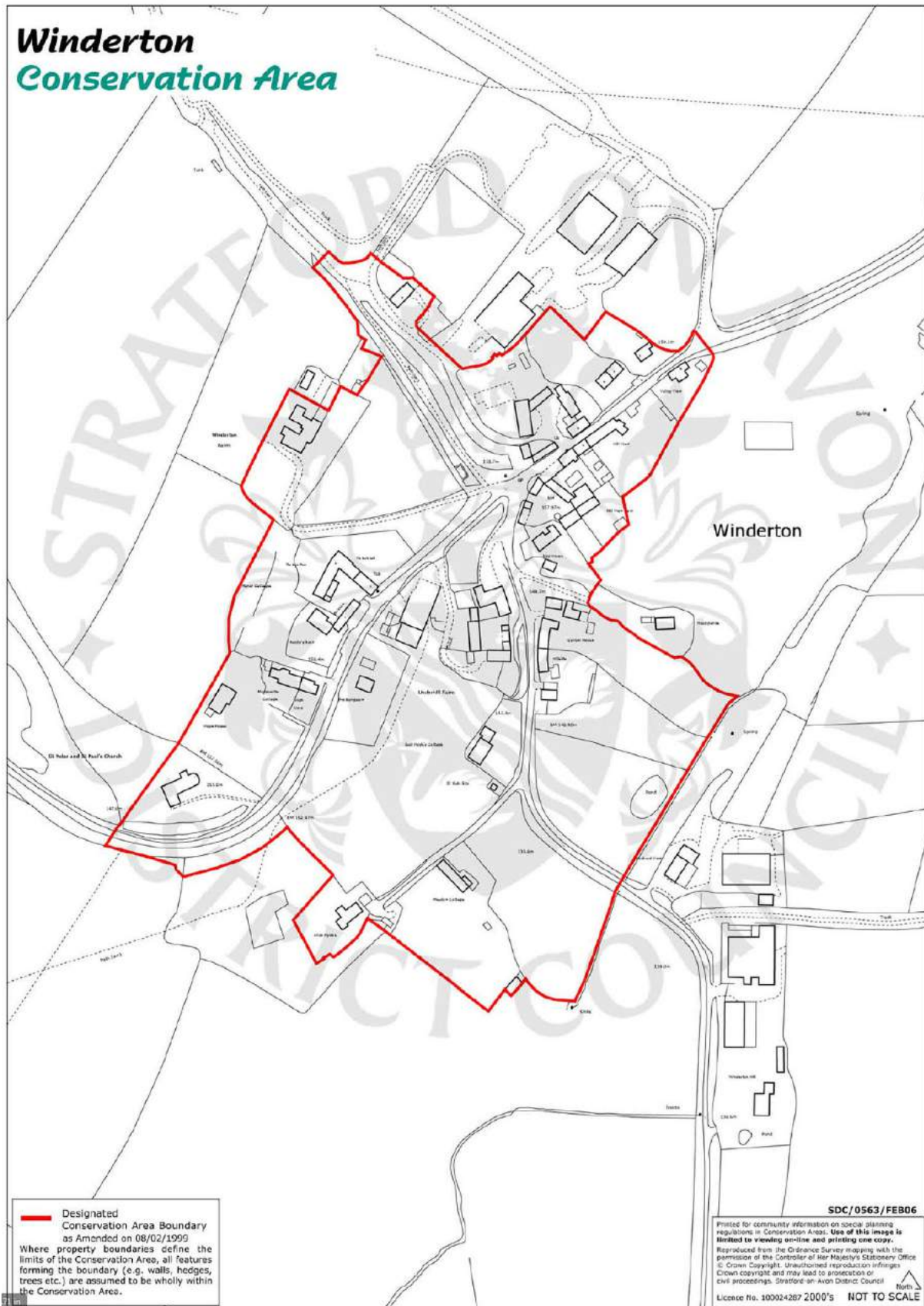


Figure 1.3: Winderton Conservation area<sup>4</sup>

<sup>4</sup> Stratford-on-Avon (2016) Winderton Conservation Area. Available at:

- 1.3.12 The Drybank Meadow, Cherington SSSI is beyond the south western extremity of the parish, 1.5km from Upper Brailes. The parish falls within the SSSI impact risk zone, however the impact risk zone does not request that Natural England should be consulted regarding any likely risks on the SSSI as a result of development (**Figure 1.4**). There are no other statutory land based designations within the parish or nearby.



**Figure 1.4** SSSI nearest to Brailes & Winderton<sup>5</sup>

- 1.3.13 Land within and surrounding Brailes is largely classified as Grade 3 agricultural land, however it is not known whether this is Grade 3a or 3b. Grade 3a agricultural land is considered to be best and most versatile, whereas Grade 3b is not. There is an area of Grade 2 land to the north of Winderton. **Figure 1.5** shows agricultural land classification (ALC) data as published via Natural England's regional ALC datasets<sup>6</sup>.

<https://www.stratford.gov.uk/planning/h-z.cfm>

<sup>5</sup> Defra (2017) MagicMap. Available at: <http://magic.defra.gov.uk/MagicMap.aspx>

<sup>6</sup> Natural England (2010) Agricultural Land Classification map West Midlands Region (ALC004) available at: <http://publications.naturalengland.org.uk/publication/130044?category=5954148537204736>

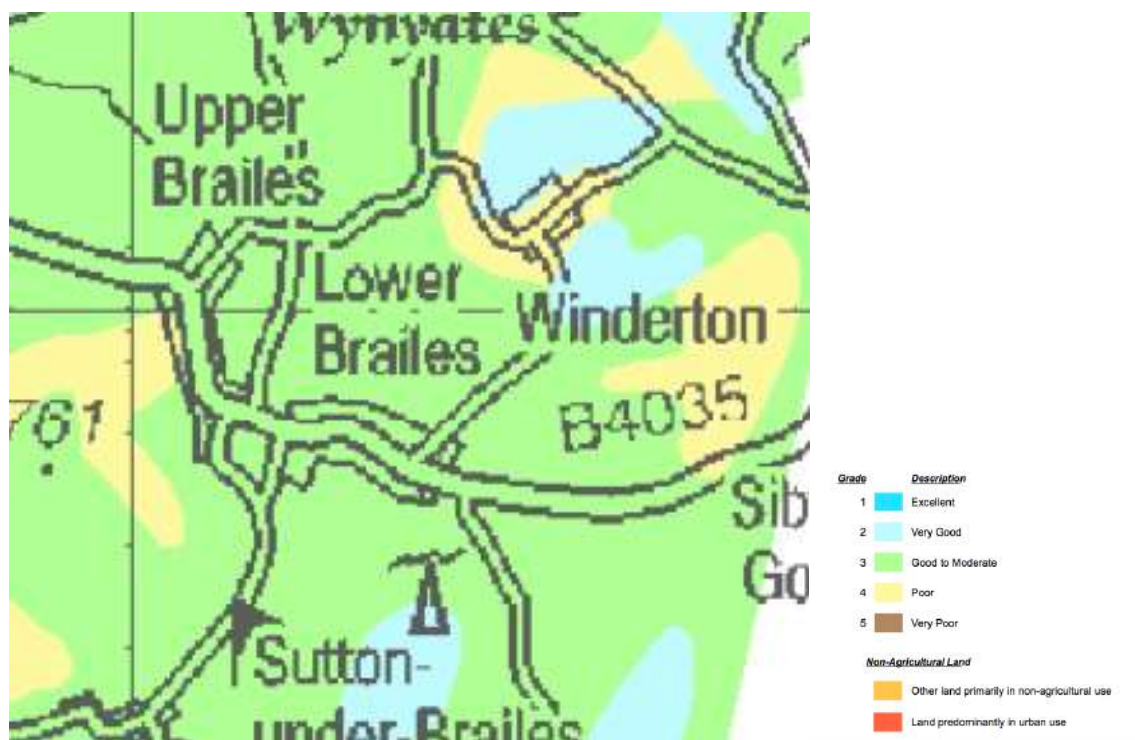


Figure 1.5: Agricultural land classification (from Natural England)

## 1.4 Relationship with the Local Plan

1.4.1 The NDP is a land-use plan, prepared for town and country planning purposes. It sets out a framework for future development consents within Brailes Parish. Once adopted, the NDP will form part of the framework for planning in Stratford-on-Avon district, along with the Core Strategy and other development plan documents and supplementary planning documents.

1.4.2 The NDP sets out a series of policies that once made will be used to guide development and to help to determine future planning applications. This important legal position means that it has to have regard to national planning policy and to be in “general conformity” with the strategic planning policies set out in the Stratford-on-Avon Core Strategy 2011-2031<sup>7</sup>.

<sup>7</sup> Stratford-on-Avon District Council (2016) Stratford-on-Avon District Core Strategy 2011-2031 available at: <https://www.stratford.gov.uk/files/seealsodocs/172105/SDC%20CORE%20STRATEGY%202011-2031%20-%20July%202016.pdf>

- 1.4.3 Neighbourhood Plans are smaller in geographic scale than Core Strategies and Local Plans, and serve to add further detailed policies and proposals to these documents. The Brailes & Winderton Neighbourhood Development Plan and the Stratford-on-Avon Core Strategy will form part of the development plan for the area.

## 2 The Screening Process

### 2.1 Strategic Environmental Assessment screening

2.1.1 The process for determining whether or not an SEA is required is called screening. In order to screen, it is necessary to determine if a plan will have significant environmental effects using the criteria set out in Annex II of the SEA Directive and Schedule I of the SEA Regulations. A determination cannot be made until the three statutory consultation bodies have been consulted: The Environment Agency, Natural England and Historic England.

2.1.2 Within 28 days of its determination, the plan makers must publish a statement, setting out its decision. If they determine that an SEA is not required, the statement must include the reasons for this.

### 2.2 The screening process

2.2.1 The Localism Act requires NDPs to be in general conformity with the strategic policies of the adopted development plan for the local area. In the case of Brailes & Winderton, the plan must be in general conformity with the Stratford-on-Avon Core Strategy 2011-2031.

2.2.2 Paragraph 009 of the Planning Practice Guidance (PPG) 'Neighbourhood Planning' section states:

*'Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:*

- *the emerging neighbourhood plan*
- *the emerging Local Plan*
- *the adopted development plan*

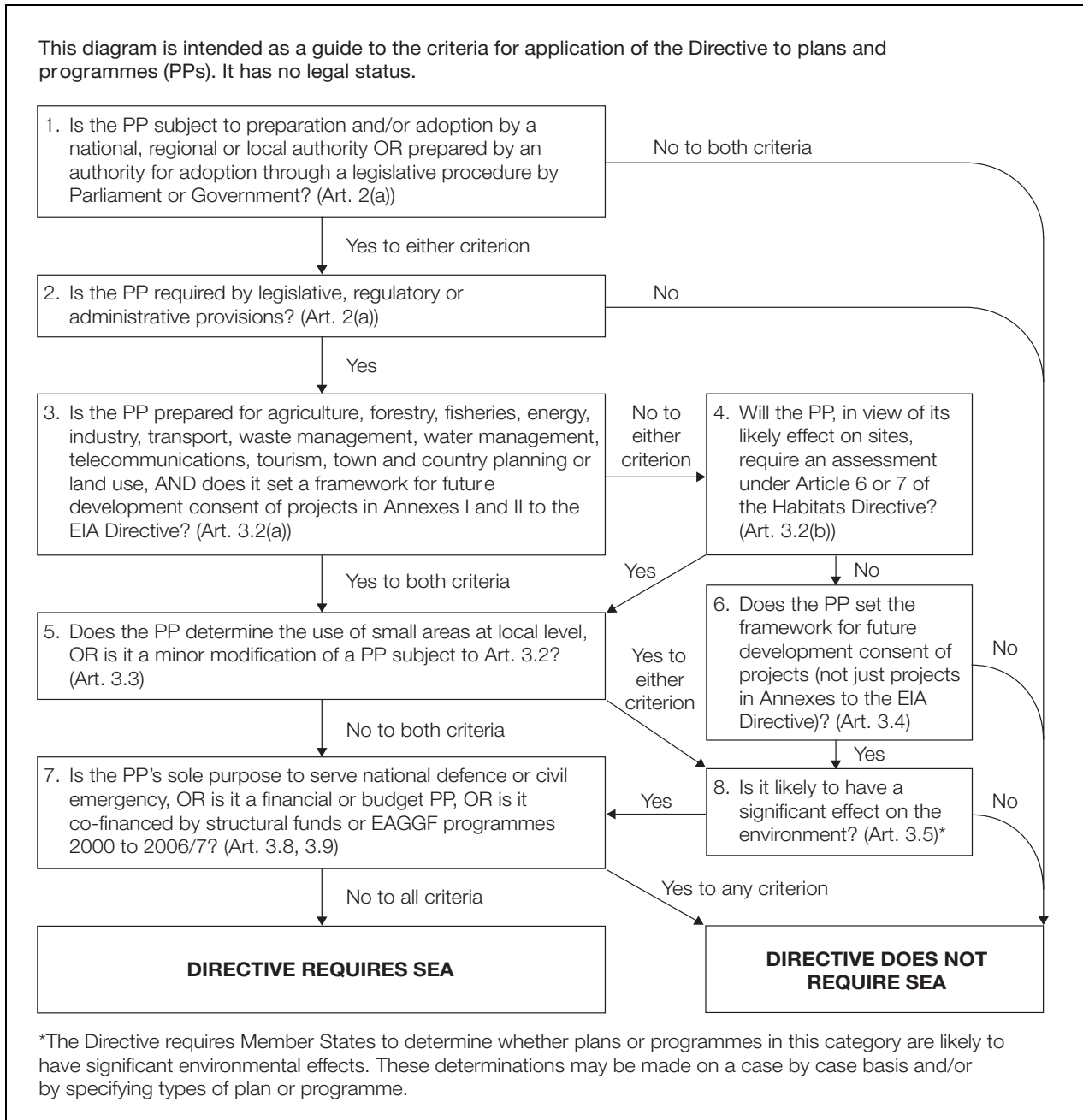
*with appropriate regard to national policy and guidance'.*

2.2.3 This suggests that the emerging NDP and Core Strategy should be complementary.



2.2.4 **Figure 2.1** presents a diagram prepared by ODPM (2005). This shows the application of the SEA process to plans and programmes. The sequential approach in the flow diagram can be used to screen the Brailes & Winderton NDP.

2.2.5 **Table 2.1** uses the questions presented in **Figure 2.1** to establish whether there is a need for SEA for the Brailes & Winderton NDP.



**Figure 2.1:** Application of the SEA Directive to plans and programmes<sup>8</sup>

<sup>8</sup>ODPM (2005) A Practical Guide to the Strategic Environmental Assessment Directive

**Table 2.1:** Establishing whether there is a need for SEA

Stage	Y/N	Reason
1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	The plan constitutes a NDP, which will be subject to independent examination and brought into legal force if it receives 50% or more affirmative votes at referendum. The NDP would form part of the statutory development plan for Stratford-on-Avon.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	N	Communities and neighbourhoods have a right to produce a NDP, however it is not required by legislative, regulatory or administrative bodies. If the NDP is adopted it would become part of the statutory development plan, meaning it should continue to be screened under the SEA Directive.
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	Y	The NDP is a land-use plan and sets the framework for future development consents within the Brailes and Winderton area.  Due to the neighbourhood quality of the plan area, development projects contained in Annex I are unlikely to take place in Brailes. The NDP supports residential development projects on five separate sites in policy H1, with two further sites for safeguarding in policy H2. These project capacity for 30 dwellings, falling below the EIA Screening threshold of 150 dwellings <sup>9</sup> .
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	N	The Brailes & Winderton NDP is not anticipated to have a likely significant effect on any European sites.
5. Does the PP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Y	The NDP identifies a range of development guidelines for Brailes parish.
6. Is it likely to have a significant effect on the environment? (Art. 3.5)	N	See <b>Section 2.3</b> .

<sup>9</sup> Department for Communities and Local Government (2015) Schedule 2 Screening Thresholds. Available at: [http://planningguidance.communities.gov.uk/blog/guidance/environmental-impact-assessment/considering-and-determining-planning-applications-that-have-been-subject-to-an-environmental-impact-assessment/annex/#paragraph\\_058](http://planningguidance.communities.gov.uk/blog/guidance/environmental-impact-assessment/considering-and-determining-planning-applications-that-have-been-subject-to-an-environmental-impact-assessment/annex/#paragraph_058)

## 2.3 Relevance to the SEA Directive

2.3.1 Question 8 within the ODPM guidance (see **Figure 2.1**) refers to whether the NDP would have a significant effect on the environment. The criteria from Annex II of the SEA Directive and Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations (2004) can be used to consider the relevance of the plan to the SEA Directive. **Section 2.4** considers likely environmental effects of the plan.

**Table 2.2:** Brailes & Winderton NDP and the SEA Directive

Criteria (from Annex II of SEA Directive and Schedule I of Regulations)	Response
The characteristics of plans and programmes	
(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	The NDP is prepared for town and country planning and will form a part of the development management framework for the Brailes Parish.
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The NDP must be in general conformity with the strategic planning policies set out in the Stratford-on-Avon Core Strategy (2011-2031), the National Planning Policy and European Directives.
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	There are opportunities for integrating environmental considerations within Brailes. The Brailes & Winderton NDP contains policies to protect the natural environment and to address flooding (Policies L1 – L11), and to protect the historic built environment (Policy L12).
(d) environmental problems relevant to the plan or programme	Key issues include: <ol style="list-style-type: none"> <li>1. Food risk in the area;</li> <li>2. Maintaining the character of the existing Cotswold AONB; and</li> <li>3. Impact on the setting of historic assets</li> </ol>
(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)	The NDP is a land-use plan and sets the framework for future development consents within the Brailes NDP area.  The NDP sets policies that for planning applications within the Brailes & Winderton NDP to adhere to.
Characteristics of the effects and of the area likely to be affected	
(a) the probability, duration, frequency and reversibility of the effects	The NDP may result in a potential change to the Cotswolds AONB.
(b) the cumulative nature of the effects	The NDP is not considered to have any significant cumulative effects and is not

	thought to contribute to cumulative impacts in combination with the Stratford-on-Avon Core Strategy.
(c) the transboundary nature of the effects	The NDP is not expected to give rise to any significant transboundary environmental effects.
(d) the risks to human health or the environment (for example, due to accidents)	There are no anticipated effects of the NDP on human health.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The magnitude and spatial extent of the effects outlined in (a) are not thought to extend further than the plan area.
(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 (iii) intensive land-use	(iii) The NDP is not expected to adversely affect the special natural characteristics or cultural heritage. Nor would the NDP be expected to lead to the exceedance of environmental standards or promote intensive land use.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status	The NDP may result in potential changes to the Cotswolds AONB, which is recognised as having national protection status.

## 2.4 Determination of significant effects

2.4.1 The Brailes & Winderton NDP will influence where development should be located, as well as influence design across the plan area. Responding to local character and history as well as using good quality materials are both aspects of good design.

2.4.2 A summary of baseline conditions and an assessment of the potential effects of the NDP against each of the topics set out in Annex I (f) of the SEA Directive is presented below.

### Biodiversity, flora and fauna

2.4.3 The NDP does not propose development that would affect the nearest SSSI; Drybank Meadow 1.5km to the south west. The development is not within close proximity of any other local, national or international designated biodiversity features.

2.4.4 Policy L9 and L12 request that development should be in harmony with the landscape, maintaining or enhancing ecological status of the area, through the provision of trees, shrub and green spaces. Policy L8 requires development to consider the designated Local Green Spaces. The policy is expected to lead to the protection of these locations, stating that development will not be permitted in Local Green Spaces unless in very special circumstances.

#### **Population and human health**

2.4.5 The NDP is expected to maintain access to Local Green Spaces (locations such as the Lower Green which are used for recreational purposes), through Policy L8.

2.4.6 In order to support the needs of the local population, Policies H1-H6 seek to address issues of suitable housing, and sustain a balanced community through appropriate housing provision.

#### **Soil, water and air**

2.4.7 Policies L1 - L7 look to ensure that the functions of watercourses for land drainage and reducing flood risk is maintained. Policy L1 provides detailed principles for the protection of the district's water environment and the reduction of flood risk, stating (for example) that new development must adopt best practice Sustainable Drainage Systems (SuDS). Policy L7 addresses flood alleviation, suggesting development should take this into consideration.

2.4.8 Policy H2 allocates housing land to meet local needs for affordable housing. These sites are in Flood Zone 1 which is at low risk of flooding.

2.4.9 Policy E4 promotes the effective use of previously developed land.

2.4.10 Sites allocated under Policy H2 are located on Grade 3 agricultural land, and it is not clear whether these allocations are not Grade 3a or 3b. As the exact grade is not known, it should be assumed that the soil is Grade 3a in accordance with the precautionary principle. The area of soil that would be lost is approximately 10ha. The loss of this soil would be well below the area at which the loss of high quality agricultural land would be considered significant.

2.4.11 There are no existing air quality issues in the NDP area and it is not anticipated that any significant air quality issues will arise from the NDP.

#### **Climatic factors**

2.4.12 Policy H7 looks to manage the density of new development, ensuring that existing developments are not overpowered and the character of the Parish is maintained. Policy L8 protects the role of Green Spaces in the area. Policy H7 and L8 may result in benefits that can help climate change adaptation, such as local cooling and carbon dioxide uptake and storage<sup>10</sup>.

#### **Material assets**

2.4.13 The material assets topic considers social, physical and environmental infrastructure. This sub-section should be read alongside 'Population and human health', which details some health and social infrastructure implications of the NDP; 'Climatic factors', which considers transport infrastructure in terms of sustainable transport; 'Soil, water and air', which considers water infrastructure and agricultural land classification; and the 'Biodiversity, flora and fauna' sub-section, which considers environmental infrastructure.

2.4.14 Policy E2 looks to promote the existing economy in the Parish, stating that any appropriate plans that support local businesses should be supported. Policy E1 requires development to demonstrate that it will not harm the Parish in any way, encouraging visitor tourism and development.

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<sup>10</sup> Forest Research (2010) Benefits of Green Infrastructure

### Cultural heritage (Inc. architectural and archaeological)

- 2.4.15 The SAM 'Castle Hill' is located 310m north of site 2, allocated for development by the NDP. Considering the SAM's steep topography, it is thought that development has the potential to adversely impact long distance views from the SAM. Impacts on the setting of the SAM should also be considered.
- 2.4.16 There is an abundance of listed buildings in Brailes Parish, with the the Grade I listed building 'Church of St George' located in Lower Brailes. The Old Forge Grade II Listed Building is located 30m north of allocated site 5. Development has the potential to adversely impact the setting of this heritage asset.
- 2.4.17 In line with the Stratford-upon-Avon Core Strategy<sup>11</sup>, where proposals will affect a heritage asset, applicants will be required to undertake and provide an assessment of the significance of the asset using a proportionate level of detail relating to the likely impact the proposal will have on the asset's historic interest.
- 2.4.18 Policy CS.8 'Historic Environment' of the Stratford-upon-Avon Core Strategy<sup>12</sup> states that the District's historic environment will be protected and enhanced. In line with Policy CS.8, where proposals will affect a heritage asset, applicants will be required to undertake and provide an assessment of the significance of the asset using a proportionate level of detail relating to the likely impact the proposal will have on the asset's historic interest. As such, it is not expected at this stage that the NDP would have a significant effect on cultural heritage.

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<sup>11</sup> Stratford-on-Avon Core Strategy. Available at: <https://www.stratford.gov.uk/planning/adoption-core-strategy.cfm>

<sup>12</sup> Stratford-on-Avon Core Strategy. Available at: <https://www.stratford.gov.uk/planning/adoption-core-strategy.cfm>

## Landscape

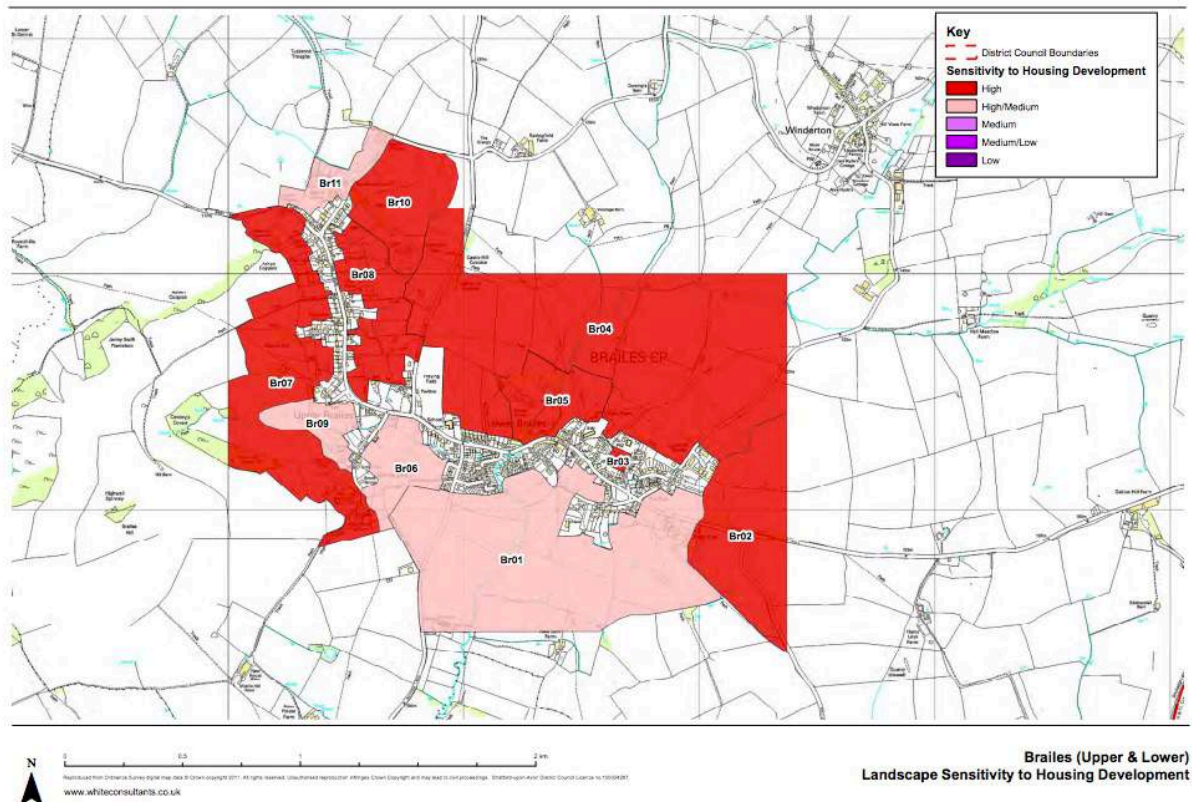
- 2.4.19 As the majority of the NDP area is located within the Cotswolds AONB, it is required that development is consistent with the policies covering the AONB as a whole<sup>13</sup>. These have been set out in the latest Management Plan produced by the Cotswolds Conservation Board, and reflect the content of The Cotswold AONB Landscape Character Assessment. All allocated sites are located within the Escarpment Outlier Landscape Character Area (LCA), in the Brailes Hill and Castle Hill sub-division. This is a distinctive landscape area, with the village of Upper Brailes bordering with Brailes Hill and Castle Hill. The breach between Castle Hill and Brailes Hill is described as a distinctive landscape feature and may be observed for some distance, despite only rising to 160m AOD.<sup>14</sup> Castle Hill is a SAM and is discussed in **Section 2.4.15**.
- 2.4.20 Policy E5 requires that development takes into consideration impacts on the AONB. All allocated sites are located within the AONB, and are within the built up area boundary of the settlement. All sites appear to act as urban extensions into the landscape, located adjacent to residential development. Of the five allocated sites, it is considered that site 2 would be the most intrusive of the landscape. This is identified within the Landscape Sensitivity Study (2012), which assesses land parcels in the Parish on their sensitivity to housing development. Site two is within the high sensitivity land parcel Br08, whilst sites one, three, four, and five are seen to be of medium sensitivity to housing development (**Figure 2.2**).

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<sup>13</sup> Stratford-on-Avon Core Strategy. Available at: <https://www.stratford.gov.uk/planning/adoption-core-strategy.cfm>

<sup>14</sup> Cotswold AONB Partnership (date unknown) Cotswold AONB Landscape Character Assessment: The Cotswold Landscape. Available at: [http://www.cotswoldsaonb.org.uk/landscape\\_character\\_assessment/files/3\\_TheCotswoldsLandscape\\_1.pdf](http://www.cotswoldsaonb.org.uk/landscape_character_assessment/files/3_TheCotswoldsLandscape_1.pdf)





**Figure 2.2** Brailes (Upper & Lower) Landscape Sensitivity to Housing Development<sup>15</sup>

- 2.4.21 Development of site 2 would result in ribbon development into the AONB, on Castle Hill Lane. This is likely to have adverse impacts across the AONB, altering views from the Parish settlement, and having adverse impacts on the AONB’s distinctive character.
- 2.4.22 There is an extensive public footpath network throughout the parish. Sites 2, 4, and 5 are located adjacent to public footpaths, and as such have the potential to adversely impact views from these. Policy CS.9: Design and Distinctiveness in the Stratford-on-Avon Core Strategy requires proposals to enhance the network of footpaths, retaining existing rights of way. It is expected that impacts on the public footpaths may be able to be mitigated through appropriate screening of the sites.

<sup>15</sup> White Consultants (2012) Stratford-on-Avon District: Landscape Sensitivity Study for Local Service Villages. Available at: <https://www.stratford.gov.uk/files/seealsodocs/125517/Landscape%20Sensitivity%20Assessment%20-%20Executive%20Summary.pdf>

## 2.5 Screening outcome

- 2.5.1 This screening report has explored the potential effects of the proposed Brailes and Winderton NDP with a view to determining whether an environmental assessment is required under the SEA Directive.
- 2.5.2 In accordance with topics cited in Annex 1(f) of the SEA directive, significant effects on the environment may occur as a result of the NDP. The topic area likely to be affected by the NDP is landscape.
- 2.5.3 It is recommended that the Brailes & Winderton Neighbourhood Development Plan should be screened into the SEA process.

## 2.6 Consultation

- 2.6.1 This SEA Screening report was subject to consultation with the statutory consultees: Environment Agency, Historic England and Natural England, from 11<sup>th</sup> April 2017 to the 02<sup>nd</sup> May 2017. The responses from the statutory consultees can be found in **Appendix A**. Historic England agreed that the Brailes & Winderton Neighbourhood Development Plan should be screened in to the SEA process. The Environment Agency and Natural England advised that the Plan be screened out of the SEA process.
- 2.6.2 Natural England further stated that they *'do 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.'*

2.6.3 In light of this, the Cotswold AONB have been contacted to advise further. Due to constraints in resources, the AONB team has not been able to respond directly to the Brailes and Winderton screening report. They instead referred Lepus to the Position Statement on Neighbourhood Plans (see **Appendix B**). The AONB planning team kindly offered the following informal comments via telephone. Where Neighbourhood Plans have very low development quanta in relation to the overall settlement size, and are within the built settlement boundary, there is less likely to be a requirement to screen plans into the SEA process. However, if more than one location is being proposed for new development, even within the built settlement boundary, then depending on magnitude, the screening requirement might change. No thresholds have been published.

2.6.4 The Cotswold Conservation Board have also released a position statement for NDS's which should be used in the first instance. This can be found at **Appendix B**.

## 2.7 Conclusion

2.7.1 Following consultation, it is concluded that the Brailes and Winderton Neighbourhood Development Plan should be screened in to the SEA process.

# Appendix A: Consultation Responses

Date: 24 April 2017  
Our ref: 213045  
Your ref: Screening Report Consultation



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**BY EMAIL ONLY**

T 0300 060 3900

[Rosie.Cox@Lepusconsulting.com](mailto:Rosie.Cox@Lepusconsulting.com)

Dear Ms Cox

### **Broils & Winderton Neighbourhood Plan SEA Screening Report**

Thank you for your consultation on the above dated and received on 12<sup>th</sup> April 2017 by Natural England.

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 are concerned (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 SEA Directive is contained within the National Planning Practice Guidance<sup>1</sup>. 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.

For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Sharon Jenkins  
Consultations Team

---

Lepus Consulting Ltd  
1 Bath Street  
Cheltenham  
GL50 1YE

**Our ref:** UT/2007/101490/SE-  
15/SC1-L01

**Your ref:**

**Date:** 04 May 2017

Dear Madam

**STRATEGIC ENVIRONMENTAL ASSESSMENT OF THE BRAILES & WINDERTON  
NEIGHBOURHOOD PLAN**

Thank you for consulting us on the above document.

In terms of the Environment Agency's remit, (Water, Soil, Air and aspects of Biodiversity, Flora and Fauna) we do not believe there will be any significant effects arising from the implementation of this plan.

Yours faithfully

**Mr Martin Ross**  
**Planning Specialist**

Direct dial 020 3025 3055

Direct e-mail [martin.ross@environment-agency.gov.uk](mailto:martin.ross@environment-agency.gov.uk)



Historic England

Lepus Consulting Ltd  
1 Bath Street  
Cheltenham  
GL50 1YE

Our ref:  
Your ref:

Telephone  
Fax 0121 625 6887

04 May 2017

Dear Sirs

### **BRAILES NEIGHBOURHOOD PLAN- SEA SCREENING**

Thank you for your consultation and the invitation to comment on the SEA Screening Document for the above Neighbourhood Plan.

For the purposes of consultations on SEA Screening Opinions, Historic England confines its advice to the question, "Is it likely to have a significant effect on the environment?" in respect of our area of concern, cultural heritage.

Our comments are based on the information supplied with the screening request. On the basis of the information supplied and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of the 'SEA' Directive], Historic England concurs with your view that the preparation of a Strategic Environmental Assessment is required.

The views of the other statutory consultation bodies should be taken into account before the overall decision on the need for a SEA is made. If a decision is made to undertake a SEA, please note that English Heritage has published guidance on Sustainability Appraisal / Strategic Environmental Assessment and the Historic Environment that is relevant to both local and neighbourhood planning and available at: <https://historicengland.org.uk/images-books/publications/strategic-environmental-assessment-sustainability-appraisal-historic-environment/>

I trust the above comments will be of help in taking forward the Neighbourhood Plan.

Yours sincerely



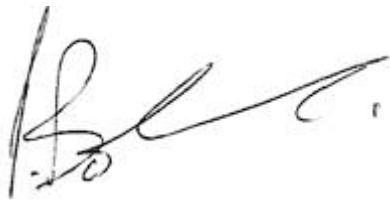
Historic England, 8<sup>th</sup> Floor, The Axis, 10 Holliday Street, Birmingham B1 1TG  
Telephone 0121 625 6870 [HistoricEngland.org.uk](http://HistoricEngland.org.uk)

*Please note that Historic England operates an access to information policy.*

*Correspondence or information which you send us may therefore become publicly available.*







Pete Boland  
Historic Places Adviser  
E-mail: [peter.boland@HistoricEngland.org.uk](mailto:peter.boland@HistoricEngland.org.uk)



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*Please note that Historic England operates an access to information policy.*

*Correspondence or information which you send us may therefore become publicly available.*



# Appendix B: Cotswold Conservation Board Position Statement

## Cotswolds Conservation Board Position Statement



# Preparing Neighbourhood Plans In an AONB

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October 2015

### What is neighbourhood planning?

*“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided, and grant planning permission for the new buildings they want to see go ahead. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.”* (National Planning Practice Guidance 6.3.14).

### The Cotswolds AONB Designation & The Need For a Different Approach.

The Cotswolds Conservation Board is the body set up by Parliament to conserve and enhance the natural beauty of the Cotswolds AONB and increase the understanding and enjoyment of the special qualities of the AONB. The Board has a duty to have regard to the social and economic wellbeing of those who live and work in the Cotswolds AONB.

Section 85 of the CRoW Act 2000 confirms that it is a legal duty for a “relevant authority” to have regard to the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty. (This duty applies individually to public servants down to Parish Council level, planning officers, statutory agencies etc who may be advising on the Neighbourhood Plan process).

Accordingly the Government has also confirmed within the plan making and decision taking process, that there should be a strategic approach to AONBs and stated the following:

- AONBs are one such location where “*development should be restricted*” and accordingly the “*presumption*” in favour of sustainable development does not automatically apply. (Footnote 9 of Paragraph 14 of the NPPF).
- There is a need to contribute to conserving and enhancing the natural environment (paragraph 17 of the NPPF).
- AONB Management Plans should highlight the value to society and special qualities of the designation and show communities and partners how their

activity contributes to protected landscape purposes (NPPG Para.004 Natural Environment).

- Allocations of land for development should prefer land of lesser environmental value (paragraph 17 and 110 of the NPPF);
- AONBs have the highest status of protection in relation to landscape and scenic beauty (paragraph 115 of the NPPF).
- AONB designation should be afforded “great weight” in the decision making process (paragraph 115 of the NPPF).
- Planning permission should be refused for major developments except in exceptional circumstances and where it can be demonstrated to be in the public interest (paragraph 116 of the NPPF).

There is often a missed opportunity to make reference to AONBs’ legally protected status, relevant planning policies and Management Plans and the wide availability of research work, reports and Position Statements. All of this information will assist those who wish to prepare Neighbourhood Plans and is available on the Cotswolds Conservation Board’s website ([www.cotswoldsaonb.org.uk](http://www.cotswoldsaonb.org.uk)).

### **Other designations that contribute to the primary purpose of AONBs**

A number of other national designations which affect land are also confirmed in the NPPF as where development should be “restricted”. These include:

Green Belt Land

Sites protected under the Birds and Habitats Directive

Sites of Special Scientific Interest

Local Green Space

World Heritage Sites and their settings

Ancient Monuments and their settings

Listed Buildings and their settings

Conservation Areas and the contribution their surroundings make to their special character or appearance.

These designations can also be ‘nested’ within one another. Areas where this occurs are likely to be especially sensitive to inappropriate change.

### **How should Neighbourhood Plans make reference to the Cotswolds AONB?**

Neighbourhood Plans should acknowledge the special qualities of the area and include references to the current Cotswolds AONB Management Plan. It is also recommended that Neighbourhood Plans refer to AONB policies from their relevant Local Plans and to relevant Government policy.

Some of the special qualities of the Cotswolds listed within the Management Plan (page 8) include the Cotswold escarpment and views from it (which may be referred to in relevant Local Plan policies), river valleys, dry stone walls, internationally important flower-rich limestone grassland, the tranquillity of the area, distinctive settlements, historic assets, associations, features and landscapes. The Neighbourhood Plan process offers an opportunity to expand on the work already undertaken by the Board through its Landscape Character Assessment (2004) and associated document Local Distinctiveness and Landscape Change (2003) in recording the specific characteristics and special qualities of each Plan area.

The existence of the AONB designation should be considered at the very outset in plan preparation and should influence the plan in terms of allocation site choice, access issues, green infrastructure, Community Infrastructure Levy, use of natural resources, and in terms of landscape and environmental protection. More guidance on the AONB is available within Local Plans and Neighbourhood Plan groups should

discuss issues around Sustainability Appraisals (SA) and Strategic Environmental Assessments (SEA) with their relevant Local Planning Authorities from the outset.

### **How to consider “Major Development” within an AONB.**

The NPPG 6.3.2014 confirms:

*“Planning permission should be refused for major development in a National Park, the Broads or an Area of Outstanding Natural Beauty except in exceptional circumstances and where it can be demonstrated to be in the public interest. Whether a proposed development in these designated areas should be treated as a major development, to which the policy in paragraph 116 of the Framework applies, will be a matter for the relevant decision taker, taking into account the proposal in question and the local context. The Framework is clear that great weight should be given to conserving landscape and scenic beauty in these designated areas irrespective of whether the policy in paragraph 116 is applicable.”*

Therefore, amongst material considerations, national policy gives the conservation of landscape and scenic beauty in an AONB a particular enhanced status. As well as any detrimental effect of the development on the landscape, this national policy requires the planning decision-maker to assess, and take into consideration, the need for the development and the scope for meeting the assessed need in some other way.

It should be noted that where an area is covered by or adjacent to other statutory designations, similar considerations can apply. The key is the balancing test of the need for development versus conservation interests, though mindful of the fact that the AONB is afforded “great weight” in the decision making process.

### **How to Allocate Suitable Land For Development Within An AONB**

The checklist below shows a process for considering whether sites within the AONB can be considered appropriate for development. The Board’s separate Position Statement on “Housing and Development” (paragraph 11) also advises:

*“The Board fully recognises that the AONB is a living and working landscape and that some economic development should take place within the AONB. The Board therefore supports development of employment opportunities of an appropriate scale and nature for the AONB. However such economic development needs to be matched by provision of affordable housing in perpetuity so that those who work in the locality can also live there. The Board encourages making use of the provision in the NPPF whereby planning authorities can allocate sites specifically for affordable housing in rural areas in their development plans. It also recognises the possible need to approve sites which would not normally be acceptable (exception sites). The Board’s concern is primarily with open market housing development and that there will be leakage of such development from the surrounding large cities and towns creating further commuting and squeezing out local residents.”*

### **Cotswolds AONB Board Information & Guidance**

The Board has existing detailed guidance which should form a key resource in the drafting of Neighbourhood Plans. For example its Landscape Character Assessment already provides guidance on the character, distinctiveness and qualities of each area of the Cotswolds, which Neighbourhood Plans can directly refer to.

Help can be provided by the Board on request through the Neighbourhood Plan drafting process as to which guidance is relevant to any particular area. Any

Neighbourhood Plans that are wholly or partly within the AONB should consider the following:

- \* The Cotswolds AONB in planning policy and in Local Plan policy;
- \* The Cotswolds AONB Management Plan (2013-2018) and its objectives, policies, actions and Engagement Plan;
- \* The primary purpose of AONB designation: “conserving and enhancing natural beauty”;
- \* The duty on all relevant authorities including Parish Councils to consider the AONB status in any land use/environment decisions (Section 85 CRoW Act 2000);
- \* Where site allocations are proposed, use of the attached checklist to help decide in the planning balance the most suitable location and scale of development.
- \* Adherence to paragraphs 115 and 116 of the NPPF through the site allocation process.
- \* The Landscape Character Assessment (2004) and Local Distinctiveness and Landscape Change report (2003) and additional Local Planning Authority studies.
- \* The Historic Landscape Character Assessment (1999).
- \* Other publications and Position Statements.

#### **Further Neighbourhood Plan Guidance**

Additional guidelines on the preparation of Neighbourhood Plans is contained within the National Planning Policy Framework March 2012 (NPPF) and the National Planning Practice Guidance 9<sup>th</sup> February 2015 (NPPG). There is additional guidance for example from English Heritage; the Planning Advisory Service and the CPRE:

<http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/>

<https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/>

<http://www.pas.gov.uk/neighbourhood-planning>

<http://www.cpre.org.uk/resources/housing-and-planning/planning/item/2689-how-to-shape-where-you-live-a-guide-to-neighbourhood-planning>

For further information please contact:

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## **Checklist for consideration of new development (allocation sites) within the AONB.**

- **Is The Site In The AONB?**

- Is it also within or in the setting of any other key designated areas (Green Belt, WHS, CA, SAM, curtilage or setting of LB, SAC, SSSI)?



If “No”:

Are there any other setting issues outside but close to the AONB? Consider especially other key designated areas as above

*(paragraph 113 of the NPPF states that Local Planning Authorities should set criteria based policies against which proposals for development on or **affecting** protected landscape areas will be judged – check which might be affected.)*

If “Yes”:

- Have you considered Paragraph 14 Footnote (9) of the NPPF that confirms the “presumption in favour of sustainable development” does not automatically apply within AONBs (or affecting designated Green Belt, heritage assets or ecological areas)? Similarly, Paragraph 119 removed the presumption where the Habitats or Bird Directives require “appropriate assessment.”

If “No”:

review and include reference, then continue:



- **In considering allocations have you preferred land of lesser environmental value?**

If “No”:

You should consider Core Planning Principles (paragraph 17 of the NPPF) that planning should “*contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;*” The need to “conserve and enhance” appears at Section 82 of the CRoW Act 2000 in relation to AONB designations.

You should likewise consider the core principle that planning should “*conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.*”

The NPPF also highlights the need to differentiate between land of the highest environmental quality and that which is not, and to allocate development accordingly to areas of lesser environmental value.

In this context paragraph 157 of NPPF requires that Local Plans – and thus in turn neighbourhood plans – should (amongst other things) “*identify land where development would be inappropriate, for instance because of its environmental or historic significance*” and “*contain a clear strategy for enhancing the natural, built and historic environment, and supporting Nature Improvement Areas where they have been identified.*”

If “Yes” continue to:



- **In considering allocations have you encouraged use of previously developed land first?**

If “No”:

The NPPF Paragraph 17 Core Planning Principles also encourages the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value (which could include significant landscape, ecological or historical characteristics even if not designated).

If “Yes” continue to:



- **Following the above process, is a proven residual housing/employment land requirement still left which is needed to meet local needs within an AONB and cannot be met outside an AONB (or on previously developed land or within existing settlements in an AONB)?**

If “No”:

Then there is no need for any greenfield sites.

If “Yes” then consider:

Has your Local Planning Authority considered the “Duty to Co-operate” and opportunities to move housing allocations outside to neighbouring Districts or outside AONB locations\*? Can the need be met in “some other way” ?

***(\*Particularly in relation to settlements on the boundary of the AONB, the Board does recognise that there may be certain circumstances where sites outside the AONB (but within the setting of the AONB) may, if developed, cause significant harm to the setting of the AONB. Therefore, in the planning balance an appropriate site within the AONB may be more desirable than an inappropriate site within the setting of the AONB. Each site will be judged on its merits.)***

Have you considered paragraph 115 of the NPPF? : *“Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas.”*

Have you considered paragraph 116 and its related tests stating *“Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest”* ? Specific tests and restrictions apply on the ability of AONBs to accommodate “major development.”

Paragraph 116 of the NPPF on major developments includes an assessment of *“any detrimental effect on the environment, the landscape and recreational opportunities,*



*and the extent to which that could be moderated.*” Have sites been excluded or appropriately weighted based on potential AONB landscape impacts? Have detailed landscape and visual, heritage and ecological impact assessments been made on any proposed allocation sites and has this been taken into consideration before any allocations?

Have you similarly considered paragraphs of the NPPF which similarly explain the *great weight* that must be given to promoting the purposes of green belt (paras 79-92), conserving heritage assets and their setting (paras 126-41) , and conserving biodiversity (paras 109-19)

And continue to:



- **Have Strategic Priorities and Policies Been Set to Secure the Conservation and Enhancement of the Natural and Historic Environment, including landscape?**

If “No”:

Having a Policy that refers to AONBs is not the same as having a strategic approach to AONBs. Paragraph 156 of the NPPF states: *“Local Planning Authorities should set out the **strategic priorities** for the area in the Local Plan. This should include strategic policies to deliver...climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.”*

Any AONB policy should not only be part of a strategic approach to AONBs that flows through the whole Plan process, as referred to above, but should clearly differentiate between land within and land outside AONBs. One element of sustainable development is the environmental dimension and *“Crucially, Local Plans should...identify land where development would be inappropriate, for instance because of its environmental or historic significance; and...contain a clear strategy for enhancing the natural, built and historic environment...”* (Paragraph 157 of the NPPF).

If “Yes”: continue to:



Subject to the above process being followed a planning judgement should be made as to whether a greenfield site release can be justified as being appropriate in an AONB. Justification should include how the development will respond to the requirements of the CRoW Act 2000, national policy and:

- AONB Management Plans, Guidance Notes and Position Statements,
- Setting issues (where relevant),
- Heritage conservation,
- Biodiversity conservation and management,
- Development control matters in respect of signage, materials etc,
- Identifying and protecting areas of tranquillity,
- Community Infrastructure Levy / Section 106 Legal Agreement requirements,
- Encouraging good design, including having regard to aesthetic, ecological and historic character of the Neighbourhood and the sensitivities of particular

- buildings, habitats and features,
- Limiting the impact of light pollution on local amenity, intrinsically dark landscapes and nature conservation (NPPF paragraphs 123, 124, 125),
  - Mitigation including detailed landscaping schemes.



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