

Basic Conditions Statement

Cam Neighbourhood Development Plan

November 2019

Appendices

Appendix 1: Cam Parish designated Neighbourhood Area

Appendix 2: Strategic Environmental Assessment and Habitat Regulation Assessment Screening Report 2019

Appendix 3: Consultation Statement – Cam Neighbourhood Plan 2019 (separate document, see Stroud District Council website)

A Introduction

A1 Outline

- A1.1 This Basic Conditions Statement demonstrates how the *Cam Parish Neighbourhood Development Plan* ('the Plan' or 'Cam Neighbourhood Plan') meets the basic conditions set out in paragraph 8 (2) of Schedule 4B to the *Town & Country Planning Act 1990* as applied to Neighbourhood Plans by section 38A of the *Planning & Compulsory Purchase Act 2004*¹.
- A1.2 The qualifying body (Cam Parish Council) is required to produce this statement in line with regulation 15(1)(d) and regulation 22 (1)(e) of the *Neighbourhood Planning (General) Regulations 2012* (as amended).
- A1.3 This Basic Conditions Statement has been prepared with regard to the following guidance/legislation:
- The *Locality Template Basic Conditions Statement*²
 - The Planning Aid Guide *Approaches to Writing a Basic Conditions Statements*³
 - The Planning Advisory Service *Guide for Councils: Meeting your legal requirements for Neighbourhood Development Plans*⁴
 - The Herefordshire Council Neighbourhood planning Guidance Note 35 on Basic Conditions (Revised June 2015)⁵
 - The relevant extracts from the National Planning Practice Guidance⁶
 - The relevant Acts and Regulations which pertain to Neighbourhood Development Plans.

¹ <http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/the-basic-conditions-that-a-draft-neighbourhood-plan-or-order-must-meet-if-it-is-to-proceed-to-referendum/>

² <http://planning.communityknowledgehub.org.uk/resource/draft-template-basic-conditions-statement>

³ http://www.ourneighbourhoodplanning.org.uk/storage/resources/documents/Approaches_to_writing_a_basic_conditions_statement1.pdf

⁴ <http://www.pas.gov.uk/documents/332612/1099329/Legal+compliance+guide+NDP+March+2015.pdf/63e5106e-690e-4486-aed8-248a665c532b>

⁵ https://www.herefordshire.gov.uk/download/downloads/id/3726/guidance_note_35_basic_conditions.pdf

⁶ <http://planningguidance.planningportal.gov.uk/>

B Legal Requirements

This part of the Basic Conditions Statement confirms that in the view of Cam Parish Council, the Cam Neighbourhood Development Plan meets the legal requirements for a Neighbourhood Development Plan.

B1 The plan is being submitted by a qualifying body

B1.1 The Cam Neighbourhood Plan is submitted by the qualifying body – Cam Parish Council.

B2 What is being proposed is a Neighbourhood Development Plan

B2.1 The Cam Neighbourhood Plan relates to planning matters (the use and development of land) and has been prepared in accordance with the statutory requirements and processes set out in the *Town and Country Planning Act 1990* (as amended by the *Localism Act 2011*) and the *Neighbourhood Planning Regulations 2012*.

B3 The proposed Neighbourhood Development Plan states the period for which it is to have effect.

B3.1 The Cam Neighbourhood Plan specifies the time period for which is to have effect as 2019 – 2031.

B4 The policies do not relate to excluded development

B4.1 The Cam Neighbourhood Plan proposals do not deal with county matters (mineral extraction and waste development), nationally significant infrastructure nor any other matters set out in Section 61K of the *Town and Country Planning Act 1990*.

B5 The proposed Neighbourhood Development Plan does not relate to more than one neighbourhood area and there are no other Neighbourhood Development Plans in place within the neighbourhood area.

B5.1 The Plan proposals relate to the Cam Parish Neighbourhood Area and to no other area. There are no other neighbourhood development plans relating to this neighbourhood area.

B5.2 The Cam Neighbourhood Area was designated on 4th February 2014, the Neighbourhood Area boundary is shown in **Appendix 1** to this statement and within the Neighbourhood Development Plan. The Neighbourhood Area follows the Cam Parish boundary.

C Basic Conditions

This part of the Basic Conditions Statement confirms that in the view of Cam Parish Council, the Cam Parish Neighbourhood Plan meets all of the basic conditions required for a Neighbourhood Development Plan.

C1 Have appropriate regard to national policy

- C1.1 The National Planning Policy Framework 2019 (NPPF)⁷ sets out the Planning Policies for England, together with the National Planning Practice Guidance (NPPG)⁸. **Table 1** below, briefly summarises how the national policies and guidance have been taken into account for each planning policy in the Cam Parish Neighbourhood Plan. This approach follows the format employed by Arundel District Council in their Basic Conditions Statement, as referenced in Planning Aid Guidance as good practice⁹. The non land-use policies included in the NDP (referred to as Projects throughout the plan) have not been assessed.

Table 1 (below): Cam Parish Neighbourhood Plan General Planning/Land Use Policies – Conformity with the NPPF

Policy Ref	Planning Policy Title	Key NPPF para. Cross Ref	Commentary
CAMES1	Green Infrastructure and Biodiversity	91, 92, 96, 97, 98 170, 171, 174, 175	The policy plans positively for the provision, protection and enhancement of new and existing green infrastructure in Cam. Accompanying Figures 6 and 7 (and the supporting Green Infrastructure Report) identify existing green infrastructure assets and priorities, including open and recreation space, public rights of way and snickets, and trees/hedgerows/woodlands across the parish. The policy contributes to the enhancement of the natural environment. Accompanying Figures 6 and 7 (and the supporting Green Infrastructure Report) also identify important existing wildlife habitats for safeguarding, protection and enhancement. The policy plans positively to preserve and protect habitats and biodiversity in Cam, and where possible provide net gains.
CAMES2	Parish Landscape Character	170, 171, 172	The policy works to protect the valued landscape character of Cam, including its topography as a key locally valued feature. The policy and its supporting Landscape Sensitivity Assessment (Potterton 2018) (LSA) also protect the Cotswolds AONB and its setting. The supporting LSA identifies the land which contributes the setting of the

⁷ <http://planningguidance.planningportal.gov.uk/blog/policy/>

⁸ <http://planningguidance.planningportal.gov.uk/blog/guidanc>

⁹ http://community21.org/downloads/Arundel%20Neighbourhood%20Plan_Basic%20Conditions%20Statement_Nov%202013.pdf

			AONB and works to prevent new development from harming this locally and nationally valued landscape. The Cam Design Code (2019), as referenced in this policy, gives guidance on how new development should respond to this policy.
CAMES3	Valued Views	127, 170	The policy identifies locally valued views to be maintained and protected as part of development. In doing so, the policy ensures that developments are sympathetic to local character, including the surrounding landscape setting. Many of the views identified within the policy and its accompanying Valued Views Report recognise the intrinsic character and beauty of Cam's countryside. This policy also seeks to protect the valued landscape of Cam. The Cam Design Code (2019), as referenced in this policy, gives guidance on how new development should respond to this policy.
CAMCD 1	Locally Distinctive Design	124, 125, 126, 127, 128, 130	The Cam Code (2019) is a framework for creating distinctive places (para 126) it identifies the special qualities (para 125 / 127) of Cam and sets out in detail how this should be reflected in new development. It also sets out a clear design vision and expectation to enable as much certainty as possible about what will constitute a 'well-designed' place (para 125) with aim of avoiding poor design (para 130) in Cam Parish. It is informed by work undertaken on identifying positive design features and locally distinctive qualities (para 124). It enables design quality to be considered at the earliest stages (para 124).
CAMCD 2	Cam's Trees, Woodlands and Hedgerows	91, 124, 170, 174, 175	The Cam Code (2019) identifies Cam's trees, woodlands and hedgerows as key positive characteristic within the parish, and this policy works to protect and enhance these, contributing to achieving well-designed places. Trees and hedgerows are also a key part of the green infrastructure network, which this policy is also seeking to enhance. The policy, accompanying Figure 11 and the Cam Code identify important trees for safeguarding and protect against the loss of this important green infrastructure asset. The Cam Design Code (2019), as referenced in this policy, gives guidance to inform how new development should respond to this policy.

CAMCD 3	Sustainably Designed Homes and Places in Cam	149, 150, 151, 163	The policy supports design proposals that take a proactive approach to mitigating and adapting to climate change through low carbon development. It encourages designs that incorporate low carbon and renewable energy resources, as well as sustainable drainage systems. This policy is also supported by 'Addressing Climate Change in Cam Parish Neighbourhood Plan' (p.9).
CAMCD 4	Pre-application Community Engagement	39, 40, 41, 42, 128	Pre-application engagement and front-loading is identified as having significant potential to improve efficiency and effectiveness of the planning application system for all parties (para 39). The policy encourages and enables early and effective pre-application engagement between developers, communities, and other relevant stakeholders, and puts in place a coherent and consistent approach, in the form of the protocol to do that. Though it cannot be required it can be 'encouraged' where considered beneficial (para 40). The Pre-application protocol is aimed at resolving any potential issues at pre-application stage with input from the Parish Council and community of Cam (para 41 / 42). It also enables design quality to be considered at the earliest stages and to enable the demonstration of early, proactive and effective community engagement (para 128 / 130). The 2019 Planning Practice Guidance Note on Design also emphasises the importance of community engagement: "Communities can effectively shape both design policies and development through a collaborative process of meaningful participation. Early engagement and linking engagement activities to key stages of design decision-making and plan-making can empower people to inform the vision, design policies and the design of schemes." (para 019) The Cam Parish Pre-application Community Engagement Protocol forms Appendix 1 to the Plan.
CAMMC 1	Improving and Enhancing Connections for Cyclists and Pedestrians	98, 102, 104	The policy supports development that protects and enhances public rights of way and locally important snickets that link to key community facilities and to the surrounding countryside. This helps to provide for high quality walking and cycling networks across Cam Parish. This encourages development proposals which give priority first to pedestrian and cycle movements over those of the private car. It also works to shape development to

			contribute towards encouraging active travel; promoting and identifying opportunities for walking and cycling. The Cam Design Code (2019), as referenced in this policy, gives guidance on how new development should respond to this policy.
CAMCF 1	Retention of Community Facilities	91, 92, 97	The policy promotes healthy and safe communities by protecting and improving the places that help to address health and wellbeing needs. It also safeguards against the unnecessary loss of the existing community facilities in Cam Parish, allowing the community to continue to meet its daily needs.
CAMCF 2	Local Green Spaces	99, 100, 101	The policy identifies Local Green Spaces for designation in line with national planning policy criteria. The accompanying Local Green Space Report outlines how any why the spaces are in reasonable proximity to the community, demonstrably special to the community, as well as local in character.
CAME1	Safeguarding Employment Sites	80	This policy protects against unnecessary loss of existing employment opportunities, placing significant weight on the need to support economic growth and productivity in Cam.
CAME2	Encouraging Startup, New Businesses and Homeworking	80, 81	The policy puts significant weight on the need to support economic growth and productivity in Cam Parish. It also encourages new development to be designed to offer flexibility in the future (to accommodate new ways of working from home etc), helping to create conditions in which businesses can adapt.
CAMVC 1	Cam Village Centre	91, 92, 85	The policy identifies the Cam Village Centre in Figure 16, where proposals for contributing to the vitality and attractiveness of the area will be supported. It is supported by the Village Centre Framework Discussion Document. The policy conforms with a number of aspects of the NPPF, most significantly paragraphs about achieving well-designed places (creating better places in which to live and work) and ensuring the vitality of town centres. Whilst Cam Village Centre is not a 'town centre', policy CAMVC1 recognises the area's existing and potential role at the heart of the local community of Cam Parish.

Table 1 (above): Cam Parish Neighbourhood Plan General Planning/Land Use Policies – Conformity with the NPPF

C2 Contributes to the achievement of sustainable development

C2.1 The below approach follows the format employed by Broughton Astley Parish Council in their Basic Conditions Statement, as referenced in Planning Aid Good Practice Guidance¹⁰.

C2.2 The key ways that the Cam Parish Neighbourhood Plan will help contribute to meeting the objectives of sustainable development are detailed below:

- The Neighbourhood Plan contains policies which relate to the environmental, social and economic aspects of the town. [All policies]
- The Neighbourhood Plan seeks to set out a coherent local strategy for the development of Cam Parish; considering housing, employment, recreation, and community facilities. [Section 3: Cam Development Strategy sets out the coherent strategy for the Plan area. All policies then stem from this].
- The Neighbourhood Plan supports the protection and enhancement of environmental and historic assets. [See policies CAMES1, CAMES2, CAMES3, CAMCD1, CAMCD2, CAMCD3, CAMCF2, CAMVC1].
- The Neighbourhood Plan supports the protection and enhancement of local facilities and infrastructure. [See policies CAMES1, CAMCD3, CAMMC1, CAMCF1, CAMCF2, CAME1, CAME2, CAMVC1].
- The Neighbourhood Plan supports the creation of an accessible and well-connected town for all [See policies CAMES1, CAMMC1, CAMVC1].
- The Neighbourhood Plan is positive and proactive. It seeks to shape and direct housing, employment and retail development to the most appropriate locations in line with national policy considerations. [All policies, see also Section 3: Cam Development Strategy].

C2.3 Table 2 below demonstrates how the policies in the Cam Neighbourhood Plan contribute to the sustainability objectives set out by the Sustainability Appraisal of the adopted Stroud District Local Plan. This assessment format uses and follows the template guidance provided by Stroud District Council for Neighbourhood Plans.

Topic	Objectives	NDP Response	Type of impact
			Positive/neutral/negative
Air	Ensure that air quality continues to improve.	Objective 1 aims to protect and improve the Green Infrastructure network across the Parish, to improve the quality of the environment for people and wildlife. Policy CAMES1 works to implement this objective. By protecting and improving the green infrastructure network in the Parish, the NDP contributes to improving air quality.	Positive

¹⁰ <http://broughtonastley.leicestershireparishcouncils.org/uploads/1752a98c6512905414323017.pdf>

		Policy CAMCD2 specifically works to protect trees, woodland and hedgerows in Cam, also contributing to improving air quality. Objectives 8 and 9, as well as policy CAMMC1 seek to improve connections for pedestrians and cyclists, reducing car use. Policy CAMCF2 protects designated local green spaces, contributing to improving air quality in the Parish.	
Biodiversity	Create, protect, enhance, restore and connect habitats, species and/or sites of biodiversity or geological interest.	Objective O1, as well as policies CAMES1 and CAMCD2 work to protect Cam's Green Infrastructure network, including Cam's distinctive trees and hedgerows, helping to protect and enhance habitats, species and biodiversity in the parish.	Positive
Climate change mitigation	Implement energy efficiency through building design to maximise the re-use of land and buildings, recycle building materials and use renewable sources of energy. Implement strategies that help mitigate global warming and adapt to unavoidable climate change within the District.	Policy CAMCD3 supports design proposals which make use of a range of eco-building methods. Policy CAMES1 seeks to protect and enhance green assets, which can mitigate the effects of climate change. Policy CAMMC1 support cycle and pedestrian routes, seeking to lower emissions from vehicles.	Positive
Community & Wellbeing	Meet the challenge of a growing and ageing population. Encourage social inclusion, equity, the promotion of equality and a respect for diversity. Maintain and improve the community's health with accessible healthcare for residents. Increase levels of physical activity, especially among the young. Reduce crime and anti-social behaviour. Provide access to the countryside and appropriate land for leisure and recreation use.	Policy CAMCF1 seeks to protect existing community facilities. Policy CAMCF2 seeks to designate local green spaces for enjoyment by the local community. CAMES1 identifies and seeks to protect local footpaths, helping to encourage physical activity and active modes of transport. Objective O9 and Policy CAMMC1 seeks to improve and enhance connections for cyclists and pedestrians to local facilities including green space, schools, the local centre, wider countryside and train station, improving active transport options and accessibility to local facilities. Additionally, Project 4: Village Centre Framework (supported by Policy CAMVC1) seeks to improve the village centre as a 'community hub' for all.	Positive
Economy & Employment	Support a strong, diverse, vibrant and sustainable local	Policy CAME1 seeks to safeguard existing employment sites in Cam.	Positive

	economy to foster balanced economic growth. Develop the local economy within its environmental limits. Maintain and enhance employment opportunities within the District to meet both current and future needs.	Policy CAME2 seeks to encourage new businesses and diversify the types of jobs in Cam. Project 4: Village Centre Framework (supported by policy CAMVC1) seeks to maintain and diversify the vitality and economy of Cam Village Centre.	
Housing	Provide affordable and decent housing to meet local needs.	Cam is a focus for strategic development within the District identified by Stroud District Council. Policy CAMCD1 sets out parameters for the design of new development, including housing. This is linked to the Cam Design Code which gives specific guidance on the design of new development in the Parish to reflect local distinctives, seeking to deliver the right development in the right location.	Neutral / Positive
Landscape & Heritage	Reinforce local distinctiveness, local environmental quality and amenity through the conservation and enhancement of the built and cultural heritage. Conserve and enhance landscapes and townscapes.	Policies CAMDC1 and CAMCD2 seek to reinforce local distinctiveness through new development in the Parish. This is integrally linked to the Cam Design Code and Community Design Statement. Objectives O2 and O3, and policies CAMES2 and CAMES3 seek to protect the distinctive landscape character of Cam (including the AONB), and views outward towards it from within the settlement. Project 2: Our Heritage Assets sets out the Parish Council's aim to produce a Local List of locally important non-designated heritage assets.	Positive
Soil	Protect and enhance soil quality.	Soil quality is considered to be adequately covered in Stroud DC policy. The NDP identifies an extensive Green Infrastructure network which it works to protect and enhance through policy CAMES1. This affords some protection to the soil quality which supports it.	Neutral
Transport & Accessibility	Promote traffic reduction and encourage more sustainable alternative forms of transport. Restore, manage and promote the canal towpaths as part of the transport infrastructure.	Policies O8, O9 and O10, and Policy CAMMC1 seek to encourage pedestrians and cyclists in Cam by improving routes around the Parish and to and from local facilities. Project 3: Getting around our Parish – sets out the Parish Council's aspirations for further improving these connections.	Positive
Waste	Minimise the amount of waste produced, maximise the amount that is reused or recycled,	Waste issues are considered to be adequately covered in Stroud DC policy.	Neutral

	and seek to recover energy from the largest proportion of the residual material.		
Water (inc. flood risk)	Maintain and enhance the quality and quantity of ground and surface waters. Manage and reduce the risk of flooding in new and existing development.	Sustainable drainage and flooding issues are considered to be well covered in Stroud DC policy. Policy CAMCD3 encourages designs of new development that incorporate sustainable drainage systems.	Neutral / positive

C3 Be in general conformity with strategic local policy

C3.1 The Local Development Plan which applies to the Cam Parish Neighbourhood Plan Area can be found in the following key policy documents:

- Stroud District Local Plan (Adopted November 2015)¹¹;
- Gloucestershire Waste Local Plan 2002-2012;
- Gloucestershire Waste Core Strategy 2012, and
- Gloucestershire Minerals Local Plan 1997-2006.

Only the Local Plan document is considered pertinent for the purposes of this Basic Conditions Statement, as there are no overlapping policies with the other documents.

C3.2 As the Local Plan is strategic in nature, general conformity will be considered against this.

C3.3 The qualifying body considers that the Neighbourhood Plan is in general conformity with the adopted Stroud District Council Local Plan. This is outlined in more detail in **Table 3** below.

Table 3 (below): Cam Parish Neighbourhood Plan General Planning/Land Use Policies – Conformity with Stroud District Local Plan

Policy Ref	Planning Policy Title	Key Stroud District Local Plan Para. / Policy Cross Ref	Commentary
CAMES1	Green Infrastructure and Biodiversity	ES6, ES8	This policy adds local detail to policy ES6, which requires new development to conserve and enhance the natural environment, including all sites of biodiversity or geodiversity. These sites are identified on Figures 6 and 7. The protection and improvement of the parish's trees, woodlands and hedgerows is also encouraged by policy CAMES1, reflecting the aims of policy ES8 in the Stroud plan.

¹¹https://www.stroud.gov.uk/media/1455/stroud-district-local-plan_november-2015_low-res_for-web.pdf

CAMES2	Parish Landscape Character	CP4, SA3, ES7	This policy links into CP4 Place Making which seeks to promote good placemaking, it identifies the 50m contour line, as identified in strategic allocation SA3, as a key local landscape characteristic which should be considered in development proposals throughout the parish in order to protect and reinforce landscape characteristics that contribute to a distinct sense of place. This policy also reflects the aim of Stroud policy ES7, prioritising the conservation and enhancement of the natural and scenic beauty of the AONB and its setting. Its supporting Landscape Sensitivity Assessment identifies land which contributes towards to Cotswold AONB's setting within the parish. Policy ES7 also extends to all landscape character types in the District and the protection and enhancement of their special features and key characteristics.
CAMES3	Valued Views	CP4, ES7, ES10, ES12	The policy identifies key views and vistas to be recognised and taken account of if development proposals impact on an identified view(s). By identifying key views (and their special qualities) in the parish, the policy encourages development proposals to conserve or enhance the special features and diversity of the landscape character (policy ES7) of the parish. The Cam Design Code provides guidance on how development should respond to the landscape and create views through to Cam's iconic rural landscape. The Code is a key document to inform development proposals, as outlined in ES12. This policy also links to policy CP4 which promotes good placemaking which protects and enhances a sense of place.
CAMCD 1	Locally Distinctive Design	CP4, ES12,	Policy CAMCD1 supports Stroud Local Plan policy ES12, which requires Design Quality to be demonstrated through thorough understanding of the site context and should be informed by relevant standards or assessments. The policy adds detail to ES15 policy by referencing the Cam Design Code 2019 directly as an appendix to the Neighbourhood. The Cam Design Statement (2018) also informs understanding of context in Cam. This policy also links to policy CP4 which promotes good placemaking which protects and enhances a sense of place.

CAMCD 2	Cam's Trees, Woodlands and Hedgerows	CP4, ES7, ES8	Policy CP4 promotes good placemaking which protects and enhances a sense of place, and trees are identified as being a key feature of Cam's natural and built environment, making gateways and nodal points for example. The policy adds local detail to Stroud policy ES8, which seeks to enhance and expand the district's tree and woodland resource. CAMCD2 identifies trees, woodlands and hedgerows as an important feature of the character of Cam parish, and identifies key trees in Figure 11. The trees of the Parish are a key landscape feature (policy ES7) of the escarpment with ancient woodland and deciduous woodland forming a backdrop to the south of the Parish. The Cam Design Code (2019), as referenced in this policy, gives guidance on how new development should respond to this policy.
CAMCD 3	Sustainably Designed Homes and Places in Cam	ES1, CP4, Stroud Sustainable Design and Construction SPD	Policy CAMCD3 reflects Stroud Local Plan policies ES1 and CP14, which support sustainable design and construction as an essential part to new development in the district. It also supports the principles set out in the Sustainable Design and Construction SPD, to increase energy efficiency, use of SUDS, reuse and recycling of construction waste, whilst promoting health and wellbeing and better transport links.
CAMCD 4	Pre-application Community Engagement	CP4	Policy CP4 sets out an expectation that development proposals should "Place shape and protect or enhance a sense of place; (create a place with a locally-inspired or distinctive character...)". A key way to achieve this is through early and proactive engagement, as appropriate, when development proposals are being progressed with the community of Cam Parish. This will enable locally distinctive design responses to be considered at the earliest stages and to enable the demonstration of early, proactive and effective community engagement informing how a planning application is considered as well as progressed. (NPPF para 128). Policy CAMCD4 strongly encourages applicants to use the Cam Parish Council Pre-application Community Engagement Protocol (Appendix 2 to the Plan) to undertake early engagement with Cam Parish Council, in line with expectations for community engagement by planning applicants set out by Stroud

			District Council in the Statement of Community Involvement (2019)
CAMMC 1	Improving and Enhancing Connections for Cyclists and Pedestrians	EI12, EI13, EI16	CAMMC1 adds a Cam Parish level of detail to the requirements of Stroud Local Plan policies EI12, EI13 and EI16: to protect and enhance sustainable transport routes, by highlighting the parish's snickets and PROWs as key features to protect and enhance. The Cam Design Code (2019), as referenced in this policy, gives guidance on how new development should respond to this policy.
CAMCF 1	Retention of Community Facilities	CP6, EI6	CAMCF1 expects applications to make a proportionate contribution towards meeting the community need for facilities, in line with Stroud policy CP6. The policy protects against the unnecessary loss of valued community facilities, in line with Stroud policy EI6.
CAMCF 2	Local Green Spaces	ES13	Cam Parish Neighbourhood Plan designates Local Green Spaces which are of importance to the community and are of particular local significance.
CAME1	Safeguarding Employment Sites	EI1	There is a range of economic development policies contained in the Stroud Local Plan, the most directly relevant is EI1 – Key Employment Sites. This states that 'key employment sites listed will be retained for B Class Uses. Redevelopment for alternative uses or change of use from employment use will not be permitted on these sites'. Policy CAME1 supports this, and the protects against the loss of employment facilities elsewhere in the parish.
CAME2	Encouraging Startup, New Businesses and Homeworking	ES12	CAME2 reflects Stroud Local Plan policy ES12 which requires new development to be designed to offer flexibility in the future.
CAMVC 1	Cam Village Centre	CP12	Stroud Local Plan policy CP12 identifies Cam village centre as a 'district centre', where its vitality and viability, and existing range of uses will be enhanced (in line with the District's retail hierarchy). This is supported by the CAMVC1 and objective 16 in the Neighbourhood Plan.

Table 3 (above): Cam Parish Neighbourhood Plan General Planning/Land Use Policies - Conformity with Stroud District Local Plan

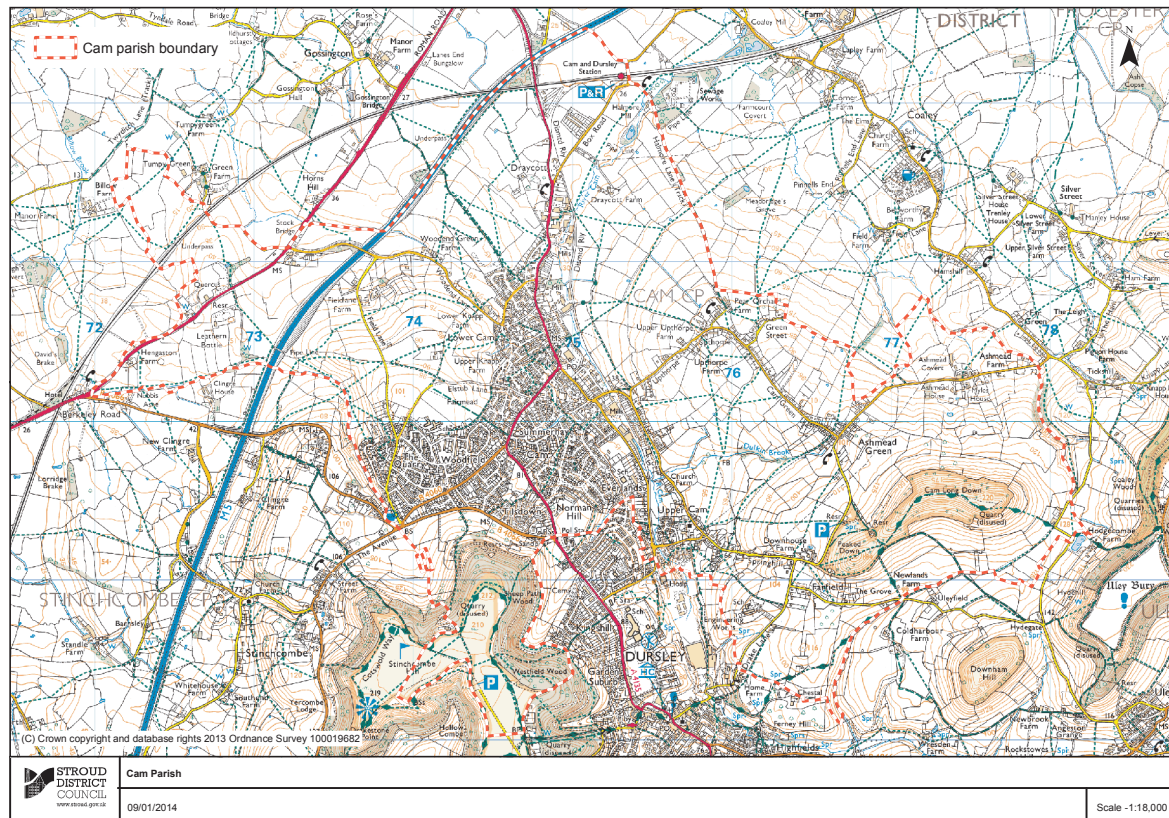
C4 Be compatible with EU obligations

- C4.1 The Neighbourhood Plan is compatible with EU obligations around human rights, habitat protection and environmental impacts. Specifically:
- i) Where local green space designations and development locations are proposed, consultation and notification of inclusion in the NDP has occurred with the landowners concerned. In addition, others who are affected by the proposals have been adequately consulted and have had the opportunity to comment on the proposals. The details of the consultation on the Plan are outlined in the **Cam Neighbourhood Plan Consultation Statement**, (appendix 3 to this document) which is found on the relevant page of the Stroud District Council website. Specific Local Green Space consultation undertaken is outlined in the Local Green Space Report, which is also found on the Stroud District Council Website.
 - ii) The Cam Parish Neighbourhood Plan group has prepared an evidence base which includes well documented evidence to underpin the policy approach. A summary of the local evidence which has been prepared to support the NDP is found in Appendix 1 to the Neighbourhood Plan.
 - iii) Stroud District Council, in line with the requirements of the European Directive 2001/42/EC, has an obligation to determine whether the Plan is likely to have significant environmental effects. To this end, Stroud District Council prepared a **Strategic Environmental Assessment and Habitat Regulation Assessment Screening Report** in November 2019 (see Appendix 2), in order to confirm whether the Neighbourhood Plan required further environmental assessment for Habitat Regulations and Strategic Environmental Assessment. The Screening Report determined that the NDP is unlikely to have any significant effects on the environment. Therefore, Strategic Environmental Assessment of the Cam Neighbourhood Development Plan is not required.
 - iv) In line with the requirements of Article 6(3) of the EU Habitats Directive, Stroud District Council also has an obligation to determine whether the NDP is likely to have any harmful effects on any European Designated sites, including Special Protection Areas and Special Areas of Conservation. The **Strategic Environmental Assessment and Habitat Regulation Assessment Screening Report** prepared in November 2019 (see Appendix 2) also considers this. The Report considers that the NDP is unlikely to have any significant effects on European Designated Sites and can therefore be screened out from any requirement for further assessment under the Habitat Regulations.
- C5 Not breach the requirements of Chapter 8 Part 6 of the Conservation of Habitats and Species Regulations 2017(d)**
- C5.1 The **Strategic Environmental Assessment and Habitat Regulation Assessment Screening Report** prepared by Stroud District Council in November 2019 (see Appendix 2) screens the Cam Parish Neighbourhood Plan under the Conservation of Habitats and Species Regulations and determines that no further assessment is required and therefore that the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations are not breached by the Neighbourhood Plan.

Appendices

Appendix 1: Map of the Designated Neighbourhood Plan Area

From: https://www.stroud.gov.uk/media/1851/cam_parish_map.pdf



Appendix 2: Strategic Environmental Assessment and Habitat Regulation Assessment Screening Report 2019 (see following pages)

Appendix 3: Consultation Statement – Cam Neighbourhood Plan 2019 (separate document, see Stroud District Council website)



STROUD DISTRICT COUNCIL

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Cam Parish Council	Case Officer	Simon Maher
	Tel:	01453 754339
	Our Ref:	Cam/SEA/HRA
	Date:	08/11/2019

Dear Sir/Madam,

Cam Neighbourhood Development Plan – SEA and HRA Screening Report Consultation Draft

To assist production of the Cam Neighbourhood Development Plan, Stroud District Council has undertaken a Strategic Environmental Assessment screening exercise. This is to determine whether or not the Neighbourhood Development Plan (NDP) would require a Strategic Environmental Assessment (SEA) and/or a Habitats Regulations Assessment (HRA).

SEA Screening Opinion – Stroud District Council

A draft NDP, received in February 2019 by Stroud District Council, was used to consider the likely environmental effects of the draft policies of the emerging Cam NDP. To ensure legal compliance and a robust screening opinion Stroud District Council considered the likely effects of the NDP against the criteria in Schedule I, of the Environmental Assessment of Plans and Programmes Regulations 2004. The consideration of likely effects against the Schedule I criteria are available to view in **appendix 1**.

Following analysis of likely significant effects, Stroud District Council considers that the NDP is unlikely to have any significant effects on the environment. Therefore, the Council determines that Strategic Environmental Assessment of the Cam Neighbourhood Development Plan is not required.

As required by Regulation 9(2)(a) of the Environmental Assessment of Plans and Programmes Regulations 2004 the Council's screening opinion was sent to Historic England, Natural England and the Environment Agency, to arrive at a determination in consultation with the statutory consultees.

SEA Screening Opinion – Statutory Consultees

All three statutory consultees agreed with Stroud District Council's screening opinion, that the Cam Neighbourhood Development Plan was unlikely to give rise to significant environmental effects and therefore would not require Strategic Environmental Assessment.

The response of Historic England, Natural England and the Environment Agency can be viewed in **appendix 2**.

Habitat Regulation Assessment Screening Opinion – Stroud District Council

Stroud District Council has also used the analysis of likely significant effects to consider whether the NDP would be likely to give rise to significant environmental effects on European Designated Sites. Following this analysis, Stroud District Council considers that the NDP is unlikely to have any significant effects on European Designated Sites and can therefore be screened out from any requirement for further assessment under the Habitat Regulations.

Habitat Regulation Assessment Screening Opinion – Natural England

Natural England utilised the information within the analysis of likely significant effects to also determine that the NDP would be unlikely to give rise to significant environmental effects on European Designated Sites.

Natural England's determination is also available to view in **Appendix 2**.

Determination

The Cam Neighbourhood Development Plan is unlikely to give rise to significant environmental effects which would require Strategic Environmental Assessment, or have significant effects on European Designated Sites that would require consideration under the Habitats Directive. This determination has been arrived at in agreement with relevant statutory consultees.

For the purpose of demonstrating that the NDP is unlikely to have significant effects on the environment; as required by regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended by the Neighbourhood Planning (General) (Amendment) Regulations 2015), pages 3 to 29 of this document could be considered to form the statement of reasons.

Yours Faithfully



Barry Wyatt

Strategic Head (Development Services)

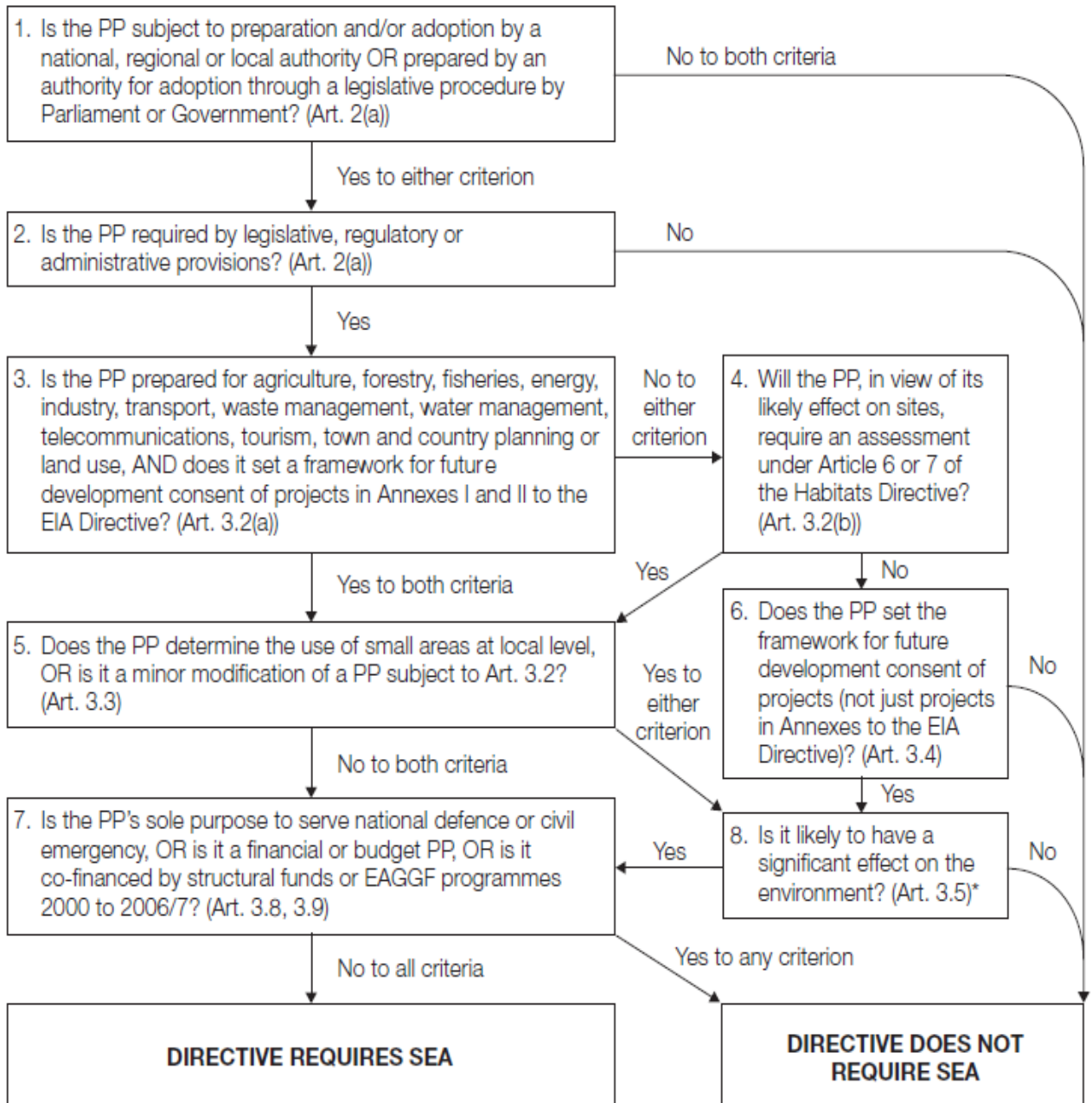
Stroud District Council

REASONS FOR DECISION

Extract from 'A Practical Guide to the Strategic Environmental Assessment Directive', DCLG 2005:

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

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



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

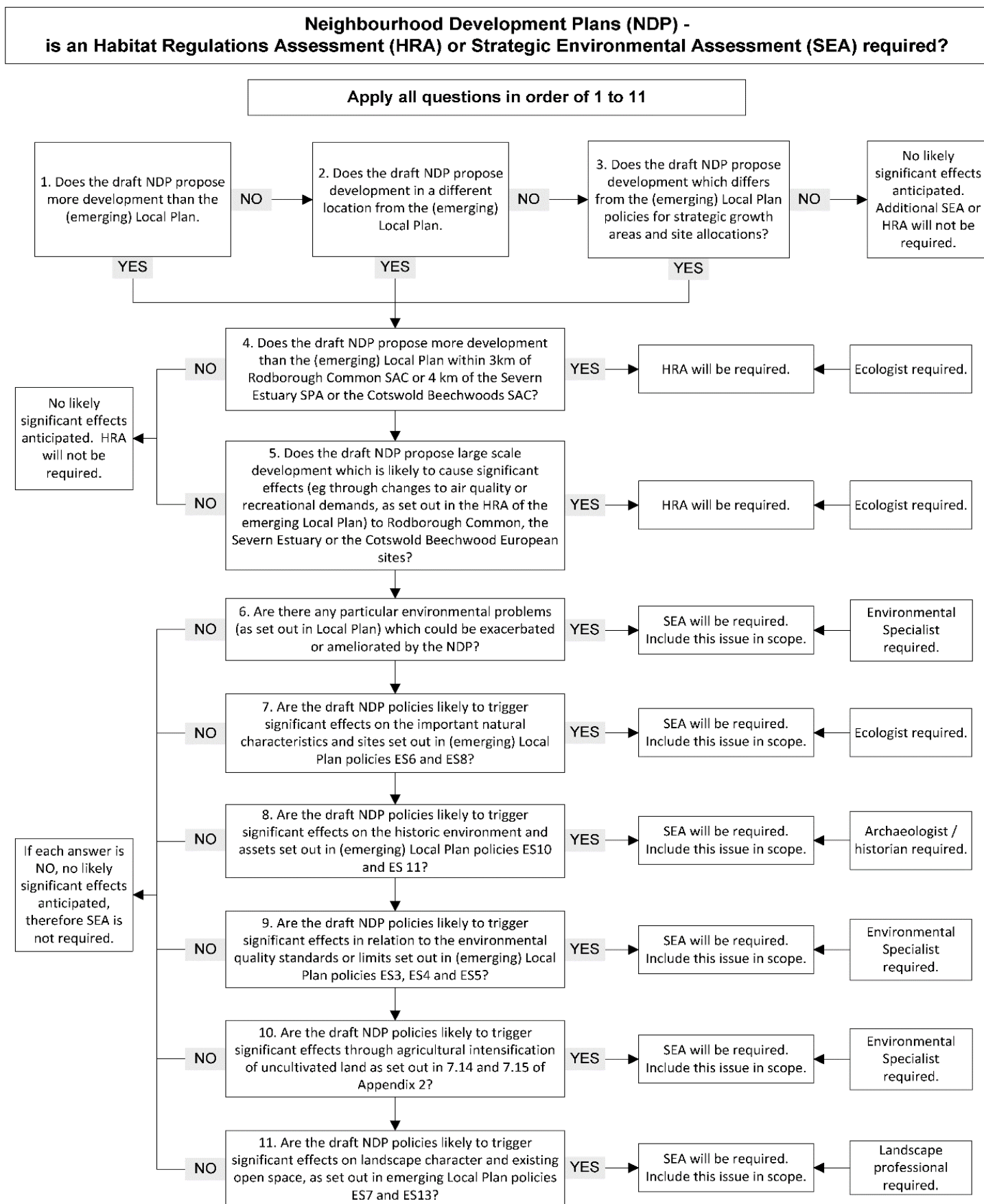
APPLICATION OF SEA DIRECTIVE AS SHOWN ABOVE

	Question	Response
1	Is the plan 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?	YES. The preparation of the Cam NDP is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. The NDP will be “made” (adopted) by Stroud District Council once it has passed through the formal stages of its preparation under the Neighbourhood Planning (General) Regulations 2012 (As Amended). Go to stage 2
2	Is it required by legislative, regulatory or administrative provisions?	NO. There is no legal, regulatory or administrative requirement to produce a neighbourhood plan. The preparation of a NDP is an option for communities under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. However, If the NDP passes all the stages required under the Neighbourhood Planning (General) Regulations 2012, it will be “made” by the District Council and will become part of the development plan for the District. It therefore important that the screening process considers whether it is likely to have significant environmental effects and hence whether SEA is required. Go to Stage 3
3	Is it 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?	YES. The NDP is being prepared for town and country planning purposes. The plan sits within a wider framework, set by National Planning Policy Framework and the Stroud District Local Plan. The framework set by this draft NDP is for localised projects and activities, with limited effects and resource implications. Go to stage 5
4	In view of its likely effect on sites, will it require an assessment under Article 6 or 7 of the Habitats Directive?	NO. See Table 1 Go to stage 6
5	Does it determine the use of small areas at local level, OR is it a minor modification of a plan?	YES. The NDP will guide the determination of planning applications relating to the use of land within the neighbourhood area boundary. Go to stage 8

6	Does it set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)?	YES. The NDP will be used to determine future planning applications. Go to stage 8
7	Is its sole purpose to serve national defence or civil emergency, OR is it a financial or budget plan, OR is it co-financed by structural funds or EARDF programmes?	NO. The NDP does not relate to defence, civil emergency or financial planning. Nor is its purpose to secure European funds. Go to stage 8
8	Is it likely to have a significant effect on the environment?	NO. The framework set by this NDP is for localised projects and activities, with limited effects and resource implications. The likely significance of effects is explored further in appendix 1.

ASSESSMENT

The diagram below was designed to assist the consideration of whether an emerging NDP requires Strategic Environmental Assessment under the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regs) and/or Habitats Regulations Assessment under the Conservation of Habitats and Species Regulations 2010 (the HRA Regs):



The table below contains the assessment of whether the Cam NPD will require a full SEA/HRA. The questions below are drawn from the diagram above:

Table 1	
Question	Response
1. Does the Draft NDP propose more development than the Stroud District Local Plan (SDLP)?	NO The NDP does not allocate sites or propose development in any particular location. As such, no likely significant effects are anticipated.
2. Does the NDP propose development in a different location from the SDLP?	NO. The NDP recognises the role of the Parish in providing Strategic sites for the emerging SDLP but does not specify additional locations. As such no likely significant effects are anticipated.
3. Does the NDP propose development which differs from the SDLP policies for strategic growth areas and site allocations?	NO. See 1 and 2. No likely significant effects are anticipated.
4. Does the NDP propose more development than the SDLP within 3km of Rodborough Common SAC, 4km of the Cotswold Beechwoods SAC, or within the proposed 7.7km catchment zone of the Severn Estuary SPA?	NO See 1 and 2. No likely significant effects are anticipated.
5. Does the NDP propose large scale development which is likely to cause significant effects (e.g. through changes to air quality or recreational demands, as set out in the HRA of the SDLP) to Rodborough Common, the Severn Estuary or the Cotswold Beechwood European sites?	NO See 1 and 2. No likely significant effects are anticipated.
6. Are there any particular environmental problems (as set out in the SDLP) which could be significantly exacerbated or ameliorated by the NDP?	NO The SDLP identifies the following environmental issues for the Cam and Dursley strategic growth area which are relevant to the Parish of Cam: • Maintaining and improving the sustainability of our villages • Improving the vitality and viability of our

	town centres • Conserving and enhancing Stroud District's countryside and biodiversity • Minimising waste generation and increasing recycling The NDP sets out the following objectives under Environment and Sustainability: • Protect the landscape setting of Cam Parish, in particular the setting of the Cotswold Area of Outstanding Natural Beauty, in particular Cam Peak, Longdown and Cam Woods on Stinchcombe Hill. • Protect, improve and extend the Green Infrastructure network across the Parish, ensuring a functional and well connected resource that contributes to a high quality environment for people and wildlife. • Encourage sustainable design and construction within the Parish • To maintain the distinctive views and visual connectivity with the surrounding countryside from public places within the parish The SDLP provides an appropriate policy mechanism that allows the pursuit of the above objectives whilst avoiding any significant impact. Therefore, no likely significant effects are anticipated.
7. Are the draft NDP policies likely to trigger significant effects on the important natural characteristics and sites set out in the SDLP policies ES6, ES7 and ES8?	NO The identified important natural characteristics are: ❖ Policy ES6 - Providing for biodiversity and geodiversity ▪ Agricultural Land Classification (Provisional) – The NDP area falls mostly within category 3 with pockets of category 2 and 4. ▪ Key Wildlife Sites - Within & nearby: ▪ Cam Peak and Long Down KWS – Semi-natural grassland unimproved calcareous ▪ Sheep Path, Westfield and Bownace Woods KWS - Ancient semi-natural broad-leaved woodland site larger than 2 ha ❖ Policy ES7 – Landscape Character ▪ A portion of the Parish to the east around Cam Long Down, and an area to the west towards

	Stinchcombe Hill are within the Cotswold Area of Outstanding Natural Beauty (AONB). - Section B of the Stroud Landscape Assessment identifies the landscape character type of the NDP area as: <i>Escarpment foot slopes</i> – covering the majority of the NDP Area. <i>Escarpment</i> – around Cam Long Down and Stinchcombe Hill - Small pockets of: <i>Secluded Valley, Wooded Lowlands, and Lowland Plain.</i> ❖ Policy ES8 - Trees, hedgerows and woodlands - The NDP area contains Ancient Woodlands and a number of individual trees protected by Tree Preservation Orders. The NDP does not make any site specific allocations or identify any quantum outputs. The SDLP provides the appropriate policy mechanism to avoid any significant effects on the important natural characteristics and sites set out in SDLP policies ES6, ES7 and ES8. Therefore, no likely significant effects are anticipated.
8. Are the draft NDP policies likely to trigger significant effects on the historic environment and assets set out in the SDLP policies ES10 and ES11?	NO. The NDP does not make any site specific allocations or identify any quantum outputs. Policies ES10 and ES11 of the SDLP provide an appropriate framework for the assessment and evaluation of potential development in advance of the determination of planning applications. Therefore, no likely significant effects are anticipated.
9. Are the draft NDP policies likely to trigger significant affects in relation to the environmental quality standards or limits set out in the SDLP policies ES3, ES4 and ES5?	NO. The environmental quality standards or limits identified by the SDLP are: - Noise, general disturbance, smell, fumes, loss of daylight or sunlight, loss of privacy or an overbearing effect - Environmental pollution to water, land or air and an unacceptable risk to the quality and

	quantity of a water body or water bodies • Noise sensitive development in locations where it would be subject to unacceptable noise levels • Increased risk of flooding on or off the site, and no inclusion of measures to reduce the causes and impacts of flooding • A detrimental impact on highway safety • An adverse effect on contaminated land where there is a risk to human health or the environment. • Water resources, quality and flood risk • Air Quality A narrow strip of the NDP area, through which the River Cam runs, is located within Flood Zones 2 and 3. Potential development within the NDP area could bring positive and/or negative effects in relation to the environmental quality standards or limits identified by the SDLP. However, since the NDP is void of firm site-specific allocation policies where physical change is advocated and quantum outputs identified, it is considered that Policies ES3, ES4 and ES5 provide the appropriate policy mechanism to avoid any significant environmental impact to living conditions. Therefore, no likely significant effects are anticipated.
10. Are the draft NDP policies likely to trigger significant effects through agricultural intensification of uncultivated land as set out in 7.14 and 7.15 of appendix 2 of Environmental Impact Assessment (Agriculture) (England) Regulations 2006?	NO. The NDP does not have policies promoting the agricultural intensification of uncultivated land as set 7.14 and 7.15 of appendix 2 of the Environmental Impact Assessment (Agriculture) (England) Regulations 2006 Therefore, no likely significant effects are anticipated.
11. Are the draft NDP policies likely to trigger significant effects on landscape character and existing open space, as set out in the SDLP policies ES7, ES13 and ES15?	NO. ❖ Policy ES7 – Landscape Character ▪ A portion of the Parish to the east around Cam Long Down, and an area to the west towards Stinchcombe Hill are within the Cotswold Area of Outstanding Natural Beauty (AONB). ▪ Section B of the Stroud Landscape Assessment identifies the landscape character type of the NDP area as:

	▪ <i>Escarpment foot slopes</i> – covering the majority of the NDP Area. ▪ <i>Escarpment</i> – around Cam Long Down and Stinchcombe Hill ▪ Small pockets of: <i>Secluded Valley, Wooded Lowlands, and Lowland Plain.</i> The NDP does not make any site specific allocations or identify any quantum outputs. Policy CAM02 of the draft NDP looks to protect the setting of the AONB, while CAM03 covers more general landscape and visual impacts. Policy ES7 of the SDLP puts in place an appropriate policy mechanism to guide the assessment of potential future development and ensure that significant effect on the wider landscape character is avoided. Therefore, no likely significant effects are anticipated.
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APPENDIX 1

LIKELY SIGNIFICANCE OF EFFECTS ON THE ENVIRONMENT

SEA DIRECTIVE CRITERIA FOR DETERMINING THE LIKELY SIGNIFICANCE OF EFFECTS	RESPONSE IN RELATION TO: NDP	LIKELY SIGNIFICANT ENVIRONMENTAL EFFECT?
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 Cam NDP would, if adopted, form part of the Statutory Development Plan. As a result the document would contribute to the framework for future development consents of projects. However, this neighbourhood plan sits within a wider framework, set by National Planning Policy Framework and Stroud District Council Local Plan documents, the adopted Stroud District Local Plan 2005 and Stroud District Local Plan (SDLP). Therefore, the framework that is set by the NDP is for localised projects and activities, with limited effects and resource implications.	There will be no likely significant positive or negative environmental effect
The degree to which the plan or programme influences other plans and programmes including those in the hierarchy.	The NDP adds local level detail to assist in determining planning applications within the neighbourhood area boundary and does not influence higher level plans. The plan will become a material consideration in the determination of applications for planning permission. The policies within the NDP are considered to be in conformity with the wider framework and strategic direction of the SDLP. The SDLP has been subject to a full Sustainability Appraisal incorporating a Strategic Environmental Assessment.	There will be no likely significant positive or negative environmental effect
The relevance of the plan or programme for the integration of environmental consideration in particular with a view to promoting sustainable	The NDP sets out local level policies, which are in general conformity with the SDLP. SDLP policies have been subjected to a Sustainability Appraisal incorporating a Strategic Environmental Assessment.	There will be no likely significant positive or negative environmental effect

development		
Environmental problems relevant to the plan or programme	Please refer to question 6 of table 1	There will be no likely significant positive or negative environmental effect
The relevance of the plan or programme for the implementation of community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).	The plan is not considered to be directly responsible or related to implementing community legislation on the environment. The SDLP working with the relevant statutory agents provide the appropriate framework to avoid significant harmful effects.	There will be no likely significant positive or negative environmental effect
The probability, duration, frequency and reversibility of the effects	The NDP is void of site-specific allocation policies where physical change is advocated and quantum outputs identified	There will be no likely significant positive or negative environmental effect
The cumulative nature of the effects	The NDP is void of firm site-specific allocation policies where physical change is advocated and quantum outputs identified The SDLP working with the relevant statutory agents provide the appropriate framework to avoid significant harmful effects. Due to its scope and coverage, the plan is not considered to create any cumulative effects of significance.	There will be no likely significant positive or negative environmental effect
The trans boundary nature of the effects	The following are wholly or partly within the NDP area: • Stinchcombe Hill SSSI • Box Farm Meadows SSSI The NDP area is approximately: • 0.4km away from Coaley Wood Quarries SSSI • 2.0 km from Nibley Knoll SSSI • 2.0 km from Woodchester Park SSSI • 6km from Upper Severn Estuary –SAC/SPA/RAMSAR Development within the NDP area could increase visitor pressure on the above sites leading to potential habitat	There will be no likely significant positive or negative environmental effect

	degradation. However, the NDP does not make any - specific allocation or identify any quantum outputs. Potential growth within the NDP area could, if necessary, be accommodated by using policy ES6 of the SDLP. Therefore, the NDP is not considered to create significant trans-boundary issues.	
The risks to human health or the environment (e.g. due to accidents)	The NDP is not considered to create significant risks to human health or the environment. The NDP encourages the use of best environmental standards and mitigation measures where possible and appropriate. The SDLP provides an appropriate framework to avoid significant harmful effects.	There will be no likely significant positive or negative environmental effect
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	The NDP relates to the Parish of Cam. It covers an area of 1181 hectares with a population of 8458 (source: Mid-Year Estimates (ONS) 2016). Effects arising from the NDP policies are considered to have very localised effects such as on immediately adjacent buildings, building users or localised areas within the Cam neighbourhood. The magnitude and spatial extent of any potential effects are very limited and not considered to be of significance to warrant Strategic Environmental Assessment.	There will be no likely significant positive or negative environmental effect
The value and vulnerability of the area likely to be affected due to: Special natural characteristics or cultural heritage; Exceeded environmental quality standards or limit values; Intensive land	Please refer to assessment in table 1	There will be no likely significant positive or negative environmental effect

uses. And; The effects on areas or landscapes, which have a recognised national, Community or international protection status.		
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APPENDIX 2 RESPONSE FROM STATUTORY CONSULTTEES

HISTORIC ENGLAND

From: [REDACTED]@HistoricEngland.org.uk]
Sent: 02 September 2019 13:09
To: Maher, Simon
Subject: Stroud District Council SEA/HRA Screening Opinion - Cam NDP

Dear Simon

Thank you for your consultation on the SEA Screening Opinion for the emerging Cam Neighbourhood Plan.
I can confirm that we have no objection to the view that a full SEA is not required.

Kind regards

[REDACTED]

[REDACTED] | Historic Places Adviser South West
[REDACTED]
Historic England | 29 Queen Square | Bristol | BS1 4ND
<https://historicengland.org.uk/southwest>

ENVIRONMENT AGENCY

From: [REDACTED]@environment-agency.gov.uk]
Sent: 06 November 2019 11:13
To: Maher, Simon
Subject: RE: NDP SEA screening opinions

Hi Simon,

Thank you for your emails with regards the SEA Screening Opinions for the Cam and Horsley Neighbourhood Development Plans. I would offer the following comments in respect of both screening opinions:

The European Union directive 200142/EC requires a SEA to be undertaken for certain types of plans and programmes that would have 'significant' environmental effect(s). Furthermore paragraph: 046 in the Flood Risk and Coastal Change section of the National Planning Practice Guidance (NPPG) (Reference ID: 11-046-20150209) states "*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*".

To assist your Council's determination of the SEA Screening opinions, on the basis that neither Plan is proposing to allocate sites for development and in consideration of the matters within our remit, the Neighbourhood Plans are considered unlikely to have significant environmental impacts.

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

I trust that the above is of use to you at this time.

Many thanks,

██████████

██████████ **BSc (Hons), MSc, MRTPI**
Planning Advisor - Sustainable Places Team
Shropshire, Herefordshire, Worcestershire and Gloucestershire
Environment Agency – West Midlands Area

NATURAL ENGLAND

Date: 12 August 2019
Our ref: 291320
Your ref: Cam Neighbourhood Plan

Simon Maher
Stroud District Council
planning@stroud.gov.uk

BY EMAIL ONLY



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

T 0300 060 3900

Dear Mr Maher

Cam Neighbourhood Development Plan – SEA and HRA Screening Report Consultation Draft

Thank you for your consultation on the above dated 27 July 2019 which was received by Natural England on 27 July 2019

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 Cam 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.

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

Yours sincerely



Consultations Team

Appendix 3

Explanatory Memorandum to

THE ENVIRONMENTAL IMPACT ASSESSMENT (AGRICULTURE) (ENGLAND) REGULATIONS 2006

App 2
7.14 +
7.15

EXPLANATORY MEMORANDUM TO

THE ENVIRONMENTAL IMPACT ASSESSMENT
(AGRICULTURE) (ENGLAND) REGULATIONS 2006

2006 No. 2362

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.
 - 1.1 This memorandum contains information for the Joint Committee on Statutory Instruments.
2. **Description**
 - 2.1 The Regulations implement the EIA Directive and the Habitats Directive in that they—
 - replace the existing EIA Regulations applying to projects for the use of uncultivated land and semi-natural areas for intensive agricultural purposes; and
 - introduce new rules applying to projects for the restructuring of rural land holdings.
 - 2.2 The Regulations require an assessment of whether such projects, above certain thresholds, are likely to have significant effects on the environment. If so, an environmental impact assessment and public consultation must take place before a final consent decision is made.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 Regulation 38 revokes the Environmental Impact Assessment (Uncultivated Land and Semi-Natural Areas) (England) Regulations 2001 (S.I. 2001/3966, amended by S.I. 2005/1430), which were reported for defective drafting by the Joint Committee in its 17th Report of the 2001–2002 Session.
4. **Legislative Background**
 - 4.1 The Regulations transpose Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (as amended by Council Directive 97/11/EC and Directive 2003/35/EC) (“the EIA Directive”).
 - 4.2 They also transpose Council Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna (as last amended by the Act of Accession of the new Member States) (“the Habitats Directive”) to the extent that the projects

under consideration might have a significant effect on sites designated under that Directive.

- 4.3 The EIA Directive is implemented in the UK through a range of legislation dealing with land-use matters, including legislation relating to town and country planning, transport, afforestation and deforestation, land drainage and water management projects. The Habitats Directive is primarily implemented by the Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716, as amended).
- 4.4 These Regulations implement the EIA Directive in respect of the projects listed in Annex II (I)(a) and (b)—
- projects for the restructuring of rural land holdings ("restructuring projects"); and
 - projects for the use of uncultivated land and semi-natural areas for intensive agricultural purposes ("uncultivated land projects").
- 4.5 Regulations in relation to uncultivated land projects were brought into force in England in February 2002 (see S.I. 2001/3966, amended by S.I. 2005/1430) ("the 2001 Regulations"). Similar Regulations were brought into force in Scotland, Wales and Northern Ireland at around the same time.
- 4.6 The 2001 Regulations were amended in 2005 to reflect the changes to the EIA Directive made by Directive 2003/35/EC on public participation.
- 4.7 These Regulations stem from a review of the 2001 Regulations (as amended), the need to legislate in respect of restructuring projects, and a public consultation on those issues. They revoke the 2001 Regulations.
- 4.8 A Transposition Note for the Regulations is attached at Annex 1.

5. Extent

- 5.1 These Regulations apply to England only. The Devolved Administrations are responsible for implementing the EIA Directive in their respective territories.

6. European Convention on Human Rights

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- 7.1 The purpose of the EIA Directive is to ensure that the environmental effects of a very broad range of development projects are considered before the projects are allowed to go ahead, and ensures that the consent procedure is open to public participation.

- 7.2 The Regulations are necessary because the town and country planning system does not consider any change in the use of land to agricultural use. Thus some projects were not subject to the assessment process required by the EIA Directive under its original transposition. The European Commission brought this point to the attention of the UK authorities in the late 1990s in relation to uncultivated land projects, and the 2001 Regulations were brought in to remedy the position.
- 7.3 The 2001 Regulations were prayed against and debated in the House of Commons in 2002 (see Hansard, House of Commons Debates, Volume 379, columns 482–503). During the debate, the Minister (Elliott Morley) made a commitment to review those Regulations once they had bedded-in.
- 7.4 The review was delayed until the outcomes of the reform to the common agricultural policy in 2003 and 2004 became clearer. The European Commission also made further representations in 2003 on the lack of legislation in respect of restructuring projects.

Consultation

- 7.5 The 2005 review of the 2001 Regulations recognised the need to bring in appropriate legislation on restructuring projects. After the review was completed, Defra engaged in a consultation with the public, industry and stakeholders on the policy in the Regulations. This includes a public consultation which was launched in August 2005. A copy can be found on Defra's website at this address—

<http://www.defra.gov.uk/farm/environment/land-use/eia>.

- 7.6 A summary of the responses to the consultation can be found on the same page.

The effect of the Regulations

- 7.7 The 2001 Regulations met one of the Department's objectives of protecting the countryside and natural resources. They were an effective partner to the more targeted regimes protecting sites of special scientific interest and specific species of animals and plants. The new Regulations are intended to continue to protect important natural resources and features of the landscape while meeting the Department's aims of reducing administrative burdens on farmers and producing better regulation.
- 7.8 The Regulations are similar in effect to the 2001 Regulations, which farmers and land managers are familiar with. But the following changes (some of which are outlined in more detail below) are significant—
- Natural England is the new regulator
 - restructuring projects are now part of the regime
 - the meaning of “uncultivated land” has been clarified
 - the meaning of “for intensive agricultural purposes” has been clarified

- projects only require assessment if they are above certain size thresholds ...
 - ... unless the use of thresholds has been removed by a "screening notice" applying to an area of land
 - "reinstatement notices" are now "remediation notices"
 - powers to issue stop notices have been re-drawn
 - appeals against decisions and notices lie to the Secretary of State
 - prosecutions can now be brought within six months of the discovery (instead of the commission) of an offence, as long as they are brought within 2 years
 - in prosecutions, there is a presumption that land is "uncultivated land" unless the defendant raises an issue that land is not uncultivated land, in which case the prosecution must prove that the land is uncultivated land beyond reasonable doubt
 - the Single Payment Scheme's cross-compliance rules are updated to reflect the changes.
- 7.9 In essence, the Regulations contain a two-stage consent process. First, if a farmer or land manager wishes to carry out a project of a scale equal to or above the threshold, he must apply to Natural England for a screening decision. Natural England will decide whether the project is likely to have significant effects on the environment. If the project is not likely to have significant effects, it can go ahead.
- 7.10 Secondly, if a project is likely to have significant effects on the environment, the applicant must submit an environmental statement assessing the effects of the project on the environment and the application must be subject to public consultation (which, if necessary, must extend to other EEA States). Following the consultation there is a final consent decision.

Further details of some changes

- 7.11 Natural England, the new agency comprising English Nature, the Countryside Agency and Defra's Rural Development Service ("RDS"), will be the regulator. Natural England will take over the role of administering the regime from RDS, which administered the 2001 Regulations.
- 7.12 Restructuring projects are a new aspect of the regime. The Department takes the view that restructuring projects include physical operations which give a significantly different physical structure to the arrangement of one or more agricultural land holding, and include—
- the removal or addition of substantial lengths of field boundaries such as hedges, hedge-banks, walls, fences, and ditches; and
 - the re-contouring of rural land, for instance by moving large quantities of earth and rock.
- 7.13 The Regulations avoid overlap with similar regulatory regimes by specifically excluding work which is covered by other regimes: forestry projects,

development under the planning system, land drainage and water management projects, removal of hedgerows and work on common land.

7.14 Uncultivated land projects are subject to two clarifications—

- The definition of “uncultivated land” has been changed to mean land which has not been cultivated in the last 15 years, in order to make the Regulations easier to understand and apply; this is intended to reduce the number of wasted applications. Cultivation operations include any agricultural activity which physically affects the land, such as ploughing, harrowing, slot seeding, adding chemical fertilisers and adding slurry or manure. Cultivation does not include operations such as cutting grass, which does not affect the land itself.
- The meaning of “for intensive agricultural purposes” is given as “to increase the productivity for agriculture”. This is wider than the interpretation given to the phrase “for intensive agricultural purposes” in the case of Alford v. Defra [2005] EWHC 808 (Admin), which did not enable the UK to meet the aims of the EIA Directive.

7.15 The introduction of thresholds before projects are caught by the Regulations reduces the administrative burden imposed on land managers. Many projects which were formerly subject to the regime were found to be unlikely to have significant effects on the environment, and those projects should be excluded by the thresholds. The introduction of thresholds also bring the Regulations into line with other EIA regimes in the UK. The following thresholds apply—

- | | |
|---|-----------------------------|
| • uncultivated land project | 2 (2) hectares |
| • restructuring affecting an area of land | 100 (50) hectares |
| • restructuring affecting boundaries | 4 (2) kilometres |
| • restructuring involving a volume of earth | 10,000 (5,000) cubic metres |

(The figures in brackets apply in sensitive areas: National Parks, areas of outstanding natural beauty, the Broads, scheduled monuments)

7.16 Natural England may use screening notices to remove the application of thresholds from relatively modest areas of land: 20 hectares for uncultivated land projects, 150 hectares for restructuring projects. This enables the UK to meet the requirement of the EIA Directive to avoid cumulative significant effects on the environment caused by several projects and to ensure that smaller projects which are still likely to have significant effects are caught. Screening notices can only be applied in limited circumstances, requiring an assessment of the facts and risks in each case.

7.17 The extension of the time limit for prosecutions reflects the difficulty in discovering breaches of the Regulations and the need to gather expert evidence before bringing charges. Such an extension is now normal for environmental offences. The reversed burden of proof on the question of whether land is uncultivated land has been introduced because question usually turns on facts known to the land manager, who will be in the best position to raise an issue that the land is in fact uncultivated land.

Cross Compliance

- 7.18 Farmers in the Single Payment Scheme are required to comply with certain aspects of the Regulations as part of 'cross compliance'. Under that scheme, the payment of a full farm subsidy is dependent on adherence to certain laws and rules – the cross compliance conditions. Compliance with the 2001 Regulations was part of GAEC 5 (Good Agricultural and Environmental Condition 5) in the cross compliance handbook. A breach of the 2006 Regulations by beginning or carrying out an uncultivated land project, or by breaching a stop or remediation notice, could mean that the farmer's payments are reduced or withheld. But a person who begins or carries out a restructuring project will not be in breach of cross compliance (for the time being). The Regulations amend the relevant Regulations to make appropriate changes – essentially, the cross compliance condition is unchanged (but takes on board the introduction of thresholds, etc).

Guidance

- 7.19 Farmers and land managers will be provided with a summary of the effect of the rules and full guidance will be available to farmers wishing to make applications under the Regulations. Farmers will also be given guidance on the effects of the changes to cross compliance.

8. Impact

- 8.1 A Regulatory Impact Assessment has been prepared for this instrument and is attached at Annex 2.
- 8.2 Copies of the RIA are available from: Environmental Land Management Division, Defra, Ergon House (Area 5B), Horseferry Road, London SW1P 2AL (or from <http://www.defra.gov.uk/farm/environment/land-use/cia>).

9. Contact

- 9.1 Tom Coles (Environmental Land Management Division, Defra, Ergon House (Area 5B), Horseferry Road, London SW1P 2AL) with any queries regarding the instrument. Tel: 020 7238 5484 or e-mail: tom.coles@defra.gsi.gov.uk.



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