

Stroud Local Plan Examination

Written Statement on behalf of Slimbridge Parish Council

Matter 1 Compliance with statutory procedures and legal matters

Response to Questions 2 to 7

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Response to Matter 1 Compliance with statutory procedures and legal matters

Issue 1.2 – Has the Plan been prepared in accordance with other legal and procedural requirements?

Sustainability appraisal (SA)

- 2. Paragraph 32 of the National Planning Policy Framework (the Framework) indicates that local plans should be informed throughout their preparation by a SA that meets the relevant legal requirements.**
 - a. Has the SA methodology been robust? Are the key sustainability issues identified comprehensive and are they suitably reflected in the SA objectives and sub-objectives?**

1. An SA has been undertaken alongside the Local Plan Review preparation and SA outputs published at the following stages: scoping, emerging strategy, site options, draft plan, additional housing options and the Pre-submission Draft Local Plan.
2. We do not consider the SA methodology to be robust for the following reasons.

Description of effects

3. Schedule 2 of the SEA Regulations requires the environmental report to present the likely significant effects on the environment including short, medium and long-term effects, permanent and temporary effects, positive and negative effects, and secondary, cumulative and synergistic effects. This information is lacking in the SA1 and it is therefore not compliant with Schedule 2 of the SEA Regulations in this respect.
4. Assumptions used in the assessment of sites set out within Appendix 4 of **CD3 SA Report** (LUC, May 2021) provide information on what is considered a significant effect

¹ Sustainability Appraisal Report for the Stroud District Local Plan Review – Pre-submission Draft Local Plan (LUC, May 2021)

based on distances thresholds, whether a potential development site is within a sensitive area and whether an asset / feature could be lost, but there are omissions relating to whether effects are permanent or temporary, short, long or medium term and how these are defined. In addition, there are no justifications for the threshold distances on which the significance of effects are based e.g. a minor negative effect (-?) is predicted if a residential site is within 500m of the Cotswolds Area of Outstanding Natural Beauty (AONB).

5. Potential cumulative effects of Strategic Site Allocation Policy PS37 Wisloe new settlement (hitherto referred to as PS37) have not been fully identified and considered in the SA. Table 6.1 in **CD3** SA Report (LUC, May 2021) presents the potential cumulative of the Local Plan (including policies and sites). The potential cumulative effects of PS37 are shown as symbols and they are identical to the effects of PS37 presented in Table 5.4 and **CD3b** Appendix 7 (in the un-numbered table for Site PS37). This should not be the case as cumulative effects will differ from effects of the site when considered alone. No discussion is provided on the potential cumulative effects of site PS37 with relation to the settlements of Slimbridge, Cambridge, Gossington and Cam.

Scope of the SA

6. The SA has not assessed Policy PS37 Wisloe new settlement according to the scope of the SA that has been agreed with consultees (SEA Regulations 12(5)).
7. The scope of the SA has altered as the plan length was changed from an end date of 2036 (**EB75** SA Scoping Report (LUC, April 2018)) to an end date of 2040. The effect that this change in scope of the plan could have on the potential sustainability effects on the plan area has not been assessed.
8. Noise is not an issue specified within the SEA Regulations, however, it is included within the agreed scope of the SA within the SA Framework (**CD3** SA Report (LUC, May 2021) Table 2.2) under SA objective 5, sub-objective SA 5.1: “Does the Plan help to improve residential amenity (including potential to reduce light, smell and noise pollution) and sense of place?”. It should therefore be considered within the assessments of the potential development sites, however, it is not addressed within

the assessment of any sites, including PS37. A noise assessment² has been undertaken on behalf of the proponents of PS37 which reports that noise levels from existing sources on the site (roads, rail and a commercial use) are considered to be high and will require mitigation. Although it may be possible to mitigate the current sources of noise on the site, it is not clear what level of mitigation would be required. In **CD3b** Appendix 7 of the SA Report (LUC, May 2021) the assessment against SA objective 5 predicts a significant positive effect will be achieved for PS37 but there is no mention of noise or mitigation required to achieve such an effect.

9. The SA has also not addressed potential effects on existing settlements and communities within the assessment of PS37 in the SA (SA objective 5, sub-objective SA 5.3: “Does the Plan safeguard and enhance the identity of the District’s existing communities and settlements?”). The assessment of PS37 refers to landscape sensitivity evidence which identifies the area as having medium sensitivity to accommodate a small village (1,500 to 5,000 dwellings). There is no mention of potential effects on existing communities and settlements however.

Use of current knowledge

10. The SEA Regulations require the information presented within the environmental report to take account of current knowledge and methods of assessment (Regulation 12(3)). Up to date evidence has not been taken into account within the assessment of Policy PS37 and it is therefore not compliant with Regulation 12(3).
11. A review of the assessments of PS37 presented in **CD3** SA Report (LUC, May 2021) has been undertaken using the data sources identified in Appendix 21 (Challenge 6 – Inaccuracy in the SA and Use of Current Knowledge) in Slimbridge Parish Council’s Regulation 19 representations (see pages 578-579).
12. The review has identified that for 8 of the SA objectives there is more recent relevant information available and therefore current knowledge was not used to inform the assessment (SA objectives 2, 5, 7, 8, 9, 10, 12, 13).

² Acoustic Consultants Ltd (ACL), October 2019

13. Policy PS37 has been reassessed using the evidence listed above and Table 1 presents the findings compared with the potential effects presented within **CD3** SA Report (LUC, May 2021). It is clear from Table 1 that using the current data makes a significant difference to the output of the assessment and the site performs less well than reported in the SA Report.

Table 1: Summary Performance of PS37 in Local Plan SA and Alternative Performance Using Current Knowledge and Addressing Inaccuracies

	SA1	SA2	SA3	SA4	SA5	SA6	SA7	SA8	SA9	SA10	SA11	SA12	SA13	SA14	SA15	SA16	SA17
PS37 in SA Report (May 2021) includes mitigation	++	++/-	0	0	++	++	-/+?	+/-?	+	++/--	+/--?	+/-	--	+	0	+	++
PS37 using current knowledge includes mitigation	++	--?	0	0	-?	++	--?	--	--?	-- CE*	+/--?	--? CE*	--	+	0	+	++

* CE = Potential cumulative effect

Carbon emissions mitigation

14. Local Plan Policy DCP1: Delivering Carbon Neutral by 2030 is being relied on as mitigation in **CD3** SA Report (LUC, May 2021) in Table 6.5. It is questioned whether this policy is deliverable. The reliance on the planting of trees to act as carbon sinks is unlikely to sequester enough carbon by 2030 due to the numbers of trees required and the maturity of the trees in 2030. The spatial strategy includes the development of greenfield land and is likely to increase traffic movements, both of which could increase carbon emissions and reduce sequestration within the district. The assessment of Policy DCP1 which identifies a potential significant positive effect against SA objective 14 (climate change) is therefore questioned and it is suggested it should identify uncertainty (Table 4.4).

3. Does the SA adequately consider the likely significant effects of reasonable alternatives where these exist, including in respect of the scale of housing and employment provision and the balance between them?

15. Reasonable alternatives have been assessed in the SA with respect to policy options (**CD3a** Appendix 2), housing, mixed, employment and greenspace sites (**CD3b** Appendix 5), additional housing sites and spatial strategy options (**CD3b** Appendix 8). **CD3b** Appendix 9 of the SA Report (CD3 LUC, May 2021) provides an audit trail of policy and site alternatives and the reasons why they have been selected or rejected.

16. However, it is difficult to locate information in **CD3** SA Report (LUC, May 2021) where options are compared, particularly in relation to the scale of housing and employment provision and the balance between them. For example, statements such as this for growth point option PGP1 are not evidenced with a comparison of sustainability performance of options:

"The site performs less well than alternative sites in terms of meeting sustainability appraisal objectives"

17. It is also not considered that all reasonable alternatives to the spatial strategy have been assessed. See question 6 for further details.

18. The SA also does not adequately consider the likely significant effects of reasonable alternatives, due to the errors in the methodology - see Question 2a above. Of specific

relevance are the omissions with relation to noise impacts, potential effects of the high-pressure gas pipeline on the site, potential cumulative effects with existing settlements and communities and the fact that there is more recent data available on which the assessment should be based.

19. For example, using current knowledge, the Policy PS37 Wisloe new settlement site does not perform as well as reported within the SA. When considering current information, the Policy PS37 Wisloe new settlement site does not present itself as a sustainable option for a growth point for the following reasons:
 - Potential to generate traffic and carbon emissions given its location adjacent to the M5 and distant from the major employment centres of Gloucester and Bristol;
 - Potentially undeliverable infrastructure to achieve a sustainable settlement and carbon neutral development;
 - Presence of a high pressure gas pipeline through the centre of the site requiring a wide easement or diversion of questionable deliverability (omitted from Policy PS37 requirements);
 - Existing sources of air and noise pollution which require significant mitigation to achieve an acceptable environment for new residents;
 - The presence of archaeological finds of unknown value;
 - The presence of a priority species and potentially providing a supporting function to the Severn Estuary SPA;
 - The loss of valuable and scarce BMV Grade 2 agricultural land (as now confirmed by the site promoters Regulation 19 evidence);
 - Risk of flooding; and
 - Risk of coalescence with existing settlements.
20. Furthermore, the cost of infrastructure may make the new settlement undeliverable. **CD3** SA Report (para 2.12) states that alternatives which are not deliverable are not considered reasonable alternatives and this could therefore apply to PS37.
21. Policy PS37 includes infrastructure and development requirements in addition to identified infrastructure in the **EB110** Infrastructure Delivery Plan (IDP) Addendum Report (August 2022) for this location.
22. Given the costs in the **EB110** IDP for Policy PS37 (and the Berkeley Cluster) and the need to incorporate a large easement or diversion for the gas pipeline on the site, it is not clear whether the development costs could be prohibitive and whether the site is deliverable and viable and therefore a reasonable alternative for allocation.

4. Has appropriate account been taken of the Cotswolds Area of Outstanding Natural Beauty (AONB) and other natural and historic environment designations within the appraisal and the alternatives assessed?

23. Proximity to the Cotswolds AONB and biodiversity and geodiversity sites has been considered (**CD3b** SA Report, LUC, May 2021, Appendices 3 and 7). However, how proximity to the AONB and other designations could result in effects is not specified. For example, Appendix 4 Table A4.1 identifies that residential sites within 500m of the AONB could have a minor negative (-?) effect. No reference or explanation for the 500m threshold is provided.
24. Policy PS37 includes mitigation against the identified impacts of development upon the Severn Estuary SAC/SPA/Ramsar site although the SA does not explain what the potential effects of development on this site could be on the Severn Estuary. It simply states that it is within 7.7km.
25. Sightings of Curlews have been registered on the PS37 site and on land adjacent to the A38 to the south west of the PS37 site. Curlew are classified in the UK as Red under the Birds of Conservation Concern 4: the Red List for Birds (2015), Priority Species under the UK Post-2010 Biodiversity Framework and listed as Near Threatened on the global IUCN Red List of Threatened Species. Curlew are identified as interest feature 7 of the Severn Estuary SPA as part of the internationally important assemblage of waterfowl, meaning that the open agricultural land of the PS37 site and surrounding area are both important for curlew and are providing a supporting habitat for the SPA. It should therefore be identified as functionally linked land to the SPA within the HRA of the Local Plan. It is currently not identified within the **EB85** HRA Report dated May 2021 .
26. PS37 borders the River Cam which is part of a Strategic Nature Area (SNA) to the north west³. There appears to have been no assessment of the potential effects on the River Cam from development at PS37 such as in relation to ground water,

³ Sustainability Appraisal Scoping Report for the Stroud District Local Plan Review (LUC April 2018) Paragraph 2.88 and Figure 3.3

disturbance or the proposed drainage solution. Potential negative effects on the River Cam could therefore affect the SNA.

27. The potential positive effect identified for PS37 against SA objective 7 assumes a net gain in biodiversity and avoidance of any potential negative effects on species, habitats and designated sites. It is considered premature to assume that a positive effect can be achieved without evidence of what habitats and species are present on the site. Until an ecological assessment including project level HRA is undertaken at PS37, a potential significant negative / uncertain effect should be identified in the SA with respect to SA objective 7.

5. Have unreasonable alternatives been appropriately considered and have adequate reasons been given as to why these have not been selected?

28. All alternatives identified in the SA have been assessed to the same level of detail as each other. Appendix 9 in **CD3** SA Report (LUC, May 2021) presents an audit of alternatives and the reasons why they have been selected or rejected. However, the basis for the identification of reasonable site alternatives includes whether the site conforms to the preferred spatial strategy. There is concern regarding this approach, as not all reasonable alternatives to the preferred spatial strategy have been assessed. See Question 6 for more details.
29. Two alternative growth points (PGP1 and PGP2) were assessed as part of spatial strategy options A-D for delivering additional housing growth in 2020 (**EB80**). This exercise should have also included assessment of the original spatial options 1-5 at higher levels of growth. Not all reasonable alternatives have therefore been assessed.

5. Is it clear how the SA has informed judgements about future growth within the Plan and the choice of spatial strategy? Does it support the spatial strategy or is there anything in the SA which indicates that changes should be made to the Plan?

30. The SA consultants recommended a hybrid spatial strategy⁴ option (Option 5) and continued to recommend it following the assessment of additional housing options because of the sustainability benefits that the option provides⁵. However, when the options 1-5 are compared in Table A8.1 (**CD3b** Appendix 8, SA Report, May 2021) Option 5 does not perform better than Option 1 when potential significant positive, negative and uncertain effects are considered. Therefore, it is not correct to recommend Option 5 as the chosen spatial strategy option when it does not perform as well as the alternative options. This draws into question whether rejecting sites on the basis that they do not conform to the chosen spatial strategy is an adequate justification in sustainability terms.
31. The way that the spatial strategy alternatives have been assessed and the relevant information presented⁶ does not include a comparison of how options A-D perform as compared with options 1-5. Therefore the SA has not been able to fully inform judgements about future growth and the choice of spatial strategy.
32. Furthermore, **CD3** SA Report (LUC, May 2021) does not present a comparison of the sustainability performance of the growth point sites considered. For example, it is difficult to find information to support the following reasoning for rejecting growth point PGP1 (WHI014/PGP1 Combined site WHI007 & WHI011)⁷:

⁴ Within the Emerging Strategy Paper SA Report para 4.33 (LUC, November 2018) and SA Findings for the Stroud Local Plan Review Additional Housing Options para 1.82 (LUC, October 2020).

⁵ Stroud Local Plan Review Additional Housing Options (LUC, October 2020, paragraph 1.82).

⁶ in the Sustainability Appraisal Findings for the Stroud Local Plan Review Additional Housing Options, LUC, October 2020.

⁷ Table A9.1 (SA Report, Appendix 9 (May 2021))

“The site performs less well than alternative sites in terms of meeting sustainability appraisal objectives and compatibility with the proposed development strategy.”

33. A ‘check’ that previously chosen options are still the most sustainable as the Local Plan has developed does not appear to have been undertaken and is missing from the SA narrative.

7. Overall, does the SA adequately assess the environmental, social and economic effects of the Plan in accordance with legal and national policy requirements?

34. The SA does not adequately assess the effects of the Local Plan in accordance with legal requirements. Evidence identifies that there are areas of non-compliance:
- Spatial options assessment did not include the assessment of all reasonable alternatives and the selection of the preferred spatial strategy option is not adequately justified – see Questions 5 and 6.
 - Description of the nature of effects is not included fully within the SA report – non-compliance with SEA Regulations Schedule 2 – see Question 2a.
 - The scope of the SA is not the scope as agreed with consultees – non-compliance with SEA Regulations 12(5) – see Question 2a.
 - Mitigation measures put forward are not sufficient as they do not address uncertain effects identified - non-compliance with SEA Regulations Schedule 2 - see Question 2a.
 - Inaccuracy in the SA and Use of Current Knowledge – non-compliance with SEA Regulations 12(3). The SA has not been based on current knowledge. Additional information sources are available and noise has not been considered. A more accurate SA of PS37 worsens the sustainability performance.
 - With the inclusion of Policy PS37 (see Question 5) the strategic policies do not make sufficient provision for the conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure. Reliance on Policy DCP1 for mitigation is inadequate (National Planning Policy Framework (NPPF), para 20.d) – see Question 2a).