

Matter 1 Compliance with statutory procedures and legal matters

Issue 1.1 – Has the Council met the statutory duty to cooperate as set out under Sections 20(5)c and 33A of the Planning and Compulsory Purchase Act 2004?

1. Has the Council submitted robust evidence to demonstrate that the duty to cooperate has been met? In particular:
 - a. Have all relevant strategic matters been identified and has the process for identification been robust? What actions have been taken to address these matters and are there any outstanding concerns?
 - b. Has the Council carried out effective engagement with neighbouring local authorities and other prescribed bodies on all relevant strategic matters and have all outcomes been adequately evidenced? Is there robust evidence to support the cooperation activities that have taken place?
 - c. Have any unmet needs been appropriately considered when preparing the Plan?

Introduction

- 1.1.1 At submission of the Stroud District Local Plan Review (SDLP) in October 2021, Stroud District Council (the Council) published a Duty to Cooperate Statement (the Statement) (Examination Library Document EB3).
- 1.1.2 The Statement sets out how the Council has addressed the legal duty to cooperate in the production of the Stroud Local Plan. It details how the Council has worked collaboratively with other bodies, including neighbouring local authorities and key organisations to address strategic issues and priorities. The statement demonstrates how the Council has fulfilled the duty by detailing the process of engagement and cooperation, the bodies involved and the outcomes of the process.
- 1.1.3 The Council, in consultation with prescribed bodies, is in the process of updating some of the Statements of Common Ground (SoCG) set out in the appendices to the Statement and will be publishing these by Tuesday 21 February 2023, in accordance with the requirements of the Inspector's Examination Guidance Note (December 2022) (ID-03).
- 1.1.4 Whilst in some cases there are detailed matters of soundness remaining to be resolved, each SoCG demonstrates to the satisfaction of the relevant prescribed body that the Council has met the legal duty to cooperate in the production of the SDLP.
 - a. Have all relevant strategic matters been identified and has the process for identification been robust? What actions have been taken to address these matters and are there any outstanding concerns?

- b. Has the Council carried out effective engagement with neighbouring local authorities and other prescribed bodies on all relevant strategic matters and have all outcomes been adequately evidenced? Is there robust evidence to support the cooperation activities that have taken place?

- 1.1.5 The NPPF at paragraph 25 states that “Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans. They should also engage with their local communities and relevant bodies including Local Enterprise Partnerships, Local Nature Partnerships, the Marine Management Organisation, county councils, infrastructure providers, elected Mayors and combined authorities (in cases where Mayors or combined authorities do not have plan-making powers).”
- 1.1.6 The Council has undertaken this collaboration and effective engagement in a number of different ways, set out in detail within the Statement EB3. In summary, the Council has identified relevant strategic matters through:
- a) Four rounds of formal Reg.18 consultation stages on the Draft Local Plan
 - b) Joint commissioning of key evidence base documents
 - c) Ongoing coordination between Gloucestershire local planning authorities and the County Council through the Gloucestershire Economic Growth Joint Committee and relevant officer and member sub-groups
 - d) Appointment of a Strategic Planning Co-ordinator and a Leaders Board to develop a strategic planning framework for Gloucestershire (through a Gloucestershire Statement of Common Ground)
 - e) Regular 1-2-1 co-operation meetings with South Gloucestershire Council and attendance at West of England Strategic Planning Forum meetings
 - f) Regular co-operation with prescribed bodies through various existing partnerships and through specific Local Plan related project meetings
 - g) Producing, maintaining and updating statements of common ground.
- 1.1.7 The Council considers that the process has been robust and that the Council has co-operated with all strategic policy making authorities and other prescribed bodies during the Local Plan process to identify the strategic matters to be addressed and how any outstanding matters can be resolved.
- 1.1.8 The Statement EB3 sets out in some detail how the Council considers that it has complied with the Duty to Cooperate. The series of statement of common ground are a written record of the progress made by the Council and partners during the process of planning for strategic cross-boundary matters.
- 1.1.9 The NPPF sets out in paragraphs 20 to 23 the matters that the strategic policies in local plans should make provision for. However, national Planning Practice Guidance makes clear that “this is not an exhaustive list and authorities will need to adapt this to meet their specific needs.”¹

¹ Planning Practice Guidance, Plan-Making, Paragraph: 014 Reference ID: 61-014-20190315

1.1.10 Section 5 of the Statement (EB3) sets out a commentary on how the Council has co-operated with prescribed bodies by strategic matter. The Statement addresses the following strategic matters:

- Housing (meeting housing needs and the accommodation needs of travellers and travelling showpeople)
- The Economy and Employment
- Transport
- The Natural Environment (biodiversity, water resources and flood risk, landscape)
- Health and social infrastructure

1.1.11 The Council has also prepared a series of statements of common ground to identify and address the strategic matters where they relate to wider planning areas, county and unitary matters, other plans and those matters of interest to prescribed bodies. The following table, set out within the Statement EB3 (paragraph 4.12), identified the position at submission in October 2021:

Subject of SoCG	Partners
Strategic housing matters (DRAFT)	Cheltenham, Cotswold, Forest of Dean, Gloucester, Stroud, Tewkesbury districts
Strategic employment matters (DRAFT)	Cheltenham, Cotswold, Forest of Dean, Gloucester, Stroud, Tewkesbury districts, GFirstLEP
Strategic transport and waste and minerals matters	Stroud District Council and Gloucestershire County Council
Strategic matters (the housing requirement, employment education training & skills, Severn Estuary, transport)	Stroud District Council and South Gloucestershire Council
Strategic transport matters	Stroud District Council and National Highways
Strategic matters relating to the water environment	Stroud District Council and Environment Agency
Strategic matters dealing with biodiversity /geodiversity, landscape /natural features, soils, green infrastructure, climate change	Stroud District Council and Natural England
Strategic heritage matters	Stroud District Council and Historic England

1.1.12 The two Draft SoCG with Cheltenham, Cotswold, Forest of Dean, Gloucester, Stroud, Tewkesbury districts and GFirstLEP were not completed at submission, although Cotswold and Forest of Dean districts and GFirstLEP had agreed to sign them and the other three authorities were actively looking to agree the wording.

- 1.1.13 The Council has sought to address the strategic matters identified through a number of on-going initiatives. In broad terms, the Council has:
- Set up and/or attended wider partnerships and strategic planning governance meetings to discuss and advance joint working on strategic matters;
 - Commissioned evidence base studies, often jointly with neighbouring authorities and with the agreement of prescribed bodies, to identify and quantify the particular matters to address;
 - Translated the results and recommendations of evidence base studies into policies and proposals within the Stroud District Local Plan;
 - Identified unmet needs from neighbouring authority areas and sought to address them through the Stroud District Local Plan;
 - Identified areas where further discussion is required to reach agreement and the process for achieving agreement through statements of common ground.
- 1.1.14 It is recognised that the different timings for the preparation and review of local plans within the wider area has been challenging. Whilst the Gloucestershire authorities have tried to work together to identify all relevant strategic matters during the preparation of the Gloucestershire Statement of Common Ground, the preparation of a joint evidence base has had to flex according to the different timescales for the production of local plans. This has meant that some documents have been produced in a timely manner for the Stroud Local Plan Review, but will require review to reflect the timings of, and to inform, later local plans of neighbouring areas. Similarly, some evidence which has informed the Stroud Local Plan Review process has come in later than would have been ideal (for example, the recent review of the Gloucestershire Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment).
- 1.1.15 Consequently, the SoCG with South Gloucestershire Council and the SoCG with Cheltenham, Cotswold, Forest of Dean, Gloucester, Stroud, Tewkesbury districts are being reviewed to reflect the latest position regarding progress with neighbouring local plans. In addition, a new SoCG is expected to show how the Gloucestershire local authorities are intending to work together to implement the fundings of the recent Gloucestershire Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment (SLP-03).
- 1.1.16 A particular issue has been where evidence base documents (particularly relating to transport impacts) have required assumptions to be made regarding the amount, distribution and location of future growth in neighbouring local plans. Unfortunately, the delayed programme for the review of the Joint Core Strategy (covering Cheltenham, Gloucester and Tewkesbury council areas) and the delays and subsequent withdrawal of the West of England Joint Spatial Plan and the West of England Spatial Development Strategy, covering South Gloucestershire, have not allowed for this information to inform the various transport related studies (for example, the Traffic Forecasting Report Addendum (EB98) and Transport Funding and Delivery Plan (EB109)). The Council, working with strategic planning and transport colleagues within Gloucestershire and South Gloucestershire, in an effort to make progress with strategic planning in the area, has made broad assumptions on these matters, but uncertainty is unavoidable until further progress with the relevant neighbouring local plans has been achieved.

- 1.1.17 Consequently, the SoCG with South Gloucestershire Council, the SOCG with Gloucestershire County Council, the SOCG with National Highways and the SoCG with Cheltenham, Cotswold, Forest of Dean, Gloucester, Stroud, Tewkesbury districts are being reviewed to consider whether any further progress can be made on strategic transport matters in advance of the hearing sessions.
- 1.1.18 A number of existing SoCG set out above identify matters where the Council and the relevant prescribed body have committed to work together to resolve soundness concerns regarding specific wording (or omissions) in the Stroud District Local Plan.
- 1.1.19 Progress is being made to resolve these detailed matters and it is expected that updated SoCG with prescribed bodies will be agreed to identify specific word changes (as potential main modifications to the Plan) to resolve outstanding soundness objections.

c. Have any unmet needs been appropriately considered when preparing the Plan

Gloucester's unmet housing needs

- 1.1.20 The Statement EB3 sets out under Section 5 (paragraphs 5.5 to 5.19) how the Council has sought to assist Gloucester City Council to address its potential unmet housing needs, as identified in the Joint Core Strategy (December 2017).
- 1.1.21 In summary, the adopted Joint Core Strategy (JCS) identifies that Gloucester has a good supply of housing to meet its needs to 2028/29 but an early review of the Joint Core Strategy will be required to explore the potential to meet Gloucester's needs in the longer term.
- 1.1.22 Initial joint working by the Gloucestershire authorities (The Assessment of Strategic Development Opportunities in Parts of Gloucestershire – Documents EB17 and EB17) has identified a series of development options and the former JCS Core Strategy authorities of Cheltenham, Gloucester and Tewkesbury, now known collectively as the Joint Spatial Plan (JSP) authorities, have committed to undertake an urban capacity study to establish Gloucester's potential housing shortfall.
- 1.1.23 However, at the time of submission of the Stroud Local Plan in October 2021, there remained considerable uncertainty over the scale of any unmet needs and how and where that need might be met. The JSP authorities had yet to complete a Preferred Options consultation as part of their review of the Joint Core Strategy and although at that time a Reg.19 consultation was envisaged to be held towards the end of 2022, there has been further delay with this review process.
- 1.1.24 To avoid delaying the Stroud District Local Plan unnecessarily, the Council therefore decided to safeguard a site at Whaddon on the edge of Stroud (within one of the identified assessment areas in the EB17 Interim Report – area 32) to contribute to meeting Gloucester's needs, should it be required and provided it is consistent with the approved strategy of the JCS review.

- 1.1.25 At the time of submission, the Council hoped that by the time of the examination hearing sessions into the Stroud Local Plan, the JCS Core Strategy Review would have progressed sufficiently for these issues to be capable of resolution. Subject to confirmation that there was a housing shortfall of a scale requiring strategic allocation in another local authority area, and subject to confirmation that the JSP approved strategy demonstrated that the site at Whaddon was a preferred sustainable location having considered all reasonable alternatives, the Council stated in the EB3 Statement that it would accept a modification to the Stroud District Local Plan specifically allocating the site at Whaddon to help address the unmet needs of Gloucester.
- 1.1.26 That position remains the Council's approach. However, if there has not been sufficient progress for this position to be resolved at examination, the Council will accept a modification releasing the site through the development management process in the event that the adopted JSP identifies the site as required to deliver its development strategy, after the SDLP has been adopted.

Gloucester's unmet travelling showpeople needs

- 1.1.27 The Statement EB3 sets out under Section 5 (paragraphs 5.23 to 5.27) how the Council has sought to assist Gloucester City Council to address its potential unmet needs relating to the Gypsy, traveller and travelling showpeople communities.
- 1.1.28 The six Gloucestershire local planning authorities agreed in May 2021 that "there are no deliverable sites within the administrative area of Gloucester City and that consequently, there are currently unmet needs relating to the Gypsy, Traveller and Travelling Showpeople communities. It is therefore necessary to consider how neighbouring authorities can assist with addressing these unmet needs" (Statement of Common Ground, para. 2.3).
- 1.1.29 The Council, to demonstrate its commitment to working to meet Gloucester's unmet needs without delaying unnecessarily the Stroud District Local Plan, identified the potential for the land at Whaddon site to accommodate 8 plots for travelling showpeople, 50% of the unmet needs identified at the time by the City Council.
- 1.1.30 Subsequently, the six authorities have commissioned and recently published a new Gypsy, Traveller and Traveling Showpeople Accommodation Needs Assessment (SLP-03). Work is ongoing to identify Gloucester City's future requirements, but the Council remains committed to contributing to meet any unmet needs.

Other potential unmet needs

- 1.1.31 At the Stroud Local Plan pre-submission stage, the former JCS authorities (now JSP authorities) formally wrote to the Council (Reg.19 representation 916). At paragraph 30 the JSP authorities requested that "Given the planned (employment) oversupply in the SDLPR, the JCS authorities would wish that there

is an opportunity within the SDLPR that site the proximity of may be considered, by way of memorandum of understanding or otherwise, for unmet Gloucester/JCS needs, should they be required and in accordance with the JCS Review.”

- 1.1.32 Neither the adopted JCS, nor any dialogue with the JSP authorities to date, has identified any likelihood of any shortfalls within the JSP area in terms of employment land supply and the Stroud Local Plan consequently has not sought to address this issue. However, the Council is mindful of its duties and responsibilities and is happy to work with the JSP authorities through the JCS Review to examine whether there is likely to be a shortfall in employment land provision requiring authorities within the FEMA to assist.
- 1.1.33 In the event that the scale of unmet employment needs from Gloucester may require the allocation of other sites in adjoining local authority areas, the Council proposed in the EB3 Statement and Draft SoCG with the Gloucestershire authorities to commission jointly an assessment of the relevant sustainability of all reasonable alternative site options within the context of the latest adopted and emerging local plans framework and to seek to allocate the most sustainable form of development through the relevant local plan review process.
- 1.1.34 In December 2021, the Council received a request from the West of England Combined Authority (WECA) (document EB103) requesting confirmation, in accordance with NPPF Para. 141(c), as to whether the Council could accommodate some of the West of England (Combined Authority area) regional housing need, including affordable housing need, within our area before they proceeded with concluding our Green Belt ‘exceptional circumstances’ case.
- 1.1.35 The Council wrote back to confirm that as part of its SoCG with South Gloucestershire, the Council had already committed to working with South Gloucestershire Council “to work together to understand how the housing needs arising from within the WECA area should be accommodated.” However, it was pointed out that there are a number of policy and physical constraints within Stroud District which make a significant contribution to meeting wider regional needs unlikely within the short to medium term, and in the longer term would require significant infrastructure planning and investment.
- 1.1.36 In December 2022, South Gloucestershire Council wrote to Stroud District Council confirming that following the decision of the WECA Mayor on 9th May to halt all work on the West of England Combined Authority Spatial Development Strategy (SDS), the strategic planning framework for South Gloucestershire will now be provided through its Local Plan. This means that through its Local Plan South Gloucestershire will need to determine the amount of housing and employment to provide over the plan period and the location of this growth across the district.
- 1.1.37 Following receipt of this letter, the Council is working with South Gloucestershire to update its current SoCG and to confirm the positions of the two authorities on meeting future needs arising from within South Gloucestershire.

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?

- 1.2.1 The methodology used for the Sustainability Appraisal (SA) is described in detail in Chapter 2 of the SA report (Examination document CD3). The SA has been carried out as an integrated SA and Strategic Environmental Assessment (SEA). In addition to complying with legal requirements, the approach that has been taken to the SA of the Stroud Local Plan is based on current best practice and the guidance on SA/SEA set out in the Government's online Planning Practice Guidance, which involves carrying out SA as an integral part of the plan-making process. The SA has been carried out iteratively at each stage of plan-making, with the findings having been taken into account by the plan makers alongside other factors to inform decision making.
- 1.2.2 The Key Sustainability Issues for Stroud are presented in Chapter 3 of the SA Report (Table 3.1). As explained in that chapter, the Key Sustainability Issues were identified in the April 2013 Interim SA Report and were later reviewed and revised during the preparation of the April 2018 SA Scoping Report in order to reflect the updated policy context and baseline information at that time. A number of further changes to the Key Sustainability Issues were made to address comments received during the Scoping consultation (these are summarised in Appendix 1 of the SA Report). The 19 Key Sustainability Issues presented in the SA Report relate to a range of environmental, social and economic topics and highlight locally specific issues or problems which were identified during collation of the baseline information.
- 1.2.3 The Key Sustainability Issues informed the preparation of the SA framework, which is the set of SA objectives and sub-objectives used in the appraisal of options, sites and policies. The SA framework for Stroud is set out in Table 2.2 of the SA Report. Although in the full SA Report this precedes the Key Sustainability Issues, which are presented in the following chapter, these elements of the SA Report are drawn from the 2018 Scoping Report, in which the SA objectives were developed and presented after a review and analysis of the policy content and baseline information for Stroud, as well as the identification of the Key Sustainability Issues. In this way, the Key Sustainability Issues fed into the development of the SA objectives.
- 1.2.4 For example, one Key Sustainability Issue affecting Stroud is the amount of the housing stock that is quite aged. This is reflected within SA objective 1.3: Does the Plan reduce the percentage of unfit/non-decent homes to ensure the plan will

improve housing stock within Stroud District? Another Key Sustainability Issue identified for Stroud is the ageing population, and this is addressed by SA objective 3.2: Does the Plan meet the challenge of a growing and ageing population? SA objective 6.3: Does the Plan encourage the protection of existing town centres including their vitality and viability? reflects the fact that one of the Key Sustainability Issues for Stroud recognises the need to protect and enhance the role of town centres within the district.

1.2.5 Therefore, the SA methodology is robust and there are demonstrable links between the Key Sustainability Issues and the SA objectives against which the Local Plan has been assessed throughout its preparation.

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?

1.3.1 Chapter 2 of the SA Report describes in detail the approach that has been taken to the SA, including the identification of likely significant effects, which have been the focus of the SA in line with the SEA Regulations. Likely significant effects, both positive and negative, are distinguished from minor effects through the use of specific symbols and colour coding. Reasonable alternative options for the policies and sites considered for inclusion in the Local Plan were identified and appraised at each stage of plan-making in line with that methodology.

1.3.2 Chapter 2 of the SA Report provides an outline of the reasonable alternatives that have been considered at each stage of plan making, in relation to the overall strategy as well as other policies and site allocations. This is expanded upon in Appendices 3, 5, 6 and 7 which present the SA findings for the alternative options considered, including the likely significant effects identified.

1.3.3 In relation to the amount and distribution of housing and employment provision, four potential growth options were set out in the Issues and Options consultation paper (October 2017). The Council's paper 'Local Plan Review: Developing a Preferred Strategy' (revised March 2018) described these options in more detail, including how much housing would be delivered in the broad locations making up each option. At that time, the draft housing requirement for 2016-2036 was 12,700 homes (or 635 per year). With completions and commitments taken into account, this left a residual housing requirement of around 5,500 homes. The four distribution options were worked up by the Council by considering potentially suitable, available and achievable sites that would contribute to the delivery of each option. This resulted in slightly different housing figures under each option, but all were broadly in the region of the identified residual housing requirement. In a similar approach taken with housing sites, the Council considered suitable, available and achievable employment sites that would contribute to the delivery of each strategic option. The four options which were subject to SA by LUC in Summer 2018 were:

Option 1: Concentrated development - 5,550 dwellings and 30ha B class employment.

Option 2: Wider distribution - 5,520 dwellings and 30ha B class employment.

Option 3: Dispersal - 5,695 dwellings and 40ha B class employment.

Option 4: Growth Point - 6,010 dwellings and 40ha B class employment.

- 1.3.4 The information set out in the Council's paper about each option was used to inform the appraisal of the options, and the SA findings in turn fed into the development of the Emerging Strategy in late 2018. The Emerging Strategy again proposed at least 12,800 additional dwellings and sufficient new employment land to meet needs for the next 20 years, with housing growth to be concentrated at the main towns of Cam and Dursley, Stonehouse and Stroud, where there is best access to services, facilities, jobs and infrastructure.
- 1.3.5 The Council published the Draft Local Plan for consultation between November 2019 and January 2020. The strategy taken forward was a hybrid approach and the Plan continued to propose at least 12,800 new homes and sufficient employment land to meet expected needs over the plan period.
- 1.3.6 In August 2020 the Government published proposed changes to the way the minimum housing requirement for each local authority area is calculated and the Council undertook a further focussed consultation on an Additional Housing Options paper between October and December 2020 in response. The Government's proposed changes would have resulted in an increase in the housing requirement for Stroud District from the level set out in the 2019 Draft Local Plan of 638 homes per annum to 786 homes per annum. The Additional Housing Options paper consulted on the best strategy for identifying where additional housing should be accommodated, whether and where a reserve housing supply should be identified, and the specific sites assessed to have potential to meet the additional housing need. These options were subject to SA at the time.
- 1.3.7 However, the Government subsequently decided not to proceed with the proposed changes to the standard method. This has therefore been used to inform the identification of the housing need for Stroud. The Council has worked with adjoining authorities in Gloucestershire to prepare a Local Housing Needs Assessment that identifies the amount and types of housing that are likely to be needed during the plan period to 2040. The assessment confirms the Government's standard method for the Local Plan to provide for at least 630 new homes per year and this figure is taken forward in the submitted Local Plan. No alternative options to the standard method have been appraised as this is considered by the Council to be the only reasonable approach.
- 1.3.8 In terms of employment provision, for Stroud District potential requirements for the Plan period ranged from an additional 44.5 hectares to 71.8 hectares. A range of forecasts and scenarios were developed and tested against economic and employment requirements through the Gloucestershire Economic Needs Assessment (EB29). The Assessment recommended that the Council should consider meeting two of the highest scenarios: a scenario based upon the expected labour supply and a slightly higher labour demand growth scenario

based on supporting further growth in key sectors. The work included ensuring that the employment provision would meet the needs arising from the housing requirement, and vice versa. These figures were confirmed in the SDLP.

1.3.9 Appendix 9 of the SA Report presents an audit trail of the reasonable alternative policy and site options that were appraised and the Council's reasons for selecting or rejecting them at each stage of the plan preparation.

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?

1.4.1 The baseline information set out in Appendix 2 of the SA Report provides information about the nature and location of natural and historic environment designations within and around Stroud and this information has been used to inform the appraisal of options and the identification of likely significant effects.

1.4.2 In order to ensure consistency in the appraisal of development site options, a set of assessment criteria was developed (see Appendix 4 of the SA Report). These criteria set out clear parameters within which certain SA effects would be identified for each site option, based on factors such as the distance of site options from features and constraints relevant to each SA objective. The assumptions were applied through the use of Geographical Information Systems (GIS) data for accuracy.

1.4.3 In relation to SA objective 8: To conserve and enhance the local character and distinctiveness of landscapes and townscapes and provide sustainable access to countryside in the District the assessment criteria were based on the proximity of site options to the Cotswold AONB as well as spatial information from the Landscape Character Assessment and landscape findings in the Assessment of Strategic Development Opportunities in Parts of Gloucestershire (EB17). For example, sites that are within the AONB would have a potential significant negative effect on the SA objective, and sites outside of but within 500m of the AONB would have a potential minor negative effect.

1.4.4 In relation to SA Objective 7: To create, protect, enhance, restore and connect habitats, species and/or sites of biodiversity or geological interest, the site assessment criteria are based on the proximity of development site options to international, national or local designated conservation sites including Ramsar sites, SPAs, SACs, SSSIs, NNRs and Key Wildlife Sites.

1.4.5 In relation to SA objective 9: To conserve and/or enhance the significant qualities, fabric, setting and accessibility of the District's historic environment, the site assessments were based on information from the heritage assessment, rather than proximity to heritage designations. This is in line with advice that Historic England have provided previously, indicating that a proximity-based assessment is inappropriate due to the extent to which effects will be influenced by factors such as the design and nature of development, the topography of the area and the resulting lines of sight between heritage features and the potential new development, and the extent of development between these features.

- 1.4.6 Therefore, the SA has taken appropriate account of natural and historic environment designations in the appraisal of options.
5. Have unreasonable alternatives been appropriately considered and have adequate reasons been given as to why these have not been selected?
- 1.5.1 In line with the SEA Regulations, any alternatives considered for the plan need to be 'reasonable'. This implies that alternatives that are not reasonable do not need to be subject to appraisal. Examples of unreasonable alternatives could include policy options that do not meet the objectives of the plan or national policy (e.g. the NPPF) or site options that are unavailable or undeliverable. The SA does not, therefore, include any assessment of unreasonable options or provide reasons why they have not been selected for inclusion in the Local Plan. The SA has, however, considered reasonable alternatives and provided reasons for why rejected reasonable options have not been taken forward in the Local Plan.
- 1.5.2 Chapter 2 of the SA Report explains how the Council identified 'reasonable' options for appraisal. In terms of policy options, reasonable alternative options for various policy topics were drawn from the most up-to-date evidence and guided by the national level policy set out in the NPPF. In relation to sites, the Council identified potentially available and suitable reasonable alternative site options from various sources, including the Strategic Assessment of Land Availability (SALA), the Brownfield Register and sites promoted through the Issues and Options and Emerging Strategy consultation stages. Sites were only considered reasonable options if they were over the size thresholds defined in the SALA, and if they were not subject to absolute constraints such as Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Ramsar sites, Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs) and Scheduled Ancient Monuments.
- 1.5.3 Appendix 9 in the SA Report provides an audit trail of the reasonable policy and site options considered throughout the Plan preparation process and provides the Council's reasons for selecting or rejecting each one.
6. 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?
- 1.6.1 The SA has been undertaken iteratively at each stage of plan making and the SA findings have been taken into consideration alongside other factors when determining which options to take forward in the plan, including in relation to the spatial strategy.
- 1.6.2 Chapter 6 in the SA Report sets out how recommendations made at each stage of the SA have been taken into account. At the Emerging Strategy stage, the SA appraised the four strategic growth options and recommended that a hybrid option which resembled the concentrated development option but also included growth at the one or two growth points and/or one or two of the smaller towns and larger

villages as well should be considered. This approach could achieve the potential growth, uplift and funding for the provision of new infrastructure of including a small number of large growth points within the District while also avoiding the areas of the District which are most constrained by sensitive features. The Emerging Strategy consultation document summarised and acknowledged the SA findings for the four options and the hybrid option recommended by the SA was taken forward.

- 1.6.3 The hybrid option taken forward by the Council in the Draft Local Plan was subsequently appraised in the November 2019 SA Report (through the appraisal of Policy CP2). No specific recommendations were made in the SA in relation to that policy.
- 1.6.4 Four additional strategic growth options were identified by the Council in 2020 as part of the Additional Housing Options consultation. Those were subject to SA at the time; however the options were later superseded by the Government's decision not to change how housing needs are calculated. The Council took account of the results in the development of the final SDLP.
- 1.6.5 The spatial strategy set out in the Pre-Submission Draft Local Plan was set out in policy CP2 which was subject to appraisal. The SA Report did not make any recommendations in relation to the spatial strategy or indicate that any fundamental changes should be made to the plan.
- 1.6.6 Therefore, the SA has informed judgements about future growth within the Plan and the choice of spatial strategy and there is nothing in the SA to indicate that changes should be made to that element of the Plan.

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

- 1.7.1 As described above, the SA has been carried out in accordance with legal requirements, and the approach that has been taken to the SA is based on current best practice and the guidance on SA/SEA set out in the Government's online Planning Practice Guidance, which involves carrying out SA as an integral part of the plan-making process. Table 1.1 in the SA Report details how the requirements of the SEA Regulations have been met in the report, signposting to the relevant sections which address each requirement.
- 1.7.2 Table 2.2 in the SA Report details how the SA objectives used in the appraisal address all of the topic areas which are required by the SEA Regulations to be covered. Reflecting the fact that an integrated SA/SEA has been carried out, a wider range of social and economic topics are also covered by the SA objectives. The SA has focussed on the identification of likely significant effects, in accordance with the SEA Regulations. Therefore, the SA does adequately assess the environmental, social and economic effects of the Plan in accordance with legal and national policy requirements.

Habitats Regulations Assessment (HRA)

8. Does the HRA meet the legal requirements for Appropriate Assessment in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended)?

1.8.1 The HRA does meet the legal requirements for appropriate assessment, in accordance with the Habitats Regulations. The HRA follows principles of case law (both UK and EU) and has been produced in accordance with the Habitats Regulations Assessment Handbook and government guidance². In accordance with the People over Wind ruling³, the screening for likely significant effects does not take into account mitigation measures.

1.8.2 The HRA has been produced iteratively alongside the Local Plan, and the consultants (Footprint Ecology) have worked closely with the Council and Natural England throughout. The various iterations of the HRA are:

EB81 Emerging Strategy Stage (November 2018)
EB82 Draft Plan Consultation stage (November 2019)
EB83 Implications report (October 2020)
EB84 Working Draft update April 2021
EB85 Pre-submission draft plan stage (May 2021)

1.8.3 Early HRA reports highlighted evidence gaps, mitigation requirements and new evidence has been incorporated as it has become available. The Council has met with Natural England on a number of occasions to review evidence with respect to particular allocations (in particular that at Sharpness) and to gain their advice and specialist input.

9. Does the HRA adequately address whether the Plan would adversely affect the integrity of relevant European sites either alone or in combination with other plans or projects? Are the HRA conclusions robust?

1.9.1 The HRA does adequately address whether the Plan would adversely affect the integrity of relevant European sites, alone or in-combination. Screening identified likely significant effects with respect to:

Urban effects (Severn Estuary SAC/SPA/Ramsar, Rodborough Common SAC);
Loss of supporting habitat/functionally-linked land (Severn Estuary SAC/SPA/Ramsar);
Recreation (Cotswolds Beechwoods SAC, Rodborough Common SAC, Severn Estuary SAC/SPA/Ramsar);
Water issues (Severn Estuary SAC/SPA/Ramsar);
Air quality (Cotswolds Beechwoods SAC, Rodborough Common SAC).

1.9.2 These pathways are taken forward to appropriate assessment and the relevant appropriate assessment sections consider the implications of the plan for the

² E.g. <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>

³ People Over Wind: European Court Case C-323/17 People Over Wind & Peter Sweetman v Coillte Teoranta 12 April 2018

conservation objectives of the relevant European sites. The appropriate assessment sections are technically sound, rigorous and robust and include a reasoned account of conclusions. The plan has been subjected to an integrity test, informed by the appropriate assessment and this rules out adverse effects on integrity, alone or in-combination. The conclusions are robust and are supported by Natural England in document EB3.

1.9.3 The current Plan has a range of mitigation measures embedded within policy and supporting text which protect European sites. A number of strategic level mitigation schemes have been developed and formally adopted by the Council, providing a robust mechanism to ensure that development does not adversely affect the European sites. Separate strategies are in place for Rodborough Common SAC⁴, the Severn Estuary SAC/SPA/Ramsar⁵ and the Cotswold Beechwoods SAC⁶. The strategy for Rodborough Common SAC has been running since 2015 and was reviewed and updated in 2022. The Severn Estuary strategy has been in place since 2017 and will be updated in 2023. The Cotswold Beechwoods was established in 2022. The strategies are supported by detailed evidence gathering including visitor surveys undertaken at the Severn Estuary (EB46), the Cotswolds Beechwoods (EB47) and Rodborough Common (EB48).

1.9.4 For some pathways and particular sites, further HRA work will be necessary at project level, to ensure the mitigation identified in the plan-level HRA is secured or to undertake additional checks once more detailed design information is available. This is the case for urban effects at Sharpness and water issues at 7 sites, for example. In these cases, the wording in the Plan ensures permission will be dependent on such mitigation being in place. Such an approach is entirely consistent with the Habitats Regulations. It is recognised by the European and UK courts that the assessment of a plan may not be as precise and detailed as that of a project at application stage. The Habitats Regulations Assessment Handbook⁷ highlights that, when undertaking an appropriate assessment of a plan, adverse effects must be assessed at every relevant stage of the procedure to the extent possible on the basis of the precision of the plan.

10. Have all HRA recommendations been suitably reflected in the Plan?

1.10.1 All HRA recommendations have been reflected in the Plan. Furthermore, HRA work has been embedded in the development of the Plan from the outset, for example ensuring that decisions around allocations have taken into account any HRA concerns about deliverability or necessary mitigation.

⁴ See <https://stroud.moderngov.co.uk/documents/s6163/Item%207%20-%20Appendix%20A%20-%20Rodborough%20Common%20Mitigation%20Strategy.pdf>

⁵ <https://www.stroud.gov.uk/media/557874/item-8-appendix-a.pdf>

⁶ <https://stroud.moderngov.co.uk/documents/s5856/Item%207%20-%20Appendix%20B%20-%20Cotswolds%20Beechwoods%20Mitigation%20Strategy.pdf>

⁶ Principles 24 and 25 in Section C.9

⁷ Principles 24 and 25 in Section C.9

- 1.10.2 The HRA was produced in May 2021. We anticipate that the HRA will continue to be updated and refined to reflect any modifications or additional evidence before finalising it at adoption.

Consultation

11. Has the Plan been prepared in accordance with the Council's Statement of Community Involvement and statutory consultation requirements? Has all relevant and available evidence been made available for consultation, at the various stages of Plan preparation?

1.11.1 The Council considers that the Plan has been prepared in accordance with the Council's Statement of Community Involvement (SCI) (EB2) (March 2019). The SCI was amended in October 2020 to take account the temporary revision made, in accordance with Government Planning Guidance, due the Covid 19 pandemic. All criteria for consultation have been met.

1.11.2 At each stage of the plan preparation, the Council produced and published a consultation report, detailing when, why and how consultation was carried out. A full list can be seen below:

- Regulation 18 – Issues and Options (CD4a)
- Regulation 18 – Emerging Strategy (CD4b and CD4c)
- Regulation 18 – Draft Plan (CD4d)
- Regulation 18 – Additional Housing Options (CD4e)
- Regulation 19 – Pre submission draft (SLP-01a and SLP-01b)
- Additional Technical Evidence – (EB113)

1.11.3 The Council considers that the Plan has been prepared in accordance with all statutory consultation requirements, set out in The Town and Country Planning (local planning) (England) Regulations 2012.

1.11.4 All relevant and available evidence has been made available for consultation at the various stages of Plan preparation, in accordance with the SCI (EB2).

Other regulatory and procedural requirements

12. Regulation 8(5) of the Town and Country Planning (Local Plan) (England) Regulations 2012 requires any new plan to list the policies in existing adopted plans which it is intended to supersede. The Plan before us appears to be a review of the existing adopted Stroud Local Plan (2015). Is the Plan proposing to supersede all the policies in this existing adopted plan and if so is this clearly set out? Is the Plan proposing to supersede any other adopted plans? Is there a list of policies proposed to be superseded, as required by the Regulations?

1.12.1 The intention of this new Local Plan is to replace the 2015 Local Plan and supersede all previous policies and documents, this is set out in para 1.0.5 Page 3 of the SDLP.

- 1.12.2 The Council will be happy to consider a modification to include a list, if required.
13. The Plan identifies 'Core Policies' and 'Delivery Policies'. Paragraph 21 of the National Planning Policy Framework (the Framework) requires plans to 'make explicit which policies are strategic policies, and that these should be limited to the strategic priorities for the area and any relevant cross-boundary issues. Does the Plan accord with this requirement? Are strategic and non-strategic policies clearly distinguishable?
- 1.13.1 Para 1.0.2 P3 of the SDLP sets out that at the centre of the SDLP is a Development Strategy, which provides an overview of the District and how it should evolve during the plan period (up to 2040).
- 1.13.2 The Development Strategy is articulated through a number of 'Core Policies' which are the strategic policies and more detailed 'Delivery Policies' for managing and directing development. The Council considers this is clear when the SDLP is read as a whole but is happy to accept a modification if further clarity is required.
14. In relation to the Public Sector Equality Duty, we note that the Council has submitted an 'Equalities Impact Assessment Form' dated September 2021. Are the positive and neutral impact findings of this assessment reasonable? Is it clear how the Plan seeks to ensure that due regard is had to the three aims expressed in s149 of the Equality Act 2010, in relation to those who have a relevant protected characteristic?
- 1.14.1 The Council is committed to providing an equal service for the whole community of Stroud and use the process of Equality Impact Assessments to ensure this happens. This assessment ensures the main aims expressed in s149 are met and the SDLP ensures it contributes towards eliminating unlawful discrimination, harassment, and victimisation.
- 1.14.2 Using the Equality Impact Assessment (EqIA) the Council ensures that equality is placed at the centre of policy development and identifies the likely impacts of the SDLP on the district's communities. The EqIA can anticipate and recommend ways to avoid any discriminatory or negative consequences for a particular group as identified in s149.
- 1.14.3 Undertaking EqIA in support of all decision making helps the Council understand how the policies and services we design and run effect Stroud citizens, service users and staff from all communities. Undertaking an equality assessment also fulfils the legal duties placed upon the Council in a transparent manner and helps us to be accountable to the people that we serve.
- 1.14.4 The SDLP is also supported by Sustainability Appraisal Report for the Stroud District Local Plan Review - Pre-submission Draft Local Plan (CD3), which considers the social, economic and environmental effects of the Local Plan, and ensures that, as far as possible, accords with the principles of sustainable development.

- 1.14.5 Efforts have also been made to ensure that all consultation processes have been undertaken in an inclusive way that involves a wide range of community groups, in accordance with the Equalities Act 2010. Details of how the Council engages with communities is set out in the Statement of Community Involvement (EB2).
- 1.14.6 The Council considers it is clear the SDLP has paid due regard to the three aims expressed in s149 of the Equality Act 2010, in relation to those who have a relevant protected characteristic. This is demonstrated through the content of the Core and Detailed Delivery Policies.