

Basic Conditions Statement
Woodmancote Neighbourhood
Development Plan 2020 – 2031
(September 2021)

Introduction

1. This Statement has been prepared by Woodmancote Parish Council (the Parish Council) to accompany its submission to the local planning authority, Tewkesbury Borough Council (TBC), of Woodmancote Neighbourhood Development Plan 2020 - 2031 (the Neighbourhood Plan) under Regulation 15 of The Neighbourhood Planning (General) Regulations 2012.
2. The Neighbourhood Plan must meet the following requirements:

Legal matters

(1) The examiner must consider the following: -

- (a) whether the draft neighbourhood development plan meets the basic conditions (see sub-paragraph (2)),
- (b) whether the draft neighbourhood development plan complies with the provision made by or under sections 61E(2), 61J and 61L,
- (c) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates, and
- (d) such other matters as may be prescribed.

The Basic Conditions

(2) A draft neighbourhood development plan meets the basic conditions if: -

- (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,
- (b) the making of the neighbourhood development plan contributes to the achievement of sustainable development,
- (c) the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- (d) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations, and
- (e) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.

(f) The examiner is not to consider any matter that does not fall within subparagraph (1) (apart from considering whether the draft neighbourhood development plan is compatible with the Convention rights).

Legal Requirements

3. The Plan is submitted by Woodmancote Parish Council, which, as a qualifying body, is entitled to submit a Neighbourhood Plan for its own parish. The Plan has been prepared by Woodmancote Neighbourhood Development Plan Steering Group, which is overseen by the Parish Council.
4. The whole parish of Woodmancote has been formally designated as a Neighbourhood Area under the Neighbourhood Planning Regulations 2012 and was formally approved by Tewkesbury Borough Council on 27 June 2019. The decision notice is attached as **Appendix 1**. The extent of the designated neighbourhood area is attached as **Appendix 2**.
5. The Plan contains policies relating to the development and use of land within the neighbourhood area. Proposals relating to planning matters (the use and development of land) have 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.
6. The Plan identifies the period to which it relates as 2020 to 2031. This relates to the plan period of the adopted Tewkesbury Borough Local Plan which also has a plan period ending 2031 and the adopted Joint Core Strategy 2031. The basic condition is met because it is in conformity until 2031 and thereafter it has nothing to conform to or to put it another way there is no plan for it NOT to conform to.
7. The Plan does not deal with County Matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.
8. The Plan relates only to Woodmancote Parish though it makes reference to land outside the parish boundary. It does not relate to more than one neighbourhood area. There are no other neighbourhood development plans in place within the neighbourhood area.

The Basic Conditions

Having regard to national policies and advice contained in guidance issued by the Secretary of State

9. The Neighbourhood Plan has been prepared having regard to national policies, in particular those set out in the National Planning Policy Framework (NPPF 2019) and the National Planning Practice Guidance (NPPG) suite. It is contended that the neighbourhood plan accords with the core Planning Principles at the heart of the NPPF. The NPPF was updated in July 2021 and this version will be utilised in this Basic Conditions statement.
10. **Table 1** provides a summary of how policies in the neighbourhood plan conform to the NPPF 2021. The NPPF paragraphs set out are those considered most relevant. The table is not intended to be an exhaustive list of all NPPF policies.

W NDP policy	NPPF (2021) Reference	Commentary
1: Cotswolds AONB	176	The policy was developed with reference to the Cotswolds AONB management plan documents and in consultation with AONB officers.
2: Green Belt	138, 148, 149, 150	The policy was prepared by considering the most recent Green Belt review and the purposes of the GB (138). The policy resists development unless very special circumstances can be demonstrated (148) and provides guidance on access, flood management and biodiversity where development is acceptable (149 and 150).
3: Residential development outside the Settlement Boundary	79, 80	The policy allows for limited development in the countryside (outside the development boundary) but limits the quantum of development according to policies in the Development Plan. The policy discourages the development of isolated homes in the countryside by setting out limits to development there.
4: Protected Views Over the Special Landscape Area	127,190bd,	The policy identifies a locally important view cherished by the local community and worthy of protection (127), protects a view that makes a positive contribution to local character and distinctiveness and allows the historic environment to be enjoyed from a distance (190)
5: Water Management Statements	154, 159,167, 169	This policy seeks to manage the risks from flooding, taking account of advice from the Local Lead Flood Authority (154) and seeks to retain water where possible (167). The policy seeks to secure long term protection (159, 169).
6: Design of Sustainable Urban Drainage Systems	167	This policy defines how Sustainable Urban Drainage Systems should be provided in Woodmancote.
7: Natural Flood Management	169,179	The policy seeks to ensure that flood management has the benefit of providing enhanced biodiversity.
8: Flooding on Roads in the AONB	167	The policy seeks to direct development away from areas where flooding incidents are known to occur and to advise incoming citizens of the risks of flooding.
9: Design	28, 129, 134	This policy sets out the community's views on local design principles through an analysis of the Woodmancote built environment (28). It defines local design policies and codes (129, 134).
10: Oxbutts Caravan Park	21, 29	This policy sets out detailed matters in support of a strategic allocation.

Contributes to the achievement of sustainable development

11. The following sustainability assessment has been carried out to assess how the policies in the Woodmancote NDP contribute positively to delivering sustainable development. The NDP will serve an economic, social and environmental objective and seeks to balance them. **Table 2** summarises the various sustainability outcomes of each policy in the Woodmancote NDP.

Table 2

The economic objective:	Policy 5: Water Management Statements Policy 6: Design of Sustainable Urban Drainage Systems
The social objective:	Policy 3: Residential development outside the Settlement Boundary Policy 4: Protected View Over the Special Landscape Area Policy 8: Flooding on Roads in the AONB Policy 9: Design
The environmental objective:	Policy 1: Cotswolds Area of Outstanding Natural Beauty Policy 2: Green Belt Policy 5: Water Management Statements Policy 6: Design of Sustainable Urban Drainage Systems Policy 7: Natural Flood Management Policy 10: Oxbutts Caravan Park

General conformity with the strategic policies in the development plan

12. The Development Plan for the NDP is:
 - a. The Tewkesbury Borough Plan – 2011 to 2031
 - b. Flood and Water Management Supplementary Planning Document March 2018
 - c. Joint Core Strategy 2017 (JCS)
 - d. Minerals Local Plan for Gloucestershire (2018 - 2032)
 - e. Gloucestershire Waste Core Strategy 2027
 - f. Saved policies of the adopted Gloucestershire Waste Local Plan
13. The WNDP does not contain any policies relating to minerals and waste planning.
14. Where policies from the Joint Core Strategy, the Flood and Water Management SPD, and the Tewkesbury Borough Plan are relevant to the policies in the Woodmancote NDP, these are specifically referenced within the supporting text of the document or in the Planning Policy Context review. A full review of the planning policy context can be found in Appendix 1. The Woodmancote NDP adds local detail in support of the higher tier policies and does not conflict with or undermine them.
15. The NDP will be reviewed on or before 2026 when it is anticipated that the JCS plan period will have been extended to 2036.

Strategic Environmental Assessment (SEA Directive 2001/42/EC)

Habitats Regulations Assessment (Habitats Directive 92/43/EEC)

16. The Steering Group requested a screening opinion for SEA and HRA from Tewkesbury Borough Council. On 5 August 2021, a response, attached as **Appendix 3** to this document, was received. The response stated that:

Following an analysis of the above information, the determination has been made that by virtue of the nature of the type and scope of policies and proposals contained in the draft Woodmancote Neighbourhood Plan that it does not require a Strategic Environmental Assessment.

In the initial consultation (Consultation A) on the SEA/HRA screening, Historic England raised concern with regard to Policy 10 and development relating to the Oxbutts Caravan Park. It was advised that Policy 10 of the Neighbourhood Plan policy be amended in line with option a.) provided by Historic England to clarify that the Oxbutts Caravan Park is not an allocation and therefore an SEA/HRA is not required. Following further consultation, Consultation B, Historic England advised that an SEA/HRA is not required in this instance. The other consultees were also advised of the policy amendment and further comments were also received from Natural England, Environment Agency and Archaeology at Gloucestershire County Council (GCC) also confirming no SEA/HRA required. Where no revised comment has been received from a consultee it is assumed that the previous comments still stand.

Effects on European sites have been screened out by virtue of the nature of the type and scope of policies and proposals contained in the draft NP. It is therefore concluded that HRA is not required.

Human Rights Legislation

17. The Woodmancote NDP has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The main issues for planning in the context of human rights are: protection of property, right to respect for private and family life and prohibition of discrimination. The NDP complies with the requirements of the Human Rights Act 1998. All reasonable attempts were made to ensure that all Woodmancote Parish residents and all relevant stakeholders were given the opportunity to contribute to and comment upon the Woodmancote NDP.

Appendix 1

 <p>Tewkesbury Borough Council</p>	<p style="text-align: center;">Neighbourhood Planning Notice</p> <p style="text-align: center;">Woodmancote Neighbourhood Area Designation</p> <p style="text-align: center;">Regulation 5 of The Neighbourhood Planning (General) Regulations 2012 (as amended)</p>
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Notice is hereby given that Woodmancote Parish Council applied to Tewkesbury Borough Council to designate the whole of the Parish of Woodmancote as a Neighbourhood Area on 14 June 2019.

At a meeting of Executive Committee on 6 February 2019, it was resolved to delegate neighbourhood area designations to the Head of Development Services.

The application has been assessed against the requirements set out in the legislation and is considered to meet the requirements to enable the designation of the Neighbourhood Area. See Appendix 1.

It is hereby confirmed that Tewkesbury Borough Council approve the designation of the Woodmancote Neighbourhood Area as defined by the map in Appendix 2 and submitted application form, as detailed in Appendix 3.

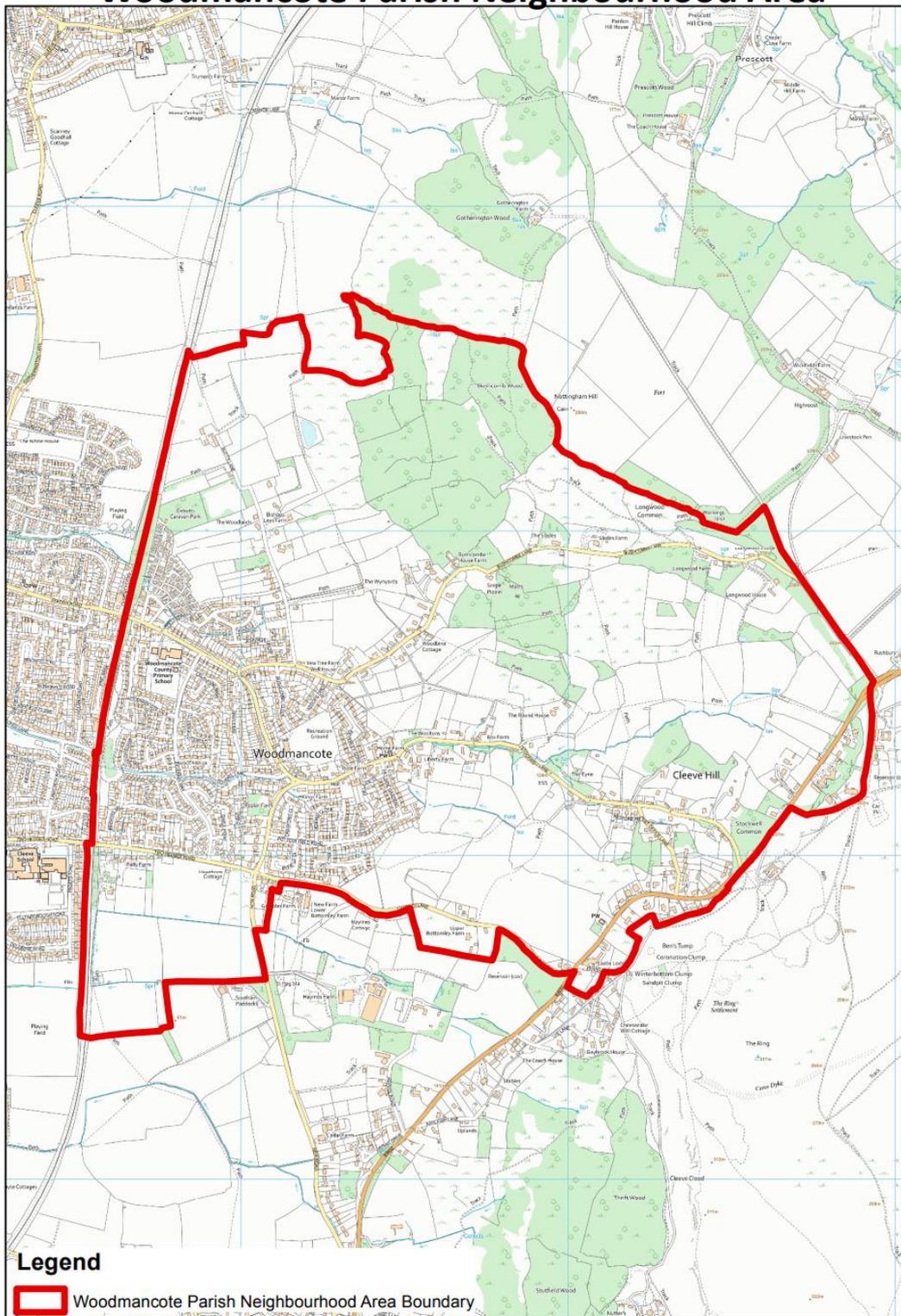
These are also available to view at:

<https://www.tewkesbury.gov.uk/neighbourhood-development-plans/neighbourhood-planning-in-tewkesbury>

Annette Roberts
Head of Planning Services
Date: 27 June 2019

Appendix 2

Woodmancote Parish Neighbourhood Area



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Appendix 3: Screening statement from Tewkesbury Borough Council

***The Environmental Assessment of Plans and Programmes Regulations 2004
and the
Habitats and Species Regulations (2010), as amended***

**Screening Statement for the
Woodmancote Neighbourhood Plan**

In accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 (The 2004 Regulations) and European Directive 2001/42/EC, this document is the screening determination of the need for a Strategic Environmental Assessment (SEA) for the Woodmancote Neighbourhood Plan. It also covers the need for Habitats Regulations screening.

Under the regulations, SEA must be undertaken for land-use and spatial plans where there is a likelihood that they will have significant environmental effects. Neighbourhood plans (NP) are development plan documents that are required to be screened to see if they require SEA.

Regulation 9 requires the 'responsible authority' (i.e. the authority by which or on whose behalf the NP is prepared) to determine whether or not a plan is likely to have significant environmental effects. This is determined by a screening process, which should use a specified set of criteria (set out in Schedule 1 of the Regulations). The results of this process must be summarised in an SEA screening statement, which must be made publicly available.

The government's planning portal advises that the local planning authority should put in place a process to provide a screening opinion to the qualifying body on whether the proposed NP will require a SEA. The qualifying body should work with the local planning authority to be sure that the authority has the information it needs in order to provide a screening opinion.

The determination has been made that the Woodmancote Neighbourhood Plan falls within the scope of the 2004 Regulations on the basis that:

- The NP is a plan and programme as defined in Regulation 2;
- The NP is prepared for town and country planning or land use as defined in Regulation 5;
- The NP will determine the use of a relatively small area at a local level but, depending upon its content, has the potential to have significant environmental effects.

This screening is based on the Regulation 14 version of the Woodmancote Neighbourhood Plan (March 2021).

The screening process set out in Regulation 9 and Schedule 1 of the 2004 Regulations includes two sets of characteristics for determining the likely significance of effects on the environment. These relate firstly to the characteristics of the NP and secondly to the characteristics of the effects and of the area likely to be affected. There are a number of

criteria relating to each of these characteristics, the responses to which are set out below.

Table 1: Assessment of Significance of Effects

Criteria (Schedule 1)	Likely significance of environmental effect	Assessment and Justification
1. The characteristics of the plans and programmes, having regard in particular to;		
(a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size, and operating conditions or by allocating resources.	Yes, but unlikely to have significant effects on the environment	The Neighbourhood Development Plan (NP) provides a local policy framework for the Woodmancote Parish. No sites for development are being proposed.
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	Yes, but unlikely to have significant effects on the environment	<p>The NP has been prepared taking into account the National Planning Policy Framework, the strategic saved policies in the Tewkesbury Borough Local Plan (the currently adopted development plan), the adopted Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury Borough and the emerging Tewkesbury Borough Local Plan. The Parish Council's view is that it does not conflict with any of the provisions of these documents.</p> <p>Whilst the Neighbourhood Plan must generally conform to current development plans prepared by principal planning authorities, it could in turn inform preparation of the emerging Tewkesbury Borough Plan and any supplementary planning documents, development briefs or site specific guidance notes covering the Woodmancote Parish area.</p>
(c) the relevance of the plan or programme for the integration of environmental considerations, in particular with a view to promoting sustainable development.	Yes, but unlikely to have significant effects on the environment	The NP has been drawn up with the objective of achieving sustainable development in the Parish.
(d) environmental problems relevant to the plan or programme and;	Yes, but unlikely to have significant effects on the environment	<p>The NP will address some environmental, economic and social issues in the Woodmancote Parish area.</p> <p>Within the area are: a Green Belt designation, local special landscape area designations; AONB, a SSSI; and listed buildings and areas of orchards and woodland.</p> <p>Development outside this village development boundary is constrained by policies concerning the Cotswolds AONB,</p>

		<p>the Cheltenham Green Belt, and to some extent the Special Landscape Area.</p> <p>These assets are already largely protected by existing Tewkesbury Borough Plan and Joint Core Strategy policies and the plan seeks to support this.</p>
(e) the relevance of the plan or programme for the implementation of community legislation on the environment (for example, plans and programmes linked to waste management or water protection)	Yes, but unlikely to have significant effects on the environment	The NP is prepared on the basis of community legislation in the Localism Act 2011 and Neighbourhood Planning regulations 2012.
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular to;		
(a) the probability, duration, frequency and reversibility of effects	Significant effects on the environment are unlikely	The NP sets the local vision, objectives and policies to guide new development in the Woodmancote Parish area. These need to be in line with strategic saved policies in the Tewkesbury Borough Local Plan, the Joint Core Strategy and the emerging Tewkesbury Borough Plan. Based on the information provided it is unlikely that the NP as currently framed will have significant environmental effects.
(b) the cumulative nature of the effects	Significant effects on the environment are unlikely	There are unlikely to be local cumulative effects arising from and between the different policies proposed in the NP.
(c) the transboundary nature of the effects	Significant effects on the environment are unlikely	Transboundary effects arising from the NP are unlikely due to the content of the plan.
(d) the risks to human health or the environment (for example, due to accidents)	Significant effects on the environment are unlikely	It is unlikely that the NP will have significant effects on the risk to human health or the environment.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	Significant effects on the environment are unlikely	The NP will guide new developments in the Woodmancote Parish designated area only, and are unlikely to affect an extensive population.
(f) the value and vulnerability of the area likely to be affected due to; i. special natural characteristics or cultural heritage ii. exceeded environmental quality standards or limit values or iii. intensive land use	Whilst there are some of these within or proximate to the area significant effects on the environment are unlikely	<p>The NP covers the Woodmancote Parish area where there are a number of important interests of acknowledged importance including a number of listed buildings) in Woodmancote and around the Parish itself.</p> <p>The NP is unlikely to generate environmental effects on those designations due to the plan not allocating</p>

		sites that are proximate to these designations or including policies that would be contrary to the purposes of designating these sites.
(g) the effects on areas or landscapes which have a recognised national, community or international protection status.	Whilst there are some within or proximate to the area significant effects on these aspects are unlikely.	The NP is unlikely to generate environmental effects on the AONB to the east or the areas of special landscape to the north and south, due to the Plan not allocating sites.
(h) the effects on special areas of conservation (SACS), special protection areas (SPAs), and Ramsar Sites	Whilst there is an SSSI to the east of the Parish significant effects on these are unlikely.	The NP is unlikely to generate environmental effects on those designations due to the plan not allocating sites that are proximate to these designations or including policies that would be contrary to the purposes of designating these sites.

Consultation

Regulation 9 requires the responsible authority to consult the 'consultation bodies' (these are English Heritage, Natural England and the Environment Agency) on whether a neighbourhood plan requires an SEA/HRA. This was undertaken by email on the 24th May 2021 by Tewkesbury Borough Council on behalf of the Qualifying Body. The consultation period finished on Friday 18 June 2021. Comments from this consultation are set out under 'Consultation A' below. Following feedback from the consultation A, from Historic England in particular, Policy 10 of the Neighbourhood Plan was amended by the neighbourhood forum, and further feedback was sought from consultees between 13 July 2021 and 3 August 2021. This is set out under Consultation B below

Local bodies (Lead Local Flood Authority, County Highways, County Ecologist, County Archaeology) were also consulted. The advice received has been summarised below:

County Council Ecology

Response following Consultation A

Looking at biodiversity (ecology/wildlife) matters alone the need for a Strategic Environmental Assessment (SEA) and/or Habitats Regulations Assessment (HRA) of the draft version of the NDP appeared unlikely. Therefore, County Council Ecology are content to agree with the initial analysis set out in the draft screening opinion that the plan proposals will not have a significant environmental effect and that SEA or HRA is not required.

Gloucestershire County Council (GCC)

Response following Consultation B

There are no known archaeological sites within the proposed allocation W001 and therefore there is no reason to suggest that SEA is necessary due to any potential impact on archaeology.

Natural England

Response following Consultation A

It is advised, on the basis of the material supplied with the consultation, that, in so far as the 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. Natural England agrees with the initial analysis set out in the draft screening opinion that the plan proposals, which do not include allocations for housing or businesses will not have a significant environmental effect and that SEA is not therefore required (including that Habitats Regulations Assessment is not required).

Response following Consultation B Screening Request: Strategic Environmental Assessment - HRA It is advised, on the basis of the material supplied with the consultation, that, in so far as Natural England's 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. Natural England do not believe a further SEA/HRA is needed.

Historic England

Response following Consultation A

In a recent response to the Regulation 14 consultation on the draft Plan, attention was drawn to policy 10 relating to the development of the Oxbutts Caravan Park and the potential for ambiguity in the extent to which it could be interpreted as an allocation rather than the provision of additional development criteria conditional upon the site being eventually allocated when the Local Plan is formally adopted.

The Regulation 14 version of the Plan is that upon which the draft Screening Report is based and while the policy in question remains as it is currently drafted there is concern that it could constitute an allocation without the necessary evidence to substantiate it. On that basis there might well be impacts on the historic environment in the form of designated heritage assets which amount to significant environmental effects.

It is therefore not believed that there is currently sufficient evidence to allow for adequately informed conclusion to be drawn that a full SEA is not required. It should be said that such an absence of evidence also means that it cannot be demonstrated that a full SEA is actually required but our advice would be that such an initial assumption should be made on a default basis.

It would therefore be encouraged either: a) a modification of the wording to policy 10 to make more explicit the conditionality of the site's development as an allocation within the eventual adoption of the Local Plan; or b) the provision of evidence to demonstrate that the site can be developed as proposed without causing significant environmental effects or harm to heritage assets.

On receipt of an updated consultation on the SEA Screening of the Plan in response to either of these actions having been pursued Historic England would be happy to provide revised advice.

Response following Consultation B The proposed qualification to be inserted in the policy satisfactorily addresses the issue that was previously drawn attention to.

Subject therefore to the Plan being formally amended accordingly Historic England can confirm that they would then have no objection to the view that a full SEA is not required.

Environment Agency

Response following Consultation A

Substantive further comments would only be made on the plan if it were seeking to allocate sites in flood zone 3 and 2 (the latter being used as the 1% climate change extent). Given this is not the case, it is not envisaged making further bespoke comment, and would not envisage that SEA or HRA are required in this instance.

Response following Consultation B There are no comments on the need for SEA/HRA or otherwise, beyond what was said in the previous response.

Conclusion

Following an analysis of the above information, the determination has been made that by virtue of the nature of the type and scope of policies and proposals contained in the draft Woodmancote Neighbourhood Plan that it does not require a Strategic Environmental Assessment.

In the initial consultation (Consultation A) on the SEA/HRA screening, Historic England raised concern with regard to Policy 10 and development relating to the Oxbutts Caravan Park. It was advised that Policy 10 of the Neighbourhood Plan policy be amended in line with option a.) provided by Historic England to clarify that the Oxbutts Caravan Park is not an allocation and therefore an SEA/HRA is not required. Following further consultation, Consultation B, Historic England advised that an SEA/HRA is not required in this instance. The other consultees were also advised of the policy amendment and further comments were also received from Natural England, Environment Agency and Archaeology at Gloucestershire County Council (GCC) also confirming no SEA/HRA required. Where no revised comment has been received from a consultee it is assumed that the previous comments still stand.

Effects on European sites have been screened out by virtue of the nature of the type and scope of policies and proposals contained in the draft NP. It is therefore concluded that HRA is not required.

05/08/2021