

**EXAMINATION OF THE NORTHLEACH WITH EASTINGTON  
NEIGHBOURHOOD PLAN 2018-2031 - Submission Plan July 2018**

Examiner's request for further consultation on SA/SEA, specifically in respect of Policy NE1 and flood risk

As an examiner I am charged with considering whether the submitted Neighbourhood Plan meets the 'basic conditions' as set out under section 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended). This note relates, firstly, to the compatibility of the plan with EU obligations [8(2)(f)] and, secondly, the degree to which regard has been had to national policy and guidance on climate change, specifically flood risk [8(2)a].

Once a neighbourhood plan is submitted for examination it is the Local Planning Authority (LPA) which takes over responsibility for progression of the plan. In that respect it is the Cotswold District Council which is now the 'responsible authority' for the purposes of undertaking any further work which may be deemed necessary by way of the Strategic Environmental Assessment (SEA) of the plan under EU Directive 2001/42 as put into effect by the Environmental Assessment of Plans and Programmes Regulations 2004 (generally referred to as 'the SEA Regs').

A draft Sustainability Appraisal (SA) (incorporating SEA) was published by the Northleach and Eastington Town Council in January 2018 and consulted upon in January 2018. This was revised in the light of comments received, including from the Cotswold District Council, and a final report published in May. The revised SA/SEA was, however, not consulted upon. It should be noted that there is no statutory requirement for an SA to be produced for a Neighbourhood Plan only for an SEA should that be deemed necessary.

It appears that there was no formal determination under Regulation 9(1) of the SEA Regs as to whether an SEA was required for this plan. Nevertheless, the LPA have stated in an email to me that the decision to produce an SA/SEA, taken by the Town Council as the Qualifying Body (also the 'responsible authority' prior to plan submission) was, in effect, a Regulation 9(1) determination and that the SA/SEA report is, therefore, an 'Environmental Report' as required under Regulation 12. In that case, it appears that the Regulation 11 stage was, in practice, 'jumped' with consultation on the Environmental Report (in draft) under Regulation 13. However, I do not consider that these procedural irregularities are likely to have prejudiced any party.

Nevertheless, the May 2018 version of the SEA includes some important amendments. In connection with the evaluation of Policy NE1 the Cotswold DC had made observations to the effect that the draft SEA did not identify sufficiently the benefits of the proposed parking area to be balanced with the environmental

implications, including the fact that most of the area would lie within Flood Zone 3, that is at high risk of fluvial flooding.

I am also concerned that the Environment Agency replied to the January 2018 consultation to the effect that they did not have the staff resources to look at the plan. This means that they have not properly considered the adequacy of the SEA work not the implications of the site-specific proposals for flood risk.

For these reasons, in order that I may be fully satisfied that EU obligations have been met and that the SEA Regulations have been fully complied with, I am requesting that the LPA, as the responsible authority, should consult on the final SA/SEA (Environmental Report) in accordance with Regulation 13. That will include the Environment Agency as one of the statutory consultees.

Furthermore, I wish it to be drawn to the attention of the Environment Agency that the site proposed for public parking under NENP Policy 1 lies within Flood Zone 3<sup>1</sup>. I would like the Agency's views as to whether the evidence provided in the SA/SEA on the alternative site at the East End of Northleach<sup>2</sup> and the stated sustainability advantages of the West End location is regarded as a sufficiently robust application of the sequential and exception tests required under national policy. Policy NE1 states that proposals for public parking will be permitted where it can be demonstrated that: (amongst other things) 'permeable/porous surfaces are used as far as possible'. Is that criterion considered adequate to ensure that the development would be safe for its lifetime and not increase flood risk elsewhere?

Has the Gloucestershire County Council as Local Lead Flood Authority (LLFA) been consulted on this proposal?

*John R Mattocks*

Neighbourhood Plan Examiner  
26.10.18

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<sup>1</sup> Copies of all correspondence with the Environment Agency and other consultees should be made available on the examination web site.

<sup>2</sup> By email dated 25 October I have requested that the Town Council provide a plan to show the location of the alternative site for car parking referenced in the SEA report. If available, this should be sent to the Environment Agency for information.