Department for Environment and Community Services

Date: 13 December 2019
Our Ref: ONP Screening
Enquiries to:
Section: Spatial Planning Policy
E-mail: planningpolicy@southlgos.gov.uk

Dear Barry,

Oldbury Neighbourhood Development Plan – SEA Determination

To assist in the production of the Oldbury Neighbourhood Development Plan, South Gloucestershire Council undertook a Strategic Environmental Assessment (SEA) screening opinion. An SEA screening opinion, once consulted on with statutory consultees, is intended to determine whether or not the Neighbourhood Development Plan (NDP) would require a Strategic Environmental Assessment.

SEA Screening Opinion – South Gloucestershire Council

A pre-submission version of the Oldbury Neighbourhood Development Plan, received in February 2019 by South Gloucestershire Council was used to consider the likely environmental effects of the NDP against the criteria set out in Schedule I of the Environment Assessment of Plans and Programmes Regulations 2004. The consideration of likely effects against the Schedule I criteria are available to view in **Appendix 1**.

Following analysis of likely significant effects, South Gloucestershire Council considered that the Oldbury Neighbourhood Development Plan was unlikely to have any significant effects on the environment. The initial opinion of the council was that a Strategic Environmental Assessment of the Oldbury Neighbourhood Development Plan was not required.

As required by Regulation 9(2) (a) of the Environmental Assessment of Plans and Programmes Regulations 2004, the screening opinion was sent to Historic England, Natural England and the Environment Agency in order to arrive at a determination in consultation with the statutory consultees. The screening opinion was shared with the statutory consultees on the 18th April 2019 and is available to view at **Appendix 1**.

SEA Screening Opinion – Statutory Consultees

All three statutory consultees responded to South Gloucestershire Councils screening opinion. However both Historic England and Natural England required further information before they could agree with the screening opinion that the Oldbury Neighbourhood Development Plan was unlikely to give rise to significant environmental effects and therefore would not require Strategic Environmental

Assessment. Further information was compiled and sent to the statutory consultees and the Neighbourhood Planning Group to address any issues raised.

Habitat Regulation Assessment Screening Opinion – Natural England

Natural England utilised the information within the analysis of likely significant effects to also determine that the Oldbury NDP would be unlikely to give rise to significant environmental effects on European Designated Sites and can therefore be screened out from any requirement for further assessment under the Habitat Regulations. This determination is also available at **Appendix 2**.

Determination

Following the response of the statutory consultees, and further engagement between themselves, South Gloucestershire Council and the Neighbourhood Planning Group, it has been agreed that the Oldbury Neighbourhood Development Plan is unlikely to give rise to significant environmental effects which would require Strategic Environmental Assessment, or have significant effects on European Designated Sites that would require consideration under the Habitats Directive. The responses from the statutory consultees as well as further relevant correspondence can be found at **Appendix 2**.

This determination has been arrived at in agreement with relevant statutory consultees on the basis that certain changes are made to the original pre-submission version of the Neighbourhood Development Plan considered for the screening opinion. A summary of these required changes can be found at **Appendix 3**.

A Heritage Report was also produced to provide further evidence, this can be found at **Appendix 4**.

For the purpose of demonstrating that the NDP is unlikely to have significant effects on the environment; as required by the Neighbourhood Planning (General) (Amendment) Regulations 2015), Appendix 1 of this document could be considered to form the statement of reasons, along with required changes sent out in Appendix 3.

Yours sincerely

Danny Dixon
Planning Officer
Strategic Planning Policy & Specialist Advice Team
planningpolicy@southglos.gov.uk
Department for Environment and Community Services | PO Box 1954 | Bristol | BS37 0DD

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Appendix 1
Screening Opinion

Note to Statutory Consultees, assessing significant environmental effect of Oldbury on Severn Neighbourhood Plan (February 2019 Version)

Purpose of Screening Opinion
The screening opinion has two purposes:

- Firstly, to determine whether the Oldbury on Severn Neighbourhood Development Plan (OSNDP) is likely to have significant environmental effects and require strategic environmental assessment (SEA).
- Secondly, to determine whether the plan has potential negative or uncertain effects on Natura 2000 sites of relevance, which would require further consideration under the Habitat Regulations.

This screening opinion has been produced by South Gloucestershire Council, in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 and Habitat Regulation 2010.
As required by Regulation 9(2)(a) of the Environmental Assessment of Plans and Programmes Regulations 2004, and Habitats Regulation (2010), the screening opinion is now being sent to the statutory consultation bodies with a four week period allowed for response, in order for the Council to arrive at a determination, in consultation with the statutory consultees.

Assessing Likely Effects
A draft of the OSNDP, received by the council in February 2019 has been utilised to consider the likely environmental effects, and effects on Natura 2000 sites of relevance. This version of the Neighbourhood Plan has been supplied alongside this Screening Opinion.

The criteria in Schedule I (of the Environmental Assessment of Plans and Programmes Regulations 2004) have been utilised to assess the Plan and produce this screening opinion, to assist consideration of likely effects and make a robust determination.

In considering likely effects, baseline data and findings within the Sustainability Appraisals of the Core Strategy (2013), Policies Sites and Places Plan (2017) and West of England Joint Spatial Plan (at Examination stage at the time of writing) have been utilised, where they relate to the Oldbury on Severn area. The Habitat Regulations screening opinion has been informed by the conclusions of the Core Strategy Habitat Regulation Assessment (2011) and Screening Determination of the Polices, Sites and Places Plan.

In addition to this information the most current and available data for certain environmental issues were considered as the basis for the screening opinion.

Flood Risk
A number of studies have taken place to determine the extent and vulnerability of flood risk in and around Oldbury on Severn. The primary studies of relevance in this screening opinion were:

- Environment Agency National Flood Zone data;
- South Gloucestershire Council Level 2 Strategic Flood Risk Assessment for Oldbury on Severn (September 2017); and
- Oldbury on Severn Sites Assessment Study (AECOM).

The Oldbury Neighbourhood Plan confirms a need for limited housing to meet the specific requirements of the village. This is considered by the Neighbourhood Planning Group to provide the justification for Part 1 of the Exception Test i.e. that the wider sustainability benefits to be afforded to the village as a result of plan led development outweigh the flood risk, although the justification remains to be tested through a Neighbourhood Plan Examination process.

The primary purpose of the SFRA2 therefore was to inform the second part of the Exception Test for the Neighbourhood Planning process, ensuring that any potential new development would be in areas with least flood risk and safe for its lifetime (taking account of the vulnerability of its users), not increase flood risk elsewhere and where possible, reduce flood risk overall.

The site assessment work undertaken by AECOM utilised the information within the SFRA 2 to make recommendations on potential development sites, based on their flood risk, to ensure sites with the lowest risk of flooding were investigated by the Neighbourhood Plan.

Heritage and material assets
The South Gloucestershire Historic and Environmental Records contains regularly maintained and updated information on:

- Conservation Area boundaries;
- Article 4 directions;
- Registered Parks and Gardens both nationally and locally designated; Scheduled Ancient Monuments; and
- Listed Buildings.

The record also has information on undesignated assets, such as known archaeology and non-designated above heritage ground assets.

Nature Conservation
- International designations: Special Protection Areas, Special Areas of Conservation and Ramsar Sites;
- National Designations; Sites of Special Scientific Interest (SSSI); and
- Local Sites of Nature Conservation Interest.

This has been supplemented by confidential data on protected species, habitats and related information held by South Gloucestershire Council.

South Gloucestershire Council - Screening Opinion.
The consideration of likely environmental effects, against the criteria in Schedule I, is set out in Appendix 1 of this screening opinion.

From the analysis of likely effects South Gloucestershire Council considers policies and four proposed small scale housing allocations to meet identified local housing need, are:

1. Unlikely to have any significant environmental effects. Therefore Strategic Environmental Assessment of the Oldbury on Severn Neighbourhood Development Plan is not required.
2. It is also determined that no significant negative or uncertain effects on the Severn Estuary SPA/SAC/ Ramsar site arise as a result of this Neighbourhood Plan. Therefore the OSNDP can be screened out from further consideration under the Habitat Regulations.

Please can you provide support or objection on this initial screening opinion, so a determination on the need for full SEA can be made.

APPENDIX 1 – SIGNIFICANT EFFECTS CRITERIA SCHEDULE

SEA DIRECTIVE CRITERIA FOR DETERMINING THE LIKELY SIGNIFICANCE OF EFFECTS	**RESPONSE IN RELATION TO: OLDBURY ON SEVERN NEIGHBOURHOOD DEVELOPMENT PLAN**
The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	The Oldbury on Severn Neighbourhood Development Plan (henceforth 'the Neighbourhood Plan' or 'NP') would if adopted form part of the statutory Development Plan for South Gloucestershire, (henceforth 'the Local Plan'). It therefore would contribute to the framework for future development consents of projects. The plan sits within a wider framework, set by the South Gloucestershire Local Plan (Core Strategy, 2013 and the Policies, Sites and Places Plan, 2017) and the National Planning Policy Framework. However, the framework set by this plan is for localised projects and activities, with limited effects and resource implications.
The degree to which the plan or programme influences other plans and programmes including those in the hierarchy.	The NP adds local level detail to assist in determining planning applications within the plan area/ boundary. The NP will become a material consideration in the determination of applications for planning permission. The policies and development sites within the NP are considered to be in general conformity with the wider framework and strategic direction set by the South Gloucestershire Core Strategy and Polices Sites and Places (PSP) Plan. This allows Neighbourhood Plans in the district to review and consider approaches to small scale growth, infill development and amendments to settlement boundaries.

	The NP does look to meet identified need for local housing, by making small scale housing allocations. The identified housing need for the NP area is 30 homes. The NP in its current draft is seeking to allocate 4 individual sites, to provide approx. 25 homes in total. The wider framework and strategic direction set by the Core Strategy and PSP Plan documents have each been subject to Sustainability Appraisal incorporating Strategic Environmental Assessment in their own rights.
The relevance of the plan or programme for the integration of environmental consideration in particular with a view to promoting sustainable development	The Oldbury on Severn NP demonstrates the neighbourhood vision through local level policy. Specific policies in relation to the environment focus on: • Policy 9 – Village Charm; • Policy 10 – Local ecological and Wildlife Sites; • Policy 11 – Local heritage Assets; and • Policy 12 – Flood risk. These policies are considered to maintain and add local direction to the overarching policy approaches set out in: Policy 9, reflects Core Strategy Policy CS1: High Quality Design, and PSP1: Local Distinctiveness. While also responding to landscape and historic village development patterns. Policy 10 reflects the approach taken nationally and in Policy PSP19: Wider Biodiversity, whilst adding further information on locally designated nature conservation sites (SNCIs), within the NP area. Policy 11 is considered to add additional information to the policy approach taken in Policy PSP17: Heritage Assets and the Historic Environment and also add further information on local assets in the NP area. Policy 12 is considered to be in conformity with NPPF flood risk policy and the principles set out in Policy PSP20**:** Flood Risk, Surface Water and Watercourse Management. Despite the NP area containing a high degree of flood risk, the NP group, council and statutory bodies have been working together to find a solution to meeting

	local housing need, which minimises flood risk and effects on human health. More detail on the flood risk issue as it relates to the content of the NP is provided in this effect criteria, and supporting evidence base for the NP Plan. It is considered that NP policy is aimed at improving the sustainability of development, quality of life and consideration of sustainability issues within the NP area.
Environmental problems relevant to the plan or programme	The Oldbury NP area contains areas of Flood Zone 3 and 2 and also contains networks of Rhines, inland waterways. Consideration of the flood risk issues, and the need to meet the Exception Test and Sequential Test has been central to the drafting of the Oldbury NP. The approach to proposing small scale allocations to meet identified local housing need, whilst responding to flood risk issues in the area is set out in; the NP, supporting Stage 2 SFRA and technical work by AECOM, referred to as "Oldbury on Severn Sites Assessment". Collectively these documents have provided the basis to meet the first part of the Exception Test, then further work detailed work to improve understanding of flood risk and inform the second part of the Exception Test. Further detail as to how the Plan responds and is informed by flood risk issues set out. The NP area contains a number of designated heritage assets, including a scheduled ancient monument (SAM) and a number of listed buildings. Further details of these are contained below (see section relating to the value and vulnerability of the area likely to be affected). The NP area is in close proximity to a number of sites of international and local nature conservation importance, including the European protected Severn Estuary (SPA, SAC and Ramsar site). Further details of these are contained below (see section relating to the value and vulnerability of the area likely to be affected). The plan aims to provide for small scale, sustainable growth, whilst avoiding harm to existing natural and built assets. Given the scale of proposed growth and approach to arriving at

	proposed growth proposals, it is not considered that significant effects will arise from the NP.
The relevance of the plan or programme for the implementation of community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).	The plan is not considered to be directly responsible or related to implementing community legislation on the environment.
The probability, duration, frequency and reversibility of the effects	The plan is not considered to create any effects of significance.
The cumulative nature of the effects	The plan is not considered to create any effects of significance.
The trans boundary nature of the effects	The plan is not considered to create any cross boundary issues.
The risks to human health or the environment (e.g. due to accidents)	The NP area is located adjacent to the Severn Estuary, it contains locations which are vulnerable to flooding being in Flood Zones 3 and 2, along with networks of Rhines and inland waterways. The NP recognises that its area contains significant flood risk constraints. A primary aim of the NP is to make small scale and limited site allocations focused on the existing developed settlement, to meet an identified need for local housing and ensure the long term sustainability of the village. Although it is considered that the sequential test and first part of the Exception Test are met due to localised and identified need for housing in Oldbury on Severn village, there exist potential for conflict with flood risk issues and negative environmental effects. However, it is considered that the risk to human health and the environment has been minimised and no significant effects will arise. The four proposed allocation sites (totalling 0.79ha), shown in the NP submitted with this screening opinion, have been arrived at through the neighbourhood planning group investing considerable time and resources to find sites with the lowest risk of flooding in the area. The four sites which had potential for development following consideration in the SFRA2 and Site Assessment, are shown in table 3 of the NP. Figures 1 to 5 of Appendix 1 to the NP (pages 29 to 35). All four small scale sites, are within the

	lowest areas of flood risk as ranked by the SFRA2. Initially an SFRA 2 for Oldbury on Severn was commissioned to inform which areas surrounding the village should and should not be considered as having potential for small scale development. The initial areas assessed are shown here. Having removed some sites due to level of Flood Risk, 11 potential sites remained, which were ranked by potential flood risk and subsequent suitability for development. Following the SFRA2 and its findings, the NP group commissioned further work to look in more detail at the ranked sites and consider the relative flood risk of each along with other key development considerations. This work is referred to as the Oldbury Site Assessment (AECOM). At the application stage, should the allocations in the NP be adopted, there will be a requirement for Site Specific Flood Risk Assessment to ensure development remain safe, if any defences are required. In addition adopted policy PSP 21 will apply to consideration of future planning applications on allocation sites, to ensure SuDS principles and run off do not contribute to flood risk in the area. It is considered that these small scale allocations sites have been planned to avoid the areas of highest flood risk in the wider NP area and within the village of Oldbury. Reducing the potential for significant negative effects on both human health and vulnerable environmental assets, while bringing about sustainability benefits in meeting locally identified need for housing. With reference to the existing evidence base compiled and localised nature of allocations and associated minimal effects, there is not considered to be a need for further more detailed SEA in respect of flood risk issues.
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	The NP relates to Oldbury Parish, a specific and contained area within South Gloucestershire. The parish area covers 3112 hectares and has a population of 780, people at the time of the 2011 census. South Gloucestershire council has

	utilised the 2011 Census data and information on dwellings completed to estimate that within the defined village of Oldbury on Severn there are 211 residents in 93 households. This information is set out in the 2018 Sustainable Access profile for Oldbury on Severn Village. Although the NP area covers the entire parish, allocations for local housing are very focused within and adjacent existing village of Oldbury on Severn. In total the four proposed site allocations in the NP have an area of 0.79 ha. Therefore, it is considered that effects arising from policy and proposed site allocations are considered to have very localised effects e.g. on immediately adjacent buildings or building users or localised areas within Oldbury on Severn village. The magnitude and spatial extent of any potential effects are also not considered to be of significance to warrant Strategic Environmental Assessment.
The value and vulnerability of the area likely to be affected due to: Special natural characteristics or cultural heritage; Exceeded environmental quality standards or limit values; Intensive land uses. And; The effects on areas or landscapes, which have a recognised national, Community or international protection status.	Flood Risk Please see the section above on "The risks to human health or the environment (e.g. due to accidents)" which includes consideration of potential significant effects, on flood risk issues in the area, due to allocation of four small scale housing sites in the NP. Natural Environment Considerations Oldbury on Severn is in close proximity, circa 1km, from the boundary of the Severn Estuary European protected site (Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site). There are also a number of other local ecological and wildlife sites in close proximity to the NP area. The NP does include small scale site allocations to meet local need. These are distributed within and adjacent to the existing village/ settlement. Individually and cumulatively these allocations are not considered to have significant effects on international, national or local nature conservation interests of value or vulnerability. The proposed sites are reviewed for potential effects below: Site 7 – Church Road East

	A field of permanent pasture (improved grassland) of only low ecological interest. Field ponds are located to the east and there is a record of great crested newt nearby and consequently there is the potential for development to be subject to receiving a European protected species licence. Records of skylark (a national Priority species) to the west. <u>Site 9 – Westmarsh Lane</u> Large improved agricultural field of low nature conservation value. <u>Site 13 – Westend Lane North</u> Skylark (a national Priority species) recorded nearby. A field of permanent pasture (improved grassland) of only low ecological interest. Field ponds are located nearby and consequently there is the potential for the fields to comprise terrestrial habitat for great crested newt (there are records in the vicinity of Oldbury). Development could therefore be subject to receiving a European protected species licence. <u>Site 13 – Westend Lane South</u> Skylark (a national Priority species) recorded nearby. A field of permanent pasture (improved grassland) of only low ecological interest. Field ponds are located nearby and consequently there is the potential for the fields to comprise terrestrial habitat for great crested newt (there are records in the vicinity of Oldbury). Development could therefore be subject to receiving a European protected species licence. The distribution and scale of proposed housing allocations, to meet identified local need, is focused in and around the existing village of Oldbury on Severn. All allocations proposed by the NP will be subject to Core Strategy Policy CS24, which requires provision or contributions to providing useable recreational space. Given CS24 and the relatively small scale of development proposed, and the fact that the growth is to meet latent identified local need, the increase in population is not considered to create potential for a significant increase in recreational pressures on the Severn Estuary European protected site. Neighbourhood Development Plan Policies 9 (Village Charm) and 10 (Local Ecological and

	Wildlife Sites) may, particularly in combination with extant Local Plan Policies, create localised positive effects on extending the local wildlife network, but any effects will be dependent upon incremental opportunities being taken. Subject to the inclusion of development considerations (through the use of conditions) to safeguard any important or protected species identified, the Plan is not considered to have potential effects, significant or otherwise on nature conservation assets. And therefore does not warrant more detailed consideration through either Strategic Environmental Assessment or Appropriate Assessment, under the Habitat Regulations. <u>Heritage considerations</u> The NP area includes several Listed Buildings, and a Scheduled Ancient Monument in Oldbury on Severn village. The area also includes a large number of locally listed and undesignated heritage assets. The plan contains proposals for development sites not included in the Local Plan. Whilst this may create concern as to effects, there are no proposals on sites which contain or are directly adjacent to Listed Buildings. No allocations are proposed adjacent to the Scheduled Ancient Monument. Potential for effects are focussed on the setting of listed and unlisted assets. <u>Site 7 – Church Road East</u> Not an area that has a direct visual connection with the church, but it does form part of the hillside on which it is positioned and experienced. However, depending on the scale and positioning of development there is some risk of development in this area being visible above the existing settlement and encroaching up the hill towards Church, eroding the sense of isolation and separation between the historic buildings and the village. Although this is most likely to be more perceptible in longer distance views from Picked Moor Lane and Kington Lane. This may affect the level of development which would be suitable on the site to avoid potential for harm. <u>Site 9 – Westmarsh Lane</u>

	Any effect would focus on potential for development to impact upon the setting of the grade II* listed St Arilda's Church. Notably because the contours of the land tapers downward from the hill towards the site. The land is steeply sloping down to Westmarsh Lane. Development of a few houses alongside the road may therefore be screened from views from the church, however would be prominent and harmful anywhere past the most northern part of the site. Careful placement on site would be required and future application could require a setting assessment, to ensure potential for substantial harm is avoided. <u>Site 13 – Westend Lane North</u> Historic Environment Record indicates this is the general area for the location of the medieval manor house of Oldbury. This does not precludes allocation. Any planning application will likely require pre-determination assessment and parts of the site may need to be redesigned or avoided to ensure protection of the valuable archaeology. <u>Site 13 – Westend Lane South</u> Potential for development to impact upon the setting of the grade II* listed St Arilda's Church. Notably because the contours of the land tapers downward from the hill towards the site. Careful placement on site would be required and future application could require a setting assessment, to ensure potential for substantial harm is avoided. The adopted Policy Framework within Core Strategy and PSP Plan, along with the NPPF will ensure any applications arising from allocated sites will be sited and designed to mitigate potential for effects, on the setting of listed buildings in Oldbury on Severn. In addition the Neighbourhood Development Plan Policy 11 (Local Heritage Assets) may, particularly in combination with extant Local Plan Policies, create positive effects on the historic environment in the locality.

	The plan through its policies, careful and considered approach to development sites and associated site policies is considered to create a robust and positive approach to the consideration of heritage and cultural assets of value and vulnerability within the plan area. It is not considered that the plan creates the potential for significant negative effects on historic, cultural or material assets that would warrant SEA.

Appendix 2
Letter to Statutory Consultees

From: Planning Policy [mailto:PlanningPolicy@southglos.gov.uk]
Sent: 18 April 2019 19:00
To: Planning Policy <PlanningPolicy@southglos.gov.uk>
Cc: Carl McClure <Carl.McClure@southglos.gov.uk>; Rob Levenston <rob.levenston@southglos.gov.uk>
Subject: Oldbury on Severn Neighbourhood Plan: SEA Screening Opinion

Dear Sir/ Madam

South Gloucestershire Council has undertaken a Strategic Environmental Assessment screening exercise for an emerging draft of the Oldbury on Severn Neighbourhood Plan.

This is intended to assist determine, in consultation with you as a statutory body, whether or not the Neighbourhood Development Plan (NDP) would require a Strategic Environmental Assessment and assessment under the Habitats Regulations.

Please find attached the Screening Opinion and emerging draft of the Oldbury on Severn Neighbourhood Plan.

If you have any questions on the Screening Opinion or Neighbourhood Plan please do contact the Local Plan team.

Many Thanks,

Carl McClure
Principal Planning Policy Officer

Strategic Planning Policy & Specialist Advice Team
Department for Environment and Community Services | PO Box 1954 | Bristol | BS37 0DD
(: 01454 86 6152 | 8: www.southglos.gov.uk/planningpolicy

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Response from Natural England

Dear Carl

Having looked at the above draft NP and screening document it appears to be allocating housing sites, albeit of a moderate size, fairly close to the Severn Estuary. I therefore think that the approach taken here needs to be consistent with the HRA and SA/SEA for the Joint Spatial Plan, which identifies the need for a strategic approach to mitigating the effects of new development close to the Estuary. While the specifics of a strategic mitigation solution have not yet been worked through, including potential thresholds for development proposals that may need to contribute to a strategic scheme, I think it may leave the NP open to challenge if the issues are not considered in a bit more depth.

Unfortunately Amanda Grundy, our lead for South Gloucestershire casework, is on leave until 28 May and could have had a conversation with one of your team about this, but I'd be happy to speak with you or Rob in the meantime.

Kind Regards
Simon

Simon Stonehouse
Senior Planning Adviser
Somerset, Avon & Wiltshire Team

Natural England
Horizon House
Deanery Road
Bristol BS1 5AH

tel: 020 802 66915 mob: 07900 608072

Follow us on Twitter: @NESouthWest

Further Correspondence with Natural England

Hi Danny

This looks fine to me and seems to be in line with the SEA screening opinion which notes on page 2:-

In considering likely effects, baseline data and findings within the Sustainability Appraisals of the Core Strategy (2013), Policies Sites and Places Plan (2017) and West of England Joint Spatial Plan (at Examination stage at the time of writing) have been utilised, where they relate to the Oldbury on Severn area. The Habitat Regulations screening opinion has been informed by the conclusions of the Core Strategy Habitat Regulation Assessment (2011) and Screening Determination of the Polices, Sites and Places Plan.

In addition to this information the most current and available data for certain environmental issues were considered as the basis for the screening opinion.

I hope the above is helpful, but happy to discuss further

Best wishes

Amanda Grundy
Lead Adviser
Somerset, Avon & Wiltshire Team
Natural England
Horizon House, Deanery Road, Bristol BS1 5AH
07900 608 311

From: Danny Dixon [mailto:Danny.Dixon@southglos.gov.uk]
Sent: 10 July 2019 13:39
To: Grundy, Amanda <Amanda.Grundy@naturalengland.org.uk>
Cc: Rob Levenston <rob.levenston@southglos.gov.uk>
Subject: RE: 282010 Oldbury on Severn Neighbourhood Plan: SEA Screening Opinion (S. Glos)

Hello Amanda,

Following on from our brief call last week I have had a further discussion with Rob and put together some suggested text which I hope should be satisfactory in terms of the concerns raised by Natural England.

Please find attached some suggested text which I would advise the Oldbury Neighbourhood Planning Group use against the proposed site allocations.

If you are available I will follow up with a phone call this afternoon to discuss the suitability of the comments attached and any further thoughts you have.

Many thanks,

Danny

Danny Dixon
Planning Policy Officer
Strategic Planning Policy & Specialist Advice Team

Email: Danny.Dixon@southglos.gov.uk
Phone: 01454 868 896

Attached Text

Allocation Consideration:
Allocated sites will be required to contribute to the strategic mitigation measures outlined in the Habitats Regulations Assessment prepared in support of the West of England Joint Spatial Plan, should it be concluded that the developments are of a scale as to meet the threshold.

Supporting Text:
The Joint Spatial Plan (JSP) is currently at examination stage. The supporting HRA sets out a requirement for contributions to strategic mitigation measures for the cumulative effects of development on European protected sites within the West of England. Detailed information about the threshold for requiring contribution to the strategic mitigation measures will be further developed through JSP and the South Gloucestershire Local Plan.

Response from Environment Agency

Mr D Dixon
South Gloucestershire Council
Strategic Planning Policy & Specialist Advise Team
PO Box 1954
Bristol
BS37 0DD

Our ref: WX/2006/000331/SE-01/SC1-L01
Your ref:

Date: 02 July 2019

Dear Mr Dixon

OLDBURY NEIGHBOURHOOD DEVELOPMENT PLAN 2018 – 2036 SEA SCREENING OPINION

Thank you for referring the above Oldbury Neighbourhood Plan SEA, which was received on 18 April 2019, and I apologise for the delay in responding.

It is noted that South Gloucestershire Council have applied the SEA directive to the Oldbury Neighborhood Plan.

The Environment Agency does however wish to make the following comments in respect of this matter:

Flood Risk Assessment's (FRA) would be required for any new development that is sited within the floodplain. The FRA would be required to demonstrate the proposal is not at risk from flooding, and that there is no increase in risk for any third parties. This would be for the lifetime of development and include an allowance for climate change.

The FRA should include details on finished floor levels, flood mitigation, flood resilience construction, safe refuges, flood evacuation and flood warning.

Flood evacuation and warning should be reviewed by the LPA's Emergency Planning Officer.

Single storey properties are not recommended to be built in Flood Zone 2 or 3 without being sufficiently above the design flood level or without including a safe refuge area.

Please note that some of the smaller-scale development may fall under our Local Flood Risk Standing Advice, and we will therefore not be able to provide a bespoke response.

Otherwise, we support the inclusion of Policy 12 regarding Flood Risk. We also note Policy 16 and the intention to secure community benefit in the way of flood protection for Oldbury Power Station and surrounding area, including the village of Oldbury.

Environment Agency
Rivers House, East Quay, Bridgwater, Somerset, TA6 4YS.
Customer services line: 03708 506 506
www.gov.uk/environment-agency
Cont/d..

If you would wish to discuss any of the above I can be contacted on the number below.

Please quote the Agency's reference on any future correspondence regarding this matter

Yours sincerely

Richard Bull
Sustainable Places - Planning Advisor

Direct dial 02030 250287
Direct fax 01278 452985
Direct e-mail nwx.sp@environment-agency.gov.uk

End

Response from Historic England

From: Stuart, David [mailto:David.Stuart@HistoricEngland.org.uk]
Sent: 30 May 2019 17:01
To: Planning Policy <PlanningPolicy@southglos.gov.uk>
Subject: Oldbury on Severn Neighbourhood Plan: SEA Screening Opinion

Dear Mr McClure

Thank you for your SEA Screening consultation on the emerging Oldbury on Severn Neighbourhood Plan.

This is our first involvement with the preparation of this Plan since an initial consultation from the community in October last year (see attached). You will see that this relates to their aspiration to allocate sites for development within the Plan and our advice about the procedures which we recommended they followed. Generally with such Plans it is proposals to allocate sites for development on which our attention focuses and it does so here.

We note from the Screening Version of the Plan which you have sent that it proposes allocating 4 sites for development in Policy 1 and elaborates on the criteria for their development in Policies 5-8. While supporting information in the Plan identifies the basis for their inclusion and highlights many of the issues which successful development will need to take account of their in-principle suitability appears to be essentially derived from the AECOM Site Assessment Report dated April 2018. As this was produced before our advice was given to the community last autumn it is not clear how the guidance it refers to has been accommodated in preparing the evidence base for the Plan.

Though not submitted as part of this consultation given the role of the AECOM Report in substantiating both the draft Plan and your authority's SEA Screening Report we have accessed it from the Plan's website and used it to inform this response.

The Report is generally disappointing as there is no evidence that our guidance, which has been referred to AECOM for such exercises on many previous similar occasions, has been utilised. It is not clear how relevant heritage assets have been identified and an understanding of their heritage significance, and especially their setting, upon which the determination of the potential for impact or harm must depend, has not been set out. Reference to heritage assets relative to sites where it occurs tends to limit observations to essentially intervisibility and distance, and such considerations in themselves and in isolation cannot be assumed to be accurate determinants of potential for impact on heritage significance.

Regardless of whether sites in the Report have been selected for inclusion in the Plan, pp 3, 9, 12, 15, 21, 27, 39 & 45 of Appendix A apply the same approach where heritage assets have been identified. The Site Appraisals might identify where there is potential for impact on the setting of heritage assets but do not elaborate on the form or severity that this might assume. On this basis it therefore cannot automatically follow that careful location and design is a logical response to the issues which have been identified and can satisfactorily avoid any *harm* to heritage assets, which, in accordance with the imperative to protect and enhance the historic environment set out in the National Planning Policy Framework (NPPF), should be pursued rather than assuming that *mitigation* is automatically an appropriate option.

We also take issue with the manner in which heritage assets are identified as Heritage Considerations in the Site Assessment Proforma as this limits their identification to whether they are within or adjacent to a designated heritage asset rather than on the basis of their location within their setting. There is a risk with this approach in principle that relevant assets may be overlooked and necessary evidence omitted in conclusions on which proposed site allocations might be based.

This does not imply that the allocation of the sites in principle is unacceptable and that the criteria for safeguarding the historic environment associated with them are not capable of discharging that objective. But based on the supporting documents available we do not believe that the Plan is sufficiently well evidenced to demonstrate that the sites in their in-principle allocation will not harm the setting of heritage assets or if so that the safeguarding criteria identified are sufficient to ensure that harm can be avoided, or minimised or mitigated, to an acceptable degree.

However, we are conscious at the same time that the community has also, as we recommended, had discussions with your authority on the suitability of the sites originally considered and this exercise may have involved assessment of the proposed sites by your own conservation officers to determine their suitability and their accommodation within the Plan from a heritage perspective (Plan; para 4.1.3., p12). If so, it would be useful to document this approval as such information can legitimately help address the evidence gaps we have identified. If such involvement has not taken place it represents a straightforward and relatively quick means of doing so.

In the meantime, we are obliged to advise that we cannot agree that the evidence supports the view that there is no likelihood of significant environmental effects and that a full SEA is not required.

Kind regards

David Stuart

David Stuart | Historic Places Adviser South West
Direct Line: 0117 975 0680 | Mobile: 0797 924 0316

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Further Correspondence with Historic England

From: Stuart, David [mailto:David.Stuart@HistoricEngland.org.uk]
Sent: 19 November 2019 12:04
To: Danny Dixon <Danny.Dixon@southglos.gov.uk>
Subject: Revised site allocations for Oldbury in the NDP [EXTERNAL]

Hi Danny

To confirm the main points of our telephone conversation just now:

1. The outcome of the Liz Beth exercise and your conservation and archaeology colleagues involvement is to reduce the number of sites which the Plan will propose for development to just two – numbers 9 & 13.

2. In doing so this will reduce the likelihood of environmental effects, as determined by potential (and harmful) impact on heritage assets, to a level which is less than significant.

3. As a consequence, based on this and a community commitment/revised draft Plan, you will produce a revised SEA Screening Report. On the basis of the above I can confirm that in response to a new consultation we will raise no objection to any Opinion that a full SEA is not required.

4. While this exercise is helpful in firming up on the outcome of the SEA Screening it is important to remember that the provisions of the NPPF also need to be satisfied. This exhorts the avoidance of harm to heritage assets as a presumption and starting point in any site allocation/option evaluation, with minimisation and mitigation being acceptable only if other sites are deemed less suitable in the delivery of the housing outcomes for which evidence has suggested a need.

5. While the community may have aspirations for a certain quantum of new housing to be delivered over the Plan period it is not clear what this is, what the evidence base for this might be, or the extent to which numbers of housing units might feature specifically in the site allocations now proposed. The more prescriptive the allocation policy the more evidence will be necessary to ensure that harm to heritage assets can be avoided/minimised/mitigated to an acceptable degree. Depending on the evidence available and the community's appetite for more evidence gathering if necessary, it may therefore make sense to restrict housing number aspirations to references in the text rather than in the policies themselves.

6. There is also the question of whether the Council's conservation/archaeology investigations identified any residual impact/harm to heritage assets from the allocation of the two sites now remaining notwithstanding it being at a level less than significant and regardless of how the sites might be developed. If the issue with Site 9, for example, is impact on the setting of the church it may be appropriate for the policy to be worded to ensure that development will only be acceptable if there is no harmful impact. If evidence has been created which helps finesse such a provision in terms of site boundaries, height thresholds etc then so much the better. An LVA can help confirm what the impacts from a proposed development will be on identified receptors and their defined sensitivities to change but though useful such exercises tend to adopt different methodology to that needed to determine impact on heritage setting. Such an approach to policy formulation overall might though in the process help avoid having to engage in the determination of a quantum of development for the site and the nature of its design, scale etc, an exercise would then form part of the subsequent planning application process once the Plan is made.

7. We would commend the community and your authority for its collaborative approach to the further work necessary to help refine site allocations in the Plan. This has proved especially useful in identifying the need to review some of the outcomes of the AECOM Site Assessment Report in the light of the additional evidence gathered.

Kind regards

David

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From: Danny Dixon
Sent: 06 November 2019 10:02
To: 'Stuart, David' <David.Stuart@HistoricEngland.org.uk>
Cc: 'Liz Beth' <liz@lbplanning.uk>; Ian Gething <Ian.Gething@southglos.gov.uk>; Paul Driscoll <Paul.Driscoll@southglos.gov.uk>
Subject: RE: Revised site allocations for Oldbury in the NDP [EXTERNAL]

Hello David,

Hope you are well.

Our Conservation & Archaeology Officers have now reviewed the **Oldbury on Severn Further considerations and evaluation report** compiled by Liz Beth. The report was to compile the further work undertaken between Liz, Oldbury Neighbourhood Planning Group and South Gloucestershire Council to assess the heritage considerations, which it was not felt was clearly demonstrated between the conclusions of the AECOM report to the Draft Oldbury Neighbourhood Plan.

Having reviewed the report, colleagues have made the following recommendations in order to remove any remaining concerns and therefore are happy for the plan to go ahead without a full SEA, subject to your agreement.

Below are the changes that must be made to the plan in order to proceed without an SEA:

- Removal of Church Hill East Site 7;
- Change to the boundary extent of Westmarsh Lane Site 9 as well as the requirement for a Landscape and Visual Impact Assessment in the allocation policy; and
- Westend Lane Site 13 requirement for a watching brief condition must be changed to a pre-determination assessment as part of the allocation policy.

The above changes have been justified and agreed by Officers and the Oldbury Neighbourhood Planning Group.

Please find attached a copy of the original report from Liz. Before I complete a statement of reasons of determination please can you confirm that you are happy with the conclusions above and that, with the changes made, an SEA will not be required which is the view of our specialist officers based on their local knowledge.

Happy to discuss further if you have any questions or require any further information.

Kind regards,

Danny Dixon
Planning Policy Officer
Strategic Planning Policy & Specialist Advice Team

Email: Danny.Dixon@southglos.gov.uk
Phone: 01454 868 896

Appendix 3

Summary of changes required to the Pre-submission Oldbury Neighbourhood Plan

Natural England

Additional text below to be included with the site allocations policy:

Allocation Consideration:
Allocated sites will be required to contribute to the strategic mitigation measures outlined in the Habitats Regulations Assessment prepared in support of the West of England Joint Spatial Plan, should it be concluded that the developments are of a scale as to meet the threshold.

Supporting Text:
The Joint Spatial Plan (JSP) is currently at examination stage. The supporting HRA sets out a requirement for contributions to strategic mitigation measures for the cumulative effects of development on European protected sites within the West of England. Detailed information about the threshold for requiring contribution to the strategic mitigation measures will be further developed through JSP and the South Gloucestershire Local Plan.

Historic England

- Proposed allocation site **Church Hill East Site 7** will be removed from the Development Plan.
- Change to the extent of **Westmarsh Land Site 9** as well as the requirement for a Landscape and Visual Impact Assessment (LVIA) to be written into the allocation policy.
- Development at Westmarsh Land Site 9 must avoid harm to St Arilda's Church, evidence of which will be dealt with through the LVIA at the application stage.
- **Westend lane Site13** requirement for a watching brief condition must be changed to a pre-determination assessment as part of the allocation policy.

Appendix 4
Heritage Report

Oldbury Site Selection

Further considerations and evaluation

Oldbury on Severn Parish Council

LB planning

LB Planning for Oldbury Parish Council **August 2019**

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Acknowledgements: Thanks are due to officers from South Gloucestershire Council and Historic England for assistance with compiling this report. Members of the Neighbourhood Plan Steering Group provided valuable local knowledge and assisted with site visits and field work. Any mistakes are of course all my own.

Liz Beth

LB Planning

August 2019

Introduction

1.1 The Level 2 Strategic Flood Risk Assessment of September 2017 undertaken by JPA Consulting, and the AECOM Site Assessment Report of 2018, considered a comprehensive set of potential sites adjacent to the settlement boundary of Oldbury village as part of the evidence base for the ONDP. The Parish council were keen to provide a small number of new mainly affordable houses in the village. The Parish is significantly constrained however, with Natura 2000 sites and a RAMSAR site nearby on the Severn Estuary and flood zones 2, 3A and 3B covering much of the Parish. Further constraints include the Green Belt covering the southern section of the Parish and heritage assets. The latter include a scheduled monument within and adjacent to the village of Oldbury and a Grade 2* listed parish church with an outstanding setting on a small hill in the generally flat estuary landscape.

1.2 The AECOM Report considered heritage impact with a relatively light touch, and at an initial high level. The proximity of the asset to a site was considered and an initial assessment of whether or not mitigation would acceptably reduce any adverse impact. The assessment of the heritage constraints for each site in the Report are considered by Historic England to require more detailed assessment before they can form a view of whether or not the site allocation is acceptable in heritage terms. As their Site Allocation guidance indicates, the specific setting of individual historic assets needs to be considered before impact can be fully assessed.

1.3 Since the AECOM Report was finalised, the National Planning Policy Framework (NPPF) has been revised. This allows neighbourhood plans to make minor changes to Green Belt boundaries where strategic review of the green belt is underway. The NPPF also allows in some circumstances minor sites for affordable housing in the green belt. Thus it is considered sensible to review the site assessment work in the AECOM Report with a more detailed consideration of heritage issues with each shortlisted site, and the changed green belt policy situation – which AECOM felt in May 2018 restrained then from suggesting any site in the green belt was potentially suitable.

1.4 Oldbury Parish Council has therefore commissioned this report to examine in greater depth heritage constraints on short-listed sites, and the most recent national and local strategic policy on development in the green belt. It has used guidance on heritage issues for each potential site from the Local Planning Authority and their Conservation Section (Appendix 1), as well as initial comments from Historic England on a draft screening report for the Oldbury NDP (Appendix 2). Fieldwork and the Oldbury Village Character Assessment have also informed revised site proposals.

The Heritage of Oldbury Village and Environs

Figure 1: Listed Buildings and scheduled monuments in and around Oldbury

Building or Feature	Listing or schedule	Notes
Vine Farmhouse	Grade 2	
Rook Farmhouse	Grade 2	
Holly Tree Farm - well	Grade 2	
Westend Farmhouse	Grade 2	
Camp House	Grade 2	
Pullens Green Farmhouse	Grade 2	
Anchor Inn	Grade 2	Former Mill house – village landmark
Pill Cottages	Grade 2	
St Arildas Church	Grade 2*	Particularly fine setting on a hill, views important
Monuments - Churchyard	Grade 2	
Iron-age Fort 'The Toot'	Scheduled Monument	Unusual feature in a lowland estuary setting. Some of the feature included within gardens of dwellings.

Table 1: Listed Buildings and scheduled monuments in and adjacent to Oldbury village and sites

2.1 Figure 1 and Table 1 above show the nationally listed buildings and scheduled monument in and adjacent to Oldbury. Listed buildings shown are mostly grade 2 farmhouses originally constructed in the 17th Century, or dwellings from the agricultural past. The Anchor Inn was a former mill house. They are located in the level valley of the Severn estuary, and often sit within the traditional built form of the village. Adverse visual impact on these heritage assets will be most likely from development adjacent or close to them and their curtilage.

2.2 St Arildas Church, a rarer grade 2* listed building, has elements dating from the 15th Century. St Arildas was a Saxon saint, who probably also gave Oldbury its name (derived from 'Aldberie'). As the church may be built on an older tumulus on this small but prominent hill, it is likely historic links are more ancient that the current building. The historic importance of the hilltop location, and the visual prominence of the church within the wider flat estuary landscape, makes the setting sensitive to adverse visual impact from development over a much wider radius than the other listed buildings. In line with guidance in the Historic England's Good Practice Advice Note 3 on the setting of heritage assets, further assessment including fieldwork has been undertaken on the impact on the setting of St Arildas Church.

2.3 Oldbury Camp, known locally as 'The Toot' is a scheduled monument and probably iron-age fort. It is unusual for its lowland location, and was occupied in later times as well – influencing the form of the medieval village which has resulted in current dwellings being located on the former site of ramparts.

Locally Listed Buildings

2.4 South Gloucestershire has drawn up a list of buildings and features with heritage importance for heritage (Appendix 3). The Gate at St Arilda's, and the Primary School on Church Hill, are both immediately important for the setting of the listed church. As shown in figure 3, none of the original 5 sites are located in close proximity to any of the grade 2 listed buildings in the village. Any assets in reasonable proximity to the sites detailed below, including locally listed heritage assets, are shown on the relevant site plan.

Site Assessment Process and Shortlist

3.1 As most of Oldbury Parish is within Flood Zones 2 and 3 as defined by the Environment Agency, any site allocations required an initial Flood Risk Assessment be undertaken. This considered 14 potential sites that collectively surrounded the current village settlement boundary, and discounted three of them from further consideration. Site 3 was the scheduled monument, and Sites 10 and 11 had unacceptably high levels of flood risk, both fluvial and tidal. A Level 2 Strategic Flood Risk Assessment (SFRA) was then commissioned on the remaining sites from JBA Consulting, and a final report produced in September 2017. This report ranked the remaining sites as shown in Table 2, with 1 being the site having the lowest flood risk.

RANK	SITE NUMBER
1	8
2	2
3	9
4	13
5	7
6	1
7	14
8	12
9	4
10	5
11	6

Table 2: Sites ranked according to flood risk (1 = lowest)

3.2 The AECOM Site Assessment Report worked from the site assessment in the Level 2 SFRA, widening the factors considered with each site to include the usual range of constraints and requirements. The findings of this Report (Executive Summary) were that Site 2 was the most appropriate, and that parts of Site 13 along Westend Lane also had potential. Site 8 and Parts of Sites 7 and 9 were also felt to have potential if their location within the green belt could be overcome. Figure 2 shows the location of sites assessed by the AECOM Report and Level 2 SFRA.

3.3 The Neighbourhood Plan Steering Group (NPSG) decided to work with a shortlist of these five sites (Figure 3). For village character and landscape considerations Sites 7,9 and 13 were reduced to that part of the site immediately adjacent to an existing lane. During the NPSG consideration of sites, Site 2 was withdrawn as no longer available. In fact further information from the conservation section of SGC indicated that there were considerable heritage concerns about this potential allocation and the recommendation in the AECOM Report. The site being immediately adjacent to the most prominent part of the scheduled monument, visual impact was a serious concern, and screening may well not mitigate the impact on views of the monument. In the absence of professional assessment of potential impact on setting and whether mitigation is possible it was felt the site should not be allocated.

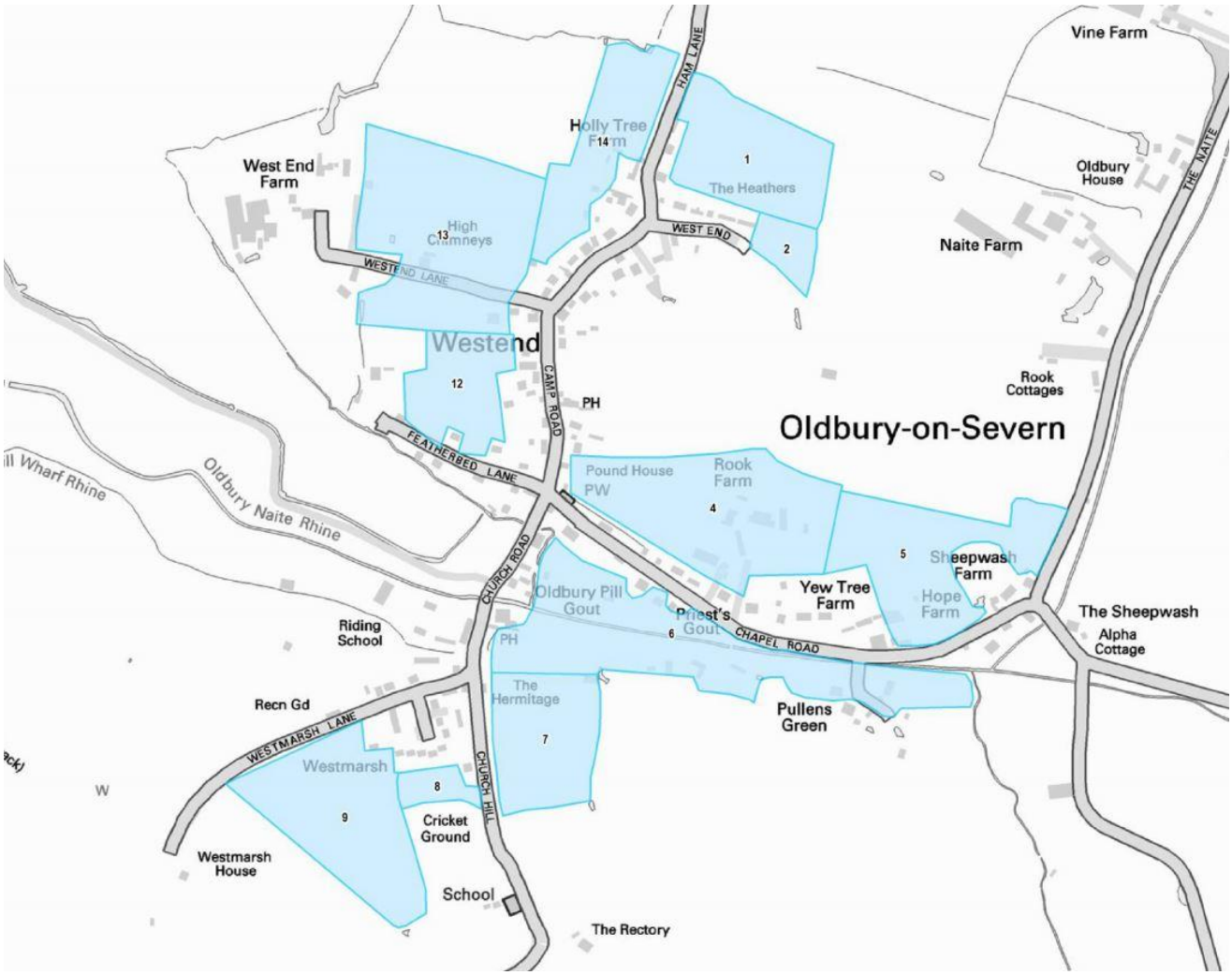

Figure 2: Sites Assessed in the Level 2 SFRA and AECOM Site Assessment

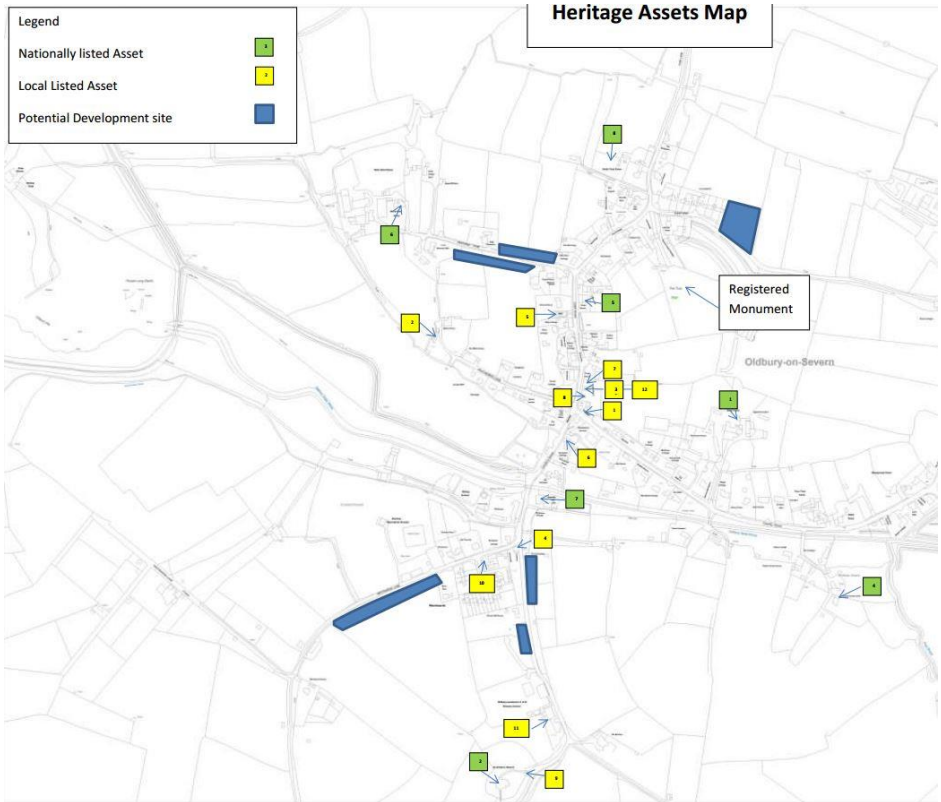

Figure 3: Original Shortlisted sites and Heritage asset locations *(indicative of sites only)*

Remaining Short-listed Sites and further Heritage considerations

Site 13 (part) Westend Lane

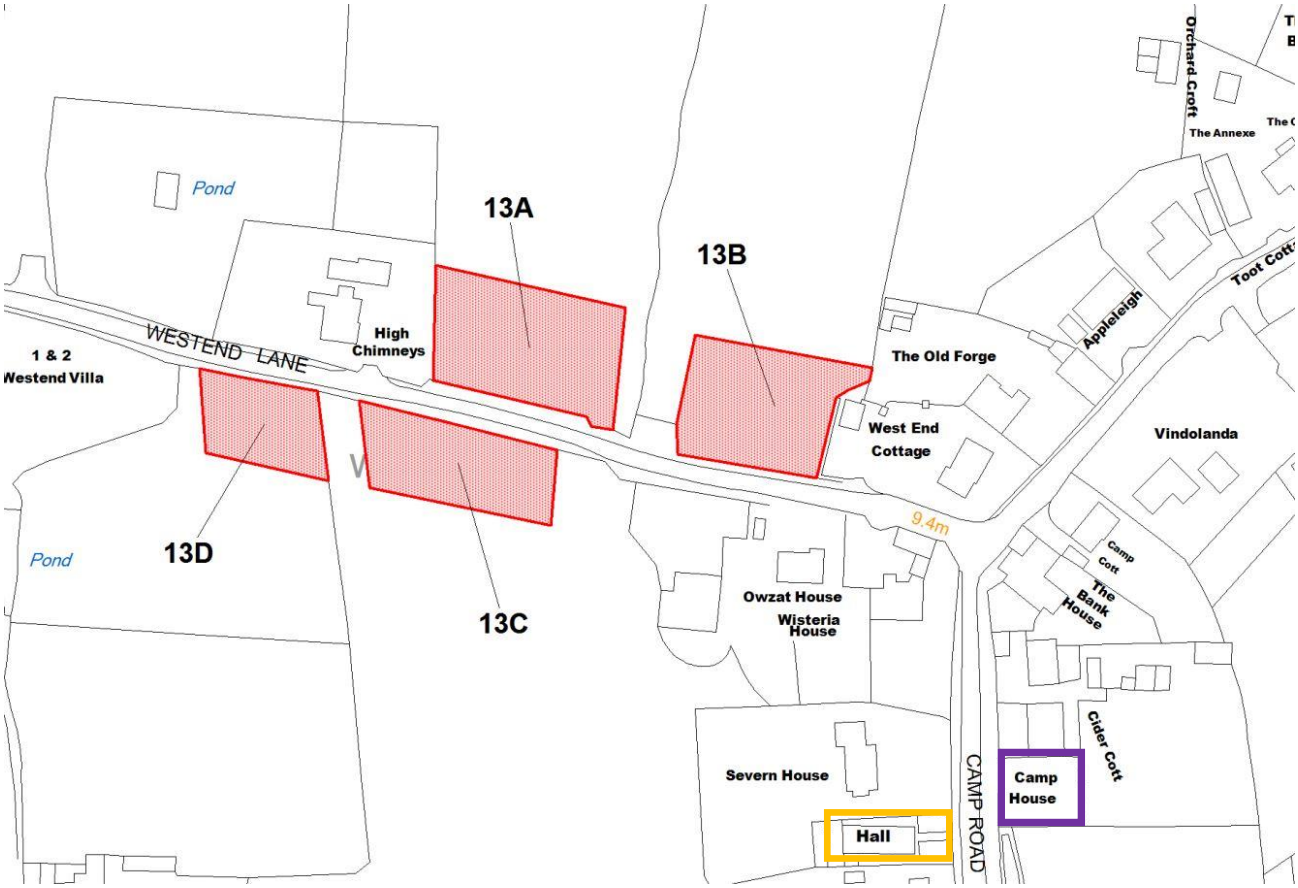

Figure 4: Westend Lane (formerly part of Site 13): *Grade 2 asset - purple; local listing - orange*

4.1 The Conservation Team at SGC have advised (considering the whole of the site) that development here would have little impact on the Scheduled Monument, but the Medieval manor house of Oldbury could be located in the area. The designated site has, as suggested by Conservation, been greatly reduced from the original Site 13, and a watching brief condition can be required as part of the brief for the site. The site has been reduced to dwellings fronting Westend Lane only, partly in order to respect the character of the village but also because development needs to be of a scale suited to a small village with considerable constraints.

4.1.1 Camp House is a grade 2 listed building, but the proposed sites are separated from it by other development and there is no significant impact from them on Camp House or the locally listed Village Hall opposite Camp House. With the reduction in size of the allocation, and with a recommendation for a 'watching brief' condition, the heritage impact of development here is acceptable.

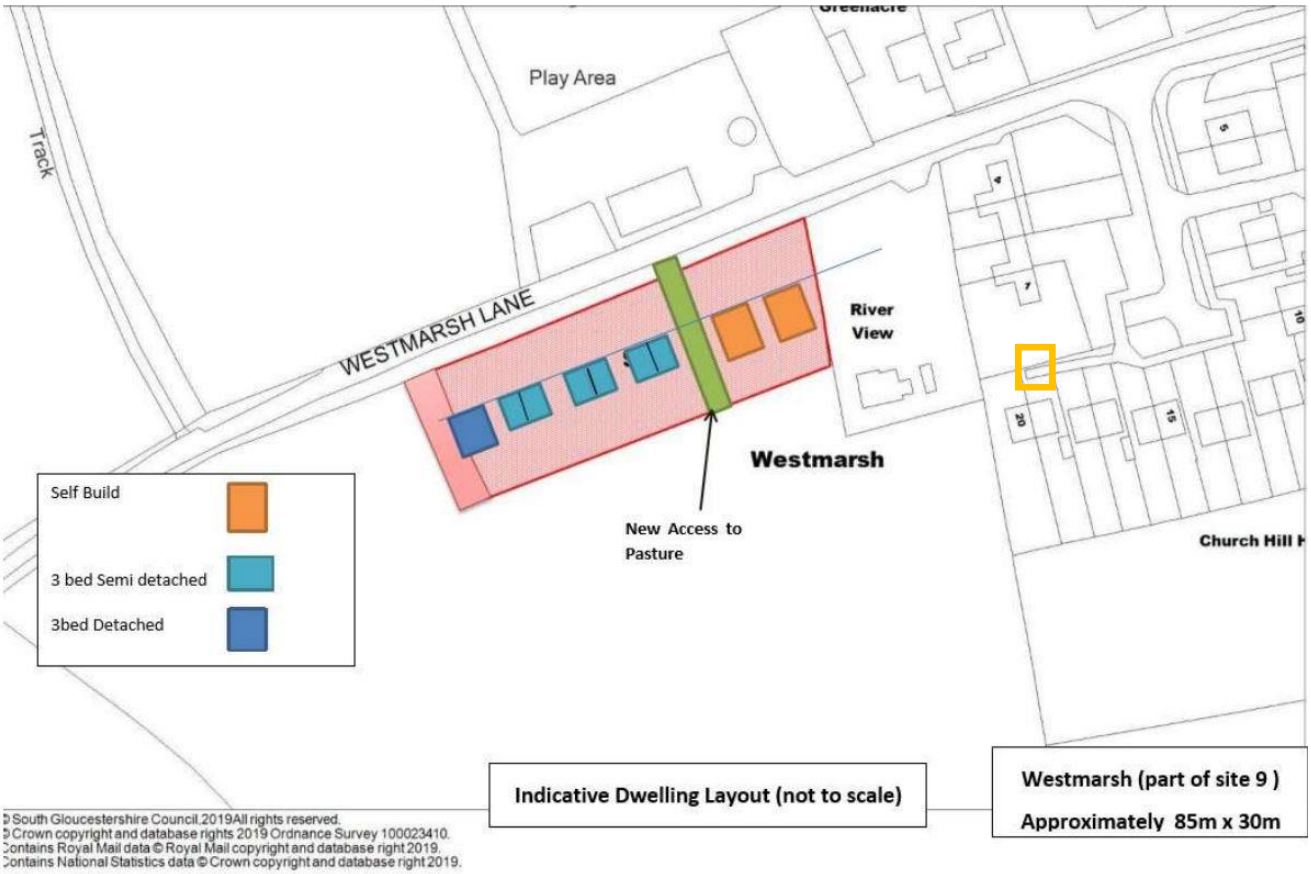

Figure 5: Westmarsh Lane (formerly part of Site 9) indicative layout: *Pump - locally listed orange*

4.2 Conservation advised that there were no major below ground archaeological concerns here, although the site may be near a possible deserted medieval village connected to the St Arilda's Church. These comments relate to the original whole Site 9, which extended someway up the hill towards the church. The archaeological comment (appendix 1) suggested heritage impact would be acceptable in principle with a reduction in the site area, and a watching brief condition. The nearest listed building is the Anchor Inn, which is separated from the site by considerable residential development. There is no significant impact on Anchor Inn from development of the site. The locally listed pump accessed via the cul-de-sac on Westmarsh Lane is separated from the site by existing residential development.

4.2.1 Conservation comments also considered the design and layout best suited to the site in its' reduced format (referred to as "Westmarsh Lane" to avoid confusion), and advised against the development proceeding too far along Westmarsh Lane or presenting a middle-distance view of housing close-packed together. It was suggested that development could go further back into the field on the Westmarsh Lane site, but this is something the NPSG wish to avoid, in line with the Village Character Assessment, which guides development to continue the dwellings fronting existing lanes format. As this part of Westmarsh Lane leads out into the countryside, it is appropriate that development on it transitions from the 'Vintage Village' of Westmarsh Lane at the junction with Church Hill, to a 'Leafy Lane' with trees and hedgerow retained and planted to the roadside and the

built form outline softened by soft landscaping and adequate separation of buildings. The proposed access to pasture in the middle of the site will assist with the visual appearance of development on the site, and the development brief will specify semi-detached dwellings with adequate spacing and the retention of trees on site in order to maintain more distant views of the development as nestled within a green setting.

4.2.2 With the proposed layout and the reduction of Site 9's original length along Westmarsh Lane, the scale and visual impact is considered acceptable in terms of village character and maintaining the openness of the green belt at this location. With the removal of a significant section of the site that extended up the hill towards the church, the impact on views of the church and its setting is considered acceptable by the conservation section of the LPA. A watching brief condition will be required in the development brief in order that any archaeology discovered during future construction works can be recorded.

Figure 6: Approximate visual impact of Westmarsh Lane (reduced Site 9): from LPA advice.

Figure 7: Church Hill West (was Site 8)

4.3 The Conservation Section have indicated they have serious concerns about this site, and the potential visual impact on the historic site and setting of the Grade 2* listed St Arilda's Church. They state:

"From the main road running through the village at points near the village pub, the buildings either side of the street frame an important view up towards the church, which is viewed in isolation high above the village. In this view, directly below the church is the gable of Churchill House (who's garden forms site 8). The garden of Churchill House is higher than the house, rising further to the south. It is clear therefore that any new housing on this site would be higher and compete in these views of the church. Similarly, in views of the church from Westmarsh Lane, the open countryside setting would be eroded, and development would be visible in a much higher position on the hill. In my opinion the erosion of this sense of open space around the church would be harmful to its significance."

4.3.1 Further consideration of the heritage impact on Site 8, Church Hill West, indicates that development here is not acceptable in terms of heritage impact. The AECOM Report's initial suggestion that heritage impact could be mitigated therefore has been found on closer inspection to be misplaced: mitigation is not possible and development should be avoided in order to maintain the setting of the church, which is a crucial aspect of its heritage value.

Site to be removed as an allocation in the Oldbury NDP.

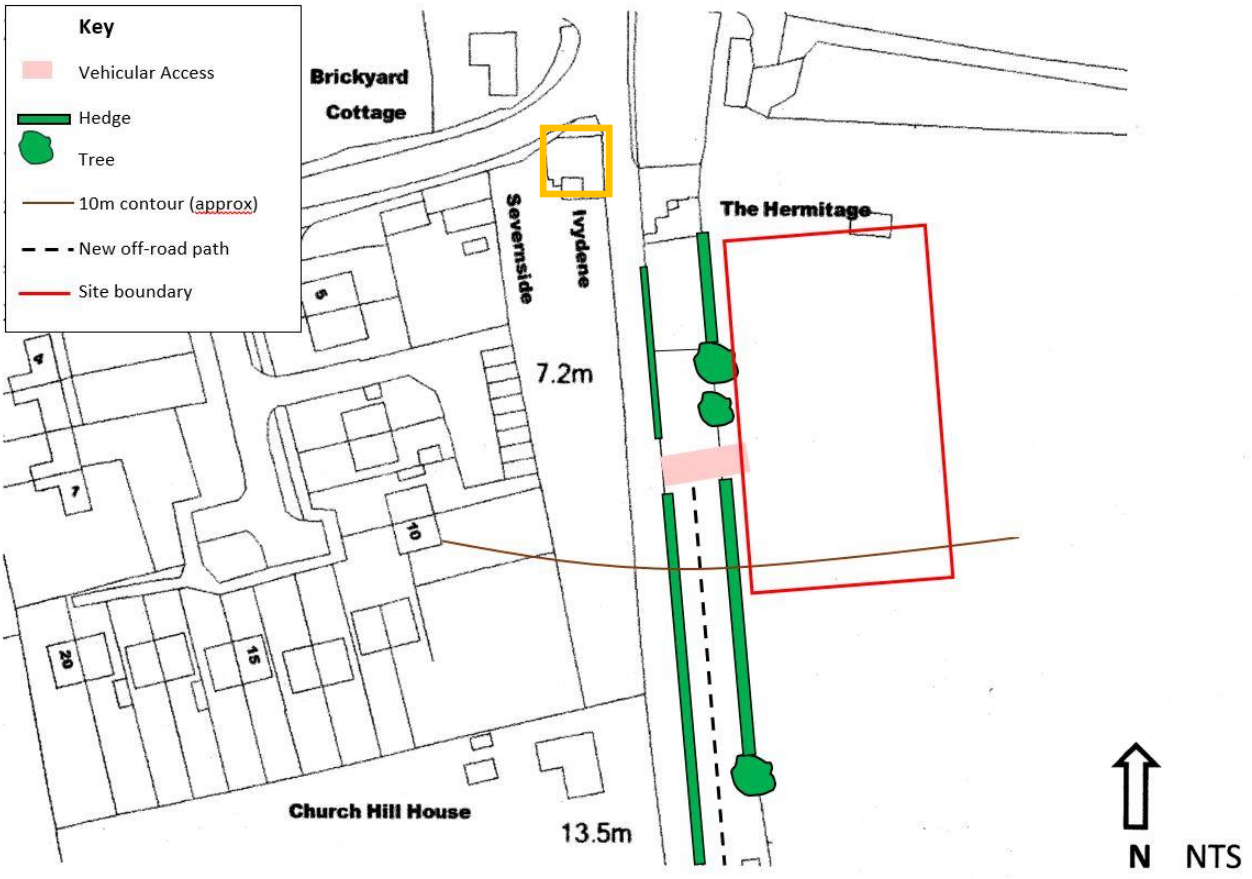

Figure 8: Church Hill East (formerly part of Site 7) revised indicative layout: *Ivydene locally listed*

4.4 The Conservation section of the LPA had the following concerns about this site:

"*There is a risk of development in this area being visible above the existing settlement and encroaching up the hill towards both the Rectory and Church, eroding the sense of isolation and separation between the historic buildings and the village. This is likely to be more perceptible in longer distance views from Picked Moor Lane and Kington Lane where the church and rectory can be seen on the hill (in some views together). In addition to this, access into the site would appear to be constrained heavily by the different levels, the alignment of the road and the existing hedges and vegetation that are an important part of the character of Church Hill. Removal of extensive stretches of hedge for visibility splays, an overly engineered access into the site, and the potential need for a safe walking route into the village would likely be very harmful to the character of the village.*"

4.4.1 Ivydene, a locally listed dwelling is in reasonable proximity to the site, but potential impact on this asset is not significant. This assessment is based on the existing two storey residential development at The Hermitage lying between the asset and the site, and the retention of hedges and the Lagger further maintaining the setting of Ivydene. A site visit and fieldwork in the surrounding environs confirmed that the proposed siting of the Church Hill East Site would potentially impact on views of St Arilda's Church and thus its setting. It was felt however, that a review of the site allocation proposals offered remedies to this potential impact and revised proposals are shown in figure 8. The location of the site has been moved further downhill, and layout details will specify that to the south

of the access lane development shall only be single storey bungalows with enhanced mobility standards, and that the footprint of these dwellings will not extend beyond the 10m contour. The development brief will specify that a visual impact assessment will be needed for any development proposals, with particular regard to impact on St Arilda's Church.

4.4.2 Figure 9 below shows a glimpsed view of the site from the footpath leading east from the Anchor Inn, with the Church on the hill behind it. Proposed development is shown in red on the photo – indicative only. Generally in the immediate village, views of the Church are heavily constrained by trees and other vegetation from roads and paths, particularly in the summer. Longer range views of the church will not be impacted by development keeping ridgelines well below the 20m contour, as it is located above the 35m contour, with a spot height of 40m. Figure 10 shows contours in relation to the Church and this site.

Figure 9: View of Church Hill East site from Footpath with approximate visual impact indicated. *The 20m contour follows the southern boundary of the field.*

4.4.3 The revised layout for this site makes it clear that apart from an access way from Church Hill, the existing hedges and Lagger will be retained. A short service drive will lead to dwellings, set at the back of the existing trees and hedgerow to the east of the Lagger. This will take in level differences between the road and site, as well as retaining most of the vegetation that gives Church Hill its character. The Lagger is also proposed to offer an off-road route up towards the school from the access lane, as a benefit to the wider community. Although conservation comments about the need for a safe walking route into the village for the site are noted, this is already a bigger issue for the school further up Church Hill. Church Hill is now a 20mph zone, and as part of this development,

wider improvements to Church Hill for pedestrian safety within a shared access environment should be made. This would provide a safer walking environment for the school where there was no footway or the new footpath and retain the existing hedgerow. As discussed in the Oldbury Village Character Assessment, the character of the lanes in Oldbury would be spoilt with the addition of footways. Thus safe access for residents on this development needs to be provided within the context of shared use of Church Hill.

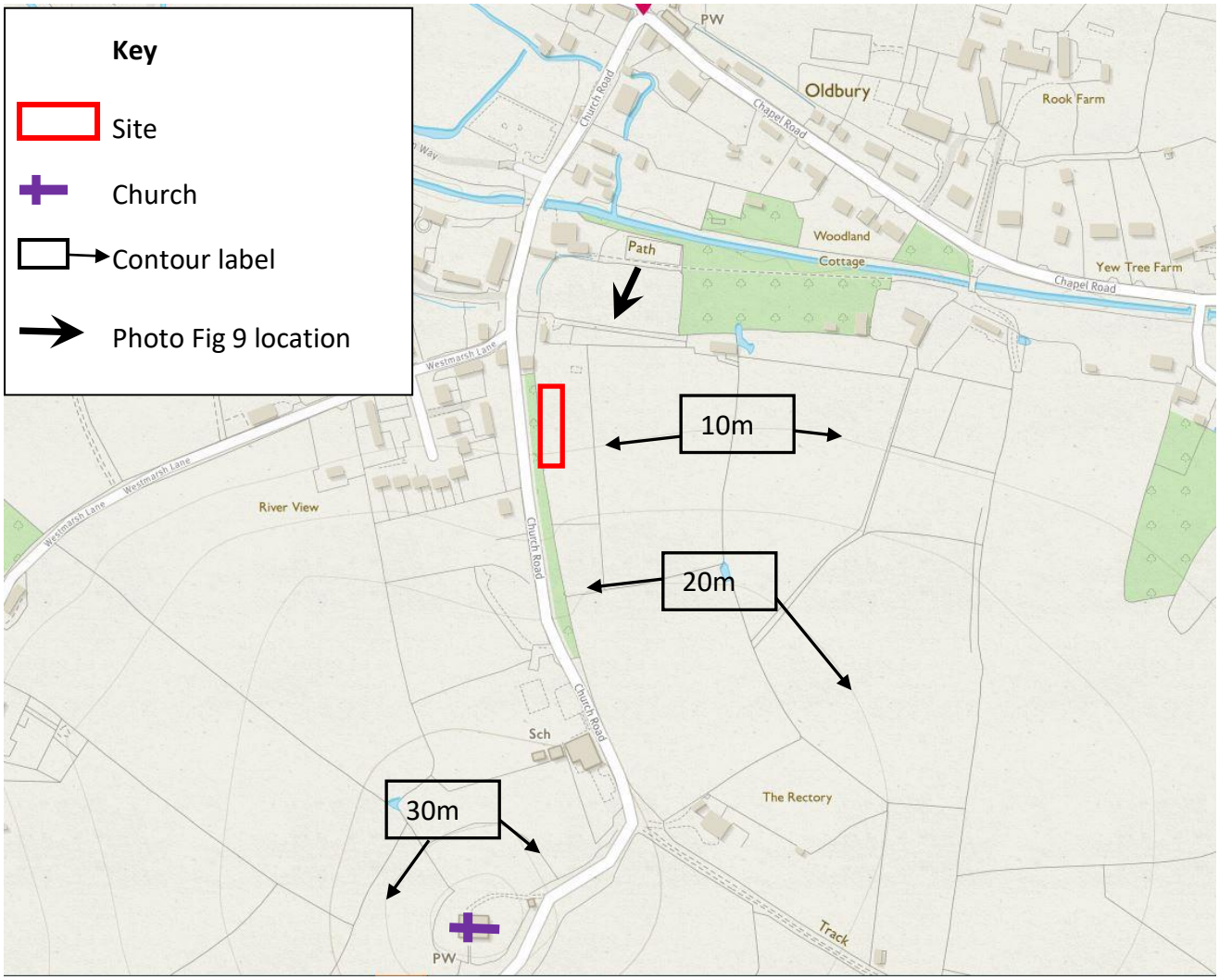

Figure 10: Relative heights of St Arilda's Church and revised Church Hill East Site

Greenbelt Policy Issues

5.1 The Bristol Green Belt is currently under review within South Gloucestershire, as part of the work on the New Local Plan. The NPPF 2019 (para 136) allows neighbourhood plans to make minor changes to the green belt in the neighbourhood area if the strategic planning process has established a need for review of the green belt. The LPA has supported the principle of minor adjustment to the green belt if necessary in Oldbury, and so the caution against any potential allocation in the AECOM Site Assessment can now be amended in principle.

5.2 The preferred option for development was for it to be undertaken on several small sites that followed the existing form of the village. A form described in the Village Character Assessment as a dispersed settlement with development fronting several lanes that intersect at the centre of the village. Site allocations within the current green belt boundary offers a more satisfactory dispersal of new housing among several small sites, and keep each site small and in scale with the existing village character. The shortlisted sites within the green belt are all within the top 5 ranking for lower flood risk, and indeed the green belt covers much of the higher land in the village. Sites 7 and 9 were both within the green belt, and with the allocation of only a small part of each of these sites in the neighbourhood plan, the required alteration to the green belt is minor and suited to the degree of alteration the NPPF allows neighbourhood plans to make in specific cases.

5.3 The new NPPG (para 145) also states that affordable housing for local need within the green belt, and limited infilling in villages, can be acceptable green belt development in some circumstances. Thus the revised NPPF now offers support for the limited site allocations in the green belt in the Oldbury Neighbourhood Plan, that the AECOM Report did not feel able to recommend.

References:

Level 2 Strategic Flood Risk Assessment September 2017 JPA Consulting

Oldbury Site Assessment May 2018 AECOM

Advice from South Gloucestershire Council (SGC) Conservation Team Jan 2019 (by email)

Archaeological advice from SGC Conservation Team Nov 2018 (by email)

National Planning Policy Framework (NPPF) 2019

Historic England – 'The Setting of Heritage Assets' 2nd Edn 2017

Historic England – 'Neighbourhood Planning and the Historic Environment' 2018

Historic England – 'The Historic Environment and Site Allocations in Local Plans' 2015

https://historicengland.org.uk/listing/the-list/ accessed 1st August 2019

Oldbury Village Character Assessment 2018

Oldbury NDP – in progress

www.megalithic.co.uk accessed 1st August 2019

Appendix 1: Comments from South Gloucestershire Council

South Gloucestershire Council – Specialist advice on built heritage issues on draft Oldbury on Severn Neighbourhood Plan January 2019

In response to your request at our meeting of 14th January, our Planning Conservation Officer has conducted a site visit and looked through the draft NDP for Oldbury and would make the following observations:

- Policy 11 focuses on Local Heritage Assets but overlooks designated heritage assets which carry greater weight in the planning system, there being a statutory duty on LPAs to give great weight to preserving the asset or its setting. The document should include a list of the designated assets, not just the non-designated ones.

- There is no Local List SPD 2018 – the adopted Local List SPD is Feb 2008

- Site Allocation Church Road (Site 8). Having viewed the site from various vantage points, I would concur with previous conservation advice on the potential allocation of this site. *Development on site 8 would be prominently visible in views from and towards the church. From the main road running through the village at points near the village pub, the buildings either side of the street frame an important view up towards the church, which is viewed in isolation high above the village. In this view, directly below the church is the gable of Churchill House (who's garden forms site 8). The garden of Churchill House is higher than the house, rising further to the south. It is clear therefore that any new housing on this site would be higher and compete in these views of the church. Similarly, in views of the church from Westmarsh Lane, the open countryside setting would be eroded, and development would be visible in a much higher position on the hill. In my opinion the erosion of this sense of open space around the church would be harmful to its significance. Development on this site is also in the direct line of view from outside the north porch of the church. The north porch is the main entrance and exit point and (along with the tower) forms the only surviving fifteenth century parts of the building, (the remainder rebuilt in 1899). The views over the village and Levels from this point are of great significance. There is planting around the churchyard and this screens the school quite well, however the planting is sparse in some areas and particularly so in views towards the site. Whilst the rooftops of housing beyond the site are visible, development of this higher land would elevate built form higher than any of the other housing in the village. In my opinion this would harm the setting of the church site, undermining the sense of separation from the village.* I would also make the observation that views from the public footpath leading to the yacht club also allow a greater appreciation of the church in its isolated, elevated position, dominating the village below. The school and rectory are unobtrusive and there is no discernible evidence of the encroachment of housing into the setting of the church. Development within this site would, therefore, be harmful and there is, therefore, an in-principle objection from a heritage perspective.

- Site Allocation Westmarsh Lane (Site 9). The area now being considered is reduced from that previously assessed and is now limited to a narrow strip fronting the roadside. The site sits alongside the 1920s housing which itself is set quite deep from the lane. Riverview is also set back from the Lane with its rear gardens cut into the natural slope of the land, this

area along the Lane historically being a clay pit. From Westmarsh Lane, the land rises steeply up to the church which is seen against the skyline, with the tower and roof rising above the trees within the churchyard. From further afield, on the Severn Way footpath to the sailing club, the church is much more visible on the hill, distinct from the village and with an apron of trees, hedges and the open field of Site 9 below it. The roofs of Riverview and the 20th century housing to the east are visible through the trees (not in leaf), nestling at the base of the hill. In the immediate foreground are the single storey structures associated with the playing fields and the business adjacent to Cowhill Wharf Rhine. From the north side of the church tower looking towards the site, the playing fields are visible through the churchyard vegetation, as is the uppermost section of the open field of Site 9. Due to the topography and vegetation, Riverview and other buildings along the lane are largely out of sight. There may be potential for a limited amount of development in this roadside location but further assessment of the inter-visibility and co-visibility of development along this Lane with the Church would need to be carried out to inform the design, layout and quantum that would avoid harming the setting and views to/from the church. In this respect, development should not extend too far to the west to avoid housing obscuring views of the field and hillside on which the church is positioned, especially in views from the Severn Way. There **might** be scope to make better use of the depth of the site compared to Riverview, bringing the houses closer to the lane, perhaps as paired cottages set perpendicular to the lane to reduce the pressure on extending too far west. They should also avoid development creating a solid block when viewed from the Severn Way which is the problem with the linear, close packed development to the east. There needs to be a sense of openness, informality and permeability at the edge of the village, something which is not achieved with tightly packed detached dwellings set in a linear fashion along the Lane. The policy suggests 'custom builds' accessed from their own driveway or a shared drive which would imply large buildings on large plots - this could push them too far to the west so the form/scale/layout needs careful consideration in addition to quantum. I would suggest that development not extend beyond the area in red below which would reduce the risk of development appearing to stretch out beyond the village. This would roughly equate to the terrace of 4 houses to the east in terms of plot sizes (including off-street parking and good-sized front and rear gardens.

This would correspond roughly with the area shown below:

- Site Allocation Church Hill East (site 7). This area of land occupies rising fields on the east side of Church Hill. It is not an area that has a direct visual connection with the church but it does form part of the hillside on which it is positioned and is experienced as one leaves the village heading up to the church and, conversely, as one leaves the church heading down to the village . From Church Hill, the field is set behind a double hedge and it is set above the level of the road, with the land rising up towards the Rectory (locally listed). There is a risk of development in this area being visible above the existing settlement and encroaching up the hill towards both the Rectory and Church, eroding the sense of isolation and separation between the historic buildings and the village. This is likely to be more perceptible in longer distance views from Picked Moor Lane and Kington Lane where the church and rectory can be seen on the hill (in some views together). In addition to this, access into the site would appear to be constrained heavily by the different levels, the alignment of the road and the existing hedges and vegetation that are an important part of the character of Church Hill. Removal of extensive stretches of hedge for visibility splays, an overly engineered access into the site, and the potential need for a safe walking route into the village would likely be very harmful to the character of the village. In the absence of evidence to the contrary, I would not recommend this site be considered for housing.

Archaeology Comments from South Gloucester Council: Our initial archaeological comments for all the sites are set out below to inform your report on the same basis that you are using the other conservation comments ie we are happy for officer comments to be taken into account in any further work undertaken on heritage assessment but feel these were not provided to be published as evidence base in themselves. A final point made by the conservation team is that their comments

were on specific sites as requested by ourselves and therefore sites without comment may not necessarily mean that no heritage issues are present (however due to time and resource issues were unable to comment on all sites).

***Westend (was site 2)**: I have grave concerns about the impact to the setting of the scheduled monument with any development in this area. Currently, I hold the opinion that development would amount to substantial harm to the setting of this scheduled monument and would be opposed. At this stage design and screening cannot be used as a method for offsetting harm as the creation of screening may, in itself, be harmful to the setting of the monument, whose significance likely relies on the openness and visibility to, from and across it. Development would likely impact upon this. As the Iron Age ramparts survive in their best form directly south of this proposed site, the impact would be upon the most visually significant part of the site. The only real option here would be for the applicants/allocators to commission a setting assessment by a professional heritage company who could properly assess the harm. Until then, this area cannot be allocated.*

***Westend Lane (was Site 13):** I am far less concerned with the impact to the setting of the scheduled monument in this location as the western extent of the monument has been eroded and is screened by existing housing. However, the Historic Environment Record indicates that this is the general area for the location of the Medieval manor house of Oldbury. I don't think this necessarily precludes allocation, but it has to be warned that any planning application will likely require pre-determination assessment and parts of the site may need to be redesigned or avoided to ensure protection of the archaeology.*

***Westmarsh Lane (was site 9) and Church Road East (was site 7) and Church Road West (was site 8):** I have no major below ground concerns for archaeology here, although they are near the possible deserted medieval village at St Arilda's church. Largely I think below ground archaeology could be dealt with through the planning system, although like Westend Lane there will likely be a requirement for pre-determination assessment and potential redesign/reduction in numbers.*

Appendix 2: Comments from English Heritage on draft Screening Report

From: Stuart, David [mailto:David.Stuart@HistoricEngland.org.uk]

Sent: 30 May 2019 17:01

To: Planning Policy <PlanningPolicy@southglos.gov.uk>

Subject: Oldbury on Severn Neighbourhood Plan: SEA Screening Opinion

Thank you for your SEA Screening consultation on the emerging Oldbury on Severn Neighbourhood Plan.

This is our first involvement with the preparation of this Plan since an initial consultation from the community in October last year (see attached). You will see that this relates to their aspiration to allocate sites for development within the Plan and our advice about the procedures which we recommended they followed. Generally with such Plans it is proposals to allocate sites for development on which our attention focuses and it does so here.

We note from the Screening Version of the Plan which you have sent that it proposes allocating 4 sites for development in Policy 1 and elaborates on the criteria for their development in Policies 5-8. While supporting information in the Plan identifies the basis for their inclusion and highlights many of the issues which successful development will need to take account of their in-principle suitability appears to be essentially derived from the AECOM Site Assessment Report dated April 2018. As this was produced before our advice was given to the community last autumn it is not clear how the guidance it refers to has been accommodated in preparing the evidence base for the Plan.

Though not submitted as part of this consultation given the role of the AECOM Report in substantiating both the draft Plan and your authority's SEA Screening Report we have accessed it from the Plan's website and used it to inform this response.

The Report is generally disappointing as there is no evidence that our guidance, which has been referred to AECOM for such exercises on many previous similar occasions, has been utilised. It is not clear how relevant heritage assets have been identified and an understanding of their heritage significance, and especially their setting, upon which the determination of the potential for impact or harm must depend, has not been set out. Reference to heritage assets relative to sites where it occurs tends to limit observations to essentially intervisibility and distance, and such considerations in themselves and in isolation cannot be assumed to be accurate determinants of potential for impact on heritage significance.

Regardless of whether sites in the Report have been selected for inclusion in the Plan, pp 3, 9, 12, 15, 21, 27, 39 & 45 of Appendix A apply the same approach where heritage assets

have been identified. The Site Appraisals might identify where there is potential for impact on the setting of heritage assets but do not elaborate on the form or severity that this might assume. On this basis it therefore cannot automatically follow that careful location and design is a logical response to the issues which have been identified and can satisfactorily avoid any *harm* to heritage assets, which, in accordance with the imperative to protect and enhance the historic environment set out in the National Planning Policy Framework (NPPF), should be pursued rather than assuming that *mitigation* is automatically an appropriate option.

We also take issue with the manner in which heritage assets are identified as Heritage Considerations in the Site Assessment Proforma as this limits their identification to whether they are within or adjacent to a designated heritage asset rather than on the basis of their location within their setting. There is a risk with this approach in principle that relevant assets may be overlooked and necessary evidence omitted in conclusions on which proposed site allocations might be based.

This does not imply that the allocation of the sites in principle is unacceptable and that the criteria for safeguarding the historic environment associated with them are not capable of discharging that objective. But based on the supporting documents available we do not believe that the Plan is sufficiently well evidenced to demonstrate that the sites in their in-principle allocation will not harm the setting of heritage assets or if so that the safeguarding criteria identified are sufficient to ensure that harm can be avoided, or minimised or mitigated, to an acceptable degree.

However, we are conscious at the same time that the community has also, as we recommended, had discussions with your authority on the suitability of the sites originally considered and this exercise may have involved assessment of the proposed sites by your own conservation officers to determine their suitability and their accommodation within the Plan from a heritage perspective (Plan; para 4.1.3., p12). If so, it would be useful to document this approval as such information can legitimately help address the evidence gaps we have identified. If such involvement has not taken place it represents a straightforward and relatively quick means of doing so.

In the meantime, we are obliged to advise that we cannot agree that the evidence supports the view that there is no likelihood of significant environmental effects and that a full SEA is not required.

Kind regards

David Stuart

Appendix 3: Locally Listed Buildings and Structures in Oldbury

- Cart Wash Camp Road Oldbury on Severn
- Chapel House Nupdown Lane Sheperdine Oldbury on Severn
- Cider Press Fishermans Cottage Church Road Cowhill Oldbury on Severn
- Dutch Barn Oldbury Lane Oldbury on Severn
- Gate St Arilds Church Church Road Oldbury on Severn
- Ivydene Westmarsh Lane Oldbury on Severn
- Nuclear Power Station Oldbury on Severn
- Oldbury Memorial Hall Camp Lane Oldbury on Severn
- Pound House Camp Road Oldbury on Severn
- Pump West Marsh Lane Oldbury on Severn
- School Church Road Oldbury on Severn
- St Mary The Virgin Church Nupdown Lane Shepperdine Oldbury on Severn
- Stable Albion House Featherbed Lane Oldbury on Severn
- Telephone Box The Row Camp Lane Oldbury on Severn
- Wall Pound House Camp Road Oldbury on Severn
- Welsleyan Methodist Chapel Chapel Road Oldbury on Severn
- Wheelbarrow Cottages Kington Lane Kington Oldbury on Severn
- Workshop Church Road Oldbury on Severn