

Wiltshire Council

**Strategic Environmental Assessment – Screening determination for
the Chirton and Conock Neighbourhood Plan**

September 2017

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1. Introduction

- 1.1 This document provides a screening determination of the need to carry out a Strategic Environmental Assessment (SEA) of the Chirton and Conock Neighbourhood Plan.
- 1.2 Wiltshire Council, as the 'Responsible Authority'¹ under the SEA Regulations², is responsible for undertaking this screening process of the Chirton and Conock Neighbourhood Plan. It will determine if the plan is likely to have significant environmental effects, and hence whether SEA is required.
- 1.3 This process has been carried out in accordance with the requirements of European Directive 2001/42/EC³, often known as the Strategic Environmental Assessment (SEA) Directive, which has been transposed into English law by the SEA Regulations.

2. Legislative requirements

- 2.1 The Localism Act 2011 requires neighbourhood plans to comply with EU legislation. The screening procedure outlined in this report meets the requirements of the SEA Directive and Regulations, as introduced in Section 1 of this document.
- 2.2 Regulation 5 of the SEA Regulations requires an environmental assessment of plans which:

1. *are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use (Regulation 5, para. (2)(a), and which set the framework for future development consent of projects listed in Annex I or II to Council Directive 85/337/EEC (EIA Directive) on the assessment of the effects of certain public and private projects on the environment (Reg. 5, para. (2)(b)*
2. *in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive (92/43/EEC) (Reg. 5, para. (3)*
3. *set the framework for future development consent of projects⁴ (Reg. 5, para. (4)(b)*
4. *are determined to be likely to have significant environmental effects as determined under regulation 9(1) (Reg. 5, para. (4)(c)*

An environmental assessment need not be carried out for:

- a) *plans which determine the use of a small area⁵ at local level (Regulation 5, para. (6)(a); or b) plans which are a minor modification⁶ to a plan or programme (Regulation 5, para. (6)(b) unless it has been determined under regulation 9(1) that the plan is likely to have significant environmental effects.*

¹ The organisation which adopts the neighbourhood plan (this is described in Wiltshire Council's guide *Neighbourhood planning – a guide for Wiltshire's parish and town councils* (June 2012) as 'makes the plan').

² The Environmental Assessment of Plans and Programmes Regulations 2004

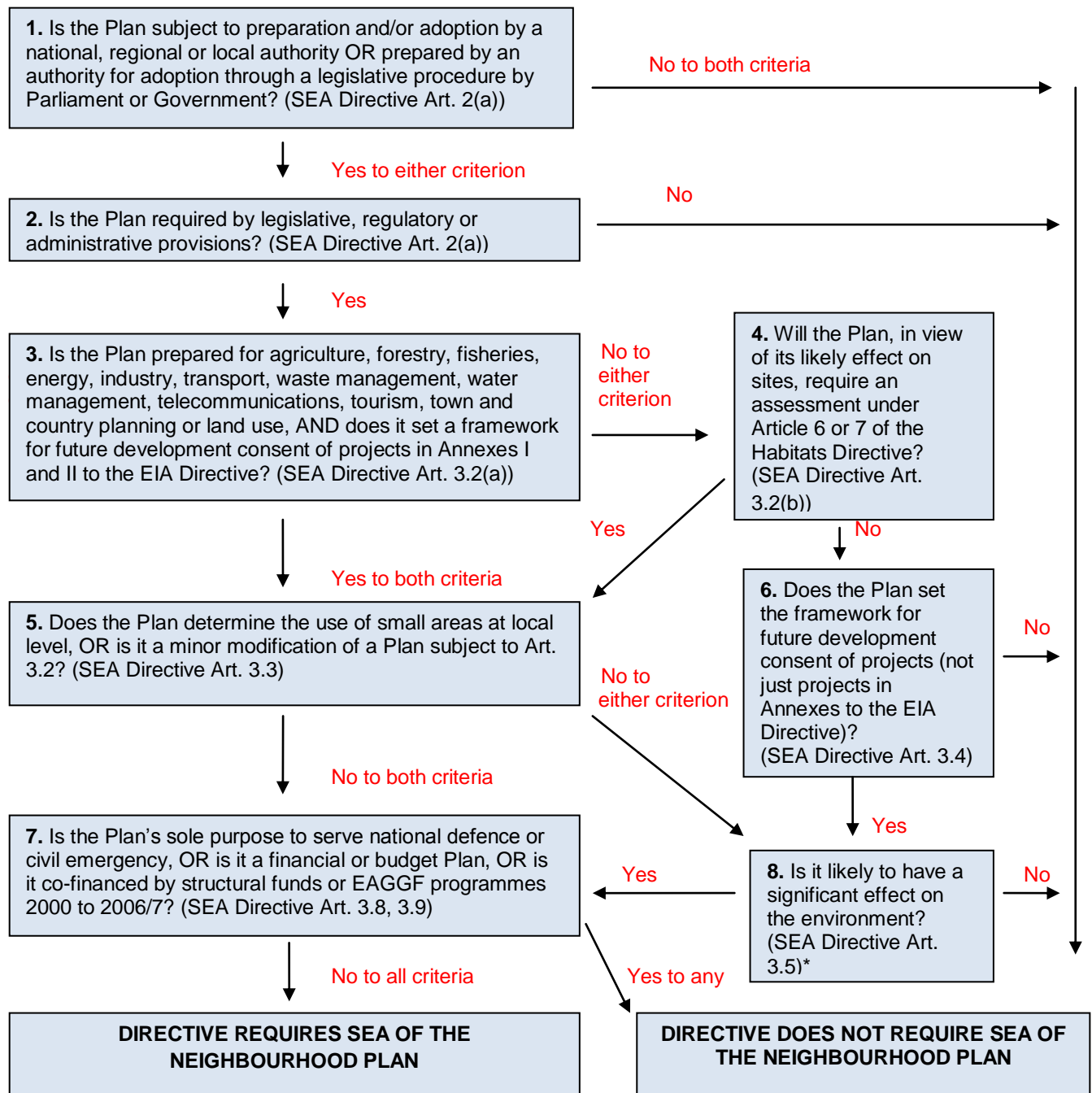
³ European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment"

⁴ European Commission guidance states that plans and programmes which set the framework for future development consent of projects would normally contain 'criteria or conditions which guide the way a consenting authority decides an application for development consent'. Development consent is defined in the EIA Directive as "the decision of the competent authority or authorities which entitled the developer to proceed with the project" (Article 1(2) of the EIA Directive).

⁵ European Commission guidance suggests that plans which determine the use of small areas at local level might include "a building plan which, for a particular, limited area, outlines details of how buildings must be constructed, determining, for example, their height, width or design"

⁶ 'Minor modifications' should be considered in the context of the plan or programme which is being modified and of the likelihood of their having significant environmental effects. A modification may be of such small order that it is unlikely to have significant environmental effects.

2.3 The diagram⁷ below shows the SEA Directive's requirements and its application to neighbourhood plans:



* Plans falling in this category (No.8) will be screened by Wiltshire Council to determine if they are likely to have significant environmental effects. This determination will be made on a case by case basis for neighbourhood plans coming forward in Wiltshire.

NB This diagram is intended as a guide to the criteria for application of the Directive to neighbourhood plans. It has no legal status.

⁷ Taken from *A Practical Guide to the Strategic Environmental Assessment Directive* ODPM, 2005)

3. The Chirton and Conock Neighbourhood Plan

- 3.1 The parish of Chirton and Conock is preparing a neighbourhood plan under the provisions of the Localism Act 2011.
- 3.2 The designation of the Chirton and Conock Neighbourhood Area was made on 5th December 2016. For the designation notice see <http://www.wiltshire.gov.uk/planning-neighbourhood-latest-news>
- 3.3 A Draft Neighbourhood Plan accompanies this screening decision, setting out the proposed policies of the Plan.

4. SEA Screening assessment

- 4.1 Wiltshire Council, as the 'Responsible Authority', considers that the Chirton and Conock Neighbourhood Plan falls within the scope of the SEA Regulations on the basis that it is a plan that:
 - a)** is subject to preparation or adoption by an authority at national, regional or local level (Regulation 2);
 - b)** is prepared for town and country planning or land use and it is a plan that sets the framework for future development consent of projects generally (Regulation 5, para. 4); and
 - c)** will apply to a wider area other than a small area at local level and is not a minor modification to an existing plan or programme (Regulation 5, para. 6).
- 4.2 A determination under Regulation 9 is therefore required as to whether the Chirton and Conock Neighbourhood Plan is likely to have significant effects on the environment.
- 4.3 The screening requirements set out in Regulation 9 and Schedule 1 of the SEA Regulations includes two sets of characteristics for determining the likely significance of effects on the environment. These relate to i) the characteristics of the Chirton and Conock neighbourhood plan and ii) the characteristics of the effects and of the area likely to be affected by the Chirton and Conock Neighbourhood Plan. In making a determination, Wiltshire Council will take into account the criteria specified in Schedule I of the Regulations as follows:

1. The characteristics of the plans and programmes, having regard in particular to:

- (a)** the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;
- (b)** the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;
- (c)** the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;
- (d)** environmental problems relevant to the plan or programme; and
- (e)** the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:

- (a)** the probability, duration, frequency and reversibility of the effects;
- (b)** the cumulative nature of the effects;
- (c)** the transboundary nature of the effects;
- (d)** the risks to human health or the environment (for example, due to accidents);
- (e)** the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);
- (f)** the value and vulnerability of the area likely to be affected due to—

- (i)** special natural characteristics or cultural heritage;
- (ii)** exceeded environmental quality standards or limit values; or
- (iii)** intensive land-use; and

- (g)** the effects on areas or landscapes which have a recognised national, Community or international protection status.

The screening assessment of the Chirton and Conock Neighbourhood Plan is set out below:

Criteria (Schedule 1 SEA Regs.)	Significant environmental effects likely?	Justification and evidence
1. The characteristics of plans , having regard, in particular, to:		
(a) the degree to which the plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	No	The neighbourhood plan covers the parish area only. It sets a new policy framework for the parish to allow only in-fill development (in harmony with the current look of the parish and in accordance with the adopted Wiltshire Core Strategy policy). The village of Chirton is designated as a 'Small Village' in the Wiltshire Core Strategy. The neighbourhood plan is not proposing any new site allocations for development. Infill development is described in the Core Strategy as ' <i>the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling</i> '
(b) the degree to which the plan influences other plans and programmes including those in a hierarchy	No	The neighbourhood plan is produced by the local community to influence development at the local level. A neighbourhood plan must be in general conformity with Local Plans and national planning guidance.
(c) the relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development	No	The neighbourhood plan is a land-use plan that promotes sustainable development, in general conformity with the Local Plan and national planning guidance. It is not a Plan specifically for the integration of environmental considerations. However, the Plan recognises (Policy 3) the sensitive landscape setting and high quality historic townscape of Chirton and Conock and that this must be respected by the design of any new development, especially in relation to the Conservation Area and AONB. Local environmental and heritage features will continue to be protected and enhanced through this Plan but also through the Core Strategy and national planning policy e.g. NPPF. The Plan seeks to protect a number of important areas of open space through Local Green Space designations.
(d) environmental problems relevant to the plan	No	There are no specific environmental problems relevant to this neighbourhood area.

(e) the relevance of the plan for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	No	The neighbourhood plan is not relevant as a plan for implementing community legislation.
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:		
(a) the probability, duration, frequency and reversibility of the effects	No	Any environmental effects are not considered to be significant judging by the proposals in the neighbourhood plan. The Plan is not proposing any sites for development and seeks to give further protection to areas of environmental and cultural importance. Any development that does take place will be in accordance with the Wiltshire Core Strategy and national planning guidance. Effects of the limited amount of infill development expected are likely to be localised and short-term.
(b) the cumulative nature of the effects	No	No cumulative effects are considered likely to be significant.
(c) the transboundary nature of the effects	No	No transboundary effects with other EU countries are considered likely to be significant.
(d) the risks to human health or the environment (for example, due to accidents)	No	There are no significant environmental effects considered likely to risk human health or the environment.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	No	The neighbourhood plan covers a rural parish which includes small settlements and the 'Small Village' of Chirton. Significant environmental effects due to the geographic size of the area and population size are not considered likely.
(f) the value and vulnerability of the area likely to be affected due to— (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use;	No	The neighbourhood area contains European and national level biodiversity designations, the North Wessex Downs AONB, a conservation area in the village of Chirton and various listed buildings. There is an area of Flood Zone 2 and 3 between the villages of Patney and Chirton. Because the Plan is not proposing any sites for development and any future infill development will be in accordance with policies of the Wiltshire Core Strategy and national planning guidance, no significant environmental effects are considered likely on areas of special natural or cultural significance. Environmental quality standards or limit values are not likely to be exceeded and land-use is not likely to be intensified as a result of this neighbourhood plan.

<p>(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>No</p>	<p>The neighbourhood area contains the North Wessex Downs AONB, a conservation area and a number of listed buildings. In the south of the neighbourhood area, on Salisbury Plain, there are SSSI, SAC and SPA designations.</p> <p>A small amount of infill development i.e. the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling, during the Plan period, to meet local housing needs as the Core Strategy allows, is not considered likely to have significant environmental effects on any of these designations. Any development that is proposed during the Plan period must be in accordance with local and national planning policies.</p>
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5. SEA Screening decision

- 5.1 Regulation 9 of the SEA Regulations requires that the responsible authority shall determine whether or not a plan is likely to have significant environmental effects. The responsible authority shall —
- (a) take into account the criteria specified in Schedule 1 to these Regulations; and
 - (b) consult the consultation bodies.
- 5.2 Where the responsible authority determines that the plan is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), it shall prepare a statement of its reasons for the determination.
- 5.3 Wiltshire Council considers that the proposed Chirton and Conock Neighbourhood Plan is **unlikely to have significant environmental effects** and accordingly **does not require a Strategic Environmental Assessment**. This decision is made for the following key reasons:
- 1. The neighbourhood plan proposals are considered to be in general conformity with the Wiltshire Core Strategy which has been subject to SEA and HRA assessments. The Core Strategy was adopted on 20th January 2015.
 - 2. The neighbourhood plan is proposing policies that will give added protection and enhancement to environmental and cultural features within the parish, in addition to protection already contained within local and national planning policy.
 - 3. The neighbourhood plan is not allocating any sites for development. Planning permission for future development will need to be in accordance with the Wiltshire Core Strategy and NPPF. Within the ‘Small Village’ of Chirton, infill development only will be permitted in accordance with Core Policy 2 of the Core Strategy. Development proposals in the rest of the parish, in the open countryside, will only be permitted in accordance with the limited exception policies of the Core Strategy.
- 5.4 This screening decision has been sent to Natural England, the Environment Agency and Historic England, requesting comments within a 5-week period from 18th August 2017.

6. Statutory consultee response to screening decision

- 6.1 Natural England, Environment Agency and Historic England, as statutory consultation bodies under Regulation 9 of the SEA Regulations, were consulted on this SEA screening determination between 18th August 2017 and 22nd September 2017. All three bodies agreed with the determination that no SEA is required on the neighbourhood plan.
- 6.2 The responses received from the three statutory bodies are presented in Appendix A.

Appendix A - Consultation responses from statutory consultation bodies

From: Challans, Ellie [ellie.challans@environment-agency.gov.uk]
Sent: 05 September 2017 09:23
To: Way, David
Subject: RE: Chirton and Conock Neighbourhood Plan - SEA screening consultation

Dear David

Thank you for consulting the Environment Agency. Given that no new development is proposed, we have no objection to your screening decision that no SEA is required for the Plan.

Kind regards,

Ellie

Ms Ellie Challans, Planning Advisor, Sustainable Places, Wessex Area, Blandford
T 02030 259311 (Internal 59311) **E** ellie.challans@environment-agency.gov.uk
Environment Agency, Rivers House, Sunrise Business Park, Higher Shaftesbury Road,
Blandford, Dorset, DT11 8ST

From: Stuart, David [David.Stuart@HistoricEngland.org.uk]
Sent: 05 September 2017 08:00
To: Way, David
Cc: Vellance, Steven; Neighbourhood Planning
Subject: RE: Chirton and Conock Neighbourhood Plan - SEA screening consultation

Dear David

Thank you for your consultation on the SEA Screening for this neighbourhood plan.

This is our first involvement with this Plan so we also appreciate the opportunity it provides for us to familiarise ourselves with the emerging document and highlight any issues of interest to us for future reference.

I can confirm that, based primarily on an absence of site allocations, we have no objection to the view that an SEA will not be required. Otherwise, we are pleased to see that the community values its historic environment and seeks its protection and enhancement through policies such as Policy 3 – Design.

As the Plan stands there are no other issues we wish to highlight and unless the Plan changes significantly would not anticipate making additional comments as its preparation progresses.

Kind regards

David David Stuart | Historic Places Adviser South West
Direct Line: 0117 975 0680 | Mobile: 0797 924 0316
Historic England | 29 Queen Square | Bristol | BS1 4ND
<https://historicengland.org.uk/southwest>

From: Routh, Charles (NE) [charles.routh@naturalengland.org.uk]
Sent: 28 September 2017 10:03
To: Way, David
Subject: RE: Chirton and Conock NDP SEA (Wiltshire): NE ref: 223918

David, apologies for the delay – preoccupied with other work, so fell through the net. Yes, I can confirm that Natural England concurs with the conclusions of the screening decision namely that no SEA is required.

Charles Routh
Lead Advisor
Planning & Licencing
Somerset, Avon and Wiltshire Area Team
Natural England. 07990 773630