

Wiltshire Council

**Strategic Environmental Assessment - Screening determination for
the Hilperton Neighbourhood Plan**

February 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 Hilperton Neighbourhood Plan.
- 1.2 Wiltshire Council, as the ‘Responsible Authority’¹ under the SEA Regulations², is responsible for undertaking this screening process of the Hilperton 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 (Regulation 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) (Regulation 5, para. (3)

3. set the framework for future development consent of projects⁴ (Regulation 5, para. (4)(b)

4. are determined to be likely to have significant environmental effects as determined under regulation 9(1) (Regulation 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)*

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”

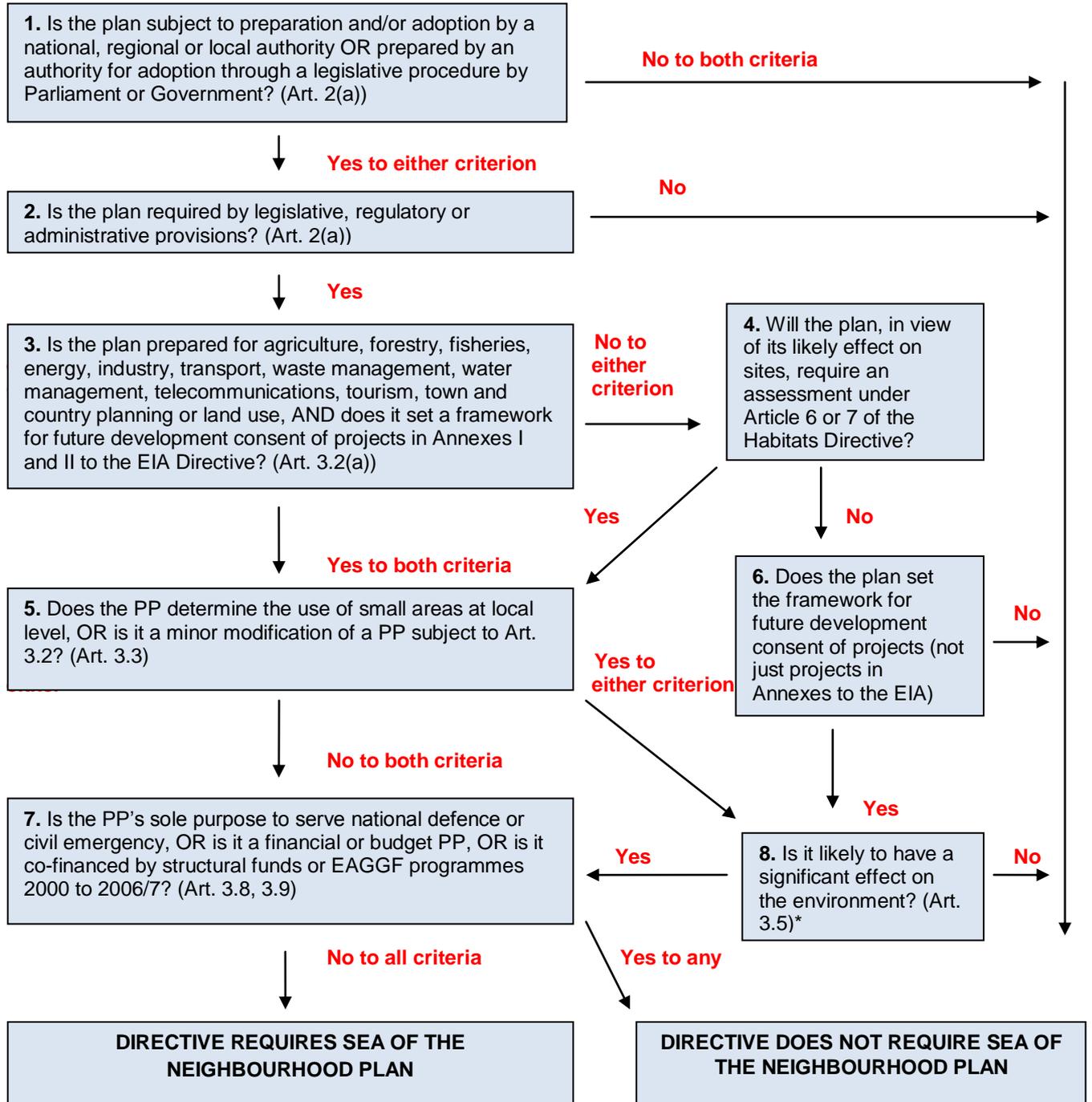
⁴ European Commission guidance states that plans and programmes which **set the framework for future development consent of projects** would normally contain ‘criteria or conditions which guide the way a consenting authority decides an application for development consent’. **Development consent** is 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”

unless it has been determined under regulation 9(1) that the plan is likely to have significant environmental effects.

2.3 The diagram⁷ below shows the SEA Directive’s field of application:

Application of the SEA Directive 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.

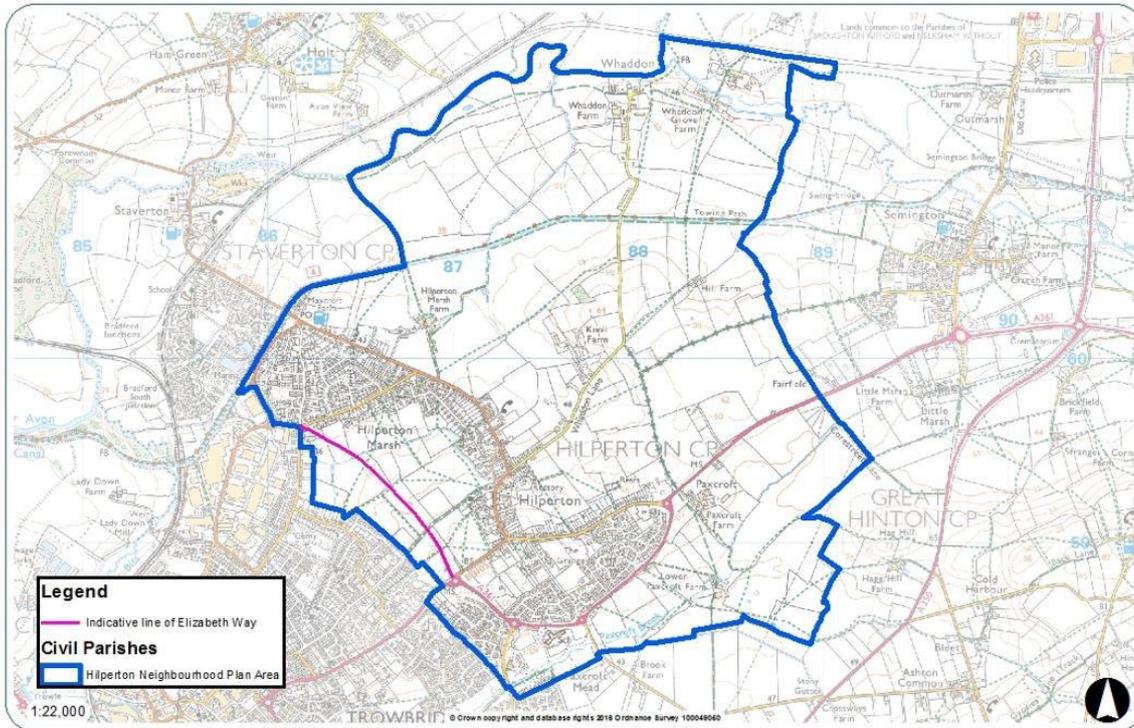
⁶ 'Minor modifications' should be considered in the context of the plan or programme which is being modified and of the likelihood of their having significant environmental effects. A modification may be of such small order that it is unlikely to have significant environmental effects.

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

3. The Hilperton Neighbourhood Plan

3.1 The Hilperton Neighbourhood Plan covers the whole parish of Hilperton as shown on the following map:

Hilperton Neighbourhood Plan Area



3.2 The proposed draft vision statement of the draft Plan, main objectives and policies are outlined in sections 8, 9 and 10 of the draft Plan that accompanies this screening report.

4. SEA Screening assessment

4.1 Wiltshire Council, as the 'Responsible Authority', consider that the Hilperton 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 Hilperton 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 Hilperton Neighbourhood Plan and

ii) the characteristics of the effects and of the area likely to be affected by the Hilperton Neighbourhood Plan.

4.4 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.

Table 1 - Screening assessment of the Hilperton Neighbourhood Plan

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 draft neighbourhood plan sets out a framework of objectives designed to address particular issues in the parish. These seek to protect and enhance the local environment and heritage assets. The draft plan is not allocating any sites for development. All draft policies will be in general conformity with policies in the Core Strategy as to what development is permitted and where.
(b) the degree to which the plan influences other plans and programmes including those in a hierarchy	No	The draft neighbourhood plan is produced by the local community to influence development at the local parish level. It does not strongly influence strategic plans higher up in a hierarchy, although any potential future review of the Wiltshire Core Strategy will need to give consideration to the Plan's proposals.
(c) the relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development	No	The draft neighbourhood plan is a land-use plan that seeks to promote the objectives of sustainable development. However, it is not specifically a plan for integrating environmental considerations. Policies are proposed to protect and enhance local landscape setting as well as encourage new hedgerow and tree planting and improvement of existing green infrastructure including ponds and habitat enhancement. The proposed design policy requires new development to demonstrate how the design reflects the principles of the 2005 Village Design Statement and expects higher quality design in the conservation area. New buildings and extensions to buildings will be required not to harm the character of the conservation area or the setting of nearby historic buildings, whether listed or not.
(d) environmental problems relevant to the plan	No	The draft neighbourhood plan will seek to address environmental problems that are relevant to the parish. There are no specific environmental problems relevant to the neighbourhood area. The draft Plan seeks to enhance the local environment and landscape setting, protect existing green spaces and protect heritage assets in the parish.
(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 draft 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	No	The draft neighbourhood plan is not proposing any new development. No development sites are

Criteria (Schedule 1 SEA Regs.)	Significant environmental effects likely?	Justification and evidence
and reversibility of the effects		allocated in the draft Plan. The draft Plan is proposing policies to protect and enhance the local natural and cultural environment. Consequently, adverse effects are not considered likely to be significant in terms of their probability, duration, frequency or reversibility.
(b) the cumulative nature of the effects	No	No cumulative effects are considered to be significant with the proposals.
(c) the transboundary nature of the effects	No	There are no likely EU transboundary effects arising from the neighbourhood plan.
(d) the risks to human health or the environment (for example, due to accidents)	No	There are unlikely to be risks to human health or the environment arising from the neighbourhood plan.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	No	The neighbourhood plan will apply to the parish area only. Significant effects due to the geographical 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	It is considered that the draft policies proposed will not significantly affect the natural characteristics or cultural heritage of the area, or lead to an exceedence of environmental quality standards. The draft Plan is not proposing any new development or allocating any sites for possible future development. The parish is not covered by any specific environmental designations. There is a conservation area within the village of Hilperton and individual listed buildings throughout the parish; draft policy 2 seeks to protect the conservation area and individual historic buildings, as does the Wiltshire Core Strategy and NPPF.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	No	The draft neighbourhood plan is not proposing anything that is likely to adversely affect areas or landscapes which have a recognised national, Community or international protection status. No new development is proposed and no sites for future development are allocated in the draft Plan. Draft policies focus on protecting and enhancing natural and cultural features.

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, as the responsible authority, consider that the proposed Hilperton Neighbourhood Plan is unlikely to have significant environmental effects and consequently will not require a Strategic Environmental Assessment, as per the reasons given in Table 1.
- 5.4 This screening decision was sent to Natural England, Environment Agency and Historic England as required by the SEA Regulations⁸. Their comments are attached to this report as an appendix.

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 4th January 2017 and 15th February 2017. All three bodies agreed with the screening determination that the Hilperton Neighbourhood Plan is not likely to have significant environmental effects and therefore an SEA is not required.
- 6.2 The responses received from the three consultation bodies, agreeing with the screening determination, are presented in Appendix A.

⁸ The Environmental Assessment of Plans and Programmes Regulations 2004

Appendix A – Consultation responses from statutory consultation bodies

Dear David

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

I can confirm that we have no objection to the opinion that an SEA will not be required.

This is our first involvement with this Plan and it is useful to be able to form an early view of its likely scope and content. It is quite modest in its ambitions with potential for impact on heritage interests and therefore raises little that we feel the need to comment on. We are pleased that the community values the area's distinctive historic built environment and seeks to preserve and enhance this. The recognition and appreciation of the landscape setting of Hilperton and the desire to maintain the "Hilperton Gap" is therefore welcome, along with the need for new development to reflect guidance in the Village Design Statement and respond to the specific historic character which defines the Conservation Area.

On this basis we do not anticipate needing to comment further or raise additional issues as the Plan progresses and we receive subsequent consultations. As a consequence we are happy for any heritage issues which need attention to be addressed by your authority's own historic environment officers.

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

Dear David

Thanks for the reminder!

We have no objection to your opinion that the above NP does not require a SEA. We concur as there is no proposed new development.

Kind regards, Ellie

Ms Ellie Challans, Planning Advisor, Sustainable Places, Wessex Area, Blandford

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Environment Agency, Rivers House, Sunrise Business Park, Higher Shaftesbury Road, Blandford, Dorset, DT11 8ST

Dear David, I can confirm that Natural England concurs with the SEA screening report's assessment that Hilperton Neighbourhood Plan is unlikely to have significant environmental effects (para 5.3).

Charles Routh

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