

**Wiltshire Council**

**Strategic Environmental Assessment**

**Screening determination for the Salisbury Neighbourhood  
Development Plan 2020 - 2038**

**November 2023**

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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 Salisbury Neighbourhood Development Plan (SNDP).
- 1.2 Wiltshire Council, as the 'Responsible Authority'<sup>1</sup> under the SEA Regulations<sup>2</sup>, is responsible for undertaking this screening process. It will determine if the SNDP 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/EC<sup>3</sup>, often known as the Strategic Environmental Assessment (SEA) Directive, which has been transposed into English law by the SEA Regulations. These Regulations require consultation on the screening decision with three 'consultation bodies' – Environment Agency, Historic England and Natural England.

## 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 projects<sup>4</sup> (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)*
- 2.3 An environmental assessment need not be carried out for:
- a) *plans which determine the use of a small area<sup>5</sup> at local level (Regulation 5, para. (6)(a); or b) plans which are a minor modification<sup>6</sup> 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.*
- 2.4 The diagram<sup>7</sup> that follows shows the SEA Directive's requirements and its application to neighbourhood plans:

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<sup>1</sup> 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').

<sup>2</sup> The Environmental Assessment of Plans and Programmes Regulations 2004

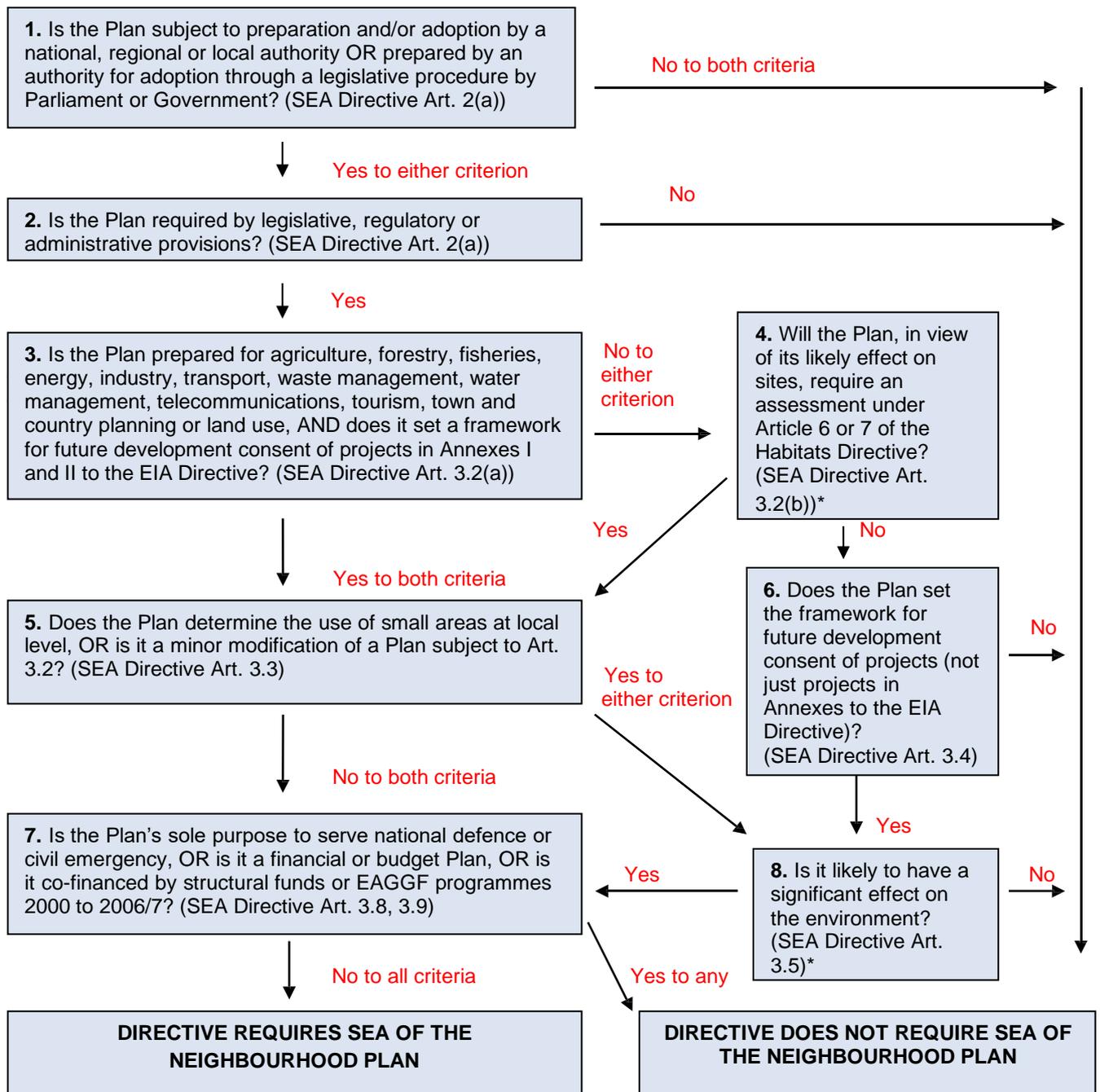
<sup>3</sup> European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment"

<sup>4</sup> European Commission guidance suggests 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).

<sup>5</sup> 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"

<sup>6</sup> '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.

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



\* 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.

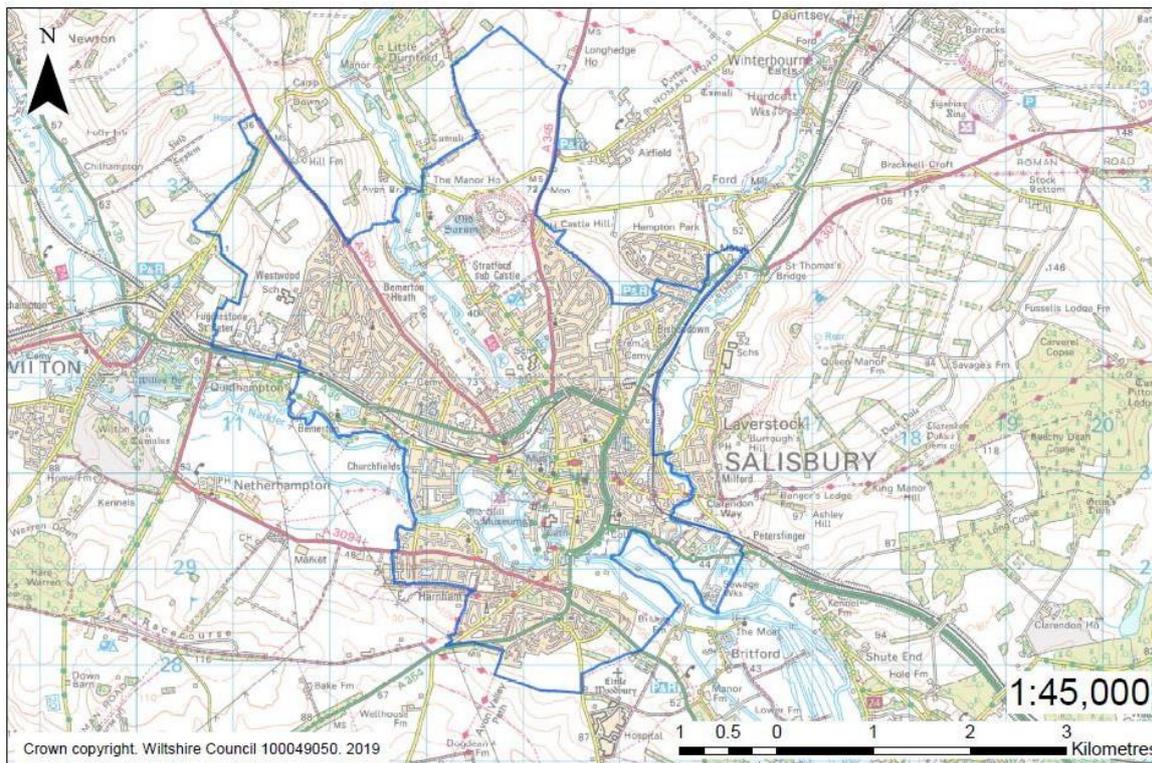
NB This diagram is intended as a guide to the criteria for application of the Directive to neighbourhood plans. It has no legal status.

### 3. The Salisbury Neighbourhood Development Plan

- 3.1 Salisbury City Council is preparing a neighbourhood plan under the provisions of the Localism Act 2011.
- 3.2 The designation of the Salisbury Neighbourhood Area was made on 18<sup>th</sup> July 2019 (see map of area outlined in blue below). For the designation notice see <http://www.wiltshire.gov.uk/planning-neighbourhood-latest-news>

#### Salisbury Neighbourhood Area Designation Plan

 Neighbourhood Area Boundary



- 3.3 This screening decision is based on a draft of the neighbourhood plan dated September 2023.

### 4. SEA Screening assessment

- 4.1 Wiltshire Council, as the 'Responsible Authority', considers that the SNDP 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 SNDP 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 SNDP and ii) the characteristics of the effects and of the area likely to be affected by the SNDP. In making a determination, Wiltshire Council will take into account the criteria specified in Schedule I of the Regulations which are 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 SNDP is set out below:

Criteria (Schedule 1 SEA Regs.)	Significant environmental effects likely?	Justification and evidence
<b>1. The characteristics of plans, having regard, in particular, to:</b>		
(a) the degree to which the plan sets a framework for projects and other activities, either with regards to the location, nature, size and operating conditions or by allocating resources	No	The neighbourhood plan covers the Salisbury City Council area only. Whilst the SNDP does set a framework for projects at the parish level, it does not set a framework for a significant degree of projects or other activities.
(b) the degree to which the plan influences other plans and programmes including those in a hierarchy	No	The SNDP is produced by the local community to influence development at the local level. The SNDP will not have a significant influence on other plans and programmes or those in a hierarchy. All neighbourhood plans must be in general conformity with the strategic policies contained in the development plan for the area, contribute to the achievement of sustainable development and have regard to national policies.
(c) the relevance of the plan for the integration of environmental considerations, in particular with a view to promoting sustainable development	No	The SNDP 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 relating to the integration of environmental considerations. However, environmental considerations are taken into account in the draft Plan.
(d) environmental problems relevant to the plan	Yes	The main environmental issues at Salisbury relate to sites protected under the Habitats Directive. All new development at Salisbury would lie within the River Avon SAC catchment. The Memorandum of Understanding (MoU) with EA / NE requires development to be phosphorus neutral. This will be difficult to achieve at this settlement depending on the quantum of new development proposed for the main sewage works. The river supports protected and priority species and development within 20m of the river can have a significant negative effect on these. Salisbury is also within the zones of recreational influence for the New Forest protected sites (SPA/SAC and Ramsar site).
(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.
<b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</b>		
(a) the probability, duration, frequency and reversibility of the effects	Yes	The SNDP does not allocate sites for housing, however Policy 16 supports development within the NDP area. As the majority of Salisbury is located within the 13.8km Zol for the New Forest SPA/SAC there is potential for significant effects on the natural, built and historic environment. All new development at Salisbury would lie within the River Avon SAC catchment and must therefore demonstrate phosphorus neutrality.

		<p>Growth in/around Salisbury could notably impact upon heritage assets including Salisbury Cathedral / setting, Old Sarum scheduled monument and the city's conservation areas and settings. Outward development could also compromise the separate identities of surrounding historic settlements.</p> <p>The SNDP, when screened under the Habitats Regulations, requires an appropriate assessment (AA) meaning that an SEA will be required for the Plan as per Regulation 5 of the SEA Regulations.</p>
(b) the cumulative nature of the effects	No	No specific cumulative effects of the proposals are considered likely.
(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)	Yes	<p>As per 2(a) above.</p> <p>Significant environmental effects due to the geographic size of the area and population size are not considered likely.</p>
(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;	Yes	<p>As per 2(a) above.</p> <p>The SNDP is considered unlikely to have significant environmental effects due to exceeded environmental quality standards or limit values or intensive land-use.</p>
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	Yes	As per 2(a) above.

## 5. SEA Screening decision

5.1 Regulation 9 of the SEA Regulations requires that the responsible authority (Wiltshire Council) 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 (Historic England, Natural England, Environment Agency).

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 SNDP **is likely to have significant environmental effects** and accordingly **a Strategic Environmental Assessment is required**. This decision is made for the following reasons:

### Reason 1

The SNDP, when screened under the Habitats Regulations, requires an appropriate assessment (AA) as a result of the potential for likely significant effects within the Zol. This will also mean that a SEA will be required as per Regulation 5 of the SEA Regulations.

5.4 This SEA screening has been undertaken on a draft of the neighbourhood plan dated September 2023. It is possible that these proposals may change. If the SNDP is subsequently amended significantly from these proposals i.e. changes that substantially alter the draft plan and/or are likely to give rise to additional significant environmental effects, this SEA screening must be reviewed. In this instance, the Qualifying Body should request a revised SEA screening assessment from Wiltshire Council.

## 6. Consultation on SEA screening decision

6.1 This screening decision was sent to Natural England, Environment Agency and Historic England, requesting comments within a 5-week period from 19<sup>th</sup> October 2023 to 23<sup>rd</sup> November 2023.

6.2 Comments were received from Natural England, the Environment Agency and Historic England who agreed with the decision that that an SEA is required for the Plan. These comments are included in Appendix 1.

## **Appendix 1 – consultation comments received from the consultation bodies**

### **Historic England**

Dear [REDACTED]

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

We have been consulted previously on both an SEA Screening and Scoping for this Plan and it is not clear why a further SEA Screening exercise is now required (see attached).

However, we note that policies which proposed to allocate sites for development appear to have been removed from the draft Submission version of the Plan shared with this consultation and on this basis we appreciate that there may be a need for a review of the original SEA Screening decision.

We also note that the reason now given for the need for a full SEA rests primarily in the fact that an AA has been triggered through the HRA process. That being the case, and on the assumption that no sites are now being proposed for development, we are happy that this need only be the main consideration which underpins such a decision and have no objection to the view that a full SEA is deemed necessary.

Kind regards

### **Environment Agency**

Hi [REDACTED]

We concur with your screening decision that a SEA is required.

Kind regards, [REDACTED]

### **Natural England**

Dear [REDACTED],

Draft Salisbury Neighbourhood Plan - SEA Screening Consultation

Thank you for your consultation on the above dated 19 October 2023.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

We have considered the screening assessment of the Neighbourhood Plan against the requirements of the criteria set out in the SEA Directive. Based on the information provided, Natural England agrees the Neighbourhood Plan appears likely to give rise to significant environmental effects and your conclusion that a Strategic Environmental Assessment is required is reasonable.

We would be happy to comment further should the need arise but in the meantime if you have any queries relating to the above please contact me via email [REDACTED]  
For any further consultations on your plan, please contact: [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).