

Wiltshire Council

Strategic Environmental Assessment

**Screening determination for the Salisbury Neighbourhood
Development Plan 2020 - 2036**

January 2022

Wiltshire Council
The logo for Wiltshire Council, featuring a green wavy line underneath the text.

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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'¹ under the SEA Regulations², 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/EC³, 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 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)*
- 2.3 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.*
- 2.4 The diagram⁷ that follows shows the SEA Directive's requirements and its application to neighbourhood plans:

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

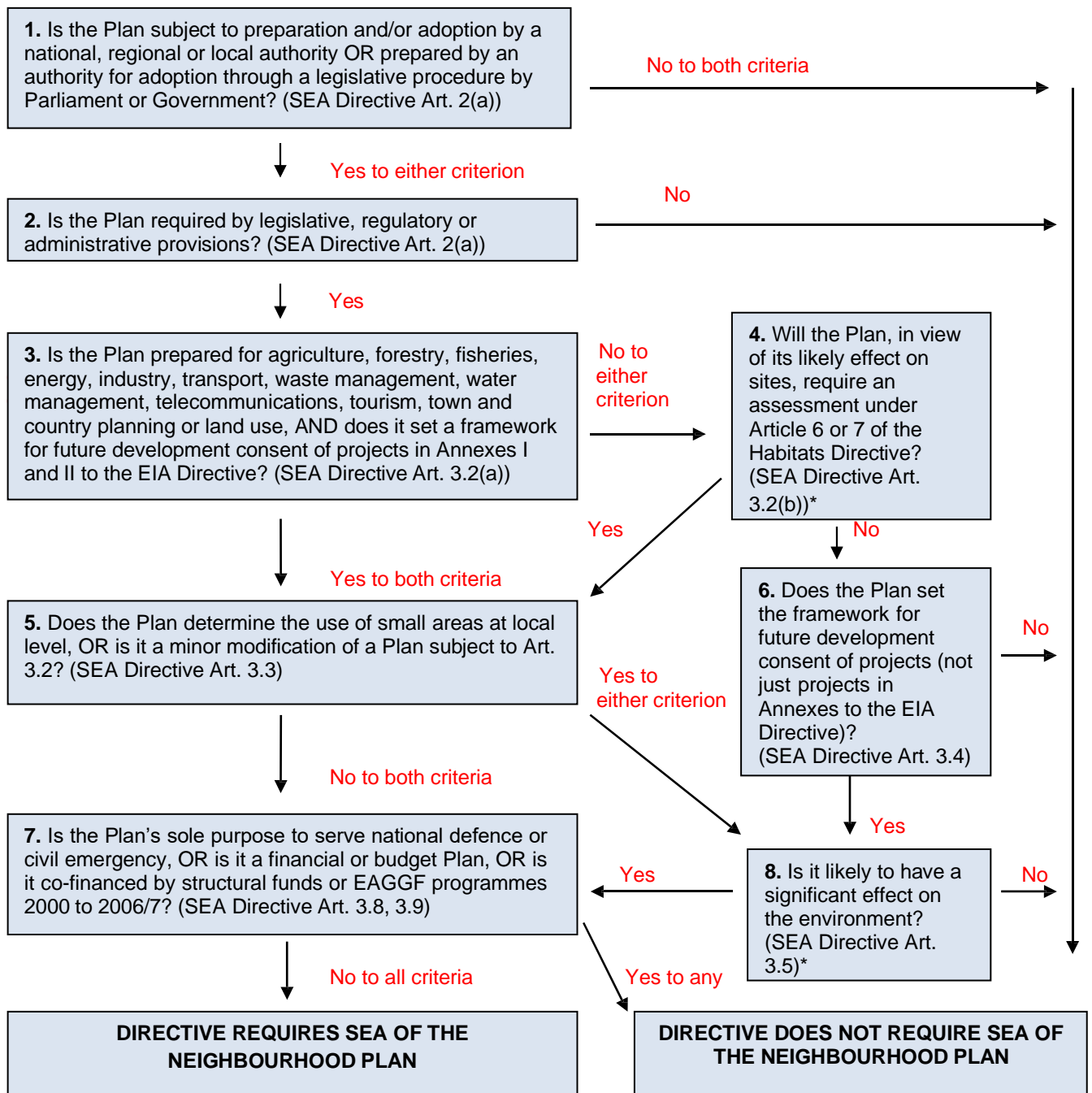
³ European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment"

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.

⁷ 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.

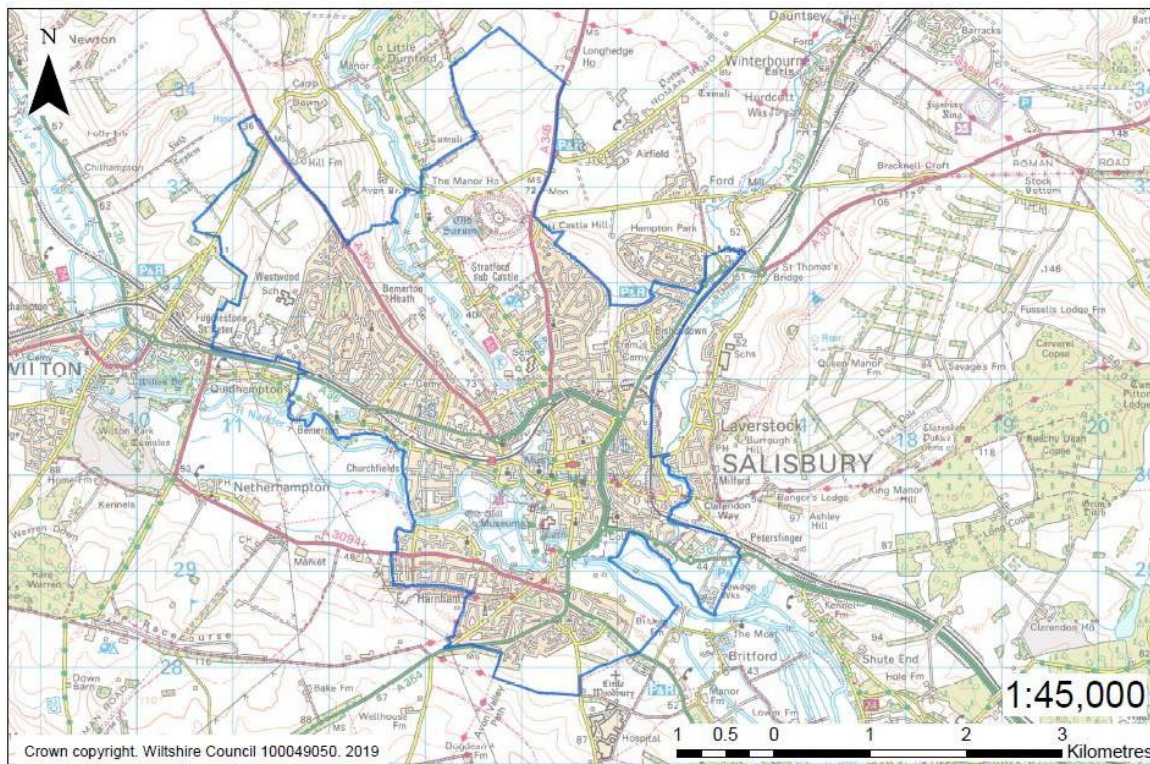
NB This diagram is intended as a guide to the criteria for application of the Directive to neighbourhood plans. It has no legal status.

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 18th 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 November 2021.

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
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 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.
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	Yes	The SNDP will allocate new sites for housing in order to improve levels of affordable housing than would be achieved through Wiltshire Council's strategic policies. Housing sites are considered likely to have 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. Salisbury is beyond the zone of influence for Salisbury Plain SPA but is within the zones of recreational influence for the New Forest protected sites (SPA/SAC and Ramsar site).

		<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>On a separate matter, it is likely that the SNDP, when screened under the Habitats Regulations, will require an appropriate assessment (AA) as a result of the potential for a likely significant effect on the River Avon SAC. This will also mean 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

It is considered that significant environmental effects are likely on the natural, built and historic environment from the allocation of sites for housing, and from other types of development. Salisbury lies within the River Avon SAC catchment and must therefore demonstrate phosphorus neutrality. Salisbury is also within the zones of recreational influence for the New Forest protected sites (SPA/SAC and Ramsar site). Growth in/around Salisbury could notably impact upon many varied heritage assets, including Salisbury Cathedral and its setting, Old Sarum scheduled monument and its setting and the city's conservation areas and settings. Outward development could also compromise the separate identities of surrounding historic settlements.

Reason 2

It is likely that the SNDP, when screened under the Habitats Regulations, will require an appropriate assessment (AA) as a result of the potential for a likely significant effect on the River Avon SAC, and potentially on the New Forest protected sites (SPA/SAC and Ramsar site). This will also mean that an SEA will be required as per Regulation 5 of the SEA Regulations.

5.4 This SEA screening has been undertaken on an early draft of the neighbourhood plan dated November 2021. 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, ending on 26th January 2022.
- 6.2 Comments were received from all three bodies, who agreed with the decision that an SEA is required for this Plan. These comments are included in Appendix 1.

Appendix 1 – consultation comments received from the consultation bodies

Historic England

From: [REDACTED]

To: [REDACTED]

Cc: [REDACTED]

Subject: Salisbury Neighbourhood Development Plan – SEA screening consultation

Date: 25 January 2022 14:20

Dear [REDACTED]

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

We concur with the view that a full SEA is required for the reasons given.

There are some supporting observations that we would like to make.

We had previously been consulted on an SEA Scoping exercise by AECOM in the autumn of 2020 so had assumed that the need for a full SEA had already been established.

We welcome the opportunity for sight of the emerging Plan. Our only involvement in its preparation to date has been to respond to specific queries relating to the Cathedral and Close so it is helpful to see how these have developed into policy and to put this in the context of and understand the wider policy framework for the Plan as a whole.

We are aware that the Central Area Framework (CAF) for Salisbury has been prepared but are not sure of its status (SPD?). In this respect, we are perhaps surprised that there is not greater cross-referencing between the Plan and the CAF in the form of an holistic city centre agenda or more city centre specific policies in the Plan, particularly relating to key sites such as the old Post Office in Castle Street or Debenhams for example, especially if the CAF doesn't have any formal or statutory planning status. However, that is obviously a matter for the community's discretion.

We note that the draft Plan has as an appendix a site allocation report dated February 2021. This doesn't seem to have utilised our guidance on such exercises in accordance with the SEA Scoping Report we commented on the previous autumn (see attached) and we would therefore be concerned that the site allocations in question might be taken forward without the benefit of an appropriate level of heritage assessment and evidence.

It is therefore desirable that the SEA and site allocation process make full use of relevant guidance and existing evidence as set out in the previous SEA Scoping Report and our advice on it, especially as potential impact on the area's nationally significant historic environment this is one of the principal reasons identified in the Screening Report why a full SEA is required. The Local Plan process over many years and iterations has taken detailed account of the historic significance of Salisbury, its setting and associated heritage assets, and we have funded some of that evidence gathering ourselves in the past.

There is therefore a wealth of relevant heritage information that those making the Neighbourhood Plan can hopefully avail themselves of from your authority to assist them in the necessary site assessment exercises.

Otherwise, the Plan embraces an impressive range of themes and issues in its scope.

Kind regards

[REDACTED]

[REDACTED] | Historic Places Adviser

Historic England | South West

1st Floor Fermentation North | Finzels Reach | Hawkins Lane | Bristol | BS1 6WQ

Direct Line: [REDACTED] | Mobile: [REDACTED]

<https://historicengland.org.uk/southwest>

Environment Agency

From:	Sustainable Places, SWX
Sent:	23 December 2021 09:25
To:	██████████
Subject:	RE: Salisbury Neighbourhood Development Plan: SEA screening consultation

Dear ██████████

Thank you for consulting us on the above SEA screening. We concur with your conclusion that a SEA is required.

Kind regards, ██████████

██████████	Planning Advisor, Wessex Sustainable Places, Environment Agency Rivers House, Sunrise Business Park, Higher Shaftesbury Road, Blandford, Dorset, DT11 8ST
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Natural England

Date: 19 January 2022
Our ref: 379273

██████████
Senior Planning Officer
Wiltshire Council

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ
T 0300 060 3900

Dear ██████████

Strategic Environmental Assessment - Screening consultation: Salisbury Neighbourhood Development Plan

Thank you for your consultation on the above dated 22 December 2021.

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.

Where Neighbourhood Plans could have significant environmental effects, they may require a Strategic Environmental Assessment (SEA) under the Environment Assessment of Plans and Programmes Regulations 2004 (as amended). Further guidance on deciding whether the proposals are likely to have significant environmental effects and the requirements for consulting Natural England on SEA are set out in the [planning practice guidance](#).

Planning practice guidance also outlines that if an appropriate assessment is required for your neighbourhood plan this will also engage the need for a SEA. One of the basic conditions that will be tested by the independent examiner is whether the neighbourhood plan is compatible with European obligations, including those under the SEA Directive. Where a SEA is required it should be prepared in accordance with [regulation 12](#) of the SEA Regulations.

Where a neighbourhood plan requires an appropriate assessment under the Habitats Directive, Article 3.2 of the SEA Directive also requires a SEA to be undertaken.

In this case, an appropriate assessment is necessary due to increases in residential dwellings within the River Avon SAC catchment leading to increased phosphorous concentration in the water environment and the potential for increased recreational disturbance within the New Forest SPA/SAC. Mitigation measures may be required to ensure no adverse effect on the site integrity of both the River Avon SAC and New Forest SPA/SAC.

Natural England advises that without suitable mitigation, this plan would result in a significant environmental effect as outlined above. We cannot offer advice on how the relevant legislation should be applied or interpreted and recommend the LPA seeks its own legal advice as to whether a SEA is required in this case. If no significant effects are identified following the HRA process then it may be prudent to carry out a screening assessment under the SEA Directive to demonstrate where there is consensus on the likelihood of significant environmental effects and any actions proposed to mitigate effects.

Yours faithfully


*Planning Lead Wiltshire and Swindon
Wessex Area Team*