

Neighbourhood planning in Wiltshire

Strategic Environmental Assessment - Screening determination for the Wootton Rivers Neighbourhood Plan

08 March 2016

Wiltshire Council

Contents

1. Introduction
2. Legislative requirements
3. The Wootton River Neighbourhood Plan
4. SEA Screening assessment
5. SEA Screening determination

1. Introduction

- 1.1 This document provides a screening determination of the need to carry out a Strategic Environmental Assessment (SEA) of the Wootton Rivers Neighbourhood Plan.
- 1.2 Wiltshire Council, as the 'Responsible Authority'¹ under the SEA Regulations², is responsible for undertaking this screening process of the Wootton Rivers 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*

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* (2013) 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"

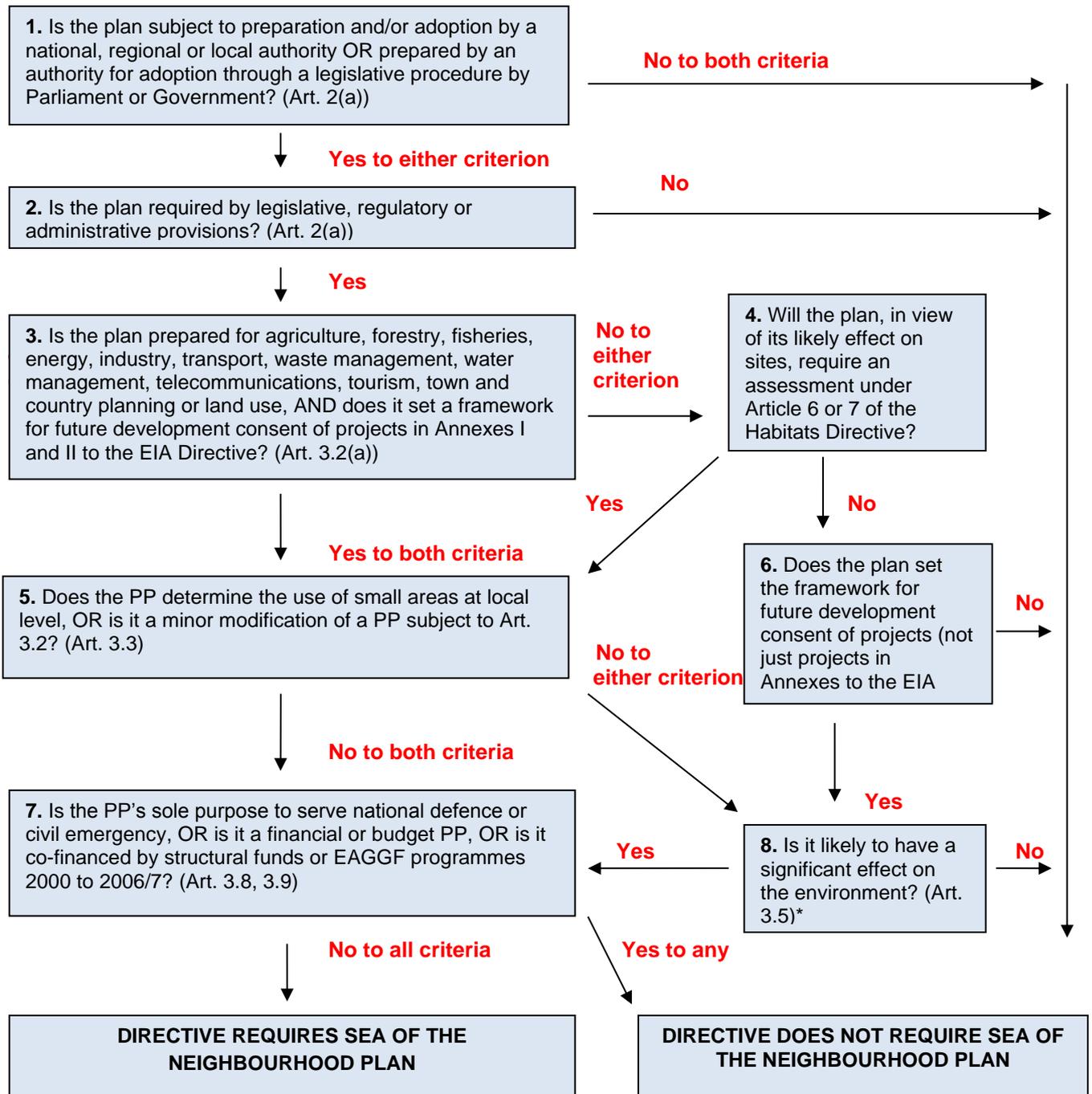
⁴ European Commission guidance states that plans and programmes which **set the framework for future development consent of projects** would normally contain 'criteria or conditions which guide the way a consenting authority decides an application for development consent'. **Development consent** is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

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.

2.3 The diagram below shows the SEA Directive's field of application:

Application of the SEA Directive to neighbourhood plans



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.

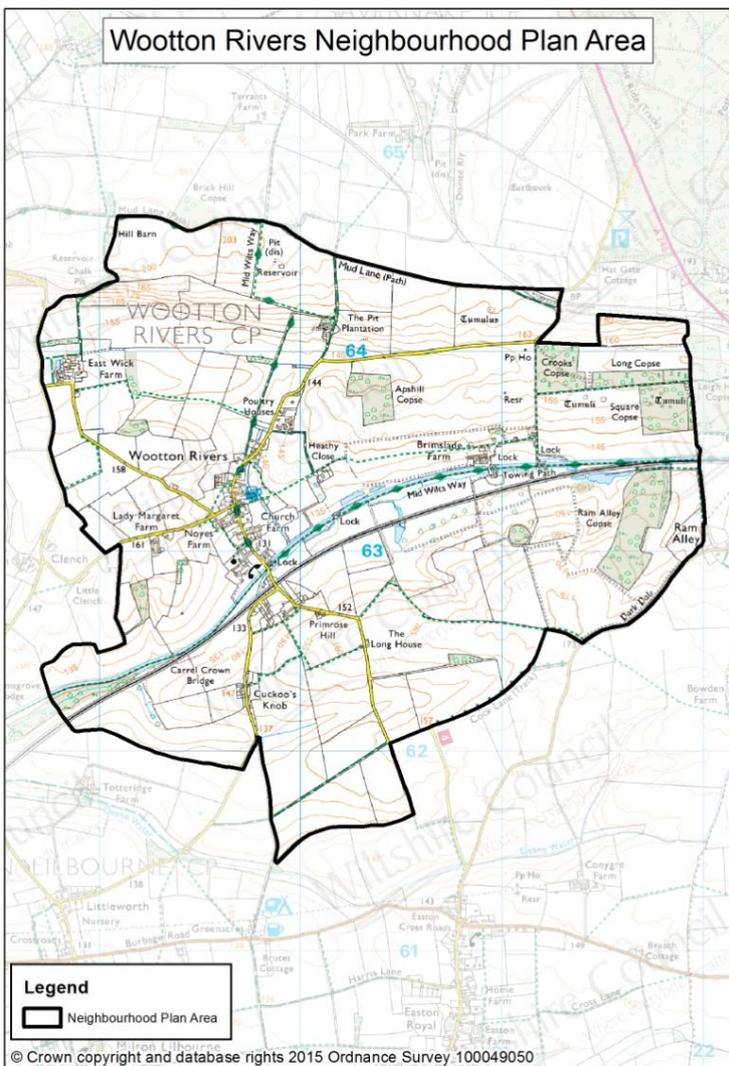
* Plans falling in this category (No.8) will be screened by Wiltshire Council to determine if they are likely to have significant environmental effects. This determination will be made on a case by case basis.

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 Wootton Rivers Neighbourhood Plan

- 3.1 The Wootton Rivers Neighbourhood Plan is a neighbourhood plan for the Wootton Rivers Parish Area. The ability to produce neighbourhood plans is a function of the Localism Act 2011. The aim is for local communities to have greater control over what happens in their area.
- 3.2 The Wootton Rivers Neighbourhood Plan conforms with higher level policy, including the National Planning Policy Framework (NPPF) and the Wiltshire Core Strategy. The Core Strategy sets out strategic objectives for Wiltshire, focussing on key issues and a delivery strategy for achieving these objectives, setting out how much development is intended to happen, where, when, and by what means it will be delivered.

Neighbourhood Plan Area for Wootton Rivers



Background

- 3.3 Wootton Rivers Parish is located in the Vale of Pewsey within the Area of Outstanding Natural Beauty (AONB) and defined as a small village in the Wiltshire Core Strategy. The 2011 census recorded a total population of 228 people, with 116 dwellings. The village comprises of many listed buildings, and a conservation area. The surrounding area is substantially agricultural. There are a number of light industrial and other economic activities within the area, including home working.

Steering Group

- 3.4 The plan process is being led by Wootton Rivers Parish Council. As part of the process a steering group has been set up, and comprises of a representation of members of the community and local businesses. The steering group has had and will continue to have input into the plan making process and help to represent the views of local people in the plan making process.

Aims and objectives of the Wootton Rivers Neighbourhood Plan

- 3.5 The strategy proposed by the Wootton Rivers Neighbourhood Plan is following the objectives and policies of the Wiltshire Core Strategy and not proposing any development site allocations. The Wootton Rivers NDP seeks to deliver the Core Strategy vision for Wootton Rivers, ensure development is appropriate in type, scale and design and consistent with the wishes of the community
- 3.6 Following recent consultation by the steering group the parish key themes have been identified:
- Protect, maintain and enhance the historic environment;
 - Conserve and enhance the AONB and its setting;
 - Maintain the number and mix of residents;
 - Allow only occasional, small-scale infill development as per Wiltshire Core Strategy Core Policy 2;
 - Provide a safe and healthy environment to live and work, enhancing services and provision to deliver quality of life to all members of the community, maintain and enhance the recreation ground and ensure sufficient home care services and available to those who require it;
 - Respond positively to demand for local educational skills for example pre-school;
 - Maintain and enhance the services provided from the church, recreation ground, village hall and pub;
 - Reduce the number of car journeys by improving public transport and village services and considering community transport schemes;
 - Support small-scale adaptation of existing buildings for employment use, improve the broadband speed and mobile phone;
 - Protect and enhance biodiversity and uses of the landscape which promote it;
 - Support good agricultural practice, including protection against erosion;
 - Encourage reduction, re-use and recycling of waste and use water sustainably and work with Wessex Water to maintain water supply; and protect people, properties and roads from flooding;

- Maintain the current good air quality and low levels of pollution and make a positive contribution to the rate of climate change by promoting and supporting sustainable energy, without detriment to the local environment.

Neighbourhood Plan Designation

- 3.7 Consultation on the designation of the Wootton Rivers Neighbourhood Plan took place between 19 January – 4 March 2015.
- 3.8 Having considered the feedback received through the consultation, Wiltshire Council recommended that the proposed Wootton Rivers Neighbourhood Plan Area is coherent, consistent and appropriate in planning terms. The designation of the Wootton Rivers Neighbourhood Area was therefore approved on 30 March 2015.

4. SEA Screening assessment

- 4.1 Wiltshire Council, as the responsible authority, considers that the Wootton Rivers 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) that is prepared for town and country planning or land use and it is a plan that sets the framework for the 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 Wootton Rivers Neighbourhood Plan is likely to have significant environmental effects.
- 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 Wootton Rivers neighbourhood plan and ii) the characteristics of the effects and of the area likely to be affected by the Wootton Rivers Neighbourhood Plan. In making a determination, Wiltshire Council will take into account the criteria specified in Schedule I 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.

4.4 The screening assessment of the Wootton Rivers Neighbourhood Plan is set out below:

| Criteria (Schedule 1 SEA Regs.) | Significant environmental effect 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 will set a new policy framework for the parish to allow only occasional, small-scale in-fill development (in harmony with the current look of the parish and in accordance with the adopted Wiltshire Core Strategy, Core Policy 2 which allows infill development only within the small villages. The neighbourhood plan is not proposing development above and beyond infill development. |
| (b) the degree to which the plan influences other plans and programmes including those in a hierarchy | No | The neighbourhood plan will be prepared by the local community. It does not influence strategic plans higher up in the hierarchy. |
| (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 will accord with other plans and programmes that require it to support the delivery of sustainable development. However, it is not specifically a plan for integrating or bringing forward environmental considerations. |
| (d) environmental problems relevant to the plan | No | The neighbourhood plan will seek to address environmental problems that are relevant to the parish but there are no specific significant environmental problems that need resolving. The plan seeks to protect and enhance the environment (AONB), the recreation ground and water resources, air quality and promote and support sustainable energy. |
| (e) the relevance of the plan for the implementation of Community | No | Implementation of Community legislation is dealt with at the higher policy level through |

| | | |
|--|----|--|
| legislation on the environment (for example, plans and programmes linked to waste management or water protection). | | the Wiltshire Core Strategy. Neighbourhood plans are a voluntary mechanism and not required 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 | The neighbourhood plan will set the vision, objectives and strategy for new development in the parish and therefore effects are likely. The Neighbourhood Plan is not proposing any development allocations – in line with Core Policy 2 of the Wiltshire Core Strategy, infill is acceptable. Therefore the plan is not proposing anything that is likely to lead to significant effects of any kind. |
| (b) the cumulative nature of the effects | No | There are not likely to be cumulative effects as the plan is not proposing any development. The objectives of the plan support the continued enhancement of the village and its environmental assets. |
| (c) the transboundary nature of the effects | No | There are no transboundary effects with other EU countries arising from the neighbourhood plan, due to the local parish level nature of the 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 as the plan is not proposing any development and in line with the Wiltshire Core Strategy. |
| (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 only apply to the parish area (a population of approximately 228 residents in 116 dwellings (2011 census)). 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 | The neighbourhood plan is in the Vale of Pewsey within the Area of Outstanding Natural Beauty (AONB). The proposed policy framework is for the parish to allow only small-scale in-fill development (in harmony with the current look of the parish and the adopted Wiltshire Core Strategy for small villages (CP2)) which will not significantly affect the natural characteristics or cultural heritage of the area, or lead to an exceedence of environmental quality standards. |
| (g) the effects on areas or landscapes which have a recognised national, Community or international protection status. | No | The proposed policy framework is for the parish to allow only small-scale in-fill development (in harmony with the current look of the parish and in accordance with Core Policy 2 of the Wiltshire Core Strategy which allows only infill development in the small villages. as such it is not likely to lead to significant adverse effects. |

| | | |
|--|--|---|
| | | The adopted Core Strategy has been subject to SEA and HRA and the neighbourhood plan does not propose anything over and above what is contained in the higher level plan. |
|--|--|---|

5. SEA Screening determination

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, considers that the proposed Wootton Rivers Neighbourhood Plan is not likely to have a significant environmental effect and accordingly will not require a Strategic Environmental Assessment. The reasons for this determination are as follows:

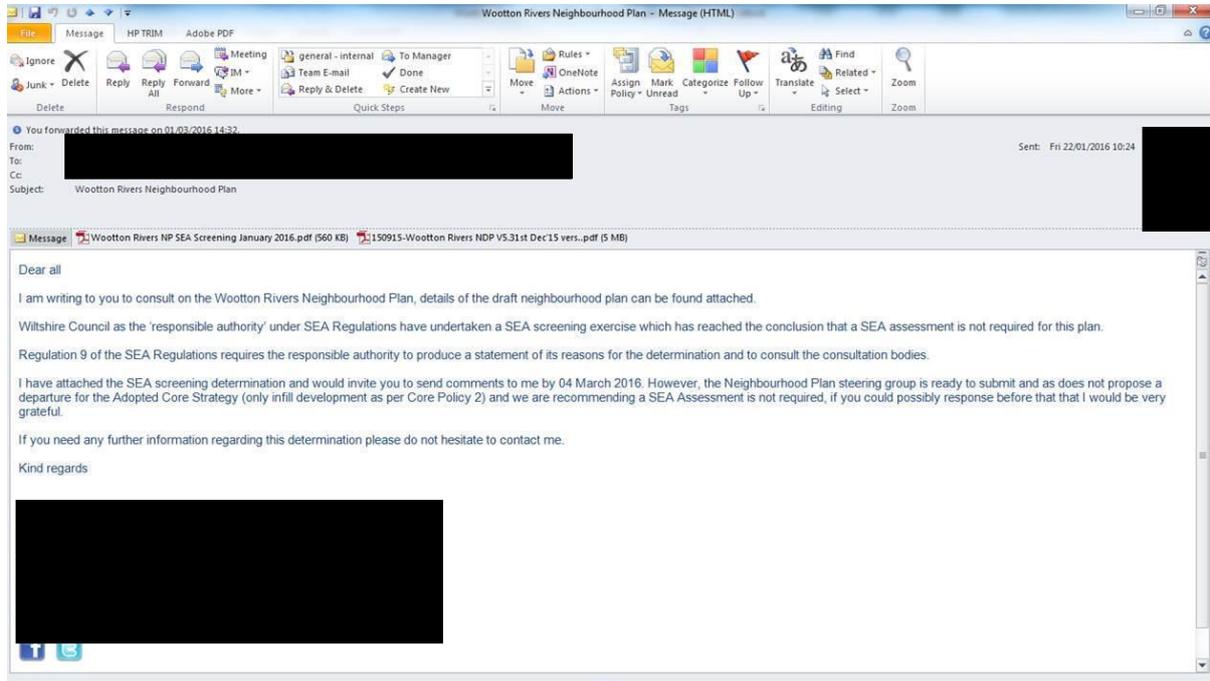
- The Neighbourhood Plan is not likely to have significant environmental effects because Wootton Rivers is designated as a small village in the Wiltshire Core Strategy and therefore according to Core Policy 2 of the Wiltshire Core Strategy infill development only is acceptable within the village.
- Core Policy 2 of the Wiltshire Core Strategy has been subject to SEA / HRA and the Neighbourhood Plan is not proposing any development that is not infill. No development allocations are proposed in the plan.
- Any development proposals that come forward in Wootton Rivers in the future must be in accordance with policies of the Wiltshire Core Strategy.

6. Statutory consultee response to screening decision

6.1 Natural England, Environment Agency and English Heritage, as statutory consultation bodies under Regulation 9 of the SEA Regulations, were consulted on this SEA screening determination between 22 January 2016 and 04 March 2016. All three bodies did not contest the screening determination that the Wootton Rivers Neighbourhood Plan was unlikely to have significant environmental effects and therefore an SEA is not required.

6.2 Wiltshire Council's request for a response to this screening determination from the three statutory consultation bodies is presented in Appendix A. The responses received from the three consultation bodies, agreeing with the screening determination, is presented in Appendix B.

Appendix A – Request for consultation response on screening determination from statutory consultation bodies



Appendix B – Consultation responses from statutory consultation bodies

Date: 04 February 2016
Our ref: 176940



Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Wootton Rivers NP

BY EMAIL ONLY

Dear Sir/Madam

Wootton Rivers DRAFT NEIGHBOURHOOD DEVELOPMENT PLAN

Thank you for your consultation on the above dated 22 January 2016.

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.

Natural England does not have the resources to get involved in all neighbourhood plans and will prioritise our detailed engagement to those plans that may impact on internationally or nationally designated nature conservation sites, and/or require Strategic Environmental Assessment or screening for Habitats Regulations Assessment.

We have commented on your SEA consultation and agree with your determination that a SEA is not required for this plan.

We must be consulted on draft Neighbourhood Development Orders and Community Right to Build Orders where proposals are likely to affect a Site of Special Scientific Interest or 20 hectares or more of Best and Most Versatile agricultural land. We must also be consulted on Strategic Environmental Assessments, Habitats Regulations Assessment screening and Environmental Impact Assessments, where these are required. Your local planning authority will be able to advise you further on environmental requirements.

We have considered the draft Wotton Rivers Neighbourhood Plan, which in our view appears to be a generally positive document that reflects local aspirations, demonstrates a good understanding of the Parish and is in broad accordance with national and local planning policies.

This plan is within the North Wessex Downs AONB and this designated landscape should be protected.

The statutory purpose of AONBs is the protection of their natural beauty. The Environmental Statement recognises that the National Planning Policy Framework (NPPF) affords the highest level

Page 1 of 3



Natural England is accredited to the Cabinet Office Service Excellence Standard

[REDACTED]
Wiltshire Council
Planning Policy
County Hall Bythesea Road
Trowbridge
Wiltshire
BA14 8JD

Our ref: WX/2009/110257/OR-29/IS2-L01
Your ref: Wootton Rivers NP
Date: 08 March 2016

Dear [REDACTED]

Wootton Rivers Neighbourhood Plan, Version 5, December 2015.

Thank you for consulting the Environment Agency on the above document.

We have no objection to the contents of the Wootton Rivers Neighbourhood Plan, or the screening decision that the Plan does not require a Strategic Environmental Assessment (SEA).

We are particularly pleased to see several references to flood risk reduction and climate change adaptation.

Yours sincerely

[REDACTED]

[REDACTED]

Wootton Rivers Neighbourhood Plan - Message (HTML)

File Message HP TRIM Adobe PDF

Ignore X Reply Reply All Forward IM More

Junk Delete Respond

general - internal To Manager

Team E-mail Done

Reply & Delete Create New

Rules OneNote

Move Actions

Assign Policy Mark Unread

Categories Follow Up

Tags

Translate

Find Related Select

Zoom

Zoom

Follow up. Start by 07 March 2016. Due by 07 March 2016.

You forwarded this message.

From: [Redacted] Sent: Fri 04/03/2016 17:09

To: [Redacted]

Cc: [Redacted]

Subject: Wootton Rivers Neighbourhood Plan

Dear [Redacted]

Thank you for your consultation on the SEA Screening Determination for the Wootton Rivers Neighbourhood Plan.

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

We note that the Plan is only advocating infill development but in a specified area of the village between the Little House and the railway (Policy WR1.1). The policy is not prescribing an amount of development nor has it identified particular sites within that broad area where it is envisaged development might take place. We are therefore happy that this provision, when coupled with other policies in the Plan and those which exist at the national and local level, does not sanction the allocation of land or any form of development which might have a harmful impact on the fabric or setting of heritage assets.

Otherwise, we consider this an impressive Plan in its grasp of what it is that makes the area special and distinctive from a heritage perspective, especially in its detailing of aspects of local character deemed important and the basis for their protection and enhancement.

We congratulate the community on its achievement and wish it well in the completion of its Plan.

Kind regards

[Redacted]

We have launched four new, paid-for Enhanced Advisory Services, providing enhancements to our existing free planning and listing services. For more information on the new Enhanced Advisory Services as well as our free services go to our website: HistoricEngland.org.uk/EAS

[Redacted]

Classifier Label

No Marking