

Wiltshire Council

Strategic Environmental Assessment

**Screening determination for the Draft Chippenham Without
Neighbourhood Plan**

October 2021

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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 Draft Chippenham Without Neighbourhood Plan (hereafter 'draft CWNP').
- 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 draft CWNP 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

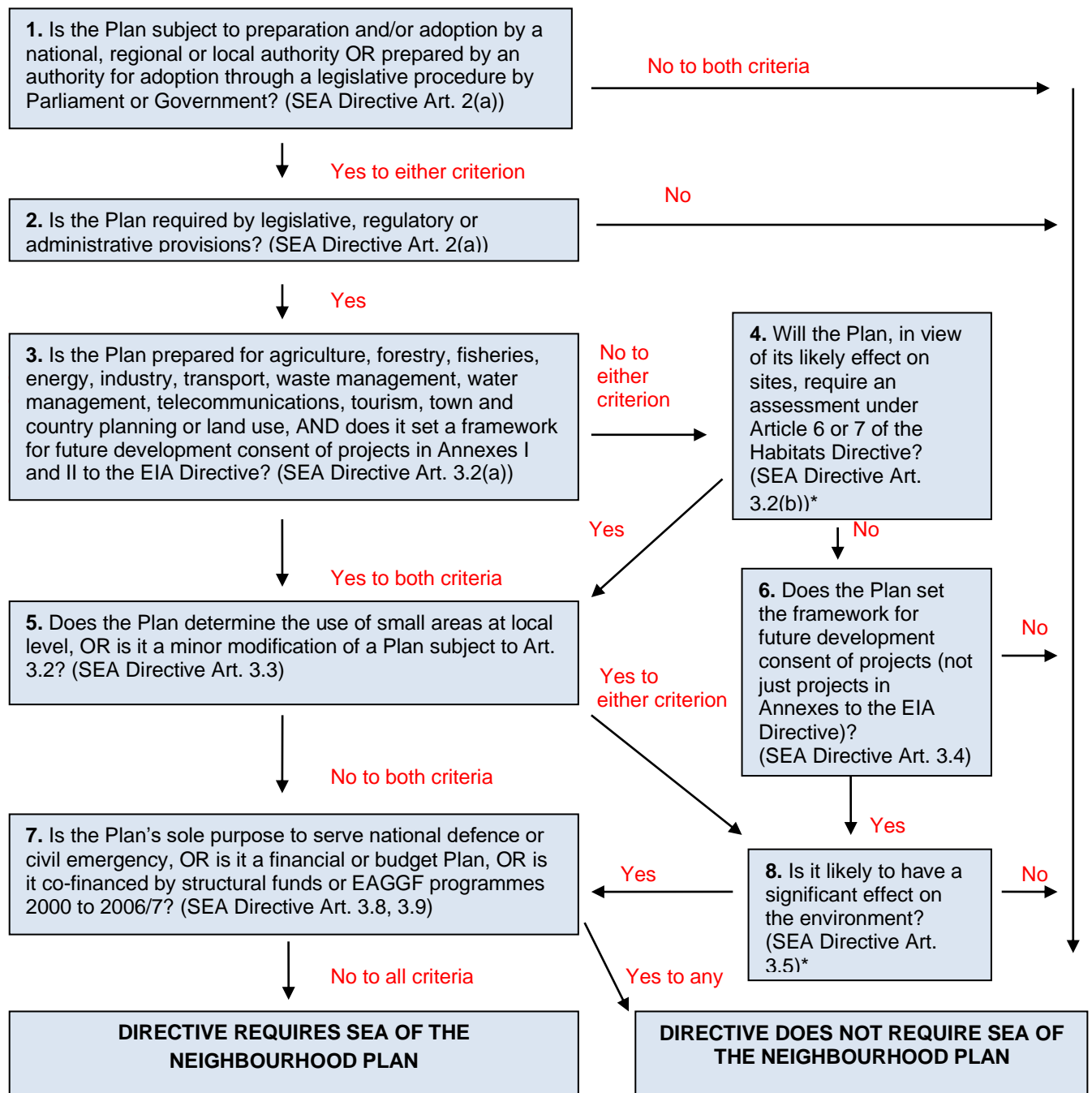
³ European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment"

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.

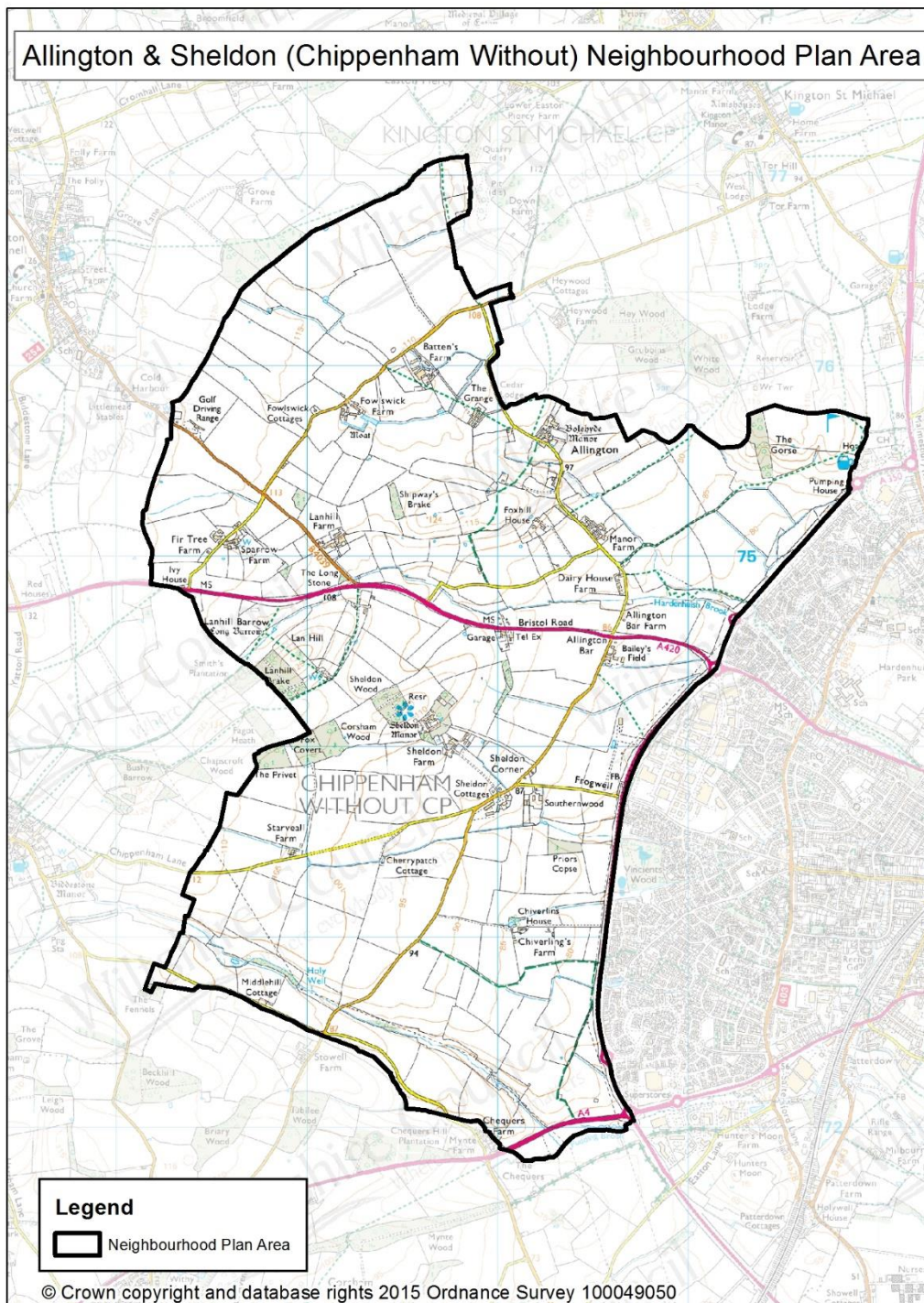
NB This diagram is intended as a guide to the criteria for application of the Directive to neighbourhood plans. It has no legal status.

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

3. The Draft Chippenham Without Neighbourhood Plan

3.1 The parish of Chippenham Without is preparing a neighbourhood plan under the provisions of the Localism Act 2011.

3.2 The designation of the Chippenham Without Neighbourhood Area was made on 30th March 2015 (see map of area outlined in black below). For the designation notice see <http://www.wiltshire.gov.uk/planning-neighbourhood-latest-news>



3.3 This screening decision is based on, and accompanied by, a draft of the neighbourhood plan dated June 2021.

4. SEA Screening assessment

4.1 Wiltshire Council, as the 'Responsible Authority', considers that the draft CWNP 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); 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).

4.2 A determination under Regulation 9 is therefore required as to whether the draft CWNP 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 draft CWNP and ii) the characteristics of the effects and of the area likely to be affected by the draft CWNP. 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 draft CWNP 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 Chippenham Without rural parish area only. Whilst the draft Plan 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 draft CWNP is produced by the local community to influence development at the local parish level. The draft CWNP 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 draft CWNP 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.
(d) environmental problems relevant to the plan	No	There are no known specific environmental problems relevant to this Plan. The neighbourhood area is rural and mainly agricultural. The entire parish is designated as open countryside in the Wiltshire Core Strategy (WCS).
(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	The draft CWNP covers an area of open countryside. There are no proposed development site allocations. Policies seek to protect and enhance the natural, built and historic environment. Policies supporting new development do not introduce anything that is over and above that supported by the Wiltshire Core Strategy (WCS).
(b) the cumulative nature of the	No	No specific cumulative effects of the proposals are considered likely.

effects		
(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 draft CWNP covers a rural parish which is entirely open countryside. The 2011 Census records 208 people living in the parish. 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 draft CWNP covers an area of open countryside. There are no proposed development site allocations. Policies seek to protect and enhance the natural, built and historic environment. Policies supporting new development do not introduce anything that is over and above that supported by the Wiltshire Core Strategy (WCS). The draft Plan is considered unlikely to have significant environmental effects due to exceeded environmental quality standards or limit values or intensive land-use.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	No	The draft CWNP covers an area of open countryside. There are no proposed development site allocations. Policies seek to protect and enhance the natural, built and historic environment. Policies supporting new development do not introduce anything that is over and above that supported by the Wiltshire Core Strategy (WCS). The Council's ecologist has confirmed that, having been screened under the Habitats Regulations, an appropriate assessment (AA) will not be required.

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 draft CWNP **is not likely to have significant environmental effects** and accordingly **a Strategic Environmental Assessment is not required**. This decision is made for the following reasons:

Reason 1: the draft Plan does not contain any proposed development site allocations. It seeks to protect and enhance the natural, built and historic environment. Policies supporting new development do not introduce anything that is over and above that supported by the Wiltshire Core Strategy (WCS).

Reason 2: an appropriate assessment under the Habitats Regulations is not required

5.4 This SEA screening has been undertaken on a draft of the neighbourhood plan dated June 2021. It is possible that these proposals may change. If the draft Plan 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, or it is subsequently decided that the draft Plan should be subject to an Appropriate Assessment under the Habitats Regulations, 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 7th September 2021 to 5pm on 12th October 2021.

6.2 Comments were received from Historic England and the Environment Agency, agreeing with the decision that an SEA is not required for this neighbourhood plan. Comments are included in Appendix A.

Appendix A – Comments from consultation bodies on SEA screening

Historic England

From: [REDACTED]
To: [REDACTED]
Date: 12/10/2021 15:59

Dear [REDACTED]

Thank you for your consultation on the SEA Screening for the emerging Chippenham Without Neighbourhood Plan. This is our first involvement in the preparation of this Plan so we also appreciate the opportunity provided to familiarise ourselves with the current draft and identify any issues of interest which it may be useful to highlight at this time.

I can confirm that there are no issues associated with the Plan which we wish to highlight at this stage. Unless the Plan subsequently changes significantly I can also then confirm that we will be unlikely to want to comment at future consultation occasions.

On this basis we are happy to confirm that we have no objection to the view that a full SEA is not required.

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

██████████
Wiltshire Council
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JD

Our ref: WX/2009/110257/OR-97/IS1-L01

Your ref: ChippenhamWithoutNP

Date: 21 September 2021

Dear ██████████

Draft Chippenham Without Neighbourhood Plan - SEA screening

Thank you for consulting the Environment Agency on the above Strategic Environmental Assessment (SEA) screening.

We concur with your screening decision that a SEA is not required.

Yours sincerely

██████████
Sustainable Places - Planning Advisor

Direct dial: ██████████
E-mail: swx.sp@environment-agency.gov.uk

Environment Agency
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