

Wiltshire Council

Strategic Environmental Assessment

**Screening determination for the Draft Chippenham Neighbourhood
Plan**

April 2022

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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 Neighbourhood Plan.
- 1.2 Wiltshire Council, as the 'Responsible Authority'¹ under the SEA Regulations², is responsible for undertaking this screening process of the 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 (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

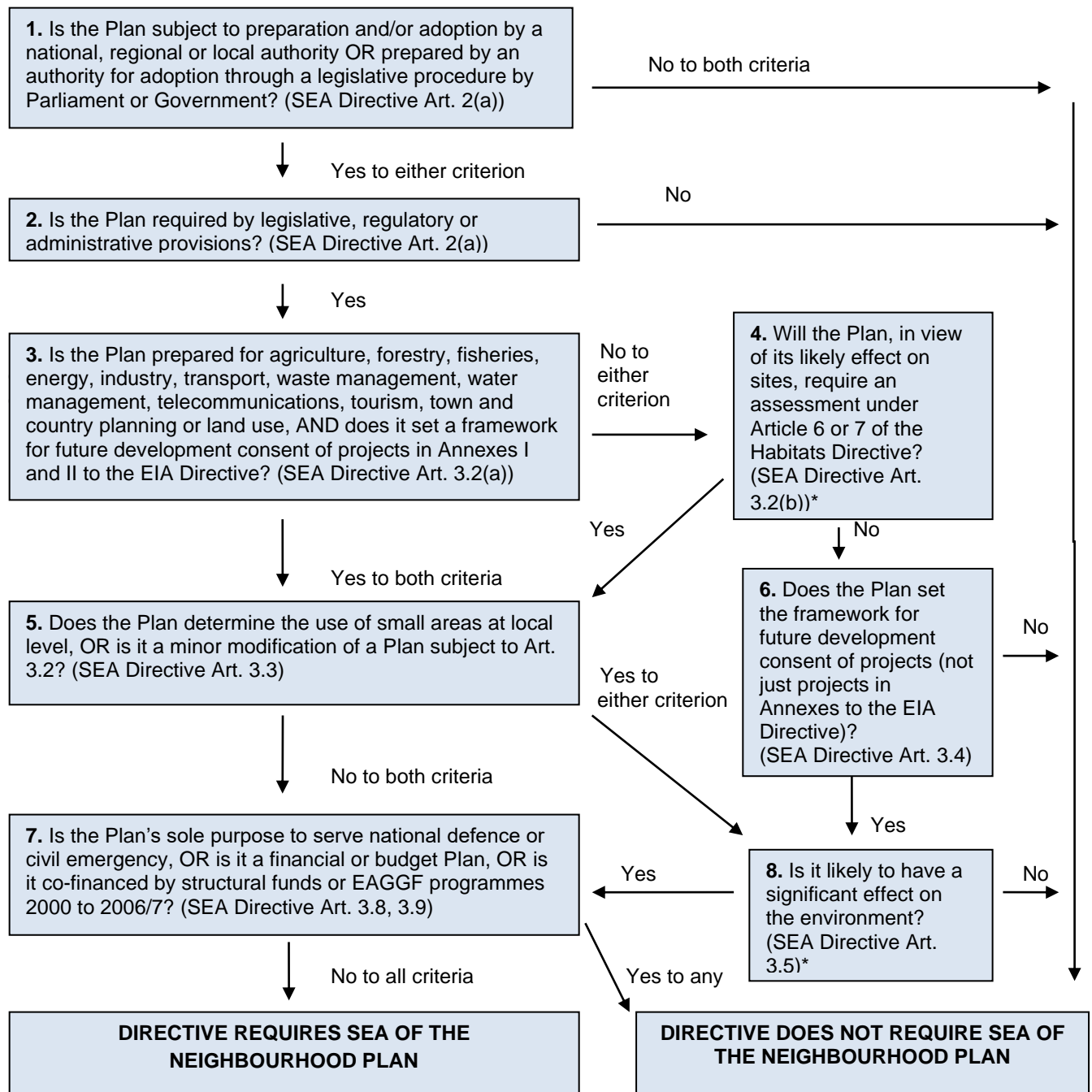
³ European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment"

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 Neighbourhood Plan

3.1 Chippenham Town Council is preparing a neighbourhood plan under the provisions of the Localism Act 2011.

3.2 The designation of the Chippenham Neighbourhood Area was made on 17th August 2018 (see map of area outlined in blue below). For the designation notice see <http://www.wiltshire.gov.uk/planning-neighbourhood-latest-news>



3.3 This screening decision is based on a draft of the Chippenham Neighbourhood Plan dated April 2021 and the following annexes: 1. Design Guide; 2. Conservation Area Appraisal; 3. Shopfront Design Guide; and 4. Tree Planting Guide.

4. SEA Screening assessment

4.1 Wiltshire Council, as the 'Responsible Authority', considers that the Draft Chippenham 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 draft 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 include two sets of characteristics for determining the likely significance of effects on the environment. These relate to i) the characteristics of the draft Plan and ii) the characteristics of the effects and of the area likely to be affected by the draft Plan. 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.

The screening assessment of the Draft Chippenham Neighbourhood Plan 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 Town Council area only. Whilst the draft Plan does set a framework for projects at the town level, it is not considered that the draft Plan sets 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 Plan is produced by the local community to influence development at the local town level. It is not considered that the draft Plan will 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 Plan is a land-use plan that promotes sustainable development, in general conformity with the Local Plan and national planning guidance. However, it is not a Plan specifically relating to the integration of environmental considerations, although environmental considerations are included in the Plan. The draft Plan seeks for Chippenham to capitalise on its history, location and surrounding countryside to maintain itself as an attractive and vibrant riverside town. It seeks to promote and enhance the special character of Chippenham as a historic riverside town and ensure that all new development is sustainable and of the highest quality design.
(d) environmental problems relevant to the plan	No	There are no specific environmental problems relevant to this Plan that are likely to lead to significant environmental effects.
(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 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,	Yes	Significant environmental effects are considered likely due to the probability, duration, frequency

frequency and reversibility of the effects		<p>and reversibility of effects.</p> <p>Draft policies TC1 – TC5 are considered likely to have significant effects on heritage assets and this has been confirmed by a Wiltshire Council Senior Conservation Officer. This is on the basis that the draft document allocates resources at a local level which affect the built environment, including zones of development in Policy TC1, and enhancement objectives throughout the body of the text and appendices and annexes. The documents also specify materials and design in reference to measures to protect local character and appearance which will cause long term impacts on the local area. Thus, the culminative impacts of the documents will trigger the need for an SEA.</p> <p>It has been determined by Wiltshire Council, the ‘competent authority’ under the Habitats Regulations⁸, that the draft neighbourhood plan will not require an Appropriate Assessment (AA) as potential effects on the integrity of European Sites are not likely.</p>
(b) the cumulative nature of the effects	No	<p>No significant environmental effects are considered likely due to cumulative effects.</p> <p>It has been determined by Wiltshire Council, the ‘competent authority’ under the Habitats Regulations⁹, that the draft neighbourhood plan will not require an Appropriate Assessment (AA) as potential effects on the integrity of European Sites are not likely.</p>
(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 Plan covers the town of Chippenham only. 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;	Yes	<p>Refer to 2(a) above.</p> <p>Significant environmental effects on the basis of exceeded environmental quality standards or limit values; or intensive land-use, are not considered likely.</p>

⁸ The Conservation of Habitats and Species Regulations 2017

⁹ The Conservation of Habitats and Species Regulations 2017

(ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use;		
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	Yes	Refer to 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 Draft Chippenham Neighbourhood Plan **is likely to have significant environmental effects** and accordingly **a Strategic Environmental Assessment is required**. This decision is made for the following reason:
- 1. Draft policies TC1 – TC5 are considered likely to have significant effects on heritage assets and this has been confirmed by a Wiltshire Council Senior Conservation Officer. This is on the basis that the draft document allocates resources at a local level which affect the built environment, including zones of development in Policy TC1, and enhancement objectives throughout the body of the text and appendices and annexes. The documents also specify materials and design in reference to measures to protect local character and appearance which will cause long term impacts on the local area. Thus, the culminative impacts of the documents will trigger the need for an SEA.
- 5.4 This SEA screening has been undertaken on an April 2021 draft of the Chippenham Neighbourhood Plan. If this draft Plan is subsequently amended significantly i.e. changes that substantially alter the draft plan e.g. adding, amending or removing site allocations and policies, that may give rise to significant environmental effects, or the HRA screening decision is revised, 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 SEA screening decision was sent to the SEA 'consultation bodies' - Natural England, the Environment Agency and Historic England - requesting comments within a 5-week period from 10th May 2021 to 14th June 2021.
- 6.2 Comments were received from all three bodies. These comments are included in Appendix 1.

Appendix 1 – consultation comments received from the consultation bodies

Historic England

From: Stuart, David

To: David Way

Subject: Wiltshire Council SEA screening consultation - Draft Chippenham Neighbourhood Plan

Date: 14 June 2021 16:29:06

Dear David,

Thank you for your consultation on the Draft SEA Screening Report for the emerging Chippenham Neighbourhood Plan. This is our first involvement with the preparation of the Plan since offering generic advice at the time of the area's designation in 2019. We therefore also welcome the opportunity provided by this consultation to familiarise ourselves with the proposed scope of the Plan and identify any issues of interest or concern.

Our focus in such exercises is on policies which propose allocating sites for development. The Plan doesn't intend to allocate sites for housing but it does allocate sites for development in policy TC1 – the Bath Road/Bridge Centre site, and TC2 – the River Green Corridor Masterplan. I shall therefore deal with these allocations each in turn.

Policy TC1 – Bath Road/Bridge Centre

The policy aims to define a development framework for the site as an update to provisions that emerged from previous 2014 town centre masterplanning work which, though the latter was not formally adopted in its own right, were embraced in the Local Plan, and more recent viability assessments carried out by Wiltshire Council. This has resulted in general design principles set out in para 8.20 (p94) of the Plan, and also specific development parameters as shown in the Draft Masterplan in figure 8.2 (p96) which are formally represented in the policy in question. This not only sets out a layout for the site but specifies buildings heights for its discrete spatial elements.

However, we can find no evidence to support the basis for such specific development parameters. Reference is made at the beginning of the Plan to supporting documents (particularly Appendix 10) but these are not included in this consultation and having looked do not appear to be on the Plan's website.

The principle of the redevelopment of the site is not at issue in principle, nor are the general design principles which the Plan identifies. But in being specific as to the form and scale of any development the Plan does need to demonstrate that it has taken account of relevant historic environment considerations as per para 8.20, and more especially policy TC4 (p112) concerning new development within the Conservation Area (Note: in that respect para 8.20 could usefully also make reference to the existence of the site within it).

Policy TC2 – River Green Corridor Masterplan

Aspirations for this site are also initially informed by the 2014 town centre masterplan and modifications are proposed within the policy. These are largely criteria based or sufficiently non-specific spatially to allow for necessary heritage considerations to be appropriately accommodated. But criterion C advocates the demolition of the existing building and its replacement with 1 2 -3 storey landmark building but with no evidence to demonstrate the suitability of this ambition with regard to the historic environment.

Both policies could well generate impacts on designated heritage assets capable of being deemed significant environmental effects in SEA terms, and perhaps even causing harm. The absence of evidence makes it difficult to demonstrate to an adequate degree that such impacts are unlikely.

The SEA Screening report makes no reference to policy TC2 but asserts that policy TC1 will not generate significant environmental effects. However, the report does not substantiate its view with any evidence.

Overall therefore we are unable to agree with the conclusion of the SEA Screening report that a full SEA is not required. That is not to say that a full SEA is automatically required, and additional evidence could well support the report's initial conclusion.

We would therefore recommend that additional evidence be made available to support the Plan as currently drafted and to inform a revised SEA Screening exercise. We would be happy to offer updated advice at that time. Alternatively, the Plan could remove or amend its provision of development parameters to alleviate this need for evidence, in which case a further consultation on the SEA Screening report would be likely to attract no objection from us to the original conclusion.

Apart from this SEA consideration appropriate evidence would be necessary to allow the Plan to demonstrate conformity with existing national and local policy for the protection and enhancement of the historic environment.

(Note: policy TC3 proposes specific enhancement interventions to the Upper Market Place Public Realm. These too may have potential to generate impacts on designated heritage assets but we have not commented on this as much if not all of what is proposed is perhaps unlikely to require explicit statutory consent for its delivery.)

Kind regards

David

David Stuart | Historic Places Adviser

Historic England | South West 1st Floor Fermentation North | Finzels Reach | Hawkins Lane | Bristol | BS1 6WQ Direct Line: 0117 975 0680 | Mobile: 0797 924 0316
<https://historicengland.org.uk/southwest>

Environment Agency

From: Challans, Ellie

To: David Way

Subject: SEA screening - Draft Chippenham Neighbourhood Plan

Date: 08 June 2021 09:08:49

Dear David

Thank you for consulting the Environment Agency on the above SEA screening.

We concur with your opinion that a SEA is not required.

We have reviewed the draft Plan and are impressed with its content. From an environmental perspective it's a strong Plan and we offer our full support for the implementation of the Plan. Please pass on our compliments to Chippenham Town Council.

Kind regards, Ellie

Ms Ellie Challans Planning Lead – Salisbury River Park Scheme – Environment Agency Rivers House, Sunrise Business Park, Higher Shaftesbury Road, Blandford, Dorset, DT11 8ST 02030 259311

Natural England

Date: 10 June 2021
Our ref: 355745
Your ref: Chippenham NP - SEA

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Crewe
CW1 6GJ
T 0300 060 3900

David Way
Wiltshire Council
Bythesea Road
Trowbridge
BA14 8JN

BY EMAIL ONLY david.way@wiltshire.gov.uk

Dear Mr Way

Chippenham Neighbourhood Plan – SEA Screening

Thank you for your consultation on the above dated 10 May 2021 which was received by Natural England on the same date.

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.

Screening Request: Strategic Environmental Assessment

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

Neighbourhood Plan

Guidance on the assessment of Neighbourhood Plans, in light of the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended), is contained within the National Planning Practice Guidance. The guidance highlights three triggers that may require the production of an SEA, for instance where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental

issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Victoria Kirkham

Consultations Team