

**Wiltshire Council**

**Strategic Environmental Assessment**

**Screening determination for the Draft Heywood & Hawkeridge  
Neighbourhood Plan**

**January 2023**

**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 Draft Heywood and Hawkeridge Neighbourhood Plan (hereafter 'draft HHNP').
- 1.2 Wiltshire Council, as the 'Responsible Authority'<sup>1</sup> under the SEA Regulations<sup>2</sup>, is responsible for undertaking this screening process. It will determine if the draft HHNP is likely to have significant environmental effects, and hence whether SEA is required.
- 1.3 This process has been carried out in accordance with the requirements of European Directive 2001/42/EC<sup>3</sup>, often known as the Strategic Environmental Assessment (SEA) Directive, which has been transposed into English law by the SEA Regulations.

## 2. Legislative requirements

- 2.1 The Localism Act 2011 requires neighbourhood plans to comply with EU legislation. The screening procedure outlined in this report meets the requirements of the SEA Directive and Regulations, as introduced in Section 1 of this document.

- 2.2 Regulation 5 of the SEA Regulations requires an environmental assessment of plans which:

1. *are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use (Regulation 5, para. (2)(a), and which set the framework for future development consent of projects listed in Annex I or II to Council Directive 85/337/EEC (EIA Directive) on the assessment of the effects of certain public and private projects on the environment (Reg. 5, para. (2)(b)*
2. *in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive (92/43/EEC) (Reg. 5, para. (3)*
3. *set the framework for future development consent of projects<sup>4</sup> (Reg. 5, para. (4)(b)*
4. *are determined to be likely to have significant environmental effects as determined under regulation 9(1) (Reg. 5, para. (4)(c)*

An environmental assessment need not be carried out for:

- a) *plans which determine the use of a small area<sup>5</sup> at local level (Regulation 5, para. (6)(a); or*
  - b) *plans which are a minor modification<sup>6</sup> to a plan or programme (Regulation 5, para. (6)(b)*
- unless it has been determined under regulation 9(1) that the plan is likely to have significant environmental effects.

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<sup>1</sup> The organisation which adopts the neighbourhood plan (this is described in Wiltshire Council's guide *Neighbourhood planning – a guide for Wiltshire's parish and town councils* (June 2012) as 'makes the plan').

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

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

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

<sup>5</sup> European Commission guidance suggests that plans which determine the use of small areas at local level might include "a building plan which, for a particular, limited area, outlines details of how buildings must be constructed, determining, for example, their height, width or design"

<sup>6</sup> 'Minor modifications' should be considered in the context of the plan or programme which is being modified and of the likelihood of their having significant environmental effects. A modification may be of such small order that it is unlikely to have significant environmental effects.

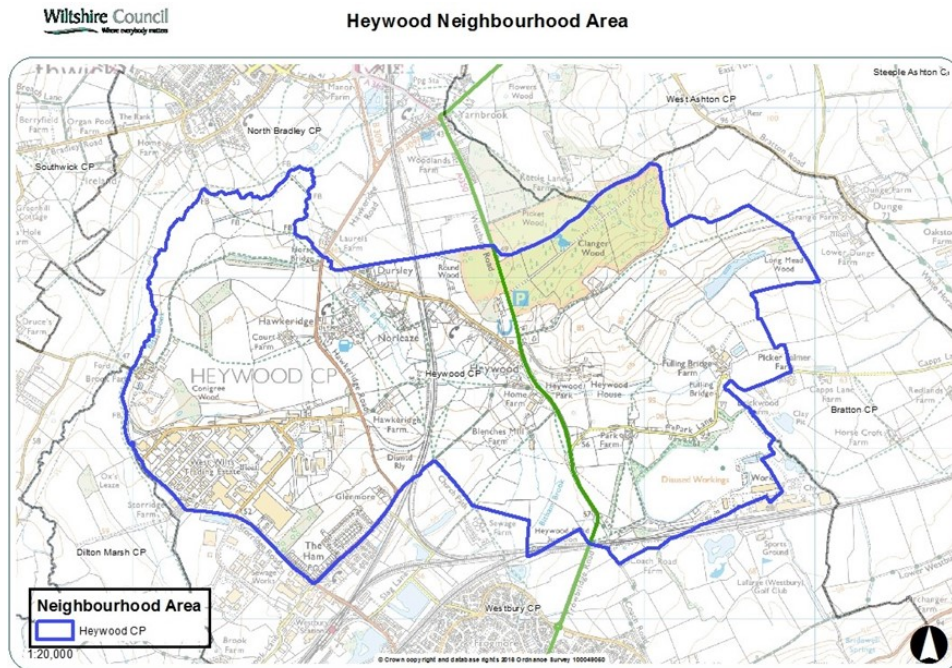


### 3. The Draft Heywood and Hawkeridge Neighbourhood Plan

3.1 The parish of Heywood is preparing a neighbourhood development plan under the provisions of the Localism Act 2011.

3.2 The designation of the Heywood Neighbourhood Area was made on 8<sup>th</sup> December 2016 (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 August 2022.

#### **4. SEA Screening assessment**

4.1 Wiltshire Council, as the 'Responsible Authority', considers that the draft HHNP 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 HHNP 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 HHNP and ii) the characteristics of the effects and of the area likely to be affected by the draft HHNP. 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 HHNP is set out below:

Criteria (Schedule 1 SEA Regs.)	Significant environmental effects likely?	Justification and evidence
<b>1. The characteristics of plans, having regard, in particular, to:</b>		
(a) the degree to which the plan sets a framework for projects and other activities, either with regards to the location, nature, size and operating conditions or by allocating resources	No	The neighbourhood plan covers the Heywood parish area that includes the hamlets of Hawkeridge and Norleaze and the West Wilts Trading Estate. 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 HHNP is produced by the local community to influence development at the local parish level. The draft HHNP 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 HHNP 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.
(e) the relevance of the plan for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection)	No	The neighbourhood plan is not relevant as a plan for implementing Community legislation.
<b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</b>		
(a) the probability, duration, frequency and reversibility of the effects	Yes	<p>The draft HHNP covers a mainly rural area but also includes the hamlets of Hawkeridge and Norleaze and the West Wilts Trading Estate. Policies supporting new development do not introduce anything that is over and above that supported by the Wiltshire Core Strategy (WCS).</p> <p>However, it has been determined by Wiltshire Council, the 'competent authority' under the Habitats Regulations, that the draft NP will require a full Appropriate Assessment (AA) due to the potential effects on two European sites</p>



		<p>- the Salisbury Plain SPA and the Bath and Bradford on Avon Bats SAC. Regulation 5 of the SEA Regulations requires an environmental assessment of plans which <i>'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)).'</i> Planning Practice Guidance (PPG) para 047 also states that <i>'if a plan is one which has been determined to require an appropriate assessment under the Habitats Directive, then it will normally also require a Strategic Environmental Assessment.'</i></p> <p>In light of this, it is considered that the draft NP is likely to have significant environmental effects and therefore a SEA will be required.</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)	No	The draft HHNP covers a mainly rural area but also includes the hamlets of Hawkeridge and Norleaze and the West Wilts Trading Estate. The 2011 Census records 798 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;	Yes	See above 2(a). The Council's ecologist has confirmed that, having been screened under the Habitats Regulations, an appropriate assessment (AA) will be required as 7 policies are likely to have significant effects due to the potential effects on two European sites - the Salisbury Plain SPA and the Bath and Bradford on Avon Bats SAC.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	Yes	See above 2(a). The Council's ecologist has confirmed that, having been screened under the Habitats Regulations, an appropriate assessment (AA) will be required as 7 policies are likely to have significant effects due to the potential effects on two European sites - the Salisbury Plain SPA and the Bath and Bradford on Avon Bats SAC.

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

Reason 1: Habitats Regulations Assessment screening has concluded that an appropriate assessment is required for this neighbourhood plan. Therefore, an SEA is required based on this decision.

Regulation 5 of the SEA Regulations requires an environmental assessment of plans which '*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)).*' Planning Practice Guidance (PPG) para 047 also states that '*if a plan is one which has been determined to require an appropriate assessment under the Habitats Directive, then it will normally also require a Strategic Environmental Assessment.*'

5.4 This SEA screening has been undertaken on a draft of the neighbourhood plan dated August 2022. 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 6-week period, ending on 17<sup>th</sup> January 2023.

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

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

### **Historic England**

Dear [REDACTED]

Thank you for your consultation on the Draft SEA screening associated with the emerging Heywood and Hawkeridge Neighbourhood Plan.

This would appear to be our first involvement with the preparation of this Plan so we also appreciate having sight of the current draft version. As well as helping us to best understand those issues upon which the Screening Opinion will be based it also helps us to identify any issues of interest to us which it would be useful to highlight and have brought to the attention of the Plan's community.

We note that it is your authority's view that a full SEA is required due to the potential for impact on European sites. This triggers the need for an Appropriate Assessment under the Habitats Regulations, which in turn triggers the need for a full SEA.

We note that there is no reference to any likelihood of significant environmental effects to the historic environment in this conclusion and we are happy to support the view that none are likely based on the schedule of policies which the current version of the Plan proposes. On this basis I can therefore confirm that we have no objection to the view that a full SEA is required, and that Historic England is unlikely to have an interest in those issues which form the basis for its need.

I can also confirm that, on the basis of the version of the Plan made available, there are no issues associated with the Plan upon which we wish to comment now or are likely to wish to do so at subsequent stages in its preparation.

Kind regards

[REDACTED]

### **Environment Agency**

Dear [REDACTED]

#### **Draft Heywood and Hawkeridge Neighbourhood Plan - SEA screening**

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

We have no objection to the LPA's decision that a SEA is required for the Plan. I have taken the opportunity to review the draft plan and offer my initial comments below.

We are happy to see a policy included which is dedicated to the mitigation of flood risk (policy 3).

We are also in support of the policy on green infrastructure (EP4) but would encourage the steering group to go a little further with the wording. Domestic gardens provide significant green infrastructure for wildlife. The trend towards 'garden grabbing' has led to a decline in this type of green infrastructure. Therefore we would suggest that EP4 could include some wording to prevent this from occurring across the Plan area.

Yours sincerely

[REDACTED]