

Wiltshire Council

Strategic Environmental Assessment

**Screening determination for the Draft Coombe Bissett and
Homington Neighbourhood Plan**

October 2021

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 Coombe Bissett and Homington Neighbourhood Plan (hereafter 'draft CB&HNP').
- 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 CB&HNP 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

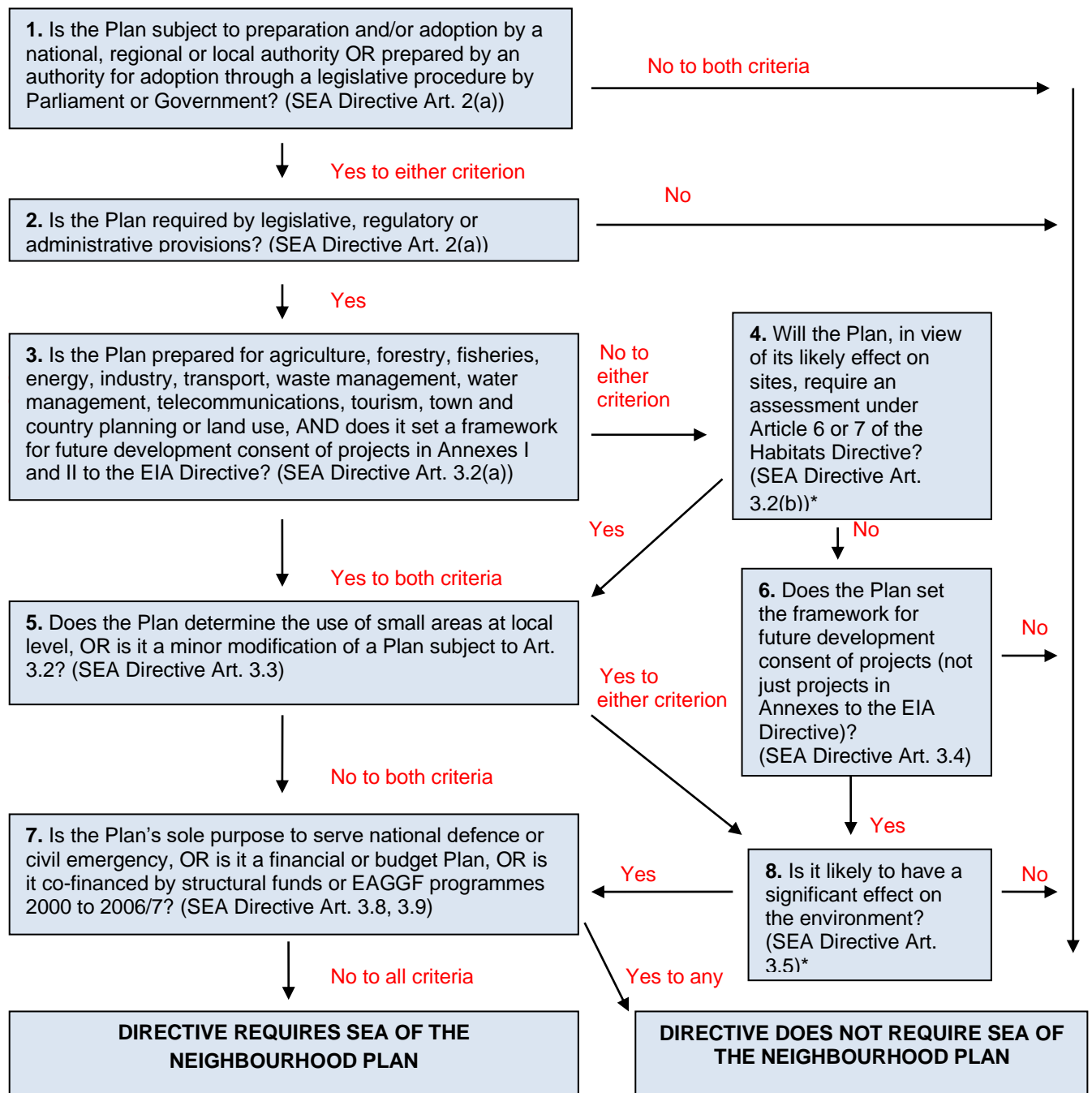
³ European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment"

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:



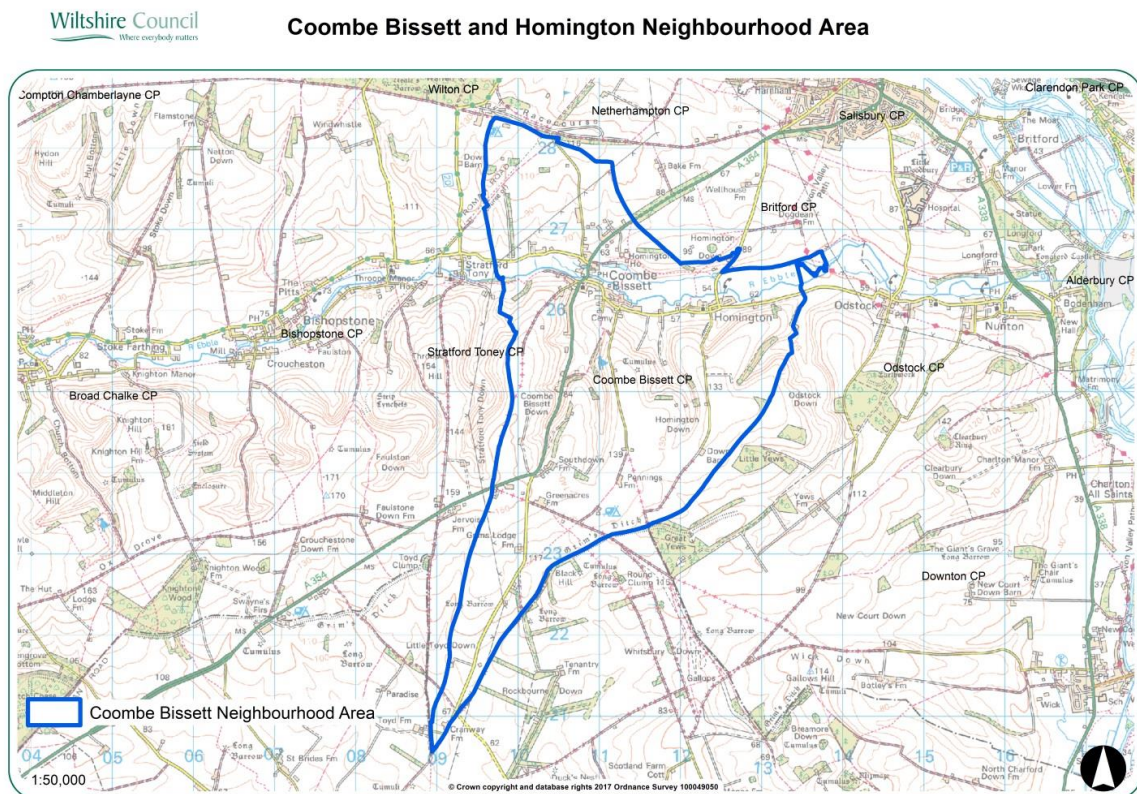
* Plans falling in this category (No.8) will be screened by Wiltshire Council to determine if they are likely to have significant environmental effects. This determination will be made on a case by case basis for neighbourhood plans coming forward in Wiltshire.

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 Coombe Bissett and Homington Neighbourhood Plan

- 3.1 The parish of Coombe Bissett and Homington is preparing a neighbourhood plan under the provisions of the Localism Act 2011.
- 3.2 The designation of the Coombe Bissett and Homington Neighbourhood Area was made on 7th December 2017 (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 neighbourhood plan dated March 2021.

4. SEA Screening assessment

- 4.1 Wiltshire Council, as the 'Responsible Authority', considers that the draft CB&HNP 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 CB&HNP 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 CB&HNP and ii) the

characteristics of the effects and of the area likely to be affected by the draft CB&HNP. 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 CB&HNP 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 Coombe Bissett and Homington 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 CB&HNP is produced by the local community to influence development at the local parish level. The draft CB&HNP 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	<p>The draft CB&HNP 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 through objectives that seek to:</p> <ul style="list-style-type: none"> i. preserve the distinct identity of the settlements of Coombe Bissett and Homington ii. ensure any development (including extensions and conversions) comply with the local Design Guide and are sensitive to local character and vernacular iii. ensure development does not adversely impact on local views and vistas iv. ensure development enhances local biodiversity, trees and ecosystems v. ensure that new development supports a low-carbon future that is sensitive to the natural environment vi. ensure local heritage assets are conserved and enhanced vii. ensure that new and windfall development consider and address potential flood risk from all sources both on-site and for surrounding buildings and the wider environment viii. protect and promote recreational and amenity areas through the allocation of Local Green Spaces
(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 with the one main settlement being Coombe Bissett which is designated as a 'Large Village' 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	Yes	<p>The draft CB&HNP contains two housing site allocations (AS1 The Old Vicarage and AS2 Kenora Paddock) and a reserve site allocation (AS3 Rear of Avalon). Allocations AS2 (for up to 6 dwellings) and AS3 (for up to 6 dwellings) are not considered likely to have significant environmental effects, but AS1 is considered likely to have significant environmental effects.</p> <p>Site AS2 is north of the village, adjacent to modern residential development and outside of, but adjacent to, the Cranborne Chase AONB. It is within Flood Zone 1 and separated from the conservation area by modern housing. There are no listed buildings or biodiversity designations in proximity to this site.</p> <p>Site AS3 is south of the village, behind modern residential development that is adjacent to the A354. The site is within the AONB but is small (up to 6 dwellings) and is set within mature vegetation which would reduce landscape impacts. It is within Flood Zone 1 and separated from the conservation area by modern housing. There are no listed buildings or biodiversity designations in proximity to this site.</p> <p>Site AS1, however, for up to 4 dwellings is within the Coombe Bissett Conservation Area and there are several Grade II listed buildings in close proximity to the site ('Brookside', 'Luthers' and 'Palmers Barn at The Croft'). It is understood that a heritage impact assessment has not been undertaken to assess likely impacts on these assets which could have given further details of possible mitigation measures.</p> <p>The views of Wiltshire Council Highways and the Council's conservation officer have been sought in coming to the decision that significant effects are likely. Highways have confirmed that the development of the site for 4 additional units would require an upgrade of the existing access arrangements. It is anticipated that the development would require an opening of 4.8-5m; a set-back of 2+ metres; a visibility splay of 43 metres in both directions, and that the access would need to allow for two cars passing (such that no car was required to wait in the highway). These requirements will require the existing access to be re-engineered and the very substantial tree would be 'vulnerable'. One of the key features of this part of the conservation area is the enclosure of the road, arising from the strong boundaries with limited openings. The mature tree also makes a positive contribution to the verdant character to this part of the conservation area.</p> <p>It is noted that the policy requires <i>'the retention of important trees (including the mature trees at the entrance of the site)</i></p>

		<p><i>and hedgerows</i>, that <i>‘dwellings are designed in accordance with Coombe Bissett and Homington Design Guide’</i> and that <i>‘the design of the development should be complementary to the visual and historic character in the Conservation Area’</i>. However, given the comments above, some of these policy requirements may not be achievable.</p> <p>Section 72 of the <u>Planning (Listed Buildings and Conservation Areas) Act 1990</u> requires that <i>‘special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area’</i>. The Council’s conservation officer states that in view of the communicated likely Highways access requirements in relation to the development of this site, some harm arising from the development of this site is likely. In NPPF terms, this harm would be <i>‘less than substantial’</i>.</p> <p>In view of these comments and the lack of a heritage impact assessment to show how these impacts could be mitigated, it is considered that significant environmental effects are likely from development of site AS1.</p> <p>On a separate matter, the Council’s ecologist has confirmed that, having been screened under the Habitats Regulations, an appropriate assessment (AA) will be required at the next consultation stage, as a result of the potential for a likely significant effect (LSE) on the River Avon SAC. This decision also means 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)	No	<p>The draft CB&HNP covers a rural parish which includes the ‘Large Village’ of Coombe Bissett. The 2011 Census records 675 people living in the parish.</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	Yes	<p>Much of the neighbourhood area lies within the Cranborne Chase Area of Outstanding Natural Beauty (AONB) and the villages of Coombe Bissett and Homington lay within the picturesque chalde valley of the River Ebble.</p> <p>The three housing site allocations included in the Plan are relatively small and are either within the village or adjacent to existing development. Site AS2 is just outside the AONB boundary but adjacent to it. Significant effects are not considered likely on the AONB. All three site allocations are outside of the flood plain associated with the River Ebble. There are no designated wildlife or biodiversity sites likely to be significantly adversely affected by these three sites.</p> <p>Likely effects on the conservation area and its setting and listed buildings and their settings are discussed in more detail</p>

(iii) intensive land-use;		<p>under 2(a). It is considered that significant environmental effects are likely from development of site AS1.</p> <p>The draft Plan 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	<p>As above under 2(a). Significant effects on the Coombe Bissett Conservation Area and its setting and individual listed buildings and their settings are considered likely from the allocation of housing site AS1: The Old Vicarage.</p> <p>The Council's ecologist has confirmed that, having been screened under the Habitats Regulations, an appropriate assessment (AA) will be required at the next consultation stage, as a result of the potential for a likely significant effect (LSE) on the River Avon SAC. This decision also means that an SEA will be required for the Plan as per Regulation 5 of the SEA Regulations.</p>

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 CB&HNP Neighbourhood Plan **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 from development of site AS1 on the Coombe Bissett Conservation Area and its setting and on individual listed buildings and their settings.

Reason 2: the Council's ecologist has confirmed that, having been screened under the Habitats Regulations, an appropriate assessment (AA) will be required at the next consultation stage, as a result of the potential for a likely significant effect (LSE) on the River Avon SAC. This decision means that an SEA will be required for the Plan as per Regulation 5 of the SEA Regulations

5.4 This SEA screening has been undertaken on a draft of the neighbourhood plan dated March 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 between 17th August 2021 and 21st September 2021.

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: Coombe Bissett and Homington Neighbourhood Plan (Wiltshire): SEA screening consultation

Date: 21 September 2021 13:54:57

Dear [REDACTED]

Thank you for your consultation on the SEA Screening for the emerging Coombe Bissett and Homington Neighbourhood Plan.

From our records this would appear to be our first involvement with this Plan so we also welcome the opportunity to have sight of the current draft and identify any issues which it might be helpful to raise at this point in time.

The main focus of our attention with such Plans and therefore with SEA Screenings is whether they wish to allocate sites for development as these are likely to have the greatest potential to generate significant environmental effects in the form of impacts upon heritage assets.

We note that this Plan does wish to allocate sites and that your SEA Screening Report identifies site AS1 (The Old Vicarage) in particular as having potential to generate significant environmental effects in the form of impacts upon the Conservation Area, within which the site lies, and to the settings of nearby Listed Buildings. This conclusion has been informed by advice from your authority's Conservation Officer whose involvement is helpful and reassuring, especially given the absence of a Conservation Area Appraisal and Management Plan.

I can therefore confirm that we have no objection to the view that a full SEA is required.

While the Report identifies those specific issues which have informed its conclusion it occurs to us that there may be an additional issue of development density which should perhaps be highlighted. At present the site features a single building which may originally have been conceived to occupy what seems to be a large and generous plot within the area. If this spatial characteristic is an important element of the site's interest and in turn underpins its positive contribution to the character and appearance of the Conservation Area then the principle of increasing the amount of development on the site, in the form of further dwellings, may in itself be problematic.

The Report and Draft Plan refer to site assessments which have been carried out, how this was undertaken, the findings, and the basis upon which the proposed sites have been selected. We can see that the relationship of the sites to the Conservation Area has been used as a specific criterion in this selection process and other designated assets relevant to each site are referred to. But there is an absence of information on the methodology which has been used to identify relevant assets and assess them, particularly their setting(s), though we acknowledge that only limited information has been made available to us at this time and the Plan is merely a summary of parent documents used to inform it.

Even so, our experience suggests that the site assessment exercises which have been undertaken may not have used our guidance on Setting, Site Assessments, and SEAs respectively, without which there is a risk that not all relevant heritage assets might have been identified and their respective significances appropriately understood and used to inform the proposed site selections. We would therefore take this opportunity to strongly recommend the use of our guidance, to review and reaffirm the evidence base accordingly, and request that this message be passed on to the community. We

will reiterate this message in response to any consultation on a subsequent SEA Scoping exercise. And although it would seem that the Plan is quite well advanced in its preparation we would also draw attention to our guidance on Neighbourhood Planning which the community might still find of use.

The guidance referred to above can be found at:

<https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/heag180-gpa3-settingheritage-assets/https://historicengland.org.uk/images-books/publications/sustainability-appraisal-and-strategic-environmentalassessment-advice-note-/https://historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans/>
<https://historicengland.org.uk/images-books/publications/neighbourhood-planning-and-the-historic-environment/>

Otherwise, as the Draft Plan stands there are no other issues of significance associated with its content which we wish to highlight.

Kind regards

[Redacted]

[Redacted]

[Redacted]

Environment Agency

From:	Sustainable Places, SWX
Sent:	07 October 2021 15:06
To:	[Redacted]
Subject:	RE: Coombe Bissett and Homington Neighbourhood Plan (Wiltshire): SEA screening consultation

We concur that the Plan will require a SEA and an appropriate assessment, due to likely effects on the River Avon SAC. Hope that helps.

[Redacted]

[Redacted]

Natural England

Date: 04 October 2021
Our ref: 369351
David Way
Wiltshire Council

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

Dear [REDACTED]

Planning consultation: Coombe Bissett and Homington Neighbourhood Plan (Wiltshire): SEA screening consultation

Thank you for your consultation on the above dated 17 August 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.

Strategic Environmental Assessment - Screening

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 an increase in proposed allocated housing within the River Avon Special Area on Conservation catchment. Mitigation measures are required to ensure no adverse effect on the site integrity of River Avon 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.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact me directly.

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

Yours faithfully



Planning and conservation lead
Wessex Area Team