

Wiltshire Council

Strategic Environmental Assessment

**Screening determination for the Draft Kington St Michael
Neighbourhood Plan**

April 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 Kington St Michael Neighbourhood Plan (hereafter 'draft KSMNP').
- 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 KSMNP 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

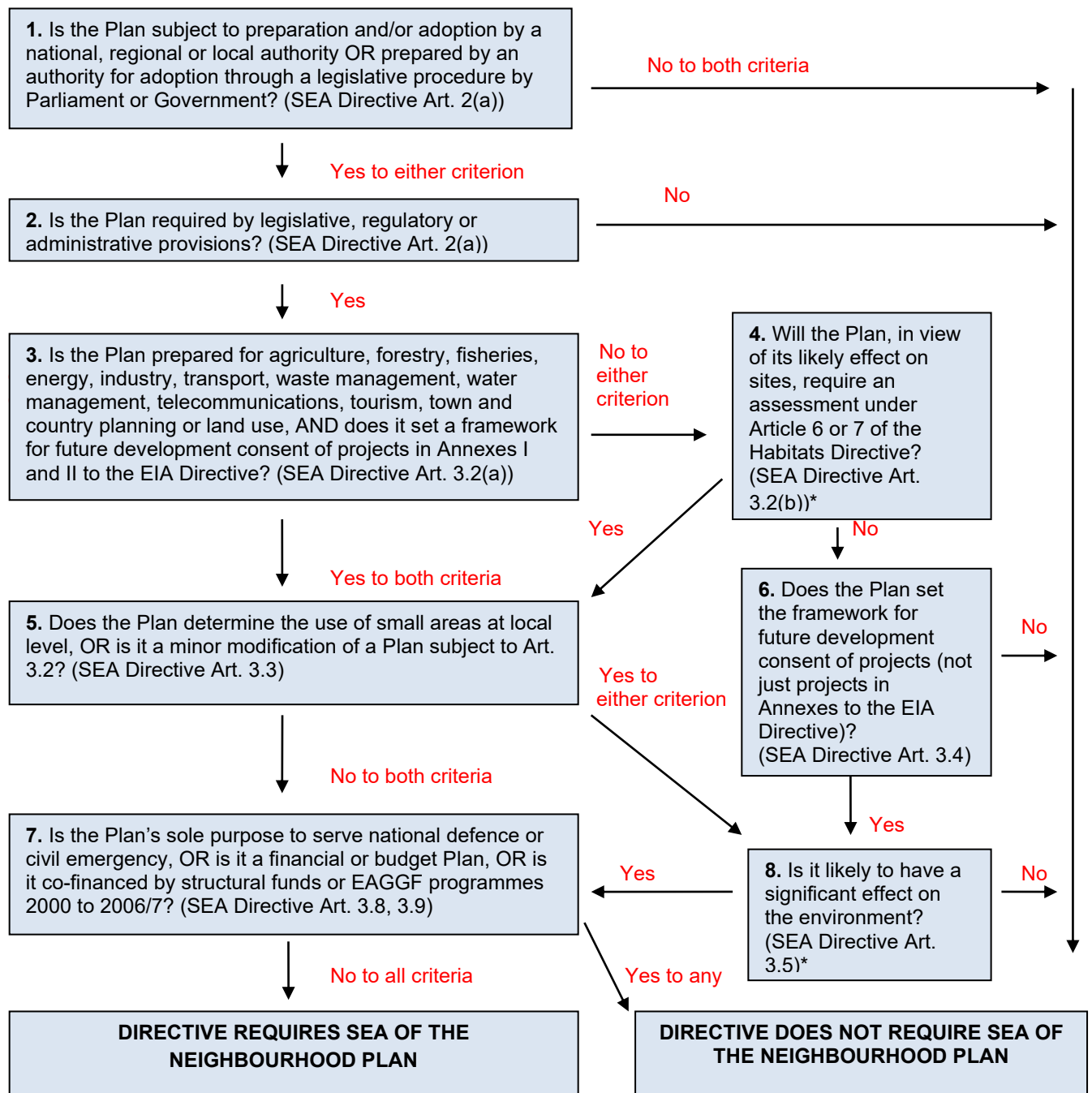
³ European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment"

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 Kington St Michael Neighbourhood Plan

- 3.1 The parish of Kington St Michael is preparing a neighbourhood plan under the provisions of the Localism Act 2011.
- 3.2 The designation of the Kington St Michael Parish Neighbourhood Area was made on 28th August 2015 (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, and accompanied by, a draft of the neighbourhood plan dated February 2023.

4. SEA Screening assessment

- 4.1 Wiltshire Council, as the 'Responsible Authority', considers that the draft KSMNP 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 KSMNP 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 KSMNP 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 Kington St Michael 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 KSMNP is produced by the local community to influence development at the local parish level. The draft KSMNP 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 KSMNP 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 parish is mostly designated as open countryside in the Wiltshire Core Strategy (WCS), except for Kington St Michael which is a Large Village.
(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 KSMNP covers an area of open countryside, except for the Large Village of Kington St Michael. 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 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 KSMNP covers a rural parish which is mostly open countryside, except for Kington St Michael which is a Large Village. The 2011 Census records 704 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 KSMNP covers a rural parish which is mostly open countryside, except for Kington St Michael which is a Large Village. 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 KSMNP covers a rural parish which is mostly open countryside, except for Kington St Michael which is a Large Village. 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 KSMNP **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 February 2023. 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 3rd March 2023 to 7th April 2023.

6.2 Comments were received from Historic England, the Environment Agency and Natural England who agreed with the decision that an SEA was not 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 SEA Screening for the emerging Kington St Michael Neighbourhood Plan.

This is our first involvement with this Plan and so we also welcome receipt of a draft Plan and the opportunity to consider the range of policies the community proposes.

We note that the Plan does not propose to allocate any sites for development and on this basis we are happy to concur with the view that a full SEA is not required.

I can also confirm that on the basis of the policies proposed we are unlikely to wish to offer detailed comment on any further consultation during the Plan's preparation process.

Kind regards

[REDACTED]

Environment Agency

Dear [REDACTED]

Thank you for consulting us on the Strategic Environmental Assessment screening report for the Kington St Michael Neighbourhood Plan. We wish to highlight that it would have been useful to have the figures included in the report provided. Without this, we are basing our response on our records of the Kington St Michael Parish boundary.

We have identified potential environmental risks within the neighbourhood plan boundary. Including areas within Flood Zone 2 or 3, main river located on the northern boundary, source protection zones and potentially contaminated land specifically historic landfill in the north.

We note that the plan does not propose any allocations for development. On this basis, we do not consider there to be potential significant environmental effects relating to these environmental constraints. Nevertheless any relevant policies within the plan will need to consider and manage these risks.

We encourage you to seek ways in which your neighbourhood plan can improve the local environment at the earliest stages. Together with Natural England, English Heritage and Forestry Commission we have published joint guidance on neighbourhood planning, which sets out sources of environmental information and ideas on incorporating the environmental into your plan. This is available at:

:

<https://neighbourhoodplanning.org/toolkits-and-guidance/consider-environmentneighbourhood-plans/>

Yours sincerely,

[REDACTED]

Natural England

Dear Mr Clarke,

Draft Kington St Michael Neighbourhood Plan - SEA Screening Consultation

Thank you for your consultation on the above dated 03 March 2023.

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.

We have considered the screening assessment of the Neighbourhood Plan against the requirements of the criteria set out in the SEA Directive. Based on the information provided, Natural England agrees the Neighbourhood Plan appears unlikely to give rise to significant environmental effects and your conclusion that a Strategic Environmental Assessment is not required is reasonable.

We would be happy to comment further should the need arise but in the meantime if you have any queries relating to the above please contact me via email –

[REDACTED]

For any further consultations on your plan, please contact:

[REDACTED]

Yours faithfully, [REDACTED]