

Wiltshire Council

Strategic Environmental Assessment

**Screening determination for the Draft Revised Tisbury and West
Tisbury Neighbourhood Development Plan**

November 2022

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 Revised Tisbury and West Tisbury Neighbourhood Development Plan (hereafter 'Draft Revised TisPlan').
- 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 Revised TisPlan 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

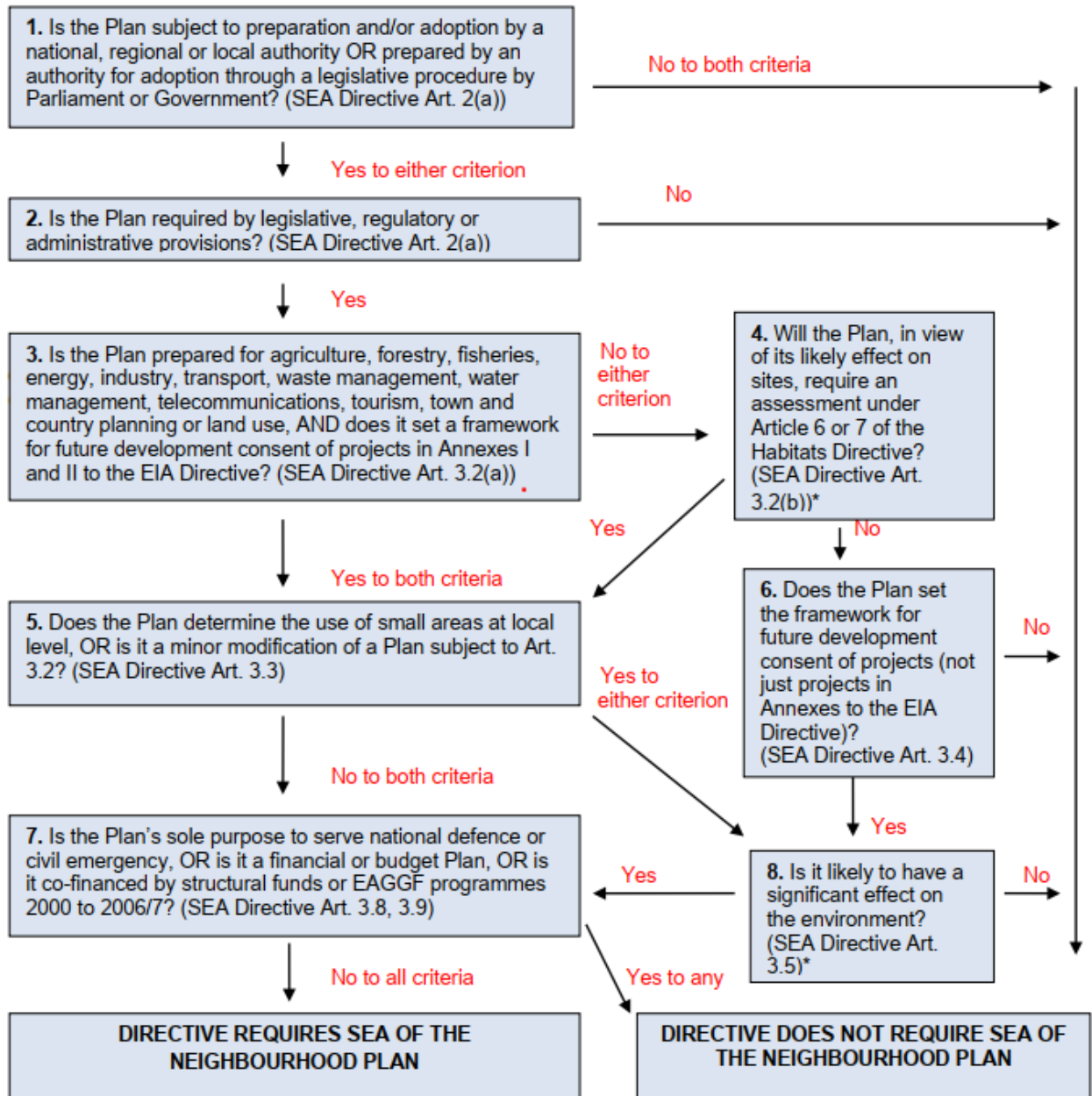
³ European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment"

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 field of application:



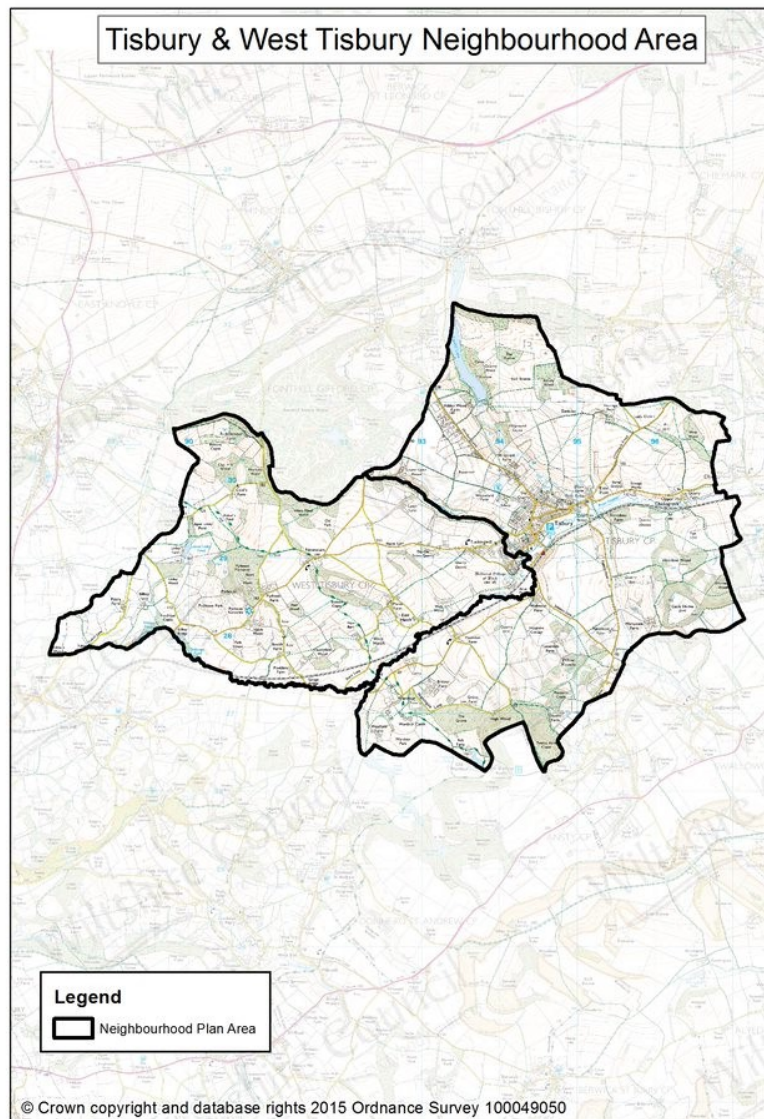
* Plans falling in this category (No.8) will be screened by Wiltshire Council to determine if they are likely to have significant environmental effects. This determination will be made on a case by case basis for neighbourhood plans coming forward in Wiltshire.

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 Revised Tisbury and West Tisbury Neighbourhood Development Plan

- 3.1 The parishes of Tisbury and West Tisbury are preparing a revision of the neighbourhood development plan under the provisions of the Localism Act 2011. The current neighbourhood development plan was 'made' on 29th November 2019. The draft revised plan has been updated to reflect previously allocated sites and policies that have now received planning permission. It does not contain any new development site allocations and this SEA screening has been undertaken on that basis.
- 3.2 The designation of the Tisbury and West Tisbury Neighbourhood Area was made on 27th July 2015 (see map of area outlined below). For the designation notice see <http://www.wiltshire.gov.uk/planning-neighbourhood-latest-news>



- 3.3 This SEA screening decision is based on, and accompanied by, a draft of the revised neighbourhood plan dated July 2022. There is also a document showing a comparison of existing and proposed policies and the SEA Report of the 'made' plan.

4. SEA Screening assessment

4.1 Wiltshire Council, as the 'Responsible Authority', considers that the Draft Revised TisPlan 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 Revised TisPlan 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 Revised TisPlan and ii) the characteristics of the effects and of the area likely to be affected by the Draft Revised TisPlan. 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 Revised TisPlan 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 Draft Revised TisPlan covers the parishes of Tisbury and West Tisbury. Whilst the Draft Revised TisPlan 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 Revised TisPlan is produced by the local community to influence development at the local parish level. The Draft Revised TisPlan 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 Revised TisPlan 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.
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	The Draft Revised TisPlan has been updated to reflect previously allocated sites and accompanying policies that have now received planning permission. It does not contain any new development site allocations. However, the Station Works site allocation has been revised to reflect an increase in dwellings from 60 to 63 and the revised policy for the former sports centre reflects the planning permission for 13 dwellings. These site allocations have already been subject to SEA (see accompanying SEA Report) and it is considered that the revised policies would not trigger the need for further SEA.

		However, the Draft Revised TisPlan has been screened under the Habitats Regulations and this has concluded that an Appropriate Assessment (AA) is required. For land-use plans where an AA is required, an SEA is also required ⁸ .
(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	No significant effects are considered likely based on the 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;	Yes	Refer to 2a above.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	Yes	Refer to 2a above.

⁸ The Environmental Assessment of Plans and Programmes Regulations 2004 (Regulation 5(3))

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 Revised TisPlan **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 decision⁹.

5.4 This SEA screening has been undertaken on a revised draft of the neighbourhood plan dated July 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, this SEA screening should 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 14th October 2022 to 18th November 2022.

6.2 Comments received have been considered and a final screening decision is now published. Comments from the statutory consultees can be found in Appendix 1.

⁹ The Environmental Assessment of Plans and Programmes Regulations 2004 (Regulation 5(3))

Appendix 1 – Response to October – November consultation from statutory bodies

Natural England

Thanks [REDACTED] I can confirm that Natural England concurs with the conclusion of your screening decision.

Regards,

[REDACTED]
[REDACTED]

– Wiltshire,

Environment Agency

Dear [REDACTED]

Tisbury and West Tisbury Neighbourhood Plan 2022-2036 SEA screening determination

Thank you for your email consultation of 14 October on the above document.

We note your decision that the Plan requires a Strategic Environmental Assessment; we have no objection to this decision.

However, we wish to offer some comments on some of the new policies to be included in the Plan 2022-2036. We have reviewed the document called TisPlan Review 2022 – Policies for Comparison old v new, dated 30 July 2022, by [REDACTED] [REDACTED] for Tisbury NP Steering Group.

Green Infrastructure-led Development

Overall we support this progressive policy. We would challenge the steering group to think about whether a requirement to ensure no loss of existing garden space could be included. Existing garden space is an important part of green infrastructure networks. The trend towards increasing amounts of “garden grabbing” within urban areas is diminishing existing green infrastructure, therefore such an addition to the policy would protect existing, at the same time as creating new.

Managing Flood Risk

Flood Zone 3B -functional floodplain

We support this policy, however there is an inaccuracy in the wording. The Environment Agency does not designate areas as flood zone 3b. This is done as part of a Strategic Flood Risk Assessment by the Local Planning Authority in consultation with the Environment Agency - [Flood risk and coastal change - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/flood-risk-and-coastal-change) - Paragraph: 077 Reference ID: 7-077-20220825.

Site Allocation – Station Works (HS3.1 and HS3.1A)

These new policies include a requirement that the development must include “a convenient, step-free pedestrian crossing of the railway line offering a direct connection to Tisbury village centre.” This could be a footbridge or underpass.

We have raised an objection to an existing planning application (PL/2021/09778) looking to achieve this very requirement as an underpass through one of the existing railway arches (on a raised walkway). The arches function as the main river flood flow route, with associated flood zone 3 and 3b. The applicant has not quantified how much of an obstruction to flows this will present, nor how much of a risk to users this will present. We are not comfortable with this type of crossing being included in the policy because there is no evidence to demonstrate that it is feasible without increasing flood risk elsewhere and to users. And indeed it may conflict with ‘managing flood risk’ policy (NE5). We request that the policy includes a crossing over the railway line only.

Yours sincerely

[REDACTED]

[REDACTED]

Historic England

Dear [REDACTED]

Thank you for your consultation on the SEA Screening for the emerging revised Tisbury and West Tisbury Neighbourhood Plan.

Many thanks also for sharing with us the summary of the proposed changes which a new Plan would embrace which helps a great deal in helping us appreciate their potential implications.

We note that the new Plan would involve mainly editorial changes to the existing suite of policies but that in the case of the two site allocations new policies now include specific quanta of development. Policy HS3.1 – Station Works (previously BL.7) - has increased the number of dwellings proposed to a maximum of 63 (previously 60), and policy HS3.2 – former Sports centre (previously BL.8) - specifies 13 dwellings in response to a planning consent for the site which has been granted since the previous Plan was made.

We concur with the SEA Screening Report in that these changes would not in themselves prompt the need for a full SEA and there is no reason, based on the proposed modifications, to believe that the new policies will by their nature generate additional or enhanced impacts on heritage assets as significant environmental effects which cannot be avoided or which have not already been considered via other means (eg planning consent).

However, we are happy to defer to your authority in the determination that an Appropriate Assessment is required under the Habitats Regulations, and that this in turn triggers the need for a full SEA.

I can also confirm that, based on the information provided, there are no other issues associated with the proposed amended Plan upon which we feel the need to comment.

Kind regards

