

The Environmental Assessment of Plans and Programmes Regulations 2004
Wiltshire Council

Revised SEA Screening Opinion / Determination under Regulation 9(1) as to whether the Chirton and Conock Neighbourhood Plan is likely to have significant environmental effects.

Chirton and Conock Parish Council is producing the Chirton and Conock Neighbourhood Plan which will supplement the adopted Wiltshire Core Strategy and form part of the local development plan for Wiltshire when made. As part of the production of a Neighbourhood Plan the Council is required to advise and assist the “qualifying body” (Parish Council), including in ensuring that the Neighbourhood Plan does not breach, and is otherwise compatible with, European Union obligations.

This includes deciding whether the NP requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC (“SEA Directive”) and associated Environmental Assessment of Plans and Programmes Regulations 2004 (“SEA Regulations”).

The Chirton and Conock Neighbourhood Plan can be regarded as:

- i. a “plan or programme which, in view of the likely effect on sites, has been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive.” (albeit the Appropriate Assessment¹ concluded “no adverse effects” and the “small area” exemption applies to this Plan); and as
- ii. a “plan or programme which sets the framework for future development consent of projects” (albeit to a limited degree of 1-10 new homes by 2026, by infill, namely the infilling of a small gap within the village normally capable or large enough for not more than a few dwellings it is potentially caught by SEA Regulation 5(4) [which could require an environmental assessment to be carried out]).

Therefore, the Council needs to determine (under the provisions of Regulation 9) whether, or not, the Chirton and Conock Neighbourhood Plan is “likely to have significant environmental effects”.

Regulation 9(2) requires that before making such a determination, the Council shall:

- a) take into account the criteria specified in Schedule 1 to these Regulations; and
- b) consult the consultation bodies [Environment Agency, Historic England and Natural England].

Regulation 9(3) requires that if the Council’s conclusion is 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.

¹ Chirton and Conock Neighbourhood Plan Habitats Regulations Assessment 11.01.19

Determination under SEA Regulation 9(1)

Having regard to the criteria set out in Schedule 1 of the SEA Regulations, and consultation with Environment Agency, Historic England and Natural England the Council has made a determination under Regulation 9 (1)(b) that the Chirton and Conock Neighbourhood Plan is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment in accordance with Regulation 5(6)(b)).

Statement of Reasons

The Council has had regard to:

1. the characteristics of the plan, and
 2. the characteristics of the potential effects and of the area potentially affected
- including all of the particular matters under each of these as set out in Schedule 1 of the SEA Regulations.

A response to each of the individual criteria is set out below in tabular form. This was shared in draft form with the consultation bodies and has been agreed by Natural England and Historic England and has not been disputed by the Environment Agency.

This review of the individual criteria indicates that potential effects are limited / localised / negligible / totally absent and therefore the conclusion is that the plan is unlikely to have significant environmental effects.

1. The characteristics of plans and programmes, having regard, in particular, to —

<p>(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;</p>	<p>NO Significant environmental effects likely</p> <p>The neighbourhood plan covers the parish area only. It sets a new policy framework for the parish to allow only in-fill development, but this is in accordance with the adopted Wiltshire Core Strategy (Core Policies 1 and 2). The village of Chirton is designated as a 'Small Village' in the Wiltshire Core Strategy. The neighbourhood plan is not proposing any new site allocations for development. Infill development is described in the Core Strategy as "<i>the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling</i>"</p>
<p>(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;</p>	<p>NO Significant environmental effects likely</p> <p>The neighbourhood plan is produced by the local community to influence development at the local level. A neighbourhood plan must be in general conformity with the Local Plans (i.e. Wiltshire Core Strategy) and national planning policy.</p>
<p>(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;</p>	<p>NO Significant environmental effects likely</p> <p>The neighbourhood plan is a land-use plan that promotes sustainable development, in general conformity with the Local Plan and national planning policy. It is not a Plan specifically for the integration of environmental considerations. However, the Plan recognises (Policy 3) the sensitive landscape setting and high-quality historic townscape of Chirton and Conock and that this must be respected by the design of any new development, especially in relation to the Conservation Area and Area of Outstanding Natural Beauty.</p>

	Local environmental and heritage features will continue to be protected and enhanced through this Plan but also through the Core Strategy and national planning policy. The Plan seeks to protect a number of important areas of open space through Local Green Space designations.
(d) environmental problems relevant to the plan or programme; and	NO Significant environmental effects likely There are no specific environmental problems relevant to this neighbourhood area.
(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).	NO Significant environmental effects likely 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 Significant environmental effects likely Any environmental effects are not considered to be significant judging by the proposals in the neighbourhood plan. The Plan is not proposing any sites for development (allocations) and seeks to give further protection to areas of environmental and cultural importance. Any development that does take place will be in accordance with the Wiltshire Core Strategy and national planning policy. Effects of the limited amount of infill development expected are likely to be localised and short-term.
(b) the cumulative nature of the effects;	NO Significant environmental effects likely No cumulative effects are considered likely to be significant.
(c) the trans-boundary nature of the effects;	NO Significant environmental effects likely 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 Significant environmental effects likely 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 Significant environmental effects likely The neighbourhood plan covers a rural parish which includes the 'Small Village' of Chirton. 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—</p> <ul style="list-style-type: none"> (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use; and 	<p>NO Significant environmental effects likely</p> <p>The neighbourhood area contains European and national level biodiversity designations, the North Wessex Downs AONB, a conservation area in the village of Chirton and various listed buildings. There is an area of Flood Zone 2 and 3 between the villages of Patney and Chirton.</p> <p>Because the Plan is not proposing any sites for development and any future infill development will be in accordance with policies of the Wiltshire Core Strategy and national planning guidance, no significant environmental effects are considered likely on areas of special natural or cultural significance. Environmental quality standards or limit values are not likely to be exceeded and land-use is not likely to be intensified as a result of this neighbourhood plan.</p>
<p>(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>NO Significant environmental effects likely</p> <p>The neighbourhood area contains the North Wessex Downs AONB, a Conservation Area and a number of listed buildings. In the south of the neighbourhood area, on Salisbury Plain, there are SSSI, SAC and SPA designations.</p> <p>A small amount of infill development i.e. the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling, during the Plan period, to meet local housing needs as the Core Strategy allows, is not considered likely to have significant environmental effects on any of these designations. Any development that is proposed during the Plan period must be in accordance with the Local Plan and national planning policy.</p>