

NOTE ON THE SUBMITTED CORSHAM NEIGHBOURHOOD PLAN STRATEGIC ENVIRONMENTAL ASSESSMENT

1 Summary

- 1.1** This note sets out why it is not necessary for the Strategic Environmental Assessment (SEA) Environmental Report for the Corsham Neighbourhood Plan (February 2018) to be reviewed as a result of the Corsham Neighbourhood Plan 2016 – 2026 Habitats Regulations Assessment (January 2019).

2 Corsham Neighbourhood Plan SEA

- 2.1** In November 2016, AECOM produced an SEA Scoping Report which developed a framework to be used to appraise the neighbourhood plan. In July 2017, AECOM made a number of recommendations on an initial version of the Corsham Neighbourhood Plan (CNP) using the framework which led to modifications to the plan's policies. In October 2017, an SEA Environmental Report which assessed the draft CNP policies against the SEA Framework was produced to accompany the Regulation 14 consultation.
- 2.2** After considering the responses submitted to the Regulation 14 consultation, minor updates to the CNP policies were made before publication of the submission version of the CNP (February 2018) as part of the Regulation 16 consultation. This submission version of the CNP was accompanied by an SEA Environmental Report which assessed the policies presented in the submission version of the CNP. The report concluded that the CNP is likely to lead to significant positive effects in relation to the Population and Community and Health and Wellbeing SEA themes with limited negative effects on some themes arising from policies which facilitate housing and employment growth. In relation to the 'Biodiversity and Geodiversity' SEA theme, policies were not considered to be significant, with the Corsham Batscape Strategy supporting the integrity of the Bath and Bradford on Avon Bats Special Area of Conservation (SAC).

3 Corsham Neighbourhood Plan HRA

- 3.1** In accordance with Regulation 105 of the Habitat Regulations 2017, Wiltshire Council were required to carry out a Habitat Regulations Assessment (HRA) screening exercise on the draft CNP.
- 3.2** The initial HRA Screening Assessment (March 2018) concluded that the draft plan would have no likely significant effects upon any European designations due to the protection of ecologically sensitive features under the Corsham Batscape Strategy.
- 3.3** However, on 28 December 2018, the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 came into force which amended the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended). The Regulation

substituted a new basic condition stating that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

- 3.4** The Conservation of Habitats and Species Regulations 2017 require that the assessment of neighbourhood plans on European sites includes screening the plan to see whether it is likely to have a significant effect on any European site. If the plan is 'screened in' because significant effects cannot be ruled out, appropriate assessment must be carried out considering the impact on the European site's conservation objectives.
- 3.5** Additionally, due to recent case law¹, it was ruled that it is not permissible to take account of measures intended to reduce or avoid any harmful effects of a plan or project on a European site at the screening stage. With regards to the CNP, this predominantly affected the inclusion of the Corsham Batscape Strategy in the HRA Screening Assessment.
- 3.6** To ensure all basic conditions were met by the neighbourhood plan, Wiltshire Council carried out a further HRA screening exercise in relation to the submission version of the CNP.
- 3.7** The HRA (January 2019) determined that eleven policies had the potential to give rise to significant effects in relation to the Bath and Bradford on Avon Bats SAC and were taken forward to appropriate assessment.
- 3.8** Following appropriate assessment, it was concluded that, due to the policy requirement to adhere to the Corsham Batscape Strategy, there would be no adverse effects on the Bath and Bradford on Avon Bats SAC, alone or in-combination with other plans and projects. Therefore, no changes were needed to the CNP.

4 Need for a review of the SEA Environmental Report

- 4.1** The SEA Environmental Report and HRA both appraised the same policies presented in the submission version of the CNP and concluded that no changes to the policies were necessary. Therefore, the conclusions are in concurrence with each other and no amendments to the reports are necessary.
- 4.2** Furthermore, current planning practice guidance states that modifications to an SEA Environmental Report should only be considered where proportionate to the level of change being made to the neighbourhood plan². As no changes were proposed by the HRA, amendments to the Environmental Report are not necessary.

¹ Court of Justice of the European Union, Case C 323/17 "People Over Wind"/P. Sweetman v Coillte Teoranta

² Strategic environmental assessment and sustainability appraisal, Paragraph: 041 Reference ID: 11-041-20140306

- 4.3** However, in line with current planning practice guidance³, if Wiltshire Council assesses that any proposed changes following the Examiner's Report are likely to have significant environmental effects which were not previously assessed, the SEA environment report should be amended accordingly in consultation with the qualifying body.
- 4.4** Likewise, if any changes are needed to the CNP following the Examiner's Report, a further HRA screening will be undertaken to ensure that the modifications recommended by the examiner are fully compliant with legislation.

5 Conclusion

- 5.1** The policies as presented in the submission version of the CNP have been determined to not lead to any significant negative effect in relation to any of the sustainability themes in the SEA Environmental Report (February 2018) or any significant effect on the Bath and Bradford on Avon Bats SAC in the HRA (January 2019).
- 5.2** Due to there being no change in the policies presented in the submission version of the CNP following the HRA, the findings of the SEA Environmental Report remain relevant and an update to the SEA Environmental Report is not required.

³ Strategic environmental assessment and sustainability appraisal, Paragraph: 043 Reference ID: 11-140306, Revision date: 06 03 2014