

Wiltshire Council

Strategic Environmental Assessment

**Screening determination for the Draft Laverstock and Ford
Communities Neighbourhood Plan**

November 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 Laverstock and Ford Communities Neighbourhood Plan.
- 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 Plan 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

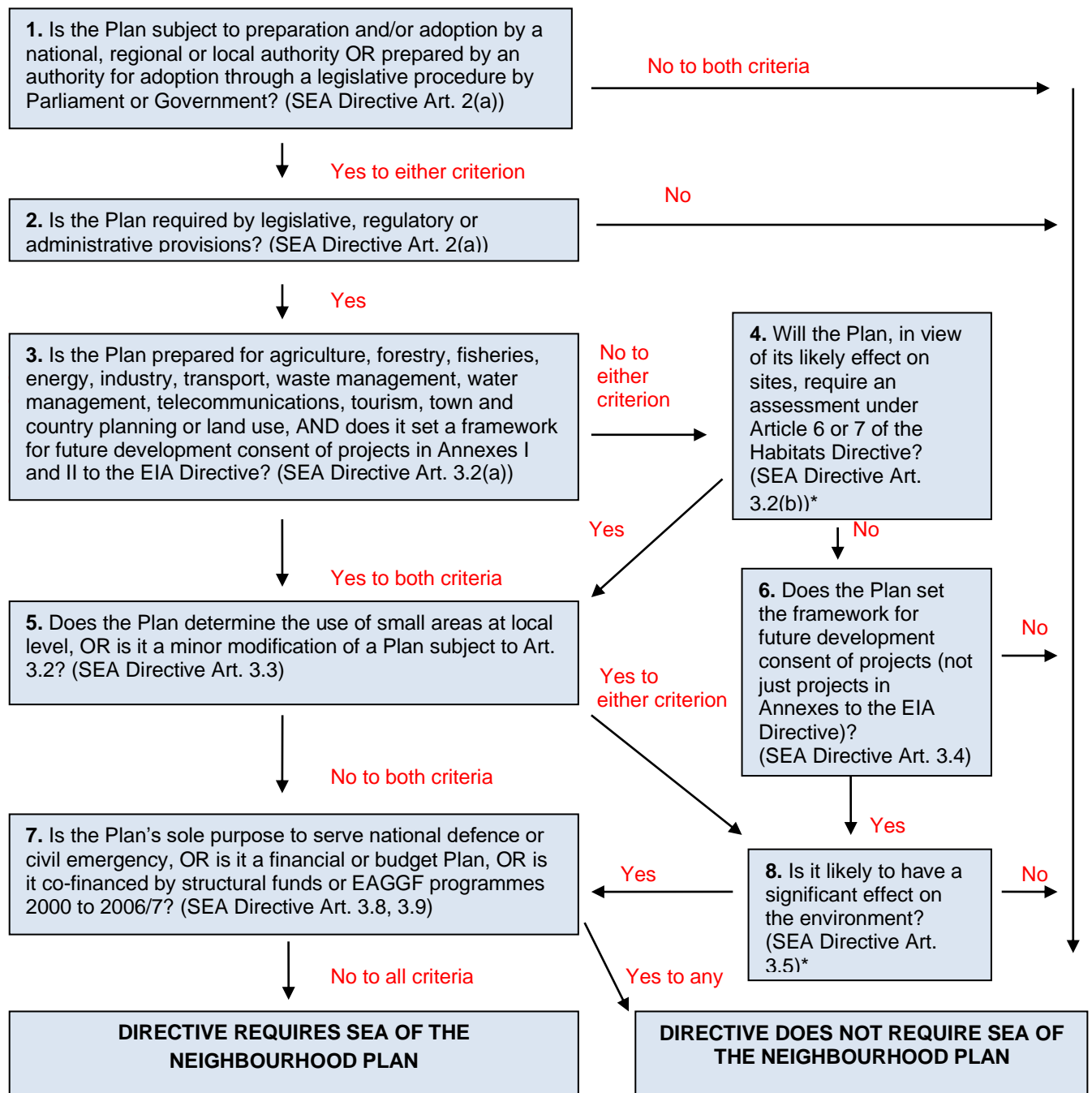
³ European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment"

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 Laverstock and Ford Communities Neighbourhood Plan

3.1 The parish of Laverstock and Ford is preparing a neighbourhood plan under the provisions of the Localism Act 2011.

3.2 The designation of the Laverstock and Ford Neighbourhood Area was made on 7th December 2017 (see map of area outlined 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 pre-submission draft of the neighbourhood plan dated May 2021.

4. SEA Screening assessment

4.1 Wiltshire Council, as the 'Responsible Authority', considers that the Draft Laverstock and Ford Communities Neighbourhood Plan 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 Plan 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 Plan and ii) the characteristics of the effects and of the area likely to be affected by the draft Plan. 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 Laverstock and Ford Communities Neighbourhood Plan 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 neighbourhood plan covers the Laverstock and Ford 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 neighbourhood plan is produced by the local community to influence development at the local parish level. The draft Plan 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 neighbourhood plan 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 draft 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	<p>The parts of a neighbourhood plan normally considered most likely to have significant environmental effects are allocations of sites for development. The draft Laverstock and Ford Communities Neighbourhood Plan does not include any development site allocations. It does contain policies to i) protect the distinctive settlement pattern of the parish ii) protect and nurture the distinctive landscape character and wildlife habitats iii) improve the design of future housing development iv) develop a comprehensive network of footpaths and cycleways v) improve infrastructure and amenities, and vi) support general infrastructure improvements.</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 not be required.</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	The neighbourhood plan area covers a rural parish which includes the 'Small Villages' of Laverstock and Ford and two areas associated with Salisbury - Hampton Park / Riverdown Park and Longhedge Village. In 2019 the population of the parish was estimated at 6,434. 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	<p>Refer to 2a above.</p> <p>It is considered that the plan is unlikely to have significant environmental effects in relation to exceeded environmental quality standards, limit values or intensive land-use.</p>
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	No	<p>Refer to 2a above.</p> <p>The Council's ecologist has confirmed that, having been screened under the Habitats Regulations, an appropriate assessment (AA) will not be required.</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 Laverstock and Ford Neighbourhood Plan **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 parts of a neighbourhood plan normally considered most likely to have significant environmental effects are allocations of sites for development. The draft Laverstock and Ford Communities Neighbourhood Plan does not include any development site allocations

Reason 2: the Council's ecologist has confirmed that, having been screened under the Habitats Regulations, an appropriate assessment (AA) will not be required

5.4 This SEA screening has been undertaken on a draft of the neighbourhood plan dated May 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 from 20th September 2021 to 25th October 2021.

6.2 Comments were received from all three bodies, agreeing with the decision that an SEA is not required. See Appendix A for responses.

Appendix A – Comments from consultation bodies on SEA screening

Historic England

From: [REDACTED]
To: [REDACTED]
Date: 12/10/2021 19:28

Dear [REDACTED]

Thank you for your consultation on the SEA Screening for the emerging Laverstock and Ford Communities Neighbourhood Plan.

I can confirm that we have no objection to the view that a full SEA is not required.

This aligns with our response to the Regulation 14 consultation on the Pre-Submission version of the Plan (see attached) where there were no significant comments that we wished to make.

Kind regards

[REDACTED]

[REDACTED] | Historic Places Adviser

Historic England | South West

1st Floor Fermentation North | Finzels Reach | Hawkins Lane | Bristol | BS1 6WQ

Direct Line: [REDACTED] | Mobile: [REDACTED]

<https://historicengland.org.uk/southwest>

Environment Agency

██████████
Wiltshire Council
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JD

Our ref: WX/2009/110257/OR-96/IS2-L01

Your ref: Laverstock & Ford NP

Date: 22 October 2021

Laverstock & Ford Communities Neighbourhood Plan – SEA screening

Thank you for consulting the Environment Agency on the above SEA screening. We can confirm that we concur with your screening decision.

Whilst we have this opportunity, we would be grateful if you could forward the following information to the Neighbourhood Plan Steering Group. Since I responded to Rose Whitfield's consultation last July, the following has been published so we thought it would be useful to share it with them.

The Royal Town Planning Institute (RTPI) has published 'The Climate Crisis – A Guide for Local Authorities on Planning for Climate Change'. Page 26, box 7 is specifically about neighbourhood planning and provides links to other significant documents. We recommend that the Steering Group reviews these documents and makes an informal assessment of whether the Laverstock & Ford Communities Neighbourhood Plan has included all it can to contribute to community resilience and adaptation to climate change.

Yours sincerely

██████████
Sustainable Places - Planning Advisor

Direct dial: ██████████
E-mail: swx.sp@environment-agency.gov.uk

Environment Agency
Rivers House, Sunrise Business Park, Higher Shaftesbury Road, Blandford, Dorset, DT11 8ST.
Customer services line: 03708 506 506 www.gov.uk/environment-agency

Natural England

Date: 04 October 2021
Our ref: 369368
Your ref: Laverstock & Ford Communities NP

Hornbeam House
Crewe Business Park
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T 0300 060 3900

██████████
Wiltshire Council
Economic Development and Planning
Bythesea Road
Trowbridge
BA14 8JN

BY EMAIL ONLY

██████████
Dear ██████████

Laverstock and Ford Communities Neighbourhood Plan

Thank you for your consultation on the above dated 20 September 2021 which was received by Natural England on the same date.

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.

Screening Request: Strategic Environmental Assessment

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

Neighbourhood Plan

Guidance on the assessment of Neighbourhood Plans, in light of the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended), is contained within the [National Planning Practice Guidance](#). The guidance highlights three triggers that may require the production of an SEA, for instance where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

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

Yours sincerely

██████████

Consultations Team
