

**Wiltshire Council**

**Strategic Environmental Assessment**

**Final screening determination for the Marlborough Area  
Neighbourhood Plan**

**August 2019**

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## 1. Introduction

- 1.1 This document provides a draft screening determination of the need to carry out a Strategic Environmental Assessment (SEA) of the Marlborough Area Neighbourhood Plan (MANP).
- 1.2 Wiltshire Council, as the 'Responsible Authority'<sup>1</sup> under the SEA Regulations<sup>2</sup>, is responsible for undertaking this screening process of the neighbourhood plan. It will determine if the 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/EC<sup>3</sup>, 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 projects<sup>4</sup> (Reg. 5, para. (4)(b)*
4. *are subject to a determination under regulation 9(1) or a direction under regulation 10(3) that it is likely to have significant environmental effects (Reg. 5, para. (4)(c)*

An environmental assessment need not be carried out for:

- a) *plans which determine the use of a small area<sup>5</sup> at local level (Regulation 5, para. (6)(a); or*
- b) *plans which are a minor modification<sup>6</sup> 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.*

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<sup>1</sup> 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').

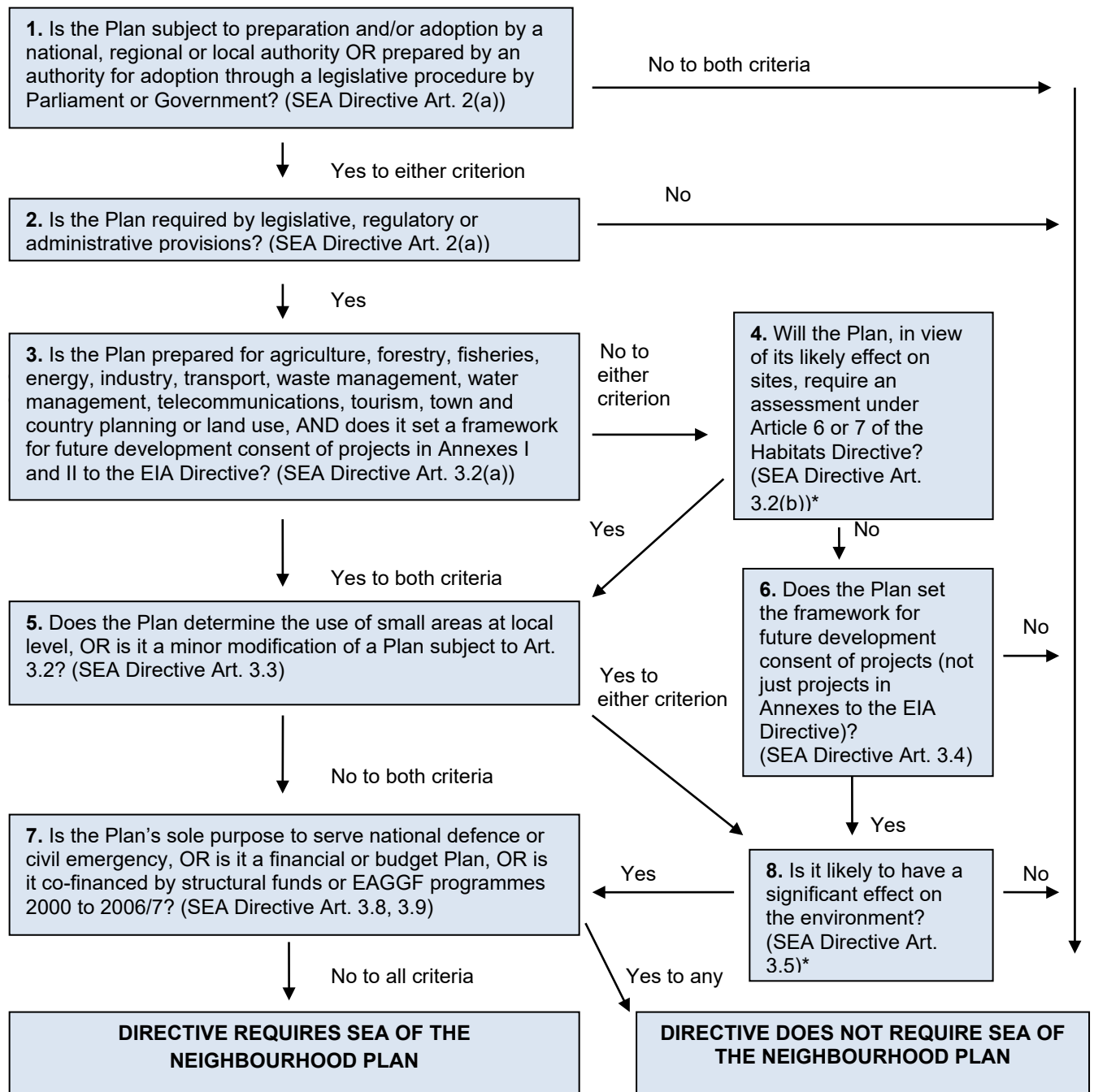
<sup>2</sup> The Environmental Assessment of Plans and Programmes Regulations 2004

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

<sup>4</sup> 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).

<sup>5</sup> 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"

2.3 The diagram<sup>7</sup> 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.

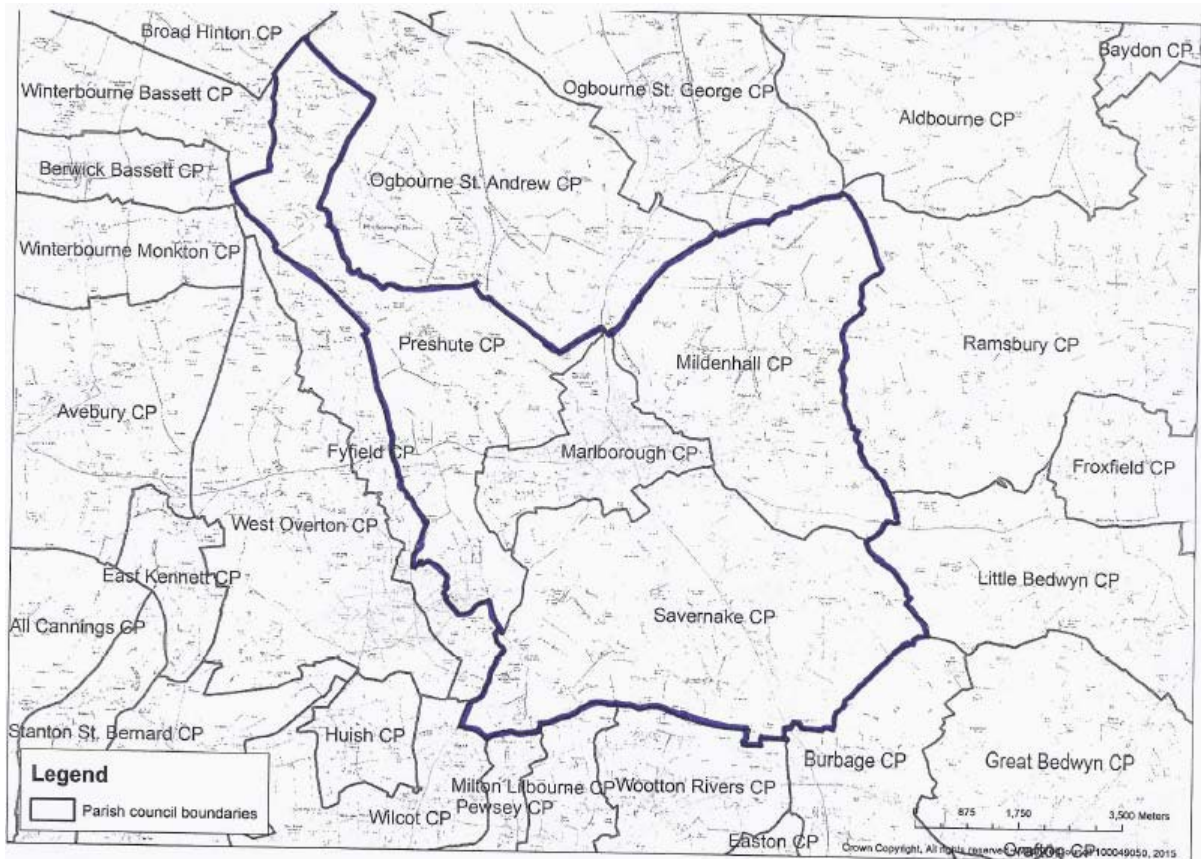
NB This diagram is intended as a guide to the criteria for application of the Directive to neighbourhood plans. It has no legal status.

<sup>6</sup> '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.

<sup>7</sup> Taken from *A Practical Guide to the Strategic Environmental Assessment Directive* ODPM, 2005)

### 3. The Draft Marlborough Area Neighbourhood Plan (MANP)

- 3.1 A neighbourhood plan is being prepared under the provisions of the Localism Act 2011. The designated area includes the whole parish areas of Marlborough, Mildenhall, Preshute and Savernake. The parishes all share common landscapes and sit entirely within the North Wessex Downs Area of Outstanding Natural Beauty (AONB).
- 3.2 The designation of the Marlborough Neighbourhood Area was made on 9<sup>th</sup> March 2016 (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 SEA screening decision is accompanied by a list of proposed draft policies of the Plan and a list of potential housing and school sites (note – potential housing numbers on the list have not been finalised and are an indication only of what could be delivered on each site, and no decisions have yet been made on which housing and school sites are to be allocated). The neighbourhood plan steering group has requested a SEA screening determination based on this information supplied to the Council.

#### **4. SEA Screening assessment**

4.1 Wiltshire Council, as the 'Responsible Authority', considers that the Draft Marlborough Area NP 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 include two sets of characteristics for determining the likely significance of effects on the environment. These relate to i) the characteristics of the draft Marlborough Area NP and ii) the characteristics of the effects and of the area likely to be affected by the draft Marlborough Area NP. In making a determination, Wiltshire Council will take into account the criteria specified in Schedule I of the Regulations as 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 Marlborough Area NP is set out below:

Criteria (Schedule 1 SEA Regs.)	Significant environmental effects likely?	Justification and evidence
<b>1. The characteristics of plans, having regard, in particular, to:</b>		
(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 parishes of Marlborough, Preshute, Savernake and Mildenhall only. Whilst the draft Plan will set a framework for projects at the local level of these parishes, it is not considered that the draft Plan sets 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 NP is being produced by the local community to influence development at the local parish level. It is not considered that the draft Plan will 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	<p>The draft NP will be a land-use plan that promotes sustainable development, in general conformity with the Local Plan and national planning guidance. It will not be a Plan specifically relating to the integration of environmental considerations, although environmental considerations will be taken into account in the draft Plan.</p> <p>In terms of integrating environmental considerations into the Plan, draft policies are proposed that seek to protect and improve Green Infrastructure, protect Local Green Spaces and protect valued landscapes.</p>
(d) environmental problems relevant to the plan	Yes	<p>The entire neighbourhood plan area sits within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). NPPF para 172 states that <i>'great weight should be given to conserving and enhancing landscape and scenic beauty in...Areas of Outstanding Natural Beauty, which have the highest status of protection...'</i> This is translated into Wiltshire Core Strategy (WCS) Policy 51. The WCS also designates Marlborough as a 'Market Town' which are settlements defined as having the <i>'potential for significant development that will increase the jobs and homes in each town'</i>.</p> <p>The Marlborough Area NP is proposing policies that allocate land for housing and school development, increase capacity of primary health care services in the area and identify the</p>



		<p>potential for employment sites in rural areas. The list of possible housing sites to be allocated in the Plan includes 9 possible sites with a potential for at least 438 new dwellings, and there are four possible new school sites on the list which may be accompanied by enabling housing development.</p> <p>In light of these policies that support new development in the AONB and the number of potential new housing sites and dwelling numbers being considered, as well as new school and employment provision, it is considered that the draft NP is likely to have significant environmental effects and therefore a SEA will be required.</p>
(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 NP is not relevant as a plan for implementing community legislation.
<b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</b>		
(a) the probability, duration, frequency and reversibility of the effects	Yes	Refer to 1(d) above. Significant environmental effects are considered likely given policy support for a significant amount of development within an AONB. These effects are considered likely to be long-term and irreversible.
(b) the cumulative nature of the effects	Yes	Cumulative effects are considered likely to be significant given the number of different sites for potential development being considered, a number of which fall outside the settlement boundary of settlements. Cumulative effects on biodiversity, landscape and heritage assets are considered most 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	No	The NP covers the parishes of Marlborough, Preshute, Savernake and Mildenhall only. Significant environmental effects due to the geographic size of the area and population size are not

size of the population likely to be affected)		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;	Yes	<p>Significant environmental effects are considered likely, relating to the cumulative effects of development of a number of possible sites for housing, schools and employment within the AONB.</p> <p>Wiltshire Council has confirmed that a full HRA appropriate assessment will not be required for the Plan.</p> <p>It is not considered that the draft Plan will have significant environmental effects due to exceeded environmental quality standards or limit values or intensive land-use.</p>
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	Yes	Significant environmental effects are considered likely, relating to the cumulative effects of development of a number of possible sites for housing, schools and employment within the AONB.

## 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 Marlborough Area Neighbourhood Plan (NP) **is likely to have significant environmental effects** and accordingly a **Strategic Environmental Assessment is required**. This decision is made for the following key reasons:
1. The entire neighbourhood plan area sits within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). NPPF para 172 states that *'great weight should be given to conserving and enhancing landscape and scenic beauty in...Areas of Outstanding Natural Beauty, which have the highest status of protection...'* This is translated into Wiltshire Core Strategy (WCS) Policy 51.
  2. The Marlborough Area NP is proposing policies that allocate land for housing and school development, increase capacity of primary health care services in the area and identify the potential for employment sites in rural areas. The list of possible housing sites to be allocated in the Plan includes 9 possible sites with a potential for at least 438 new dwellings, and there are four possible new school sites on the list which may be accompanied by enabling housing development.
  3. In light of these policies that support new development in the AONB and the number of potential new housing sites and dwelling numbers likely to be delivered, as well as new school and employment provision, it is considered that the draft NP is likely to have significant environmental effects and therefore a SEA will be required.
- 5.4 This SEA screening decision was sent to the three statutory SEA consultation bodies, Natural England, the Environment Agency and Historic England, requesting comments within a 5-week period from 15<sup>th</sup> July 2019 to 19<sup>th</sup> August 2019. All three bodies agreed with the Council's decision that the neighbourhood plan requires a SEA. Their responses are presented in Appendix A.
- 5.5 This SEA screening has been undertaken on information supplied to the Council in July 2019. This information includes a list of draft policies, a list of possible development sites and a map showing the location of those sites. If Plan proposals are subsequently amended significantly i.e. changes that substantially alter the draft Plan and that are likely to give rise to additional significant environmental effects, or the HRA screening decision is revised, this SEA screening must be reviewed. In this instance, the Qualifying Body should request a revised SEA screening assessment from Wiltshire Council.

## Appendix A - Statutory consultee responses to screening decision

### Historic England

**From:** [REDACTED]

**To:** [REDACTED]

**Subject:** Marlborough Area Neighbourhood Plan - Draft SEA screening determination

**Date:** 20 August 2019 15:33:45

Dear [REDACTED]

*Many thanks for your consultation on the SEA Screening for the emerging Marlborough Neighbourhood Plan. Our apologies for not responding before now.*

*This is our first involvement in the preparation of this Plan so we also welcome the opportunity to familiarise ourselves with its policy aspirations and identify any issues which it may be worth highlighting at this stage, particularly to the community itself.*

*We note the community's desire to allocate sites for new housing and school(s) and regard this as the main focus of our attention. While the Screening Report highlights the existence of the AONB we should also highlight the high number of nationally significant designated heritage assets in the Plan area and the potential which may exist for the significance of one or more of these to be significantly affected by the Plan's proposals. Our records indicate that there are 12 Grade I & II\* and 280 Grade II Listed Buildings, 1 Grade II\* Registered Park and Garden, 6 Scheduled Monuments, and 2 Conservation Areas.*

*We would therefore endorse your authority's view that a full SEA is required.*

*To assist in the site assessment exercises which will be necessary we would take this opportunity to draw attention to our guidance on, respectively, Neighbourhood Plans, SEAs, Site Allocations, and Setting, and request that this be shared with the community along with the general Neighbourhood Planning advice attached.*

*<https://historicengland.org.uk/images-books/publications/sustainability-appraisal-and-strategic-environmental-assessment-advice-note-8/>*

*<https://historicengland.org.uk/images-books/publications/neighbourhood-planning-and-the-historic-environment/>*

*<https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritageassets/>*

*<https://historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans/>*

*Based on the schedule of draft policies supplied there are no other policy issues upon which we wish to comment.*

*Kind regards*

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Natural England**

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** RE: Marlborough Area Neighbourhood Plan - Draft SEA screening determination.  
NE ref: 289021  
**Date:** 25/07/2019 15:47

Dear [REDACTED]

*Natural England concurs with the conclusion of the SEA screening report (in terms of the natural environment), namely that a SEA is required for the reasons set out in para 5.3 of the draft screening determination.*

[REDACTED]  
*Team leader – Wiltshire Conservation Team,*

*Somerset, Avon and Wiltshire Area Team, Natural England.*

[REDACTED]  
**Environment Agency**

[REDACTED]  
[REDACTED]  
*Wiltshire Council  
Economic Development and Planning  
Bythesea Road  
Trowbridge  
BA14 8JN*

*Our ref: WX/2009/110257/OR-63/IS1-L01*

*Date: 31 July 2019*

*Dear Mr Way*

***Marlborough Area Neighbourhood Plan - Draft SEA screening determination***

*Thank you for consulting us on Marlborough Area Neighbourhood Plan - draft SEA screening determination, received on 15 July 2019. I am responding on behalf of my colleague Ellie Challans.*

*The Environment Agency is a statutory consultee for Strategic Environmental Assessments (SEAs) and provides advice to LPAs on the scope and findings of the SEA.*

*We are satisfied with your Authority's determination within the screening opinion process that an SEA is required for the Neighbourhood Plan.*

*Please note, if your Authority determines that an SEA is required then we recommend objectives are included to protect and enhance the environment. Indicators should relate to the environmental constraints in the local area. This would normally include flood risk management, water quality, and biodiversity.*

*We also recommend any SEA takes account of relevant policies, plans and strategies, including the Government 25 Year Environment Plan, the Local Authority's Strategic Flood Risk Assessment (SFRA), flood risk strategies and the South West River Basin Management Plan. Other documents that might be useful include the UKs Clean Air Strategy and the Local Industrial Strategy.*

*If you have any queries regarding the above, please direct correspondence to the Wessex Sustainable Places team using the email address below*

*Yours sincerely*

[Redacted signature]

**Sustainable Places - Planning Advisor**

[Redacted contact information]

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