

Wiltshire Council

Strategic Environmental Assessment

Screening determination for the Devizes Neighbourhood Plan

July 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 Devizes Neighbourhood Plan (hereafter 'Draft DNP').
- 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 DNP 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

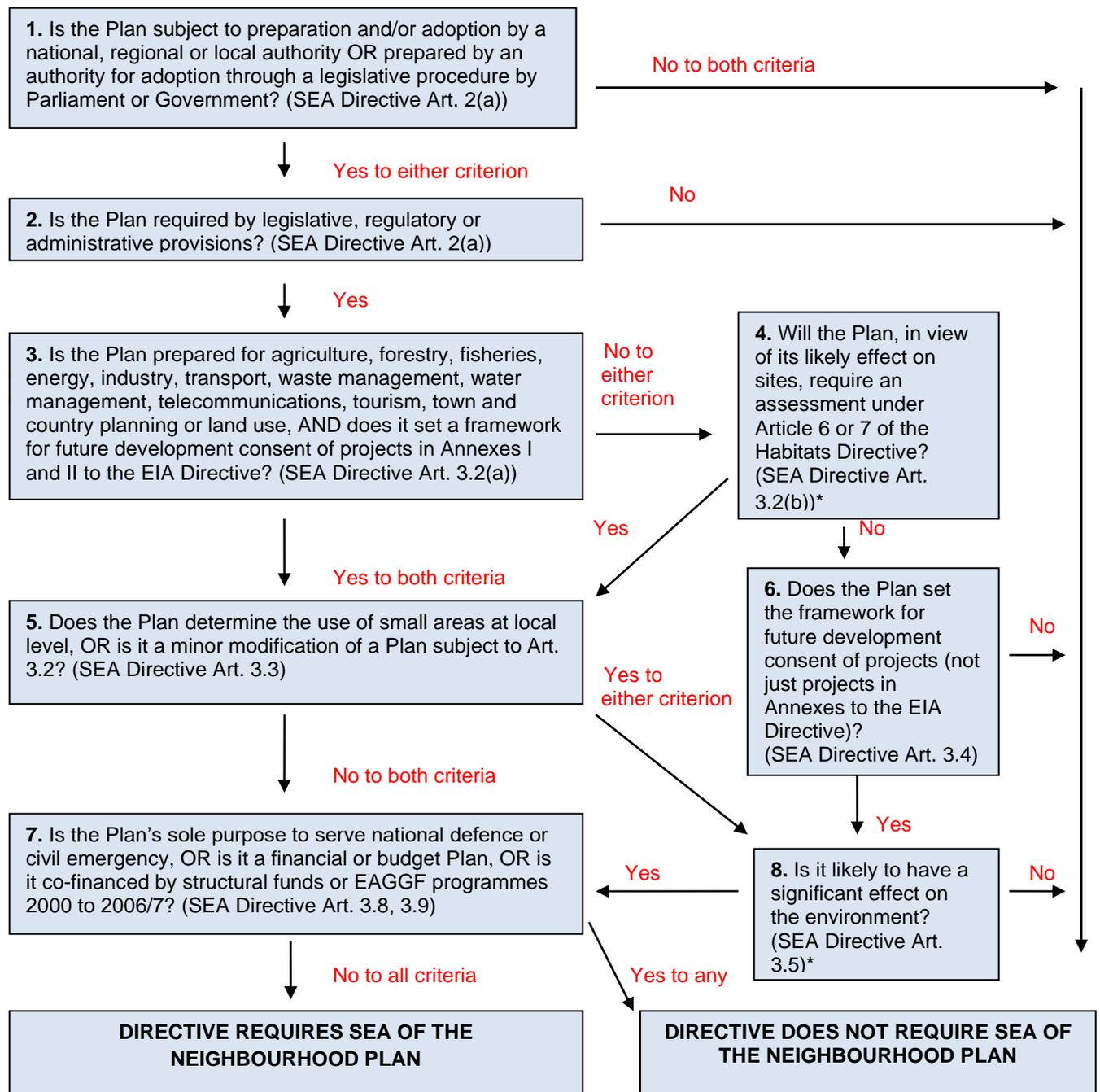
³ European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment"

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:



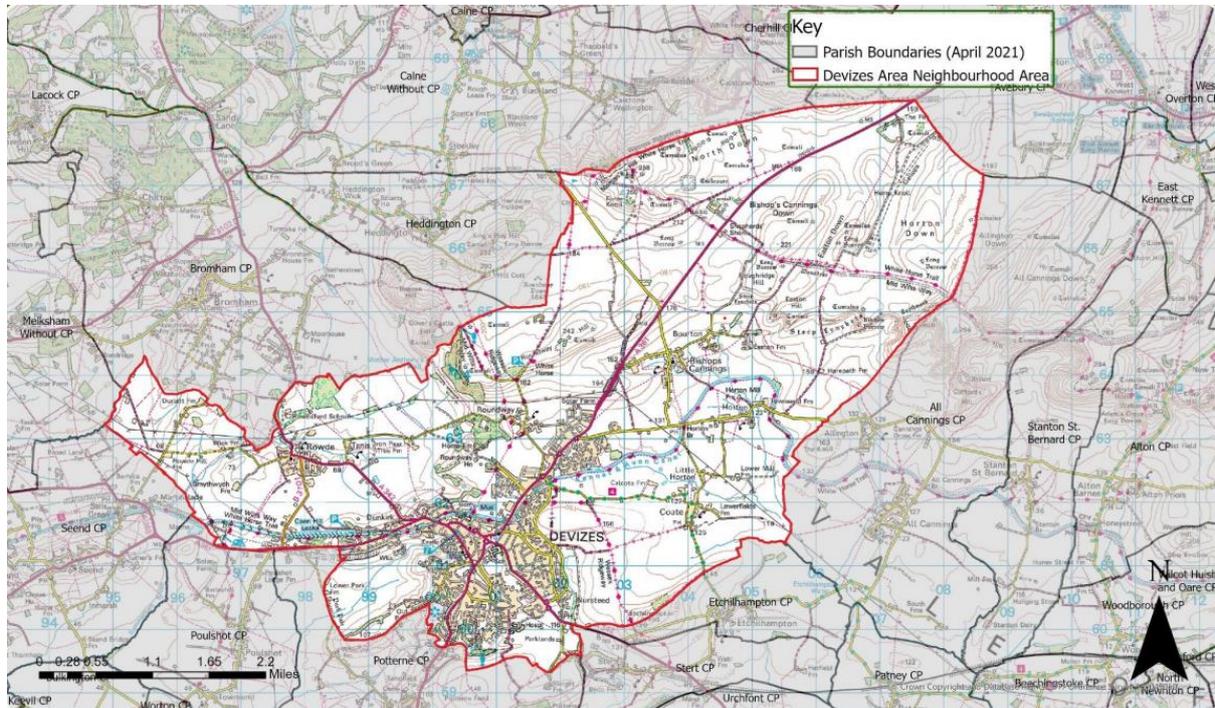
* Plans falling in this category (No.8) will be screened by Wiltshire Council to determine if they are likely to have significant environmental effects. This determination will be made on a case by case basis for neighbourhood plans coming forward in Wiltshire.

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 Devizes Neighbourhood Plan

- 3.1 The parishes of Devizes Town, Rowde and Bishops Cannings are preparing a neighbourhood plan under the provisions of the Localism Act 2011.
- 3.2 The designation of the Devizes Neighbourhood Area was made on 24th March 2022 (see map of area 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 '*Methodology for Site Selection*⁸' document dated March 2022. This is not a draft Plan but it is what the Council has been asked to base the SEA screening on. It does not contain any potential policies but contains all of the potential development sites within the neighbourhood area that will be assessed for possible allocation in the neighbourhood plan to meet a housing requirement of '*...331 dwellings for Devizes and 57 dwellings for Rowde*' and a '*brownfield/windfall expectation of 150 dwellings*⁹.
- 3.4 As it is not known at this stage which sites will be allocated in the neighbourhood plan, this SEA screening assumes that any or all of the sites could be allocated and takes a precautionary approach on that basis.

4. SEA Screening assessment

- 4.1 Wiltshire Council, as the 'Responsible Authority', considers that the Draft DNP 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

⁸ *Devizes Neighbourhood Development Plan 2022-2036 Methodology for Site Selection* (Devizes NP Qualifying Body, March 2022)

⁹ Stated on page 2 of the Methodology for Site Selection document

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 DNP 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 DNP and ii) the characteristics of the effects and of the area likely to be affected by the Draft DNP. 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 DNP 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 neighbourhood plan will cover the three parish areas only. Whilst the draft Plan will set a framework for projects at the parish level, it will 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 DNP is being produced by the local community to influence development at the local parish level. The draft DNP 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 DNP 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.
(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 'Methodology for Site Selection' ¹⁰ document states that there is a housing requirement of '...331 dwellings for Devizes and 57 dwellings for Rowde' and a 'brownfield/windfall expectation of 150 dwellings' to be met. The document lists a total of 12 sites with a total area of 129.98 Ha. It is not known which sites will be allocated or for how many dwellings (the neighbourhood plan may exceed these figures), so a precautionary approach is taken to the likelihood of significance of effects. There is the potential for significant landscape effects on the North Wessex Downs AONB, on designated and undesignated heritage assets and their settings and on important areas of biodiversity and ecology. For this reason, it is considered likely that site allocations will have significant

¹⁰ Devizes Neighbourhood Development Plan 2022-2036 Methodology for Site Selection (Devizes NP Qualifying Body, March 2022)

		environmental effects.
(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 Draft DNP covers three parishes only. 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;	Yes	See 2a above. The draft Plan is considered unlikely to have significant environmental effects due to exceeded environmental quality standards or limit values or intensive land-use.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	Yes	See 2a above.

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 DNP **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: The '*Methodology for Site Selection*¹¹' document states that there is a housing requirement of '*...331 dwellings for Devizes and 57 dwellings for Rowde*' and a '*brownfield/windfall expectation of 150 dwellings*' to be met. The document lists a total of 12 sites with a total area of 129.98 Ha. It is not known which sites will be allocated or for how many dwellings. The neighbourhood plan may exceed these figures, so a precautionary approach is taken to the likelihood of significance of effects. There is the potential for significant landscape effects on the North Wessex Downs AONB, on designated and undesignated heritage assets and their settings and on important areas of biodiversity and ecology. For this reason, it is considered likely that site allocations will have significant environmental effects.

5.4 This SEA screening has been undertaken on a site selection methodology document dated March 2022 which gives details of all sites which may potentially be allocated for housing in the neighbourhood plan. It is possible that the draft neighbourhood plan may allocate other sites and if this is the case then a revised SEA screening should be undertaken. 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, ending on 27th June 2022.

6.2 Comments were received from Historic England. These can be found in Appendix A. There were no objections to the decision that an SEA is required for this neighbourhood plan.

¹¹ *Devizes Neighbourhood Development Plan 2022-2036 Methodology for Site Selection* (Devizes NP Qualifying Body, March 2022)

Appendix A – Consultation comments from SEA ‘consultation bodies’

Historic England

From: [REDACTED]

To: [REDACTED]

Cc: [REDACTED]

Subject: Devizes Neighbourhood Plan - SEA screening consultation

Date: Tue 21/06/2022 14:51

[REDACTED]

Thank you for your email consulting us on the SEA screening exercise for the Devizes Neighbourhood Plan. As far as I am aware this is our first encounter with the plan preparation.

Since the plan is at such an early stage, and there is not yet a set of draft policies to share, we are only able to make a very limited response.

Given the intention to consider a number of site allocations for the development of housing, we concur with your view that a full Strategic Environmental Assessment (SEA) would be required to assess the potential for negative impact, or harm to heritage assets.

We look forward to having the opportunity to review the draft Neighbourhood Plan once it has arrived at an appropriate stage.

Aside from this, we have no further comments to make at this point in time.

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

From: [REDACTED]

To: [REDACTED]

Subject: SEA screening decision - Draft Devizes Neighbourhood Plan Site Selection Methodology

Date: Thu 30/06/2022 17:31

Dear [REDACTED]

Thank you for consulting us on the Strategic Environmental Assessment screening report for the Devizes neighbourhood plan and my apologies for the delay getting back to you.

Based on a review of environmental constraints for which we are a statutory consultee, there are no areas of fluvial flood risk or main river watercourses within the neighbourhood plan area. Therefore we do not consider there to be potential significant environmental effects relating to these environmental constraints or other environmental sensitivities of interest to us.

We have however, identified that some of the sites to be allocated are at risk of surface water flooding. Your Lead Local Flood Authority's (LLFA) Surface Water Management Plan will indicate if there are any critical drainage areas from local sources of flood risk (e.g. surface water, groundwater and sewerage) which coincide with the neighbourhood plan area. Given your LLFA will be managing any surface water flood risk as part of future planning applications associated with any allocations we recommend you consult them on this issue.

We encourage you to seek ways in which your neighbourhood plan can improve the local environment. For your information, together with Natural England, English Heritage and Forestry Commission we have published joint guidance on neighbourhood planning, which sets out sources of environmental information and ideas on incorporating the environment into plans. This is available at: <https://neighbourhoodplanning.org/toolkits-and-guidance/consider-environment-neighbourhood-plans/>

Kind regards,

[REDACTED]

[REDACTED]

Planning Advisor – Wessex Sustainable Places

Environment Agency, Rivers House, Sunrise Business Park, Higher Shaftesbury Road, Blandford, Dorset, DT11 8ST