

Wiltshire Council

Strategic Environmental Assessment

**Revised screening determination for the Broad Chalke
Neighbourhood Plan**

May 2020

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Appendix 1 Responses to March – May 2020 consultation from statutory consultation bodies

1. Introduction

- 1.1 This document provides a revised screening determination of the need to carry out a Strategic Environmental Assessment (SEA) of the Broad Chalke Neighbourhood Plan (NP).
- 1.2 A SEA screening was undertaken previously in July 2018 on an early draft of the neighbourhood plan. Based on the proposals at that time, the decision was that a SEA was not required. This underwent consultation with Natural England, Environment Agency and Historic England (the ‘consultation bodies’) from 8th May 2018 to 12th June 2018. There were no objections to the Council’s decision that a SEA was not required for this Plan.
- 1.3 However, since that time, the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 came into force on 28th December 2018. Amongst other things, these Regulations amend the basic conditions for a neighbourhood plan. The new basic condition states:

‘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.’
- 1.4 The Habitats Regulations Assessment (HRA) screening has concluded that the Plan *‘may result in a likely significant effect on the River Avon SAC. Therefore, it will be necessary for the NP to be subject to an appropriate assessment under the Conservation of Habitats and Species Regulations 2017.’*
- 1.5 The HRA screening decision affects this SEA screening as the SEA Regulations¹ (Reg 5) require an environmental assessment of plans which *‘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)).’*
- 1.6 Wiltshire Council, as the ‘Responsible Authority’² under the SEA Regulations, is responsible for undertaking this screening process of the Broad Chalke NP. It will determine if the plan is likely to have significant environmental effects, and hence whether SEA is required.
- 1.7 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.

¹ The Environmental Assessment of Plans and Programmes Regulations 2004

² 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’).

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

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:

d. *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)

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.*

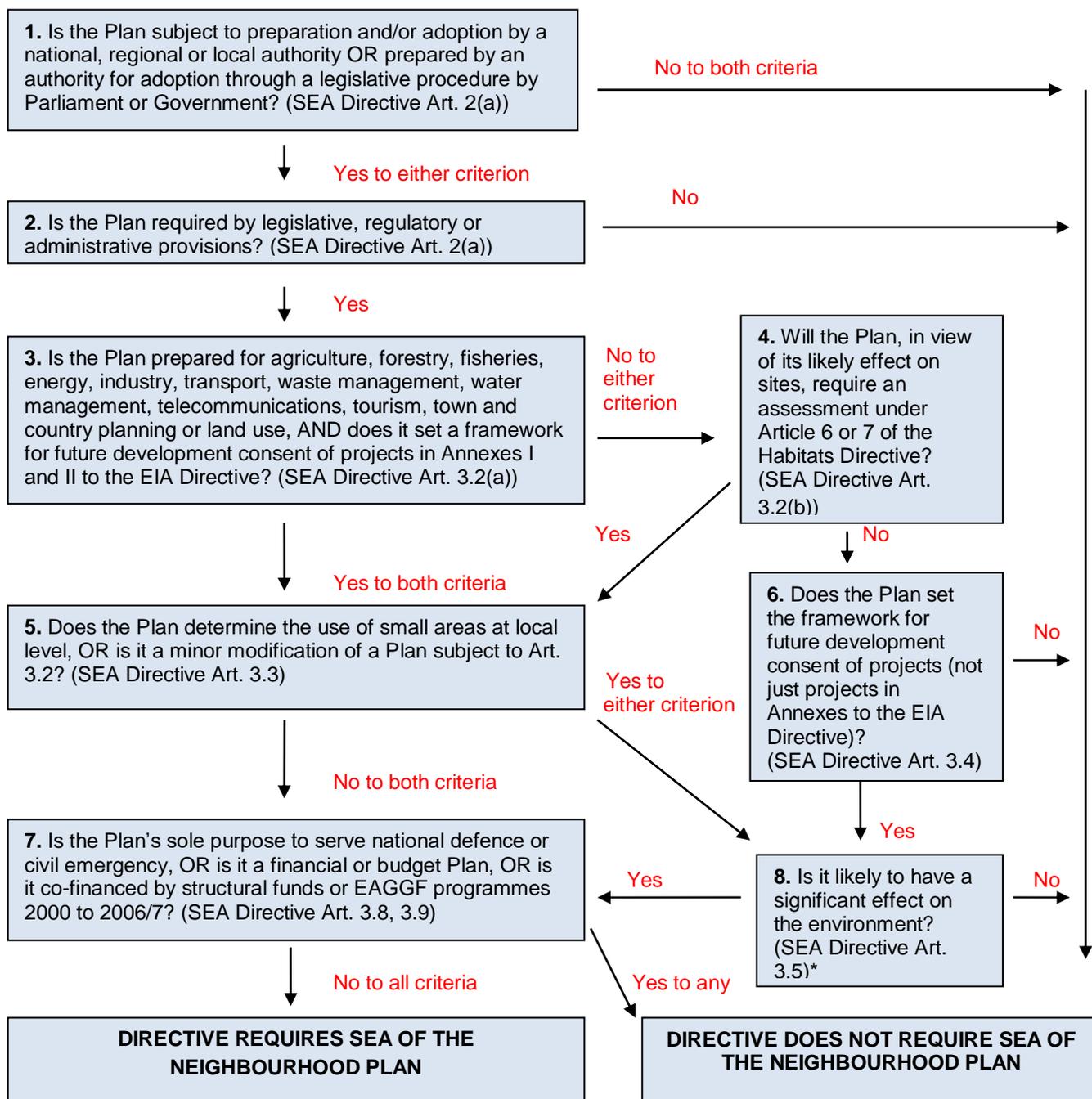
2.3 The diagram⁷ that follows shows the SEA Directive's requirements and its application to neighbourhood plans:

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.

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

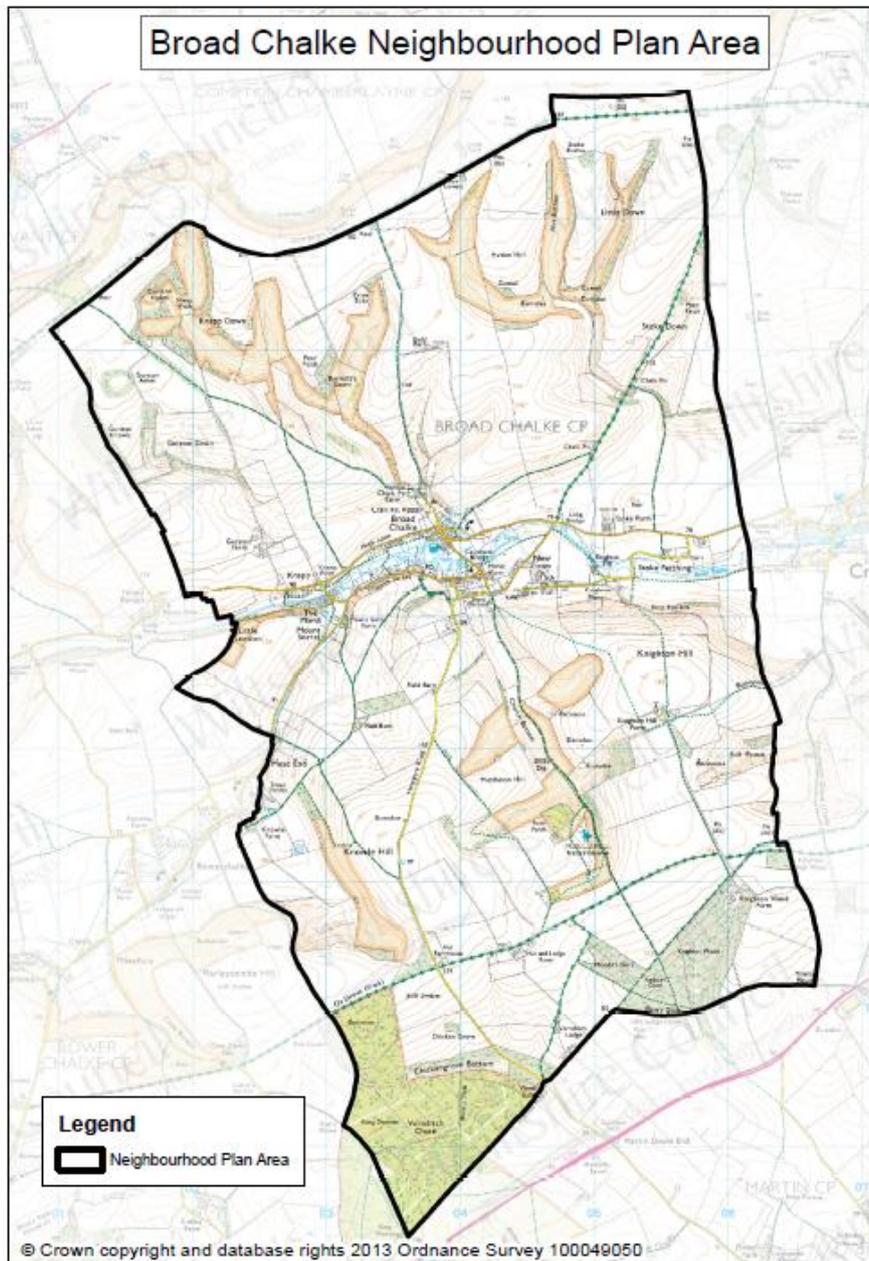


* Plans falling in this category (No.8) will be screened by Wiltshire Council to determine if they are likely to have significant environmental effects. This determination will be made on a case by case basis for neighbourhood plans coming forward in Wiltshire.

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

3. The Broad Chalke Neighbourhood Plan (NP)

- 3.1 The parish of Broad Chalke is preparing a NP under the provisions of the Localism Act 2011.
- 3.2 The designation of the Broad Chalke Neighbourhood Area was made on 5th November 2014 (see map below). For the designation notice see <http://www.wiltshire.gov.uk/planning-neighbourhood-latest-news>



- 3.3 This screening decision is accompanied by the 'Regulation 14' draft of the neighbourhood plan and the draft Habitats Regulations Assessment.

4. SEA Screening assessment

4.1 Wiltshire Council, as the 'Responsible Authority', considers that the Broad Chalke NP falls within the scope of the SEA Regulations on the basis that it is a plan that:

d) 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 Broad Chalke NP 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 Broad Chalke NP and ii) the characteristics of the effects and of the area likely to be affected by the Broad Chalke 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;

© 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

© 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;

© the transboundary nature of the effects;

(d) the risks to human health or the environment (for example, due to accidents);

© 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—

(d) 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 Broad Chalke NP 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 regard to the location, nature, size and operating conditions or by allocating resources	No	The NP covers the parish area only and will set a policy framework for projects just within the parish. Although falling entirely within the Cranborne Chase AONB, the Plan is primarily seeking to protect and enhance its natural and built environment and is proposing two very small housing allocations for 3 dwellings and 6 dwellings to meet the needs of the community.
(b) the degree to which the plan influences other plans and programmes including those in a hierarchy	No	The NP is produced by the local community to influence development at the local level. A neighbourhood plan must be in general conformity with Local Plans and national planning guidance.
(c) the relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development	No	The NP 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, however. The draft NP and Village Design Statement recognise the location of the parish within a sensitive landscape setting, within an AONB, and that this must be respected in the design of any new development. The Plan's Vision Statement sets out the group's wish to ' <i>protect and perpetuate the rich heritage of our natural environment, the diversity of vernacular building styles, and the strong community spirit that makes this village special.</i> ' Local environmental and heritage assets will continue to be protected and enhanced through this Plan but also through the Core Strategy and national planning policy e.g. NPPF.
(d) environmental problems relevant to the plan	Yes	The location of the village of Broad Chalke and the proposed small development sites entirely within the AONB means that when determining proposals, great weight will need to be given to conserving landscape and scenic beauty in accordance with paragraphs 115 and 116 of the NPPF. It has been determined by Wiltshire Council, the 'competent authority' under the Habitats Regulations ⁸ , that the draft NP will require a full Appropriate Assessment (AA) due to the potential effects on the integrity of the River Avon Special Area of Conservation (SAC). In light of this, it is considered that the draft NP is likely to have significant environmental effects and

⁸ The Conservation of Habitats and Species Regulations 2017

(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.
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	<p>Any adverse effects of the proposals are most likely to arise from the two proposed housing site allocations - Site 5 (3 dwellings) and Site 4 (6 dwellings). The entire village of Broad Chalke is within the Cranborne Chase AONB but the two sites are small and only intended to meet local housing needs. Both sites are within flood zone 1 and not within a Source Protection Zone. Both sites are adjacent to areas of modern residential development (Manor Farm Close, Newtown, Knighton Road) and the grounds of the modern primary school. There are no biodiversity designations, ancient woodland or heritage assets within or adjacent to these two sites.</p> <p>The Wiltshire Council conservation officer has re-confirmed that there are no objections to either site on built heritage grounds.</p> <p>It has been determined by Wiltshire Council, the 'competent authority' under the Habitats Regulations⁹, that the draft NP will require a full Appropriate Assessment (AA) due to the potential effects on the integrity of the River Avon Special Area of Conservation (SAC).</p> <p>Regulation 5 of the SEA Regulations requires an environmental assessment of plans which '<i>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)).</i>' Planning Practice Guidance (PPG) para 047 states that '<i>if a plan is one which has been determined to require an appropriate assessment under the Habitats Directive then it will normally also require a Strategic Environmental Assessment.</i>'</p> <p>In light of this, it is considered that the draft NP is likely to have significant environmental effects and therefore a SEA will be required.</p>

⁹ The Conservation of Habitats and Species Regulations 2017

(b) the cumulative nature of the effects	No	No specific cumulative effects are considered likely to be significant.
(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 NP covers a rural parish which includes the village of Broad Chalke. 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	<p>The neighbourhood area is entirely within the Cranborne Chase AONB and therefore within a very sensitive landscape setting. Development is not ruled out within AONBs but great weight must be given to conserving landscape and scenic beauty in accordance with paragraphs 115 and 116 of the NPPF. The two proposed housing site allocations are for a total of 9 dwellings to meet local housing needs. Both sites are within flood zone 1 and not within a Source Protection Zone. Both sites are adjacent to areas of modern residential development (Manor Farm Close, Newtown, Knighton Road) and the grounds of the modern primary school. There are no biodiversity designations, ancient woodland or heritage assets within or adjacent to these two sites.</p> <p>The Wiltshire Council conservation officer has re-confirmed that there are no objections to either site on built heritage grounds.</p> <p>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>See above 2(a). It has been determined by Wiltshire Council, the 'competent authority' under the Habitats Regulations¹⁰, that the draft NP will require a full Appropriate Assessment (AA) due to the potential effects on the integrity of the River Avon Special Area of Conservation (SAC).</p>

¹⁰ The Conservation of Habitats and Species Regulations 2017

<p>(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>Yes</p>	<p>The neighbourhood area is entirely within the Cranborne Chase AONB and therefore within a very sensitive landscape setting. Development is not ruled out within AONBs but great weight must be given to conserving landscape and scenic beauty in accordance with paragraphs 115 and 116 of the NPPF.</p> <p>The two proposed housing site allocations are for a total of 9 dwellings to meet local housing needs. Both sites are within flood zone 1 and not within a Source Protection Zone. Both sites are adjacent to areas of modern residential development (Manor Farm Close, Newtown, Knighton Road) and the grounds of the modern primary school. There are no biodiversity designations, ancient woodland or heritage assets within or adjacent to these two sites.</p> <p>The Wiltshire Council conservation officer has re-confirmed that there are no objections to either site on built heritage grounds.</p> <p>See above 2(a). It has been determined by Wiltshire Council, the 'competent authority' under the Habitats Regulations¹¹, that the draft NP will require a full Appropriate Assessment (AA) due to the potential effects on the integrity of the River Avon Special Area of Conservation (SAC). In light of this, it is considered that the draft NP is likely to have significant environmental effects and therefore a SEA will be required.</p>
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¹¹ The Conservation of Habitats and Species Regulations 2017

5. SEA Screening decision

- 5.1 Regulation 9 of the SEA Regulations requires that the responsible authority 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.
- 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 proposed Broad Chalke NP is likely to have significant environmental effects and accordingly a Strategic Environmental Assessment is required. This decision is made for the following key reason:
- It has been determined by Wiltshire Council, the ‘competent authority’ under the Habitats Regulations¹², that the draft NP will require a full Appropriate Assessment (AA) due to the potential effects on the integrity of the River Avon Special Area of Conservation (SAC).
- Regulation 5 of the SEA Regulations requires an environmental assessment of plans which *‘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)).’* Planning Practice Guidance (PPG) para 047 states that *‘if a plan is one which has been determined to require an appropriate assessment under the Habitats Directive then it will normally also require a Strategic Environmental Assessment.’*
- In light of this, it is considered that the draft NP is likely to have significant environmental effects and therefore a SEA will be required.
- 5.4 This screening decision was sent to Natural England, the Environment Agency and Historic England, requesting comments within a 5-week period, from 31st March 2020 to 5th May 2020. Responses were received from Historic England and the Environment Agency. Their responses are presented in Appendix 1. There were no objections to the Council’s decision that a SEA is not required for this Plan.
- 5.5 This SEA screening has been undertaken on the ‘Regulation 14’ draft of the Broad Chalke Neighbourhood Plan. If this draft Plan is subsequently amended significantly i.e. changes that substantially alter the draft plan and/or are likely to give rise to significant environmental effects, this SEA screening must be reviewed. In this instance, the Qualifying Body should request a revised SEA screening assessment from Wiltshire Council.

¹² The Conservation of Habitats and Species Regulations 2017

Appendix 1 – Responses to March – May 2020 consultation from statutory consultation bodies

Environment Agency

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

Our ref: WX/2009/110257/OR-51/PO1-L01
Your ref: Broad Chalke SEA screening
Date: 30 April 2020

Dear ██████████

Broad Chalke Neighbourhood Plan 2019-2026, Consultation following SEA Screening Decision

Thank you for consulting us on the Draft Neighborhood Plan for Broad Chalke following your SEA Screening Opinion decision. We aim to reduce flood risk, while protecting and enhancing the water environment.

We have identified environmental constraints within the plan area however no growth is proposed within the areas of greatest risk. We have the below advice based on the current draft plan. Should the aspiration of the plan change, please consult us so that we can provide appropriate comments.

Groundwater

Your plan area is located on a principle aquifer and contains source protection zones which area areas used to designate particularly vulnerable groundwater resources. There is no new growth proposed in the source protection zones however the principle aquifer should be considered within your plan as growth is proposed and there is no mains foul sewer service. The relevance of the designation and the potential implication upon development proposals should be considered with reference to our Groundwater Protection guidance: <https://www.gov.uk/government/collections/groundwater-protection>.

Policy 2B – Ecology

Biodiversity Net Gain

We are pleased to see this policy is included however we agree with the recommendations in the Habitats Regulations Assessment on Ecology, that this policy should be strengthened in relation to new development providing Biodiversity Net Gain (BNG). This should be amended to make BNG mandatory to reflect the government's 25 Year Environment Plan.

Policy 2C – Addressing and Adapting to Climate Change

We agree with the recommendations made in the HRA with regard to wider sustainability being sought.

Water Efficiency

There is no mention of water efficiency targets for the new development proposed within the

plan. Please note all new residential developments are required to achieve a water consumption limit of a maximum of 105 litres per person per day as set out within the Core Policy 41 of the Wiltshire Core Strategy 1015.

Thank you again for consulting us. If you have any queries regarding our response please get in touch at [REDACTED]

Yours sincerely,

[REDACTED]
Planning Advisor

Tel – [REDACTED]

Email – [REDACTED]

Historic England

From: [REDACTED]

To: [REDACTED]

Subject: SEA screening decision - Draft Broad Chalke Neighbourhood Plan

Date: 05 May 2020 17:45:11

Dear [REDACTED]

Thank you for your re-consultation on the SEA Screening Opinion for the emerging Broad Chalke Neighbourhood Plan.

I can confirm that we have no objection to the view that the Plan will require a full SEA.

Our previous advice on the preparation of the Plan, most latterly in response to the recent Regulation 14 consultation, confirmed that as the proposed site allocations would not generate any harmful heritage impacts there were no issues remaining associated with the Plan upon which we had an interest or wish to comment (see attached).

But while heritage considerations might not form the basis for the Screening review to now conclude that an SEA is required, the need for such an exercise provides an opportunity to confirm the Plan's heritage "clean bill of health" from an additionally formal and methodological perspective.

Kind regards

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]