

Neighbourhood planning in Wiltshire

Strategic Environmental Assessment - Screening determination for the Burbage Neighbourhood Plan

14 April 2014 (Updated September 2014)

Wiltshire Council

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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 Burbage Neighbourhood Plan.
- 1.2 Wiltshire Council, as the ‘Responsible Authority’¹ under the SEA Regulations², is responsible for undertaking this screening process of the Burbage 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/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 (Regulation 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) (Regulation 5, para. (3)*

3. *set the framework for future development consent of projects⁴ (Regulation 5, para. (4)(b)*

4. *are determined to be likely to have significant environmental effects as determined under regulation 9(1) (Regulation 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*

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* (2013) 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”

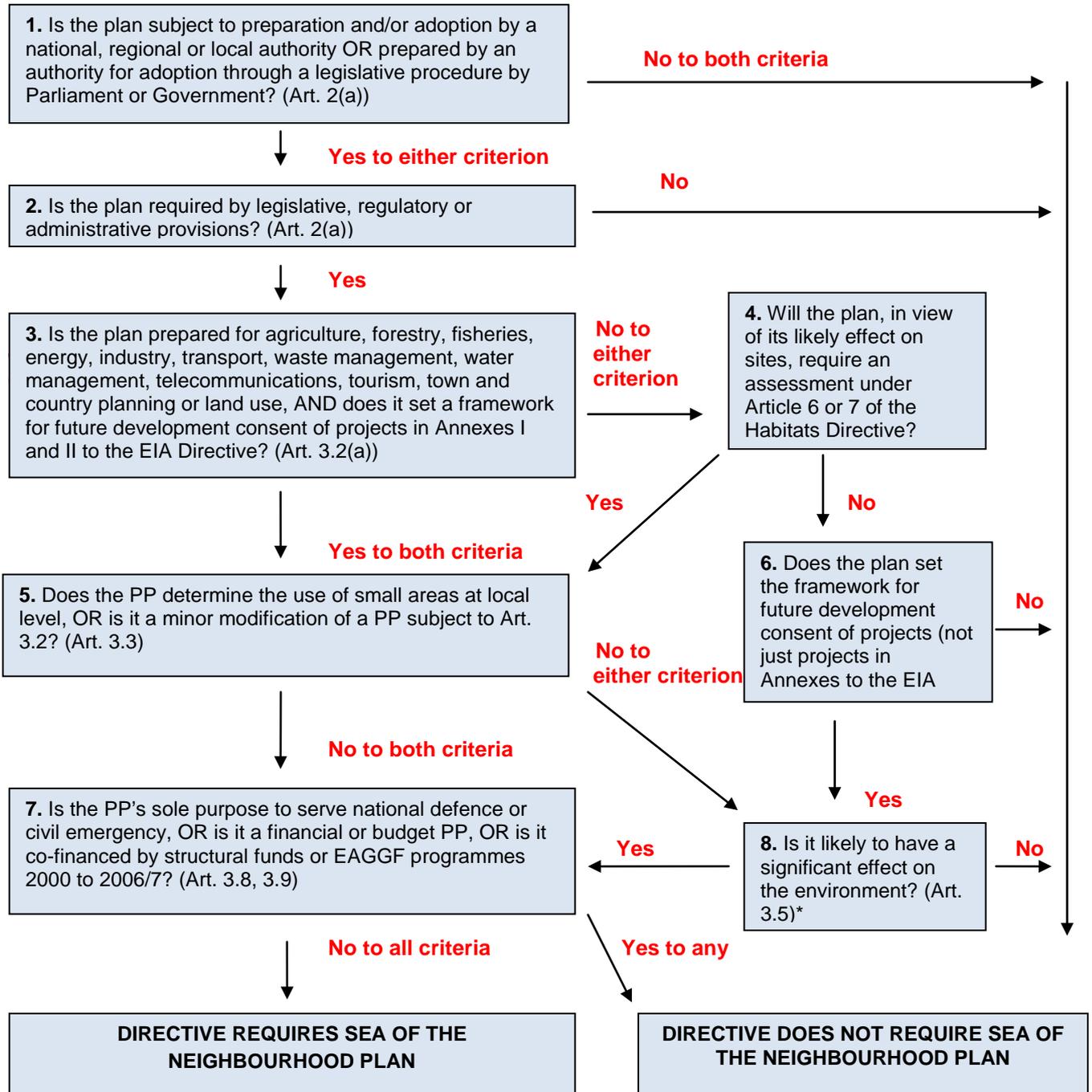
⁴ European Commission guidance states that plans and programmes which **set the framework for future development consent of projects** would normally contain ‘criteria or conditions which guide the way a consenting authority decides an application for development consent’. **Development consent** is 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”

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 diagram below shows the SEA Directive's field of application:

Application of the SEA Directive to neighbourhood plans



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.

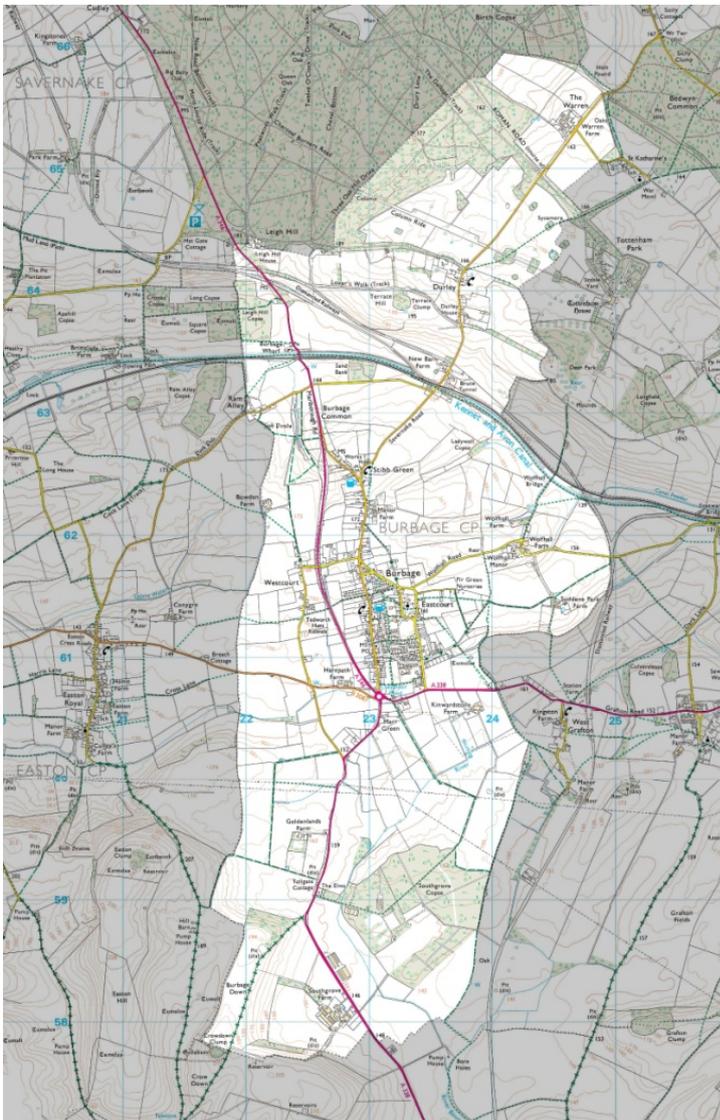
* Plans falling in this category (No.8) will be screened by Wiltshire Council to determine if they are likely to have significant environmental effects. This determination will be made on a case by case basis.

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 Burbage Neighbourhood Plan

- 3.1 The Burbage Neighbourhood Plan is a neighbourhood plan for the Burbage Community Area. The ability to produce neighbourhood plans is a function of the Localism Act 2011. The aim is for local communities to have greater control over what happens in their area.
- 3.2 The Burbage Neighbourhood Plan conforms with higher level policy, including the National Planning Policy Framework (NPPF) and the Wiltshire Core Strategy. The Core Strategy sets out strategic objectives for Wiltshire, focussing on key issues and a delivery strategy for achieving these objectives, setting out how much development is intended to happen, where, when, and by what means it will be delivered.

Neighbourhood Plan Area for Burbage



Background

- 3.3 Burbage Parish is set in an area of distinctly rural character nestled in the North Wessex Downs AONB. The main settlement, Burbage, has a population of 1660 residents in 760 dwellings (2011 Census). There are a range of services and amenities; two public houses, a Primary school, post office, village shop, farm shop and a garage. There are limited employment opportunities in the village, but there is a developing trend for home working and a number of small business sites within the Parish. Rail access is reasonably close, but public transport provision is poor and a dependence on private car transport is evident.

Steering Group

- 3.4 The plan process is being led by Burbage Parish Council. As part of the process a steering group has been set up, and is made up of representatives of the community and local businesses. The steering group has had and will continue to have input into the plan making process and help to represent the views of local people in the plan making process.

Aims and objectives of the Burbage Neighbourhood Plan

- 3.5 The strategy proposed by the Burbage Neighbourhood Plan is broadly in line with the Core Strategy's approach. The Burbage NDP seeks to deliver employment and housing and to support service and retail provision within the Parish. Sustainable development which reduces commuting and encourages young people to stay in the parish are at the heart of this goal.
- 3.6 Following recent consultation by the steering group to the parish key themes have been identified:
1. To provide the opportunity for everyone in the Burbage community to live in good quality, affordable housing, ensuring a mix of dwelling types, sizes and tenure types.
 2. New housing is to be on appropriate brownfield sites in the first instance- infilling within the village boundary. Some areas are to be avoided. (see point 3)
 3. Areas within the village boundary to be protected from development include the Barn Field and Red Lion sports areas, existing recreation and play areas, Church Green, the immediate Seymour Pond surrounds and all other publically accessed open spaces.
 4. Sites considered appropriate for housing development include the area adjacent to Seymour Pond, various small infill areas near to existing housing and the brownfield site of the Scout Hut, although this is well used currently by community groups.
 5. Burbage is in a distinctly rural setting and new housing development must not compromise the character and beauty of the setting. Housing design and density must reflect the features of the rural village.
 6. Encourage development of employment opportunities that are small scale units with fewer than 10 employees each, located in areas alongside existing employment sites and away from existing homes.
 7. The Conservation Area status of Burbage village is to be maintained. The village's historic buildings and the pattern of its street, footpaths and public spaces is to be conserved. New amenities can be added, but existing ones cannot be lost.
 8. In the interest of conserving and enhancing the natural environment, land allocated for development should be firstly, brownfield or secondly, of lesser environmental

value- low quality agricultural land outside the village boundary, such as the area east of Seymour Pond.

9. The Burbage community area's carbon footprint can be reduced by encouraging greater use of local amenities and thus reducing the need to travel away from the village. Infrastructure contributions from developers should be directed towards improving the primary and pre-school education provision, the medical practice, the community facility of the Village Hall and the sports club facilities to provide more for young people in the area to do and to encourage new residents to use local facilities.
10. Increased use of alternative transport methods is to be encouraged through the funding of Car Share Schemes, Community Transport provision and improved Public Transport.
11. Promoting healthy life styles and well-being. The network of footpaths that link Burbage to its neighbours and to the Kennet and Avon Canal, Savernake Forest and the rural hinterland needs to be enhanced and promoted and safety needs to be improved by removing the conflict with vehicles where possible.
12. Any future development must ensure adequate enhancements are made to existing infrastructure- utility provision and waste management for example. This includes the provision of recycling facilities.
13. The provision of Superfast Broadband is more than just desirable- the promotion of homeworking through multi-use housing developments and increased employment sites locally is dependent on Broadband improvement. This will enable appropriate development in terms of size and design, reduce the need to commute, increase the use of local services and businesses and promote economic improvement. Pressure from Developers needs to be brought to bear on Providers to implement this essential service.

Neighbourhood Plan Designation

- 3.7 Consultation on the designation of the Burbage Neighbourhood Plan took place between 17 March – 30 April 2014.

4. SEA Screening assessment

- 4.1 Wiltshire Council, as the responsible authority, considers that the Burbage 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)** that is prepared for town and country planning or land use and it is a plan that sets the framework for the 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 Burbage Neighbourhood Plan is likely to have significant environmental effects.
- 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 Burbage neighbourhood plan and ii) the characteristics of the effects and of the area likely to be affected by the Burbage Neighbourhood Plan. In making a determination, Wiltshire Council will take into account the criteria specified in Schedule I 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.

4.4 The screening assessment of the Burbage Neighbourhood Plan is set out below:

Criteria (Schedule 1 SEA Regs.)	Significant environmental effect 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 neighbourhood plan will set a new policy framework for the parish. It will set a framework for projects and activities in terms of deciding the location for new development and the nature, size and operating conditions of such developments.
(b) the degree to which the plan influences other plans and programmes including those in a hierarchy	No	The neighbourhood plan must be in conformity with the Wiltshire Core Strategy. It will inform future revisions to the Core Strategy but not to the extent where significant environmental effects would be

		likely.
(c) the relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development	No	The neighbourhood plan will accord with other plans and programmes that require it to support the delivery of sustainable development.
(d) environmental problems relevant to the plan	No	The neighbourhood plan will seek to address environmental problems that are relevant to the parish but there are no specific significant environmental problems that need resolving.
(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	Implementation of Community legislation is dealt with at the higher policy level through the Wiltshire Core Strategy. Neighbourhood plans are a voluntary mechanism and not required 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	? ⁷	The neighbourhood plan will set the vision, objectives and strategy for new development in the parish and therefore effects are likely and long-term.
(b) the cumulative nature of the effects	? ⁸	There are likely to be cumulative affects arising from and between the different policies within the neighbourhood plan.
(c) the transboundary nature of the effects	No	There are no transboundary effects arising from the neighbourhood plan.
(d) the risks to human health or the environment (for example, due to accidents)	No	There are unlikely to be risks to human health or the environment arising from the neighbourhood plan.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	No	The neighbourhood plan will apply to the entire parish area (a population of approximately 1660 residents in 760 dwellings (2011 census)). Significant effects due to the geographical 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	The neighbourhood plan is located in the North Wessex Downs AONB. There are SSSIs, ancient woodland (Savernake Forest), SPA, SAC and local wildlife sites in the plan area and development has the potential to impact upon these sites. Proposed development maybe considered as likely to significantly affect these environmental assets.
(g) the effects on areas or landscapes which have a recognised national, Community or international	Yes	There are national and European landscape/biodiversity designations (see (f)) and also conservation area andn the kennet

⁷ At this stage without knowing the detail of the content of Neighbourhood Plan, including site allocations and policy, the effects unknown.

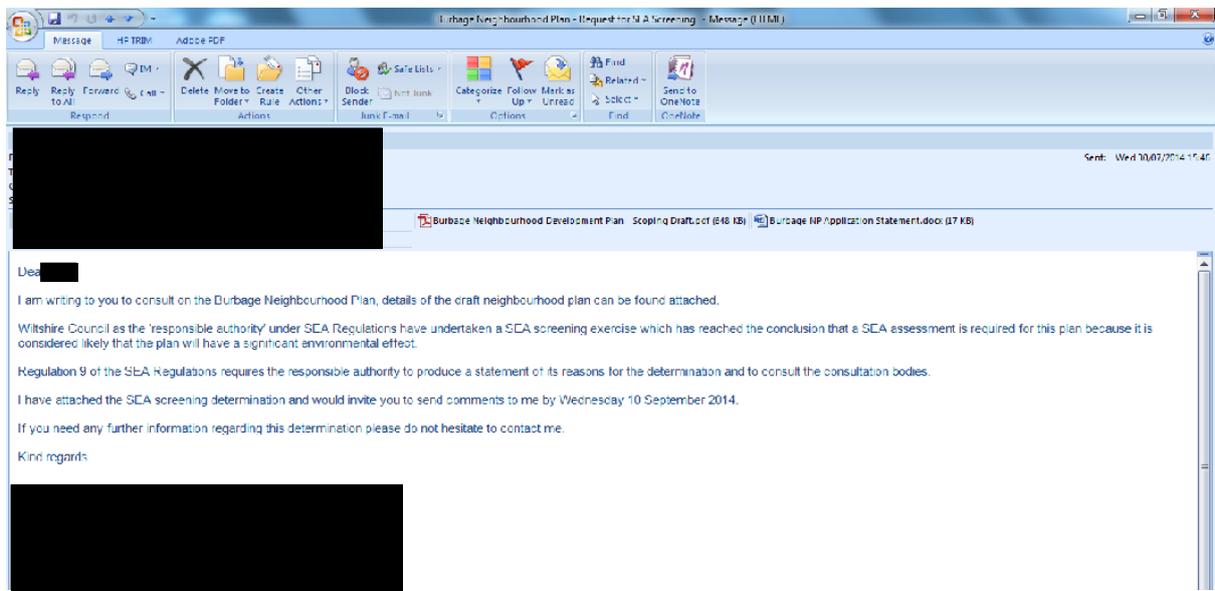
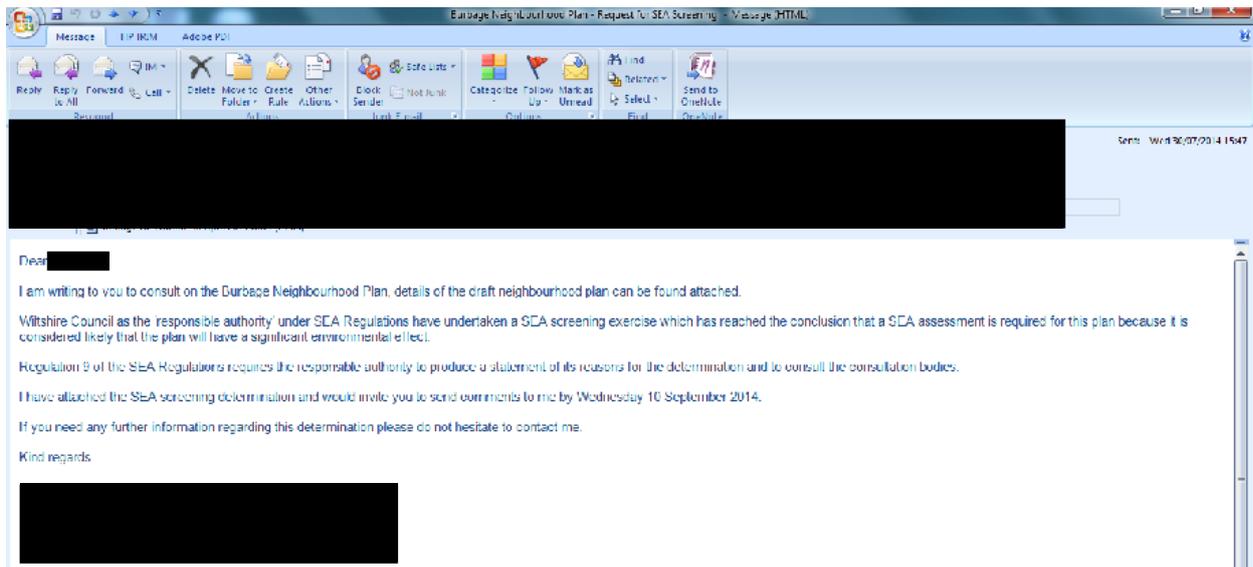
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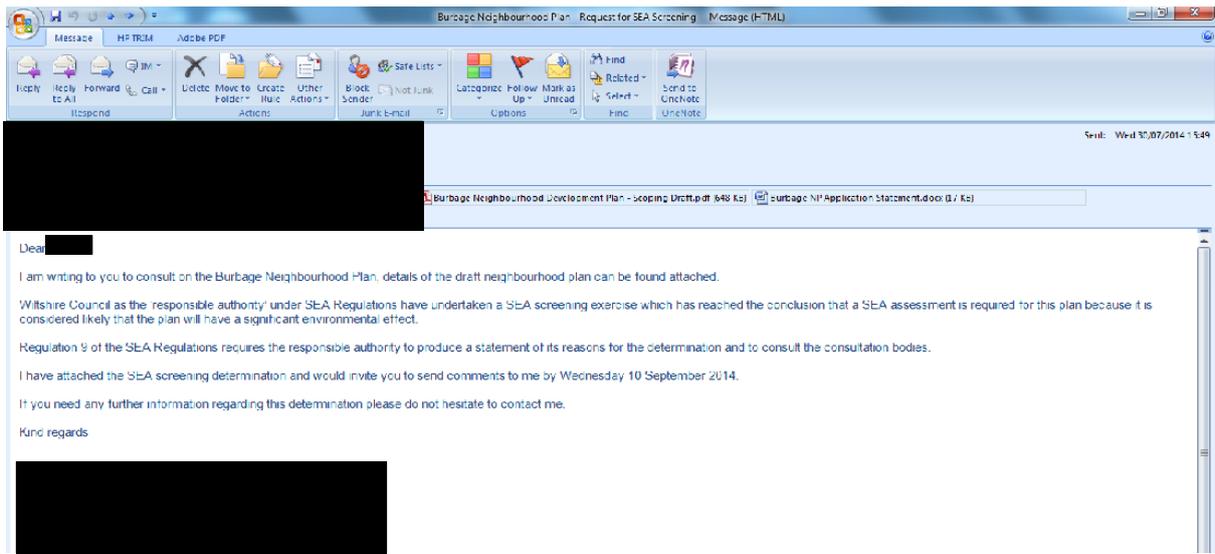
protection status.		and Avon Canal within and on the edge of the plan area.
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5. SEA Screening determination

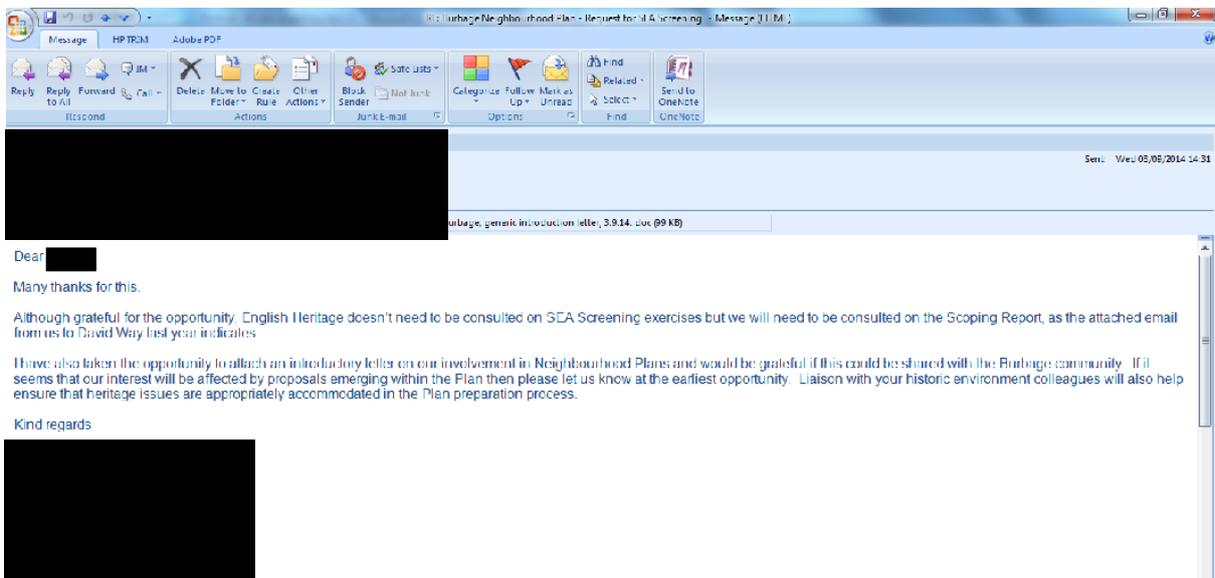
- 5.1 Regulation 9 of the SEA Regulations requires that the responsible authority shall determine whether or not a plan is likely to have significant environmental effects. The responsible authority shall —
- (a) take into account the criteria specified in Schedule 1 to these Regulations; and
(b) consult 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.
- 5.4 Wiltshire Council, as the responsible authority, considers that the proposed Burbage Neighbourhood Plan is likely to have a significant environmental effect and accordingly will require a Strategic Environmental Assessment.
- 5.5 This decision is made for the following reason:
- The Neighbourhood Plan is likely to allocate sites and control development within the North Wessex Downs AONB and its surrounding area, which is likely to have environmental impacts.

Appendix A – Request for consultation response on screening determination from statutory consultation bodies





Appendix B – Consultation responses from statutory consultation bodies



Date: 10th September 2014
Our ref: 128111
Your ref: -



Wiltshire Council

Customer Services
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CW1 6GU

T 0300 090 3900

BY EMAIL ONLY

Dear 

Consultation: Burbage Neighbourhood Plan Sustainability Appraisal Screening.

Many thanks for the above consultation.

Natural England is a statutory consultee in neighbourhood planning. Natural England does not have the resources to get involved in all neighbourhood plans and will prioritise our detailed engagement to those plans that may impact on internationally or nationally designated landscape or nature conservation sites, and/or require Strategic Environmental Assessment or screening for Habitats Regulations Assessment.

It is not Natural England's role to advise on whether a SEA is required, but to identify to the responsible authority any effects on the environmental interests for which we are concerned that are likely to be significant.

However, we concur that on the basis of the material supplied with the consultation that you have correctly identified the most significant environmental interests liable to be affected by the plan, namely the North Wessex Downs AONB. In addition, Savemake Forest SSSI lies within the plan area, and could conceivably be affected, although it is likely that all potential allocations will be sufficiently far from that site to have negligible impact.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan, although we understand that there is a significant bat population making use of the old Savemake railway tunnel. 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.

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For any correspondence or queries relating to this consultation only, please contact Charles Routh on 07990 773630. For any new consultations or issues, please contact consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

