

**Wiltshire Council**

**Strategic Environmental Assessment – Screening Determination for  
the Christian Malford Neighbourhood Plan**

**July 2016**

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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 Christian Malford Neighbourhood Plan.

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 Christian Malford 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 (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 projects<sup>4</sup> (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 area<sup>5</sup> at local level (Regulation 5, para. (6)(a); or*

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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

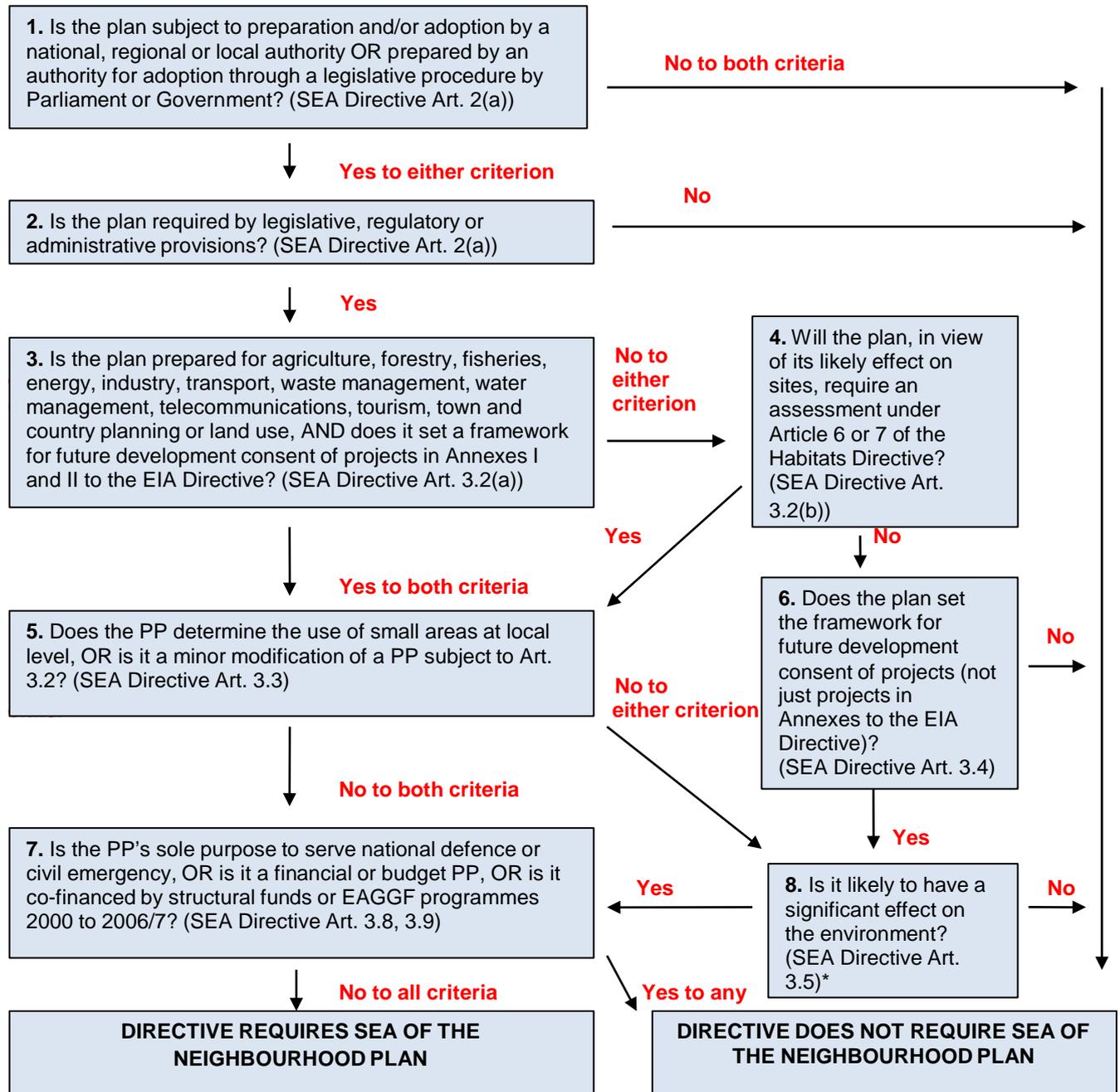
<sup>3</sup> European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment"

<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"

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.

2.3 The diagram<sup>7</sup> below shows the SEA Directive's requirements and its application to neighbourhood plans:



<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)

\* 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 Christian Malford Neighbourhood Plan Background**

3.1 The parish of Christian Malford is currently preparing a neighbourhood plan under the provisions of the Localism Act 2011.

3.2 The Parish contains the large village of Christian Malford, as defined in the Wiltshire Core Strategy which is in a rural location bounded by farmland and near the River Avon. Junction 17 of the M4 motorway is 4 miles away to the West . Christian Malford has a primary school and pre-school, local general store/post office public house and village hall. In addition the school in Great Somerford, together with the adjoining Community Room, is used for social activities. There are 21 listed buildings in the Parish, of which the 13<sup>th</sup> century All Saints Church is grade I listed.

3.3 The vision for the plan area is is that it should retain its rural character whilst remaining a thriving and welcoming community to people of all backgrounds. The existing facilities should be supported and where possible developed. A key to maintaining a thriving community is to ensure that the young and the old can remain in the Parish. The farming community are closely integrated with the village And its viability is essential in maintaining the rural setting enjoyed from most homes.

3.4 The emerging Neighbourhood Plan seeks to:

- maintain the character and vitality of the village.
- minimise the impact of new development on the surrounding countryside, landscape, and ecosystems.
- provide existing and future residents with the opportunity to live in a suitable home.
- retain and maintain the viability of the existing resources.
- ensure that village development is done in a sustainable manner.

Objectives have been set to achieve these goals:

#### **Housing**

- To maintain the open rural nature of the village.
- To provide opportunity for the building of new homes that support the needs of the Parish.
- To achieve a more balanced range of properties on the market.
- To increase the supply of small houses in the Parish so that young couples and individuals will have a better chance of being able to buy a home.
- To provide appropriate new single storey properties that will allow older residents to downsize whilst still remaining in the Parish.
- To prevent further reduction in the scarce stock of single storey properties in the Parish.
- To provide accommodation for the less able and those needing external support.
- To identify sites for future development. Countryside and Environment  
Countryside and Environment
- To retain the rural character of the Parish.

#### **Employment and Business**

- To discourage the development of businesses associated with heavy traffic movement.
- To support 'light development' by the farming community.  
Pedestrians, Traffic and Transport

- To ensure that pedestrians and cyclists have safe access to facilities.
- To ensure that cars are not parked on the road in order to avoid pinch points.

### **Community**

- To protect and enhance greenspaces in the village.
- To preserve important village assets.
- To retain a close connection with the farming community.

### **Design**

- To ensure that new developments do not diminish the character of the village

3.5 This plan has the aim of delivering throughout the planning period small numbers of the types of new properties. It is anticipated that this will be about 30 new dwellings. These are located on:

- End of Lye Common–North Side
- Land adjacent to 72 The Green
- Redevelopment of the farmyard & redundant buildings adjacent to The Old Parlour
- Redevelopment of the farmyard & redundant buildings adjacent to Fordlands
- Redevelopment of the farmyard & redundant buildings at Mermaid Farm
- Land in the curtilage of and to the East of Malford Farmhouse
- Land in the curtilage of and to the West of The Bakehouse

In addition two sites (Recreation Ground and Malford Meadow) are identified as areas of open space to be protected from future development and one site allocated to accommodate a new village hall.

### **Steering Group**

3.6 In 2014, the Christian Malford Neighbourhood Plan Steering Group was set up to prepare the plan and is led by the parish council. The Group includes a cross section of community representatives that meet regularly to develop the draft plan.

3.7 Planning officers from Wiltshire Council act as 'link officers' in providing support and advice.

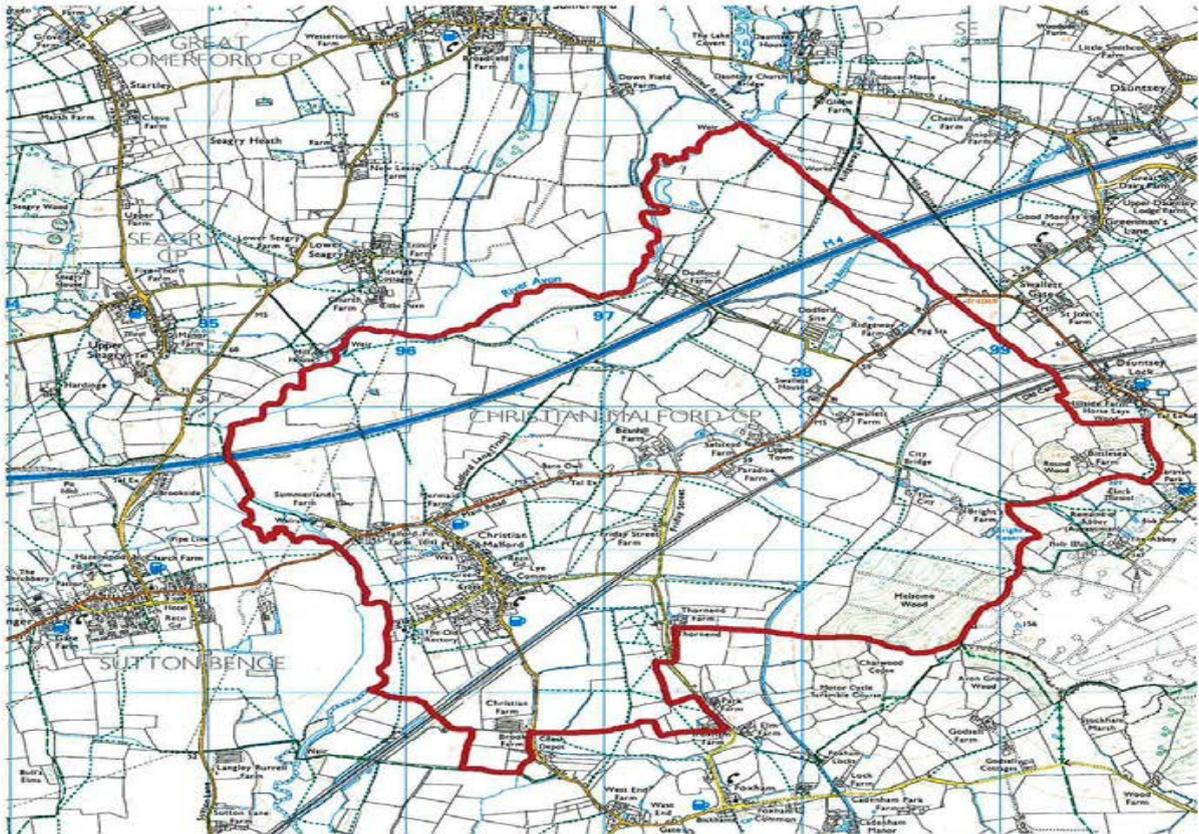
### **Neighbourhood area designation**

3.8 The designation of the Christian Malford Neighbourhood Area was approved on 6 November 2014..

3.9 Wiltshire Council publicised the Christian Malford Neighbourhood Area application for consultation over a period of 6 weeks and 3 days from 9am Monday 14 July to 5pm Wednesday 27 August 2014. Four representations were submitted, one relating to the proposed scope of the neighbourhood plan rather than the designation itself. The remaining three were in support of the application.

3.10 The proposed Christian Malford Neighbourhood Area is coherent, consistent and appropriate in planning terms.

3.11 The Christian Malford Neighbourhood Area application and designation documents are available to view online at



#### 4. SEA Screening assessment

4.1 Wiltshire Council, as the 'Responsible Authority', considers that the Christian Malford Neighbourhood Plan falls within the scope of the SEA Regulations on the basis that it is a plan that:

- a) is subject to preparation or adoption by an authority at national, regional or local level (Regulation 2);
- b) is prepared for town and country planning or land use and it is a plan that sets the framework for future development consent of projects generally (Regulation 5, para. 4); and

**c)** will apply to a wider area other than a small area at local level and is not a minor modification to an existing plan or programme (Regulation 5, para. 6).

4.2 A determination under Regulation 9 is therefore required as to whether the Christian Malford Neighbourhood Plan is likely to have significant effects on the environment.

4.3 The screening requirements set out in Regulation 9 and Schedule 1 of the SEA Regulations includes two sets of characteristics for determining the likely significance of effects on the environment. These relate to i) the characteristics of the Christian Malford neighbourhood plan and ii) the characteristics of the effects and of the area likely to be affected by the Christian Malford Neighbourhood Plan. 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 Christian Malford Neighbourhood Plan is set out below:

Criteria (Schedule 1 SEA Regs.)	Significant environmental	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 regard to the location, nature, size and operating conditions or by allocating resources	No	The neighbourhood plan sets a framework for projects only at the local parish level. The neighbourhood plan identifies sustainable sites to provide a modest level of additional affordable housing and market housing. Together the sites will deliver about 30 houses. This is in accordance with Core Policies 1 and 2 of the Core Strategy which has been subject to SEA. The plan identifies a new site for a village hall. This is in accordance with Core Policy 49 of the Core Strategy.
(b) the degree to which the plan influences other plans and programmes including those in a hierarchy	No	The neighbourhood plan is produced by the local community to influence development at the local parish level. It does not influence Strategic plans higher up in the hierarchy.
(c) the relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development	No	<p>The neighbourhood plan is a land-use plan that promotes sustainable development. The neighbourhood plan is not specifically a plan for integrating environmental considerations but does contain policies for the protection and enhancement of the historic, built and natural environment.</p> <p>Policies CP1 and CP2 identify the Recreation Ground and Malford Meadow as open space to be protected from future development. In relation to heritage protection and enhancement, it is considered that the proposals will not have significant cumulative effects upon the heritage assets.. An assessment of the impact of new development on the designated and undesignated historic assets of the parish has been carried out and concluded that the six sites identified in the Plan all have no/negligible impact on listed heritage sites and low impact on the surrounding landscape.</p>

<p>(d) environmental problems relevant to the plan</p>	<p>No</p>	<p>There are no known significant environmental problems relevant to the plan area. The River Avon borders the plan area to the west and north. Pug Brook is the main watercourse that runs through the parish to the east of Christian Malford, the area of which is a designated flood zone 3 area. However, the plan is not promoting development over and above that contained in the Wiltshire Core Strategy, which has been subject to SEA and HRA. The neighbourhood plan proposes to allocate sites to deliver about 30 houses. The sites are located in Christian Malford, which is designated as a large village in the Wiltshire Core Strategy core policies 1 and 2. The sites are either adjacent to the settlement boundary or outside the settlement boundary within the built up area. The amount of development proposed, the location and type of development is in conformity with the Core Strategy and it is not considered likely there will be significant environmental problems.</p>
<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).</p>	<p>No</p>	<p>The neighbourhood plan is not relevant as a plan for implementing community legislation.</p>
<p><b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</b></p>		

(a) the probability, duration, frequency and reversibility of the effects	No	<p>Any environmental effects are not considered to be significant judging by the proposals in the neighbourhood plan. The allocated sites will together provide about 30 dwellings and the indicative number of houses to be delivered by each of the allocated sites is less than 10 dwellings, which is in accordance with CP1 and CP2 of the WCS. One policy promotes the redevelopment and extension of the existing village hall site to provide a new village hall with adequate parking. This is in accordance with CP49 of the WCS. The Recreation Ground and Malford Meadow are specifically identified as open space to be protected from future development in accordance with CP52 of the WCS. Appendix D contains Individual Site Assessments which include an assessment of the impact of new development on the designated and undesignated historic assets of the parish. The conclusion reached is there will be no/negligible impact on listed heritage sites and low impact on the surrounding landscape. Site Policies SSHS1-SSHS6 include criteria to ensure any new buildings will contribute to a sense of local character and will conserve and where possible enhance the the local identity of Christian Malford in accordance with CP58 of the WCS. Any effects of the limited amount of development proposed is likely to be localised and short-term and related to the construction stage.</p>
(b) the cumulative nature of the effects	No	No cumulative effects are considered to be significant.
(c) the transboundary nature of the effects	No	No transboundary effects with other EU countries are considered to be significant.
(d) the risks to human health or the environment (for example, due to accidents)	No	No environmental effects are considered likely to risk human health or the environment.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	No	The neighbourhood plan covers a parish which includes the village of Christian Malford. It has a population of approximately 705 residents (ONS census 2011).

<p>(f) the value and vulnerability of the areal likely to be affected due to—</p> <p>(i) special natural characteristics or cultural heritage;</p> <p>(ii) exceeded environmental quality standards or limit values; or</p> <p>(iii) intensive land-use;</p>	<p>No</p>	<p>The parish does not have a designated conversation area, but does contain 37 listed buildings in the parish including the grade 1 listed All Saints Church. Sections 4.3 and 8.2 and Appendix H identifies, in detail, all of the historical monuments, settlements and listed buildings within the local area. The plan aims to conserve each of these features, emphasising their historical value to the community. Appendix D contains Individual Site Assessments which include an assessment of the impact of new development on the designated and undesignated historic assets of the parish. This has concluded that the six sites identified in the Plan all have no/negligible impact on listed heritage sites and low impact on the surrounding landscape. Site Policies SSS1-SSS6 include criteria to ensure any new buildings will contribute to a sense of local character and will conserve and where possible enhance the the local identity of Christian Malford. Overall, development proposed is in conformity with the Core Strategy, in particular Core Policies 50 and 58 and is not considered likely to significantly affect the environmental assets.</p>
<p>(g) the effects on areas or landscapes which have a recognised national, Community or international protection status</p>	<p>No</p>	<p>The Wiltshire Core Strategy has been subject to SEA and HRA. There aren't any national or international landscape/biodiversity designations within and on the edge of the plan area Overall, development proposed that is in conformity with the Core Strategy, in particular Core Policies 50 and 58, is not considered likely to significantly affect the environmental assets</p>

## 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 Christian Malford Neighbourhood Plan is unlikely to have significant environmental effects and accordingly does not require a Strategic Environmental Assessment. This decision is made for the following key reasons:
- 1. The neighbourhood plan is produced by the local community to influence development at the local level. It is in broad conformity with the provisions of the WCS and national planning guidance.
  - 2. The neighbourhood plan is not proposing additional development over and above that described in the adopted Core Strategy. The Core Strategy states that development outside of the defined limits of development will only be supported if they arise through community-led planning, such as neighbourhood plans, and accord with the Core Strategy.
  - 3. The Plan has taken into consideration all designated and non designated heritage assets. historic assets and the proposals have been made based around preserving these assets whilst not causing detrimental harm to the area. These historic and cultural assets are listed in more detail in Appendix H.
  - 4. There are no national or international landscape/biodiversity designations within or on the edge of the plan area. The proposed development sites are also not likely to lead to significant adverse effects on local designations as there are none in proximity to those sites.
  - 5. The HRA has concluded concluded that the plan would have no likely significant effects upon any European designations.