

Wiltshire Council

Strategic Environmental Assessment

Final Screening determination for the Colerne Neighbourhood Plan

April 2020

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 Colerne Neighbourhood Plan ('the Plan').
- 1.2 Wiltshire Council, as the 'Responsible Authority'¹ under the SEA Regulations², is responsible for undertaking this screening process of the 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...town and country planning or land use (Reg. 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) or
 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) or
 3. '*set the framework for future development consent of projects*'⁴ (Reg. 5, para. (4)(b) and '*are determined to be likely to have significant environmental effects as determined under regulation 9(1)*' (Reg. 5, para. (4)(c)
- 2.3 An environmental assessment need not be carried out for:
 - a) '*plans which determine the use of a small area*⁵ at local level' (Reg. 5, para. (6)(a); or
 - b) '*plans which are a minor modification*⁶ to a plan or programme' (Reg. 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

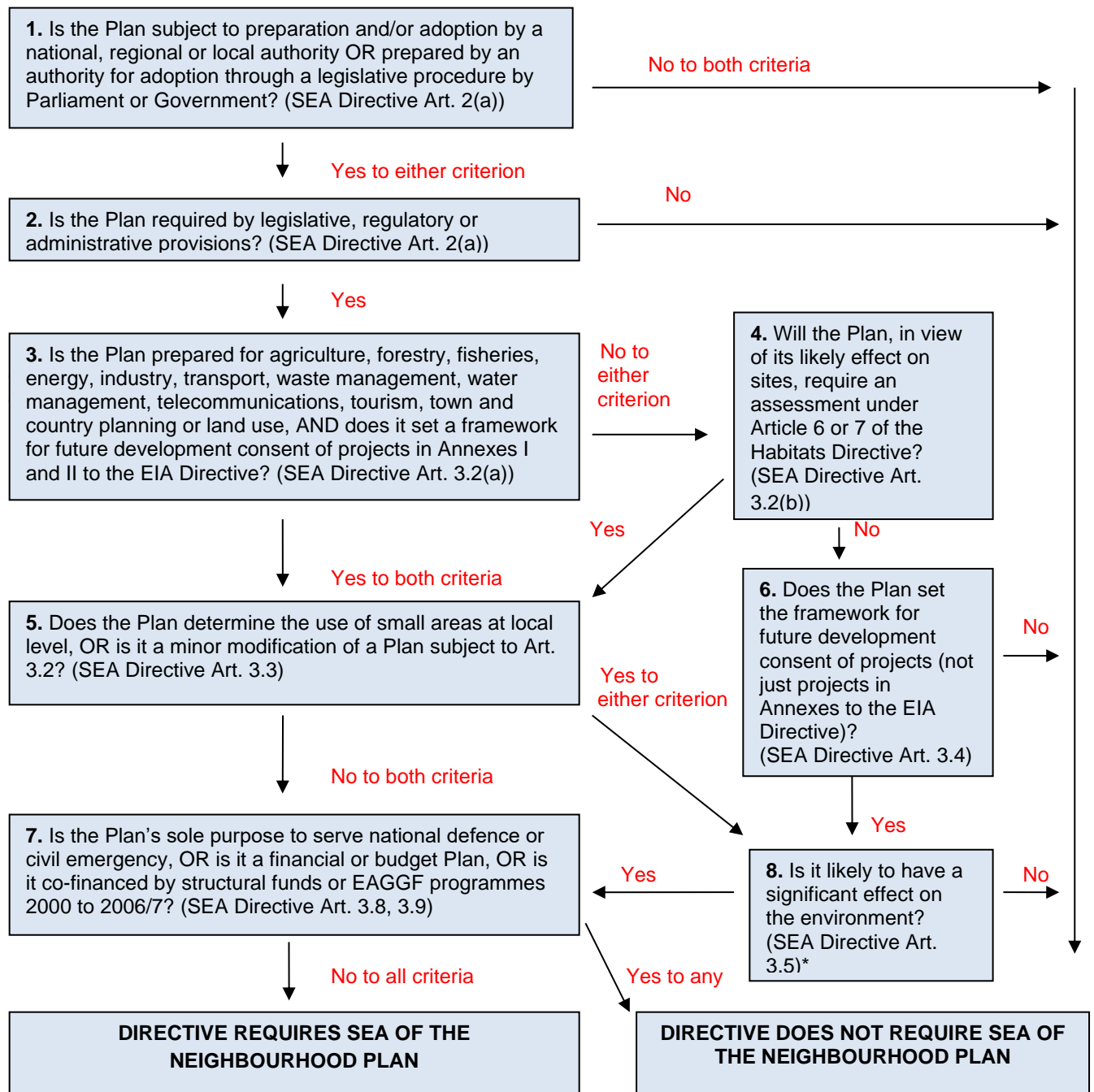
³ European Directive 2001/42/EC "*on the assessment of the effects of certain plans and programmes on the environment*"

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.

2.4 The diagram⁷ below shows the SEA Directive's requirements and its application to neighbourhood plans:



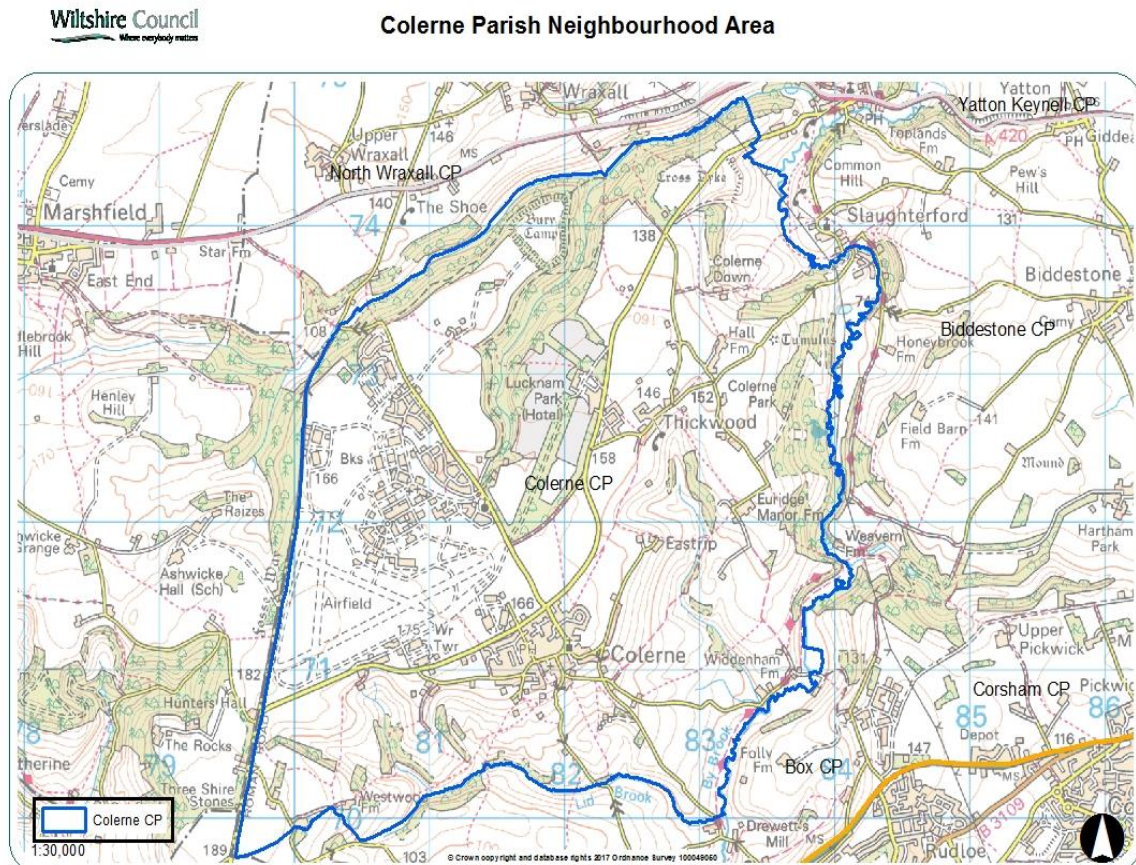
* Plans falling in this category (No.8) will be screened by Wiltshire Council to determine if they are likely to have significant environmental effects. This determination will be made on a case by case basis for neighbourhood plans coming forward in Wiltshire.

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 Colerne Neighbourhood Plan

- 3.1 Colerne Parish Council is preparing a neighbourhood plan under the provisions of the Localism Act 2011.
- 3.2 The designation of the Colerne Parish Neighbourhood Area was made on 27th June 2017. A map showing this area is below. For the designation notice, see <http://www.wiltshire.gov.uk/planning-neighbourhood-latest-news>



- 3.3 A current draft of the neighbourhood plan and draft Design Statement accompany this screening decision.

4. SEA Screening assessment

- 4.1 Wiltshire Council, as the 'Responsible Authority', considers that the Colerne 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 (Reg. 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 (Reg. 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 (Reg. 5, para. 6).

- 4.2 A determination under Regulation 9 is therefore required as to whether the Colerne 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 Plan and ii) the characteristics of the effects and of the area likely to be affected by the 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 Colerne Neighbourhood Plan 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 neighbourhood plan covers the area of one parish only. Whilst the Plan does set a framework for projects at the local level, it is not considered that the Plan sets a framework for a significant degree of projects or other activities. The Plan is in general conformity with the higher-level Wiltshire Core Strategy which is considered to set the framework for significant projects and activities, and which has been assessed through Strategic Environmental Assessment (SEA).
(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. A neighbourhood plan must be in general conformity with Local Plans and national planning guidance. It does not significantly influence other plans or programmes.
(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 is a land-use plan that promotes sustainable development, in general conformity with the Local Plan and national planning guidance, but it is not a Plan specifically relating to the integration of environmental considerations, although environmental considerations are considered in the Plan. The Plan contains policies to protect and enhance landscape character and the natural environment, sustainable design and construction, protection and enhancement of biodiversity, green spaces, key views and biodiversity at MOD sites.
(d) environmental problems relevant to the plan	No	There are no specific environmental <u>problems</u> relevant to the Plan. The whole of the parish is within the Cotswolds AONB. The West Wiltshire Green Belt covers part of the southern part of the parish. The Village of Colerne has an extensive conservation area. The former RAF Colerne airbase, still owned by the MOD, is located to the north of Colerne village.
(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	<p>The draft policies seek to protect and enhance environmental, historic and cultural assets of the parish. However, the Plan contains two small site allocations for housing, and it has been determined by Wiltshire Council, the 'competent authority' under the Habitats Regulations⁸, that the neighbourhood plan will require a full Appropriate Assessment (AA) as it falls within the consultation zone of the Bath and Bradford on Avon Bats 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 Plan is likely to have significant environmental effects and therefore a SEA will be required.</p>
(b) the cumulative nature of the effects	No	No 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	Significant environmental effects due to the geographic size of the area and population size are not considered likely. The population of the parish at 2011 Census was 2972.
(f) the value and vulnerability of the area likely to be affected due to— (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use;	Yes	<p>Significant environmental effects due to exceeded environmental quality standards, limit values or intensive land-use are not considered likely.</p> <p>However, the Plan contains two small site allocations for housing, and it has been determined by Wiltshire Council, the 'competent authority' under the Habitats Regulations, that the neighbourhood plan will require a full Appropriate Assessment (AA) as it falls within the consultation zone of the Bath and Bradford on Avon Bats Special Area of Conservation (SAC). In light of this, it is considered that the draft Plan is likely to have significant environmental effects and therefore a SEA will be required.</p> <p>Also, in the absence of evidence to demonstrate that the allocated sites can be developed as proposed without causing harm to heritage assets, it cannot be concluded that there will not be significant environmental effects to heritage assets.</p>
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	Yes	It has been determined by Wiltshire Council, the 'competent authority' under the Habitats Regulations, that the neighbourhood plan will require a full Appropriate Assessment (AA) as it falls within the consultation zone of the Bath and Bradford on Avon Bats Special Area of Conservation (SAC). In light of this, it is considered that the draft Plan is likely to have significant environmental effects and therefore a SEA will be required.

⁸ 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 Colerne Neighbourhood Plan is **likely to have significant environmental effects** and accordingly **does require a Strategic Environmental Assessment**. This decision is made for the following reasons:
1. The Plan contains two small site allocations for housing, and it has been determined by Wiltshire Council, the ‘competent authority’ under the Habitats Regulations⁹, that the neighbourhood plan will require a full Appropriate Assessment (AA) as it falls within the consultation zone of the Bath and Bradford on Avon Bats 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.*’
2. In the absence of evidence to demonstrate that the allocated sites can be developed as proposed without causing harm to heritage assets, it cannot be concluded that there will not be significant environmental effects on heritage assets.
- 5.4 In light of this, it is considered that the draft Plan is likely to have significant environmental effects and therefore a SEA will be required.
- 5.5 This SEA screening takes into account confirmation from the Wiltshire Council ecologist in March 2020 that the neighbourhood plan has been ‘screened in’ under the Habitats Regulations and therefore requires an Appropriate Assessment (AA). It also takes account of representations made by Historic England that, in their opinion, there is a lack of evidence to demonstrate that the allocated sites can be developed as proposed without causing harm to heritage assets.

⁹ The Conservation of Habitats and Species Regulations 2017

- 5.6 If the HRA screening decision changes, or if the draft Plan is subsequently amended significantly i.e. changes that substantially alter the draft plan e.g. adding, amending or removing site allocations and/or policies, this SEA screening must be reviewed. In this instance, the Qualifying Body should request a revised SEA screening assessment from Wiltshire Council.
- 5.7 This screening decision was sent to Natural England, the Environment Agency and Historic England, requesting comments within a 5-week period from 24th March 2020 to 28th April 2020. All consultees agreed with the Council that a SEA is required. Consultation comments are presented in Appendix A.

Appendix A – Statutory consultees consultation comments

Natural England

From: [REDACTED]

To: [REDACTED]

Subject: RE: Draft Colerne Neighbourhood Plan - SEA screening decision consultation (Wiltshire)

Date: 23 April 2020 12:46:19

Dear [REDACTED]

Thank you for consulting Natural England on Wiltshire Councils SEA screening decision for the draft Colerne NDP, I can confirm that Natural England concurs with your decision that SEA is required.

Regards

[REDACTED]

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

Environment Agency

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

Our ref: WX/2009/110257/OR-80/IS1-L01
Your ref:

Date: 15 April 2020

Dear ██████████

Thank you for consulting us on Draft Colerne Neighbourhood Plan - SEA screening decision. We are a statutory consultee in the SEA process and aim to reduce flood risk and protect and enhance the water environment. Based on our review of the draft plan, we think there are potential significant environmental effects that relate to the Neighbourhood Plan area. We agree with the decision that the Neighbourhood Plan will require the Appropriate Assessment, however we do not agree that there are no 'Significant environmental effects likely'.

We have identified that the neighbourhood plan area will be affected by the following environmental constraints which we believe should be assessed as part of the Strategic Environmental Assessment.

Flood risk

The Neighbourhood Plan proposes site allocations within areas of flood zone 3 within the neighbourhood plan area, specifically Slaughterford Mill. The Local Authority's Strategic Flood Risk Assessment and Surface Water Management Plans forms the evidence base to determine the level of flood risk in this area. We expect the SEA to include flood risk in the baseline information, as a key sustainability issue and as an objective.

Please note, in line with the Flood risk and coastal change section of the Planning practice Guidance any site allocations will need to pass the Sequential Test and if required, the Exception Test. We do not currently agree that there is sufficient evidence for the allocation of Slaughterford Mill as outlined in the draft plan.

Groundwater protection

The plan area includes brownfield land, specifically the airfield around North Colerne which is located on principle aquifers and has been identified for potential growth/redevelopment. The potential implication upon development proposals should be considered with reference to our Groundwater Protection guidance: <https://www.gov.uk/government/collections/groundwater-protection>.

We recommend the SEA refers to the Environment Agency [Guiding Principles for Land Contamination](#) for the type of information required in order to assess risks to controlled waters.

Main river water quality

The By Brook runs adjacent to the neighbourhood plan area to the east with ordinary watercourse tributaries to the north and south. Developments within or adjacent to this watercourse should not cause deterioration and should seek to improve the water quality based on the recommendations of the Severn River Basin Management Plan. An assessment of the potential impacts of the neighbourhood plan on this watercourse under WFD should be included within the SEA appraisal. Further information on the current status of this watercourse can be found on [Catchment Data Explorer](#).

Final comments

We encourage the neighbourhood plan to seek ways to improve the local environment. For 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/>.

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

Yours sincerely,

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

Historic England

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: URGENT: Draft Colerne Neighbourhood Plan - SEA screening decision consultation
Date: 28 April 2020 17:46:50

[REDACTED]

I have now been able to look at the Heritage and Proposed Site Allocations supplementary document prepared by the community.

While the photographs are useful it provides only limited additional heritage evidence to help address the points made in my comments below.

The report identifies the nearby location of Lucknam Park with its associated designated assets which is at least a start in helping to better the previous “unknown” reference to relevant historic environment considerations to the site. But this doesn’t confirm that these are the only assets which should be considered or how their significance helps inform the suitability of the proposed allocation in principle and its specific aspirations in particular.

Certainly the photo of the Constitutional Club site would in its limited fashion appear to suggest that the existing building may be of no heritage merit intrinsically and perhaps of neutral value at best in terms of its contribution to the character and appearance of the conservation area. But the contribution made by the site as a whole to the conservation area needs to be understood to gauge its suitability for the development in question, as does its relationship with the nearby Listed Fox and Hounds public house. Again, there may other heritage assets which need to be taken account of, and overall this reaffirms that there are relevant heritage considerations to be considered rather than “none”.

So in summary therefore this report unfortunately does not prompt a review of our advice sent earlier today as set out below.

Kind regards

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

From: [REDACTED]
Sent: 28 April 2020 11:27
To: [REDACTED]
Cc: [REDACTED]
Subject: Draft Colerne Neighbourhood Plan - SEA screening decision consultation

Dear [REDACTED]

Many thanks for your SEA Screening Opinion consultation and for sight of the draft (v7) Pre-Submission Plan.

We have in fact only recently been in liaison with consultants appointed by the community to assist with the preparation of the Plan. That advice was shared in my email to you of 27/3/20 but is attached again here for information.

You will see that based on the information made available at that time we drew attention to the need for appropriate heritage evidence to underpin the proposal to allocate the Constitutional Club site as a housing allocation. Based on the version of the Plan now provided we note that a further site is proposed for allocation at Thickwood Field, with “supported” sites being identified at The Drill Ground and Slaughterford Mill and an anticipatory Concept Statement has been drafted for the MOD Estate.

Our position and advice can be summarised as follows:

1. While the Plan proposes the allocation of sites this is not embodied as actual policy. This makes the status of such intentions ambiguous and we would encourage formalising their accommodation to make matters clearer.

2. The Plan refers to “Supported” sites which it links to any mid-term review of the Plan. However, the intention and wording of this provision effectively makes these sites de facto allocations and as such their status is also ambiguous. We would encourage a rationalisation of this in line with point 1 above.

3. The MOD Estates Concept Statement sets out development criteria but it is difficult to see how this has been informed by any relevant heritage evidence.

4. Supporting evidence for the sites in 1,2 & 3 above is contained within 2 documents – the Housing Sites Assessment dated Mar 2018 and the subsequent Housing Sites Report dated Jan 2020. These were accessed via links within the draft Plan (p53) but interestingly do not appear within the documents folder on the Plan’s website. There appear to be no other supporting documents on the website relating to the site assessments or concept statement.

5. These documents make statements about heritage relevant to each site but do not indicate what methodology has been used to inform these assertions. It is not clear that our guidance has been used, for example. Heritage considerations for the 4 sites identified as allocations can be summarised as follows:

- Thickwood Field. Heritage stated as “unknown”.
- Constitutional Club. Heritage stated as “none” but the site lies within the Conservation Area (see Historic Evidence Report).
- Slaughterford Mill. Significant heritage stated but not elaborated upon.
- The Drill Ground. No reference to heritage investigation at all.
- MOD Estates. No reference to heritage or its investigation found.

6. The evidence base for the sites from a heritage perspective is therefore considered inadequate to appropriately inform the site allocations and concept statement in accordance with the provisions for the protection and enhancement of the historic environment as set out in the NPPF.

7. In the absence of evidence to demonstrate that the sites in question can be developed as proposed without causing harm to heritage assets it cannot be concluded that there will not be significant environmental effects to heritage assets.

8. We would therefore advise that this be added to the reason why it is felt that a full SEA is required and agree with your authority on this need.

9. Finally, on a point of minor clarification, “Constitutional” and “Conservative” are both used on an interchangeable basis when describing the “Club” site. To avoid confusion it would be helpful if a single title for the site could be used consistently throughout the Plan and its supporting documents.

Kind regards

[Redacted]

[Redacted]
[Redacted]
[Redacted]
[Redacted]