

**Wiltshire Council**

**Strategic Environmental Assessment**

**Screening determination for the Draft Crudwell Neighbourhood  
Plan**

**November 2018**

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**Appendix A - Statutory consultee responses to consultation on screening decision**

## 1. Introduction

- 1.1 This document provides a screening determination of the need to carry out a Strategic Environmental Assessment (SEA) of the draft Crudwell Neighbourhood Plan (NP).
- 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. 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 (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 projects<sup>4</sup> (Reg. 5, para. (4)(b)*
4. *are determined to be likely to have significant environmental effects as determined under regulation 9(1) (Reg. 5, para. (4)(c)*

An environmental assessment need not be carried out for:

- a) *plans which determine the use of a small area<sup>5</sup> at local level (Regulation 5, para. (6)(a); or 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.*

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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

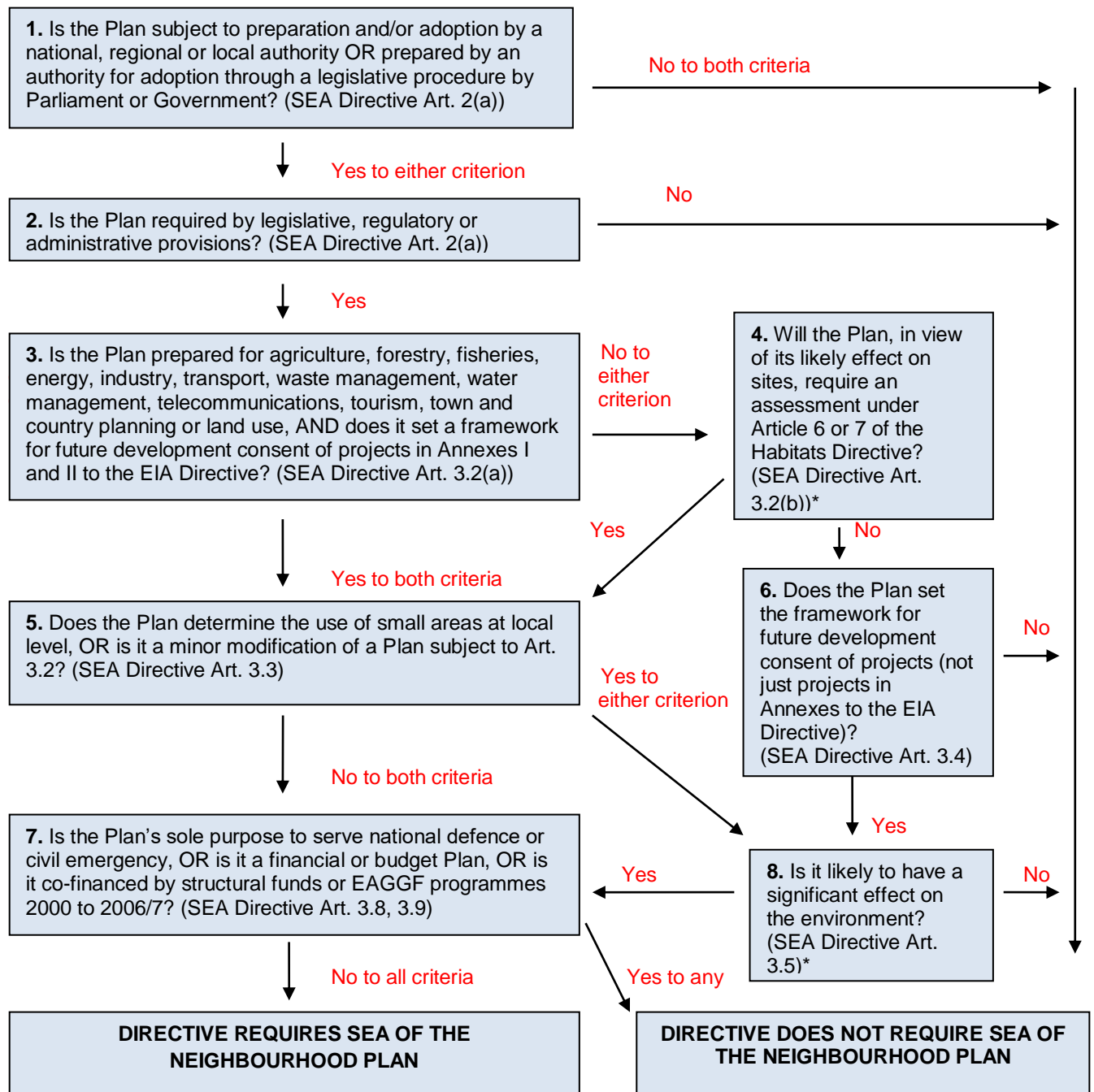
<sup>3</sup> European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment"

<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"

<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.

2.3 The diagram<sup>7</sup> 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.

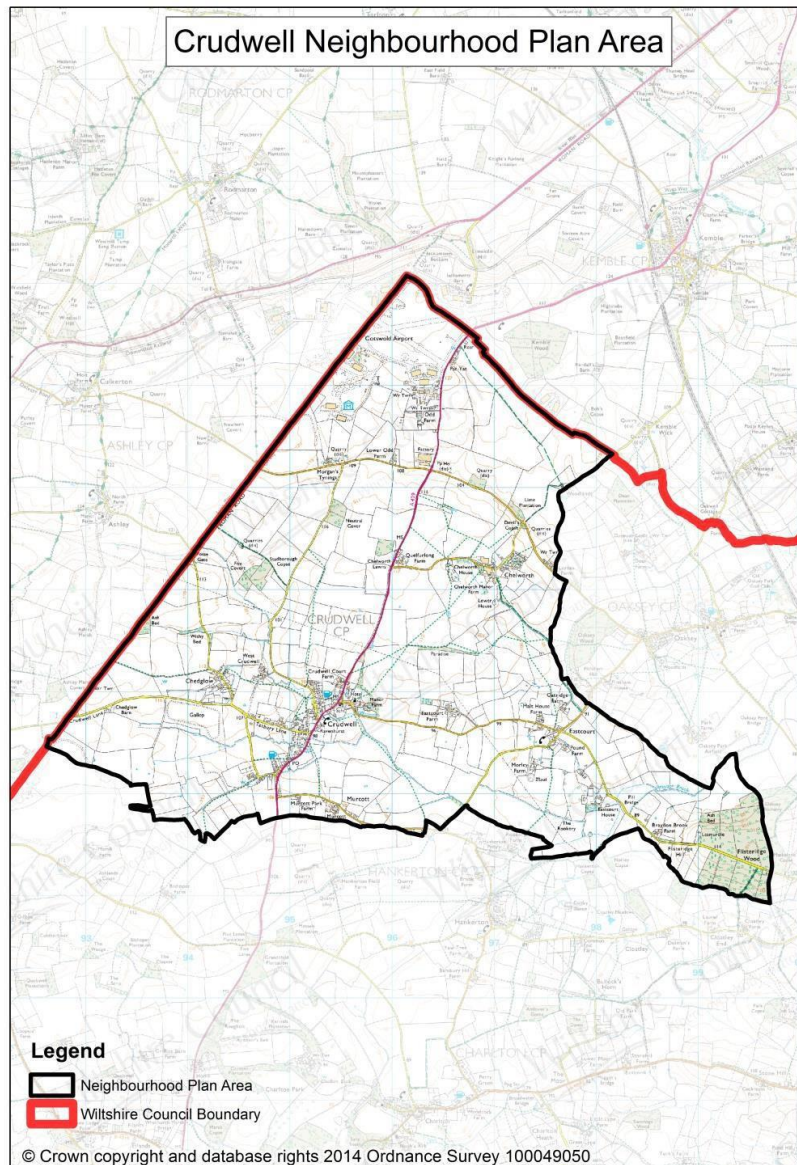
NB This diagram is intended as a guide to the criteria for application of the Directive to neighbourhood plans. It has no legal status.

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

### 3. The Draft Crudwell Neighbourhood Plan (NP)

3.1 The parish of Crudwell is preparing a NP under the provisions of the Localism Act 2011.

3.2 The designation of the Crudwell Neighbourhood Area was made on 20<sup>th</sup> March 2015 (see map of area outlined in blue below). For the designation notice see <http://www.wiltshire.gov.uk/planning-neighbourhood-latest-news>



3.3 The consultation on this screening decision was accompanied by a report dated August 2018 that sets out some initial proposals that are intended to be included in a first draft of the Crudwell NP. This was produced to inform the SEA screening decision. These draft proposals have not been finalised, but they give an indication of the proposed policies and housing site allocation.

3.4 There was also an accompanying Heritage Appraisal produced by JME Conservation Ltd that assesses two potential development sites in Crudwell to identify whether development would be likely to result in significant environmental effects on heritage

assets such that an SEA would be required. The scope of this assessment was therefore to identify whether any heritage assets or their settings would be affected by development on the identified sites.

- 3.6 It has been confirmed by the NP steering group that they intend to allocate one site for housing in the Plan, for between 20-25 dwellings. This is identified in a report entitled '*Crudwell Neighbourhood Plan Report to inform Strategic Environmental Assessment Screening*' as '*Site J Tuners Lane*'. The proposed policy for this site is as follows:

***“Policy DD1: Tuners Lane***

*A site of 1.3 hectares at Tuners Lane as identified on the policies map is allocated for a residential development of 20 to 25 dwellings.*

*Development proposals must:*

- a) Provide for the completion of the footpath along Tuners Lane from the site to the A429;*
- b) Demonstrate that as much of the hedgerow fronting Tuners Lane is retained as is practicable, in relation to both the location of the access and visibility splays. Where any hedgerow is lost as a result of visibility splays, it must be reprovided immediately outside the splay;*
- c) Provide a landscaped boundary to the site on its western and northern boundary;*
- d) Demonstrate compliance with (drainage policy);*
- e) Demonstrate compliance with the Crudwell Design Code.”*

- 3.7 The steering group have confirmed that they do not intend to include a policy in the Plan on exception sites for self-build housing, as set out in paragraph 4.34 of that report.

- 3.8 The only other proposed policy that is considered to have the potential to cause significant environmental effects is the policy on windfall housing, identified in paragraph 4.33 of that report. The proposed policy is as follows:

***“Policy DD2; Windfall Housing***

*In addition to housing to be delivered by policy DD1, applications for residential developments on windfall sites within the Crudwell village Settlement Boundary, identified on the policies map will be supported where such development:*

- a) Reflects the character and scale of surrounding properties and of the village of Crudwell in terms of scale, form and layout; and*
- b) Is of a high design quality in accordance with policy DD3; and*
- c) Provides safe vehicular access to the highway network; and*
- d) Provides safe pedestrian access to facilities within Crudwell village; and*
- e) Respects the amenity of neighbours; and*
- f) Demonstrably meets an identified need for homes in Crudwell, for example:
  - i. affordable housing;*
  - ii. housing for the elderly;*
  - iii. housing proposed to be developed by people who wish to build or commission their own home (self-build housing);*
  - iv. holiday accommodation.”**

## **4. SEA Screening assessment**

4.1 Wiltshire Council, as the 'Responsible Authority', considers that the draft Crudwell NP 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 draft Crudwell 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 draft Crudwell NP and ii) the characteristics of the effects and of the area likely to be affected by the draft Crudwell 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;

**(c)** the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;

**(d)** environmental problems relevant to the plan or programme; and

**(e)** the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).

### **2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:**

**(a)** the probability, duration, frequency and reversibility of the effects;

**(b)** the cumulative nature of the effects;

**(c)** the transboundary nature of the effects;

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

**(e)** the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);

**(f)** the value and vulnerability of the area likely to be affected due to—

**(i)** special natural characteristics or cultural heritage;

**(ii)** exceeded environmental quality standards or limit values; or

**(iii)** intensive land-use; and

**(g)** the effects on areas or landscapes which have a recognised national, Community or international protection status.



The screening assessment of the draft Crudwell NP is set out below:

Criteria (Schedule 1 SEA Regs.)	Significant environmental effects likely?	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 regards to the location, nature, size and operating conditions or by allocating resources	No	The neighbourhood plan covers the Crudwell parish area only. Whilst the draft Plan does set a framework for projects at the parish level, it is not considered that the draft Plan sets a framework for a significant degree of projects or other activities.
(b) the degree to which the plan influences other plans and programmes including those in a hierarchy	No	The draft NP is produced by the local community to influence development at the local parish level. It is not considered that the draft Plan will have a significant influence on other plans and programmes or those in a hierarchy. All neighbourhood plans must be in general conformity with the strategic policies contained in the development plan for the area, contribute to the achievement of sustainable development and have regard to national policies.
(c) the relevance of the plan for the integration of environmental considerations, in particular with a view to promoting sustainable development	No	<p>The draft 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. Environmental considerations are taken into account in the draft Plan with objectives that seek to:</p> <ul style="list-style-type: none"> <li>i. protect the local landscape characteristics</li> <li>ii. protect and maintain green spaces and natural environment</li> <li>iii. protect the Conservation Area</li> <li>iv. preserve and improve recreational open spaces</li> <li>v. promotion and enablement of recycling and waste reduction</li> <li>vi. explore and exploit opportunities for green build standards, renewable energy</li> </ul>
(d) environmental problems relevant to the plan	No	There are no known specific environmental problems relevant to this Plan. The neighbourhood area is rural and mainly agricultural with the one main settlement being Crudwell which is designated as a 'Large Village' in the Wiltshire Core Strategy (WCS).

<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 NP 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>		
<p>(a) the probability, duration, frequency and reversibility of the effects</p>	<p>No</p>	<p>It is considered that the elements of the proposals most likely to have significant environmental effects are the policies that support development at Crudwell.</p> <p>The policy outlined above on windfall sites is in general conformity with the Wiltshire Core Strategy which allows for small-scale development within the settlement boundary of 'Large Villages'. The proposed policy does not introduce any additional elements that would be likely to have significant environmental effects. No specific development sites are identified by the policy.</p> <p>The draft NP proposes a preferred option of the delivery of between 20 to 25 dwellings to meet an identified local housing need, to be located at the village of Crudwell. Site J 'Tuners Lane' is suggested to be the most sustainable and is the preferred site for accommodating 20-25 dwellings.</p> <p><b>Site J 'Tuners Lane'</b></p> <p>The site is predominantly surrounded by open pasture land with a modern housing development adjacent to the eastern boundary. The site is currently in arable use. There are no biodiversity or landscape designations within or adjacent to the site. The eastern boundary of the Cotswolds AONB is approx. 2km to the west of this site. The stream which runs to the south west of the site is UK BAP Priority Habitat because it is running water and a natural watercourse, however it is on the opposite side of the road and is unlikely to be directly affected by development of the proposed site. No areas of ancient woodland are within close proximity of the site.</p> <p>It has been concluded by Wiltshire Council's ecology team that the proposals will not require an Appropriate Assessment under the Habitats Regulations.</p> <p>The Landscape Character of this site falls within the Limestone Lowland typology. It is of moderate character, in good condition. Any future planning application would need to make provision for strengthening the character and appearance in this area. The site is of a size whereby landscape mitigation could be employed at the site boundaries to reduce the effect. There are hedgerows present on site which could be extended for</p>

		<p>further screening given the location of the site on the rural fringe.</p> <p>The site is within Flood Zone 1 with areas of Flood Zone 2 and 3 to the south of Tuners Lane. There are a number of watercourses in close proximity to this site and there have been flooding issues in Crudwell in the past and future development will need to demonstrate no increase in flood risk potential to these downstream areas. The site is also within Groundwater Source Protection Zone 1 and further advice would need to be sought from the Environment Agency. However, there is no evidence to suggest that development of the site for housing is not capable of being supported by adequate water and sewerage infrastructure capacity.</p> <p>The site is located to the north and west of the Crudwell Conservation Area from which it is separated by open farm land and modern housing development. There are no listed buildings in close proximity to this site. See attached Heritage Appraisal by JME Conservation Ltd. This assessment states that <i>'whilst the Tuners Lane site will be locally prominent, it is not considered that development on this site would affect the setting or significance of any Designated or Non-designated Heritage Assets.'</i> It concludes that <i>'development of this site will not affect the settings or special significance of any heritage assets. Whilst the boundary of the Conservation Area is distantly visible from the site this is an area of modern housing and it is not considered that these views will affect the special significance of this part of the Crudwell Conservation Area.'</i></p> <p>Considering all likely environmental effects of the proposed policies, it is not considered that significant effects are likely.</p>
(b) the cumulative nature of the effects	No	No specific cumulative effects of the proposals are considered likely.
(c) the transboundary nature of the effects	No	No transboundary effects with other EU countries are considered likely to be significant.
(d) the risks to human health or the environment (for example, due to accidents)	No	There are no significant environmental effects considered likely to risk human health or the environment.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	No	The NP covers a rural parish which includes the 'Large Village' of Crudwell. The 2011 Census records 1057 people living in the parish. The parish covers an area of approx. 7.6 miles <sup>2</sup> . Significant environmental effects due to the geographic size of the area and population size are not considered likely.

<p>(f) the value and vulnerability of the area likely to be affected due to—</p> <ul style="list-style-type: none"> <li>(i) special natural characteristics or cultural heritage;</li> <li>(ii) exceeded environmental quality standards or limit values; or</li> <li>(iii) intensive land-use;</li> </ul>	<p>No</p>	<p>Refer to 2a above.</p> <p>It is not considered that the draft Plan will have significant environmental effects due to exceeded environmental quality standards or limit values or intensive land-use.</p>
<p>(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>No</p>	<p>Refer to 2a above.</p>

## 5. SEA Screening decision

- 5.1 Regulation 9 of the SEA Regulations requires that the responsible authority (Wiltshire Council) shall determine whether or not a plan is likely to have significant environmental effects. The responsible authority shall —
- (a) take into account the criteria specified in Schedule 1 to these Regulations; and
  - (b) consult the consultation bodies (Historic England, Natural England, Environment Agency).
- 5.2 Where the responsible authority determines that the plan is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), it shall prepare a statement of its reasons for the determination.
- 5.3 Wiltshire Council considers that the draft Crudwell Neighbourhood Plan (NP) **is not likely to have significant environmental effects** and accordingly **a Strategic Environmental Assessment is not required**. This decision is made for the following key reasons:
1. The proposed policies are not considered likely to have significant environmental effects.
  2. The proposed windfall sites policy is in general conformity with the Wiltshire Core Strategy which allows for small-scale development within the settlement boundary of 'Large Villages'. The proposed policy does not allocate specific sites for development and does not introduce any additional elements that would be likely to have significant environmental effects.
  3. The proposed housing site allocation 'Tuners Lane' is within Flood Zone 1 and although within a Groundwater Source Protection Zone, there is no evidence to suggest that development of the site for housing is not capable of being supported by adequate water and sewerage infrastructure capacity.
  4. The proposed housing site allocation is unaffected by any biodiversity or landscape designations and development of the site is unlikely to affect the settings or special significance of any heritage assets.
  5. It has been concluded by Wiltshire Council's ecology team that the proposals will not require an Appropriate Assessment under the Habitats Regulations.
- 5.4 This SEA screening has been undertaken on a report outlining initial proposals to inform the SEA screening. It is possible that these proposals may change. If the draft Plan is subsequently amended significantly from these proposals i.e. changes that substantially alter the draft plan and/or are likely to give rise to additional significant environmental effects, or it is subsequently decided that the draft Plan should be subject to an Appropriate Assessment under the Habitats Regulations, this SEA screening must be reviewed. In this instance, the Qualifying Body should request a revised SEA screening assessment from Wiltshire Council.

## 6. Consultation on SEA screening decision

- 6.1 This SEA screening decision was sent to Natural England, Environment Agency and Historic England, requesting comments within a 5-week period, ending on 5<sup>th</sup> November 2018. Comments were received from Natural England and Historic England and these are presented in Appendix A to this report. Both organisations agreed with the Council's decision that an SEA is not required. The Environment Agency did not respond.
- 6.2 Historic England stated in their response that *'based on the information made available I can confirm that we have no objection to the opinion that an SEA is not required'*. However, regarding the Heritage Appraisal produced by JME Conservation Ltd, it stated *'we would...encourage your authority to seek the views of its conservation team to confirm the conclusions they suggest.'*
- 6.3 Wiltshire Council Senior Conservation Officer [REDACTED] was asked to provide his opinion on the JME Conservation Heritage Appraisal and he concluded that the proposed development within the draft Plan is likely to cause *'a low degree of harm that may be successfully mitigated by sensitive design and layout with appropriate landscape provision.'* Given this view, it is not considered necessary to change the original screening decision that an SEA is not required for the neighbourhood plan.
- 6.4 [REDACTED] comments in full (email to [REDACTED] dated 20/11/18) are as follows:

*'In general, the text from JME Conservation is comprehensive.*

*In terms of the findings of the report I would suggest that there is degree of minor harm to the setting of the heritage assets described as setting under current HE guidance is considered to not be contained by distance or inter-visibility but also perceived visibility and community appreciation.*

*The values of the assets described within the statement focus on the traditional values of historic and architectural values rather than communal and artistic values also mentioned within HE's Conservation Principles document which appear to be given less weight.*

*I would therefore suggest that rather than conclude as per the statement that development of the sites causes no harm to their significance of the heritage assets but a low degree of harm that may be successfully mitigated by sensitive design and layout with appropriate landscape provision.'*

## **Appendix A - Statutory consultee responses to consultation on screening decision**

### **Natural England – email dated 23/10/18**

Dear [REDACTED] many thanks for the above consultation.

We note that the Cotswolds AONB is some 1500m from the proposed development site (Turner's Lane). We have no information as to the landscape sensitivity of the development site in terms of potential impact on the AONB. However, bearing in mind the relatively flat topography of the area, any landscape impacts from any allocations are likely to be able to be mitigated through appropriate design.

We thus concur with the conclusion of the SEA screening report that a SEA is not required (as far as Natural England's remit is concerned).

[REDACTED]  
[REDACTED]  
[REDACTED]

### **Historic England – email dated 06/11/18**

Dear [REDACTED]

Thank you for your consultation on the SEA screening for the emerging Crudwell Neighbourhood Plan.

Based on the information made available I can confirm that we have no objection to the opinion that an SEA is not required, subject to:

- a) There is little information on the actual proposed policy content of the Plan, the only specific and detailed reference being that of policy DD1 on p6 of the Screening Report. While this may be the only housing site allocation proposed there may be other forms of site allocation not referred to or which emerge, that require assessment in terms of their potential to generate likely significant environmental effects. In which case, a review of any Screening decision may be appropriate.
- b) While the JME Conservation Ltd and Vision Planning reports seem comprehensive, our ability to verify the assertions they make concerning impacts on heritage assets is handicapped by a lack of local knowledge. We would therefore encourage your authority to seek the views of its conservation team to confirm the conclusions they suggest.

Kind regards, [REDACTED]

[REDACTED]  
[REDACTED]