

Wiltshire Council

**Strategic Environmental Assessment - Screening determination for the
Downton Neighbourhood Plan**

September 2015

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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 Downton Neighbourhood Plan.
- 1.2. Wiltshire Council, as the 'Responsible Authority'¹ under the SEA Regulations², is responsible for undertaking this screening process of the Downton 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 projects*⁴ (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*⁵ *at local level (Regulation 5, para. (6)(a); or*
- b) *Plans which are a minor modification*⁶ *to a plan or programme (Regulation 5, para. (6)(b)*

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).

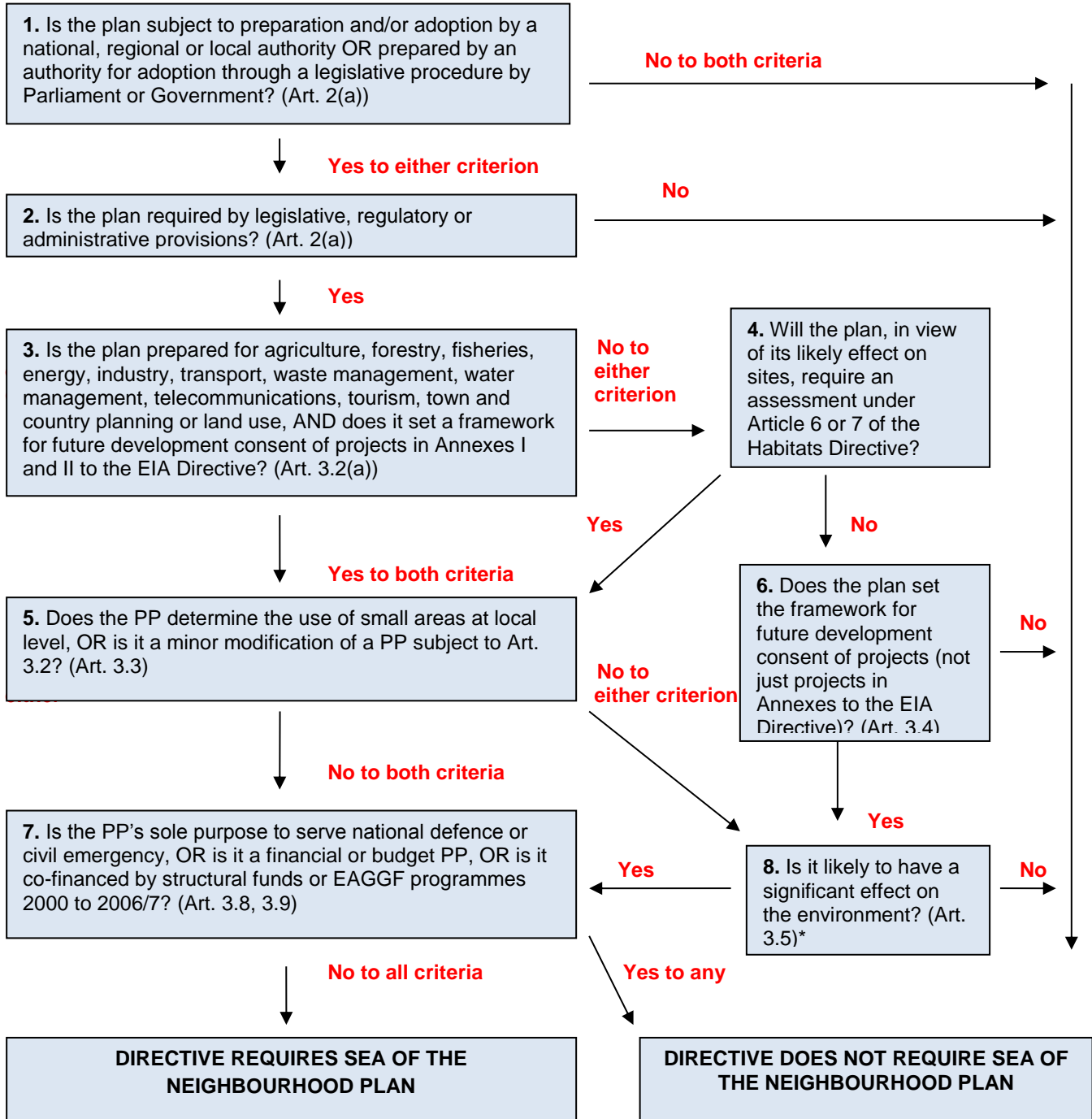
⁵ European Commission guidance suggests that **plans which determine the use of small areas at local level** might include "a building plan which, for a particular, limited area, outlines details of how buildings must be constructed, determining, for example, their height, width or design"

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.

unless it has been determined under regulation 9(1) that the plan is likely to have significant environmental effects.

2.3 The diagram⁷ below shows the SEA Directive's field of application:

Application of the SEA Directive 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 Downton Neighbourhood Plan

Background

- 3.1. The parish of Downton are currently preparing a neighbourhood plan under the provisions of the Localism Act 2011.
- 3.2. The emerging Neighbourhood Plan seeks to identify non strategic development to support the viability and vitality of community facilities in Downton. It will also enable a locally distinctive framework to be developed to complement that provided within the adopted Wiltshire Core Strategy.

Steering Group

- 3.3. In January 2014 the Downton Neighbourhood Plan Steering Group was set up to prepare the plan. The Group includes a cross section of community representatives that meet regularly to develop the draft plan.
- 3.4. Planning officers from Wiltshire Council have been informal members of the steering group and continue to act as 'Link officers' in providing support and advice.

Neighbourhood Area designation

- 3.5. The designation of the Downton Neighbourhood Area was approved on 6th August 2014.
- 3.6. Wiltshire Council publicised the Downton Neighbourhood Area application for consultation which started on Monday 28th April 2014 and closed at 5pm on Wednesday 11th June 2014. No negative representations were received.
- 3.7. Wiltshire Council agrees that the proposed Downton Neighbourhood Area (illustrated in Figure 1) is coherent, consistent and appropriate in planning terms.
- 3.8. The Downton Neighbourhood Area application and designation documents are available to view online at: http://consult.wiltshire.gov.uk/portal/spatial_planning/np/downton_npdesig?tab=files

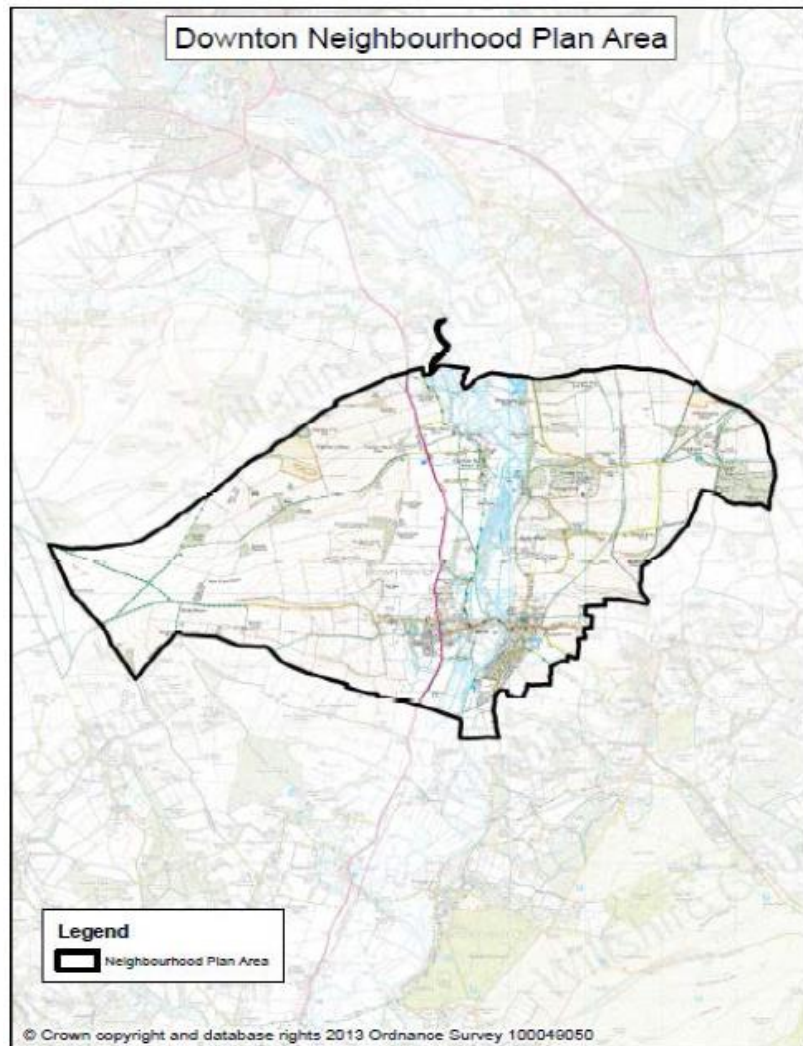


Figure 1 – Map of the Downton Neighbourhood Plan Area.

Source: http://consult.wiltshire.gov.uk/portal/spatial_planning/np/downton_npdesig?tab=files

Draft Downton Neighbourhood Plan (May 2015)

- 3.9. The latest version of the Downton Neighbourhood Plan (and supporting documents) is available to view online at: <http://www.downtonfuture.org/>
- 3.10. The development of the Neighbourhood Plan has been driven by extensive community engagement, as outlined in the draft plan and consultation statement. This work has culminated in a nine-week pre-submission consultation on the plan from 25th April to 13th June 2015. Following this consultation, the parish council intend to submit their neighbourhood plan and supporting documents to Wiltshire Council for local authority consultation and then examination.
- 3.11. The draft Downton Neighbourhood Plan identifies the following vision:

“We want the Parish to evolve and thrive as a vibrant and attractive area and for all the communities of the parish to retain their unique and distinctive characters. We aim to meet the diverse and growing needs of existing and future residents and to provide a high quality infrastructure and environment in which to live and work.”
- 3.12. The plan also identifies nine key themes/objectives:

- To deliver a housing growth strategy tailored to the needs and context of the Neighbourhood Plan Area.
- To encourage sustainable, small scale developments over large scale mass housing.
- To improve and sustain excellent local facilities for existing and new residents.
- To strengthen and support local economic activity.
- To seek ongoing improvements to transport, walking, cycling, drainage and digital connectivity.
- To prioritise local distinctiveness in every aspect of change and growth
- To maintain historical sites and built environment.
- To protect green spaces.

3.13. From these objectives, the plan takes forward draft planning policies which relate to:

- Landscape and Local Character
- Housing Development and Homes for Local People
- Local Economy (local businesses and the rural economic sections)
- Local Facilities (community and leisure sections)
- Transport and Infrastructure

3.14. Alongside this work, the Steering Group prepared and consulted on a Sustainability Appraisal Scoping Report (October 2014) and then took this forward in assessing the potential impacts of alternative policy options (see supporting documents).

3.15. The draft policies proposed can be summarised as:

- **Funding and Facilitating Polices:**
 1. **Policy FF1:** Appropriate community contributions must be secured from developers to mitigate adverse impacts of development and provide improvements for the benefit of local residents.
- **Landscape and Character Polices:**
 1. **LC1** – New development throughout the Parish must respect local building styles and traditions and enhance the character of the local environment.
 2. **LC2** – Any development in the conservation area must conform to the guidelines expressed in the Village Design Statement.
 3. **LC3** – All new development and any alterations to existing buildings must achieve the highest possible level of energy efficiency and sustainability, taking account of the visual impact and its position in the landscape.
 4. **LC4** – Any development that compromises the Avon Valley SSI and the Special Landscape area, as described in the Wiltshire Council’s policy C6, or adversely affects wild life sites will not be supported.
 5. **LC5** – Housing development on the Parish’s public Green Infrastructure will not be supported. This includes: The Millennium Green, Moot Lane Playing Fields, The Downton Moot, The Borough Greens and the Memorial Gardens.
 6. **LC6** – Scale and mass of all new development must be informed by, and sensitive to, local topography and landscape character, and not have negative visual impact on the rural landscape.
 7. **LC7** – Opportunities to maximise the activities of the Downton Green Group, in conjunction with the Salisbury Transition group, to encourage recycling, re-use and repair of household goods will be supported.
- **Housing Development and Homes for Local People Policies:**

1. **LH1** – Housing Development should be aligned with the Core Strategy allocation of 190 homes (2006-2026).
 2. **LH2** – For any remaining residential development required to meet Core Strategy requirements from the date of acceptance of the Neighbourhood Plan, small scale development, as preferred by the community (between 15 and 25 houses and including infill), should influence the planning decision.
 3. **LH3** – Random scattering of development in green field areas should be avoided; new housing developments should have some proximity connection with the existing built environment and be contiguous with Wiltshire Council's 2015 settlement boundaries.
 4. **LH4** – Any proposal for new homes should be located either on a brownfield site or on those existing SHLAA sites in the order identified in the Site Preferences.
 5. **LH5** – Proposals for new housing development must make sure that there is mix of housing to meet identifiable needs of the local community, especially with regard to the provision of starter and smaller homes for private purchase including downsizing of existing residents as well as affordable homes for rent or shared ownership.
 6. **LH6** – Future residential development should be evenly phased over the life of the adopted Core Strategy.
- **Transport Policies:**
 1. **T1** – Development that would give rise to unacceptable highway dangers will not be permitted. Developers must identify the realistic level of traffic they are likely to generate. They must assess the potential impact of this traffic on pedestrians, cyclists, road safety, parking and congestion within the Downton Neighbourhood Plan area and include measures to mitigate any impacts.
 2. **T2** - Proposals to improve the safe delivery of pupils to Downton Primary School and Trafalgar Secondary School sites on foot, by bicycle, school buses or by car, even if they involve changes to the existing site entrances, will be supported and should be expedited.
 3. **T3** – Proposals which support a sustainable transport strategy for rural areas including Wiltshire Council's objectives to reduce impacts on the built and natural environment (SO3), encourage the efficient movement of freight (SO10) and improve safety for all road users (SO8) will be supported.
 4. **T4** – Practical solutions to parking constraints in the High Street and Lode Hill will be supported in liaison with the Highways Department.
 5. **TP4** – Highways should be approached to create parking bays on High street.
 6. **T5** – Work to improve footpaths and cycle routes through Downton and its Neighbourhood Plan area will be supported by cooperation with Wiltshire Council, the New Forest National Park Authority, Sustrans and landowners.
 7. **T6** – There should be effective road signage in all necessary locations to alert traffic to the limitations on commercial traffic in Downton village.
 - **Infrastructure and Drainage Policies:**
 1. **ID1** – All applications for development are required to include drainage plans that take into account high levels of groundwater and a Flood Risk Assessment.
 2. **ID2** – No applications for development that add to existing foul and surface water problems will be supported.
 - **Local Economy Policies:**
 1. **LE1** – Optimal use of the existing Business Park to maximise employment will be encouraged.

2. **LE2** – Proposals for the development of new or existing retail units within the Parish to be supported, where need is evidenced to the Parish Council by business applicants.
3. **LE3** – Business applications to offer tourism or leisure facilities to be supported where these do not have any adverse impact on the protected areas of the New Forest Park area.

- **Rural Economy Policies:**

1. **RE1** – Activities that preserve the rural nature of the Neighbourhood Plan area while also ensuring the continued economic well-being of the agricultural and non-agricultural business activities will be supported.

- **Community Facilities Policies:**

1. **CP1** – Adequate premises and consequent admission policies must be provided to facilitate children of the Parish of Year 11 or under who wish to attend the Downton Schools.
2. **CP2** – Any expansion of premises must involve suitable buildings and play areas with adequate car parking facilities and safe drop off zones.
3. **CP3** – Adequate medical services to serve the residents of the plan area and those outside the plan area for whom Downton is a service provider must be provided.

- **Leisure Facilities Policies:**

1. **LFP1** – The availability of facilities to encourage good health and wellbeing of the local and visiting population will be supported if they are not in contravention of other Neighbourhood Plan policies.

3.16. Planning Officers at Wiltshire Council have been engaged with the neighbourhood plan throughout the plan making process. At this stage it is considered that the Downton Draft Neighbourhood Plan (and draft planning policies) broadly conforms with higher level policy, including the National Planning Policy Framework (NPPF) and the adopted Wiltshire Core Strategy. The Wiltshire Core Strategy sets out the strategic objectives for Wiltshire, focusing on the 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.

3.17. The adopted Wiltshire Core Strategy identifies Downton as a Local Service Centre as it has the resources and facilities to be a sustainable settlement, therefore the draft Neighbourhood Plan proposals are consistent with the Core Strategy.

4. SEA Screening assessment

4.1. Wiltshire Council, as the 'Responsible Authority', consider that the Downton 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 (Regulation 5, para. 2)
- c) is a plan that sets the framework for future development consent of projects generally (Regulation 5, para. 4); and
- d) 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 Downton 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 Downton Neighbourhood Plan and ii) the characteristics of the effects and of the area likely to be affected by the Downton 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 trans-boundary 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 Downton 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 promotes development on Brownfield sites which is in accordance with the NPPF and Wiltshire Core Strategy along with the already identified SHLAA sites which are currently being reviewed within the Housing Sites DPD. The Plan does not propose anything over and above what is contained already in the Housing Sites DPD. The Plan indicates that any future development must be informed by, and be sensitive to local landscape and character therefore minimising the visual impact on the existing rural landscape.
(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 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	The neighbourhood plan is a land-use plan that promotes sustainable development; it is not specifically a plan for integrating environmental considerations but does contain policies for the protection of the historic, built and natural environment. Refer, in particular, to policies LC1, LC2, LC3, LC4, LC5 AND LC7, LH4.
(d) environmental problems relevant to the plan	No	No significant environmental problems are noted for this parish, other than potential flooding issues due to drainage systems which could be mitigated. The Plan identifies the key action themes on page 5 with the only relevant environmental action theme being the continued protection and enhancement of the parish's character and heritage. This protection and enhancement will be achieved not only through policies of the Plan but also policies within the Core Strategy and NPPF.
(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	No	Any environmental effects are not considered to be significant judging by the proposals in the neighbourhood plan. Any effects of the limited amount of development proposed is likely to be localised and short-term and related to the construction stage. None of the proposed sites have any policy restrictions on them therefore development at these locations would not be detrimental. Proposed Sites: 1. S200a – A 338 North of Wick Lane 2. S200b – North of S200a

Criteria (Schedule 1 SEA Regs.)	Significant environmental effects likely?	Justification and evidence
		<ol style="list-style-type: none"> 3. S195 – Breamore Road South of Marie Avenue opposite Trafalgar school 4. S3442 – Scotts House 5. S82 – behind the Sidings 6. S82 – NE of Slab Lane 7. S1044 – Off Moot Lane by old Railway bridge 8. S108 – off the Borough 9. S2008 – off Batten Road roundabout (West) 10. S3386 – Breamore Road opposite and south of Trafalgar school <p>Refer to the Neighbourhood Plan Policies LH1, LH2, LH3 and LH4 which acknowledge the necessary alignment with the Core Strategy housing figures, LH2 states that, “For any remaining residential development required to meet Core Strategy requirements from the date of acceptance of the Neighbourhood Plan, small scale development, as preferred by the community (between 15 and 25 houses and including infill), should influence the planning decision.”</p>
(b) the cumulative nature of the effects	No	<p>No cumulative effects considered to be significant from the limited development proposals outlined in the neighbourhood plan. In terms of the Housing Policies identified within the Plan, refer to policies LC1, LC2, LC6, LH2 and LH3 which directly address maintaining and enhancing the character of the village rather than development detracting from the area. For infrastructure, policy T1 deals with assessing potential impacts of proposals on traffic and congestion and states that, “Development that would give rise to unacceptable highway dangers will not be permitted. Developers must identify the realistic level of traffic they are likely to generate. They must assess the potential impact of this traffic on pedestrians, cyclists, road safety, parking and congestion within the Downton Neighbourhood Plan area and include measures to mitigate any impacts.” This policy will reduce and aim to avoid cumulative effects arising. Appendix 3-Sustainability Appraisal of the Neighbourhood Plan takes into consideration potential impacts and identifies each policy within categories highlighting possible mitigation tactics.</p>
(c) the trans-boundary nature of the effects	No	<p>No trans-boundary effects with other EU countries are likely from the limited development proposals outlined in the neighbourhood plan.</p>
(d) the risks to human health or the environment (for example, due to accidents)	No	<p>No environmental effects are considered likely to risk human health or the environment. The neighbourhood plan seeks to protect and enhance the natural and built environment by proposing that local factors such as topography and landscape character are all taken into consideration.</p>

Criteria (Schedule 1 SEA Regs.)	Significant environmental effects likely?	Justification and evidence
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	No	Significant effects due to the geographic size of the area and population size are not considered likely due to the size of the Parish. Downton Parish covers 2,325 hectares with a population size of roughly 3,073 and represents the villages of Downton, Charlton All Saints and the hamlet of Standlynch.
(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;	No	<p>Policy LC5 aims to conserve the features and areas of local historical value, including Listed Buildings, Conservation Areas and Historic Parks and Gardens. See Appendix 5b for a more in depth analysis of the historical asset sites to be preserved. LC5 states that, "Housing development on the Parish's public Green Infrastructure will not be supported. This includes: The Millennium Green, Moot Lane Playing Fields, The Downton Moot, The Borough Greens and the Memorial Gardens."</p> <p>Sections 8 & 9 of the Sustainability Appraisal (Appendix 3 of the Plan) focuses on the historical and natural qualities in the area and assesses the impacts against each policy. The main aim of the Core Strategy is to prioritise previously developed land where possible and this theme is embedded throughout the Downton Neighbourhood Plan.</p> <p>A HRA screening report was carried out by Wiltshire Council which concluded that the majority of the draft policies and proposals would not give rise to likely significant effects on Natura 2000 sites. Comments have been made by our Wiltshire Ecologist which will be replicated and amended within the draft Plan before the formal submission of the Plan. The location of the proposed residential development sites are not in close proximity to AONB or Conservation Area and no significant effects on individual listed buildings are considered likely given that Policies LC1, LC2 and LC6 indicate that planning applications for new housing will have to rigorously demonstrate how such a scheme would fit within the context of the village and its setting. All planning applications will be decided against relevant protection policies in the Plan, the Core Strategy and NPPF and determined on its own merits.</p> <p>Policy LH4 stipulates that, "Any proposal for new homes should be located either on a brown field site or on the existing SHLAA sites in the order identified in the Site Preferences." This policy ensures a safe distance from the SAM which is situated to the Eastern side of the village, mitigating any impacts a development would have on the heritage asset.</p>
(g) the effects on areas or landscapes which have a recognised national, Community or international protection	No	The adopted Wiltshire Core Strategy has been subject to SEA and HRA and this plan does not propose a level of development over and above what is contained in the Core Strategy. The HRA screening report has confirmed that once the advised amendments have been completed then all of

Criteria (Schedule 1 SEA Regs.)	Significant environmental effects likely?	Justification and evidence
status.		the policies will be screened out and no further assessment will be required.

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 Downton 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 Sustainability Appraisal document produced by the Steering Group highlights the relationship between the policies within the Plan and the overarching factors/issues which Neighbourhood Plans must consider and mitigate. The Plan has taken into consideration all historic assets such as conservation areas, listed buildings and Historic Parks and gardens 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 5b.
 3. The neighbourhood plan is not proposing additional development over and above what is described in the adopted Core Strategy document or Housing Sites DPD. 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.
 4. The location of the proposed development sites are not considered likely to have significant adverse effects on any international, national or local environmental, landscape or heritage designations, including conservation areas or individual listed buildings. See Appendix 3 of the Plan.
 5. The Salisbury Plain SPA is beyond the 15 km limit therefore development proposed by this NP is unlikely to lead to significant effects. As the scale and type of development at Downton is relatively small and none of the sites identified in the NP are adjacent to the River Avon SAC the plan therefore is unlikely to lead to any significant effects. Downton lies within 8km of the New Forest SPA yet the proposed housing sites within the NP do not go over and above the Core Strategy projections for the area therefore should not lead to any significant effects.
 6. The HRA has identified some additional wording to be included within the explanatory text of the Plan, this will be rectified prior to formal submission of the Plan. Once these amendments have been included, the plan would not lead to loss

of site integrity of the identified European protected sites and therefore would not require further assessment.