

**Wiltshire Council**

**Strategic Environmental Assessment – Screening determination for  
the Lydiard Millicent Neighbourhood Plan**

**March 2018**

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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 Lydiard Millicent 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 Lydiard Millicent 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 (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

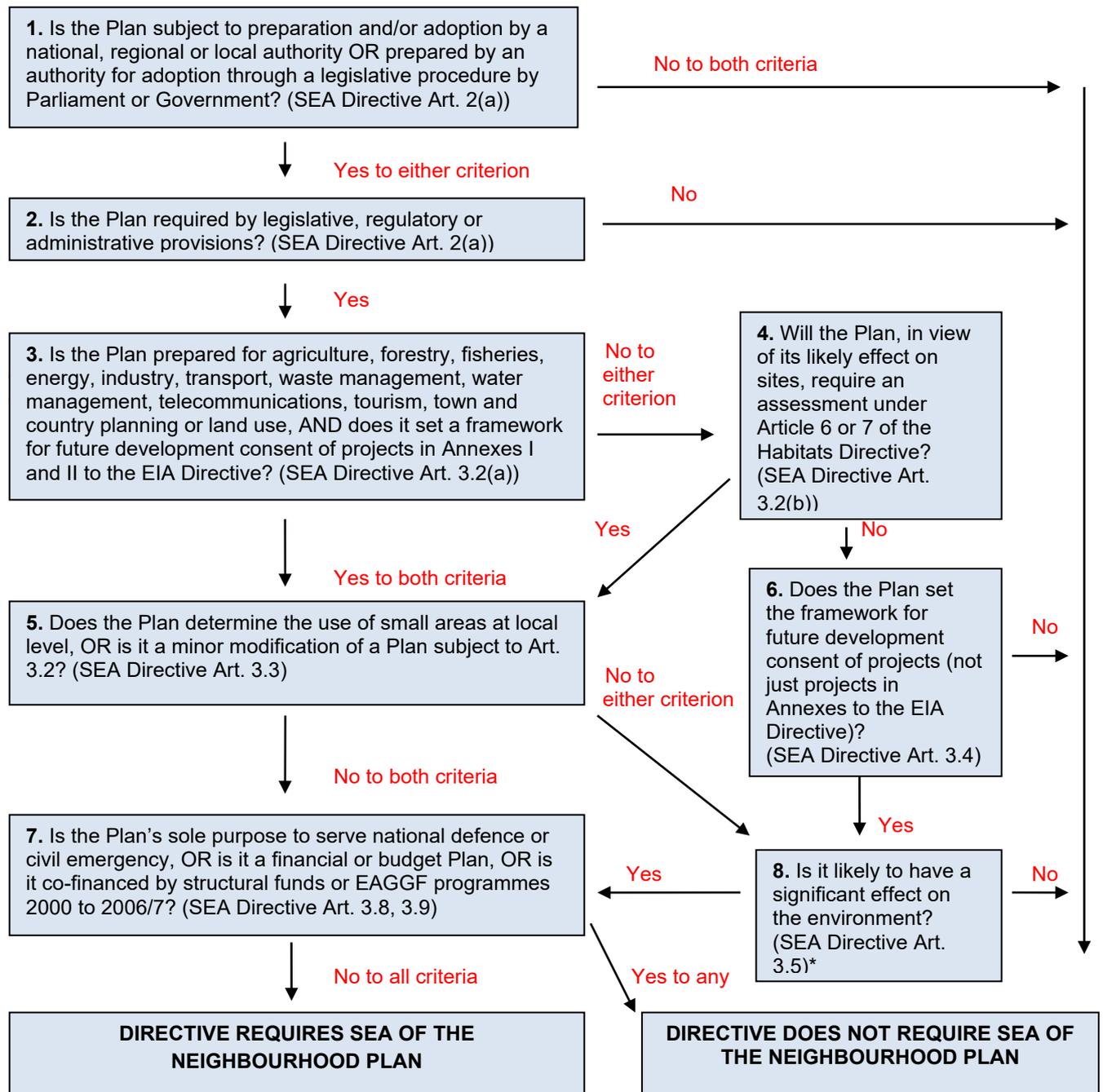
<sup>3</sup> European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment"

<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 Lydiard Millicent Neighbourhood Plan**

- 3.1 The parish of Lydiard Millicent is preparing a neighbourhood plan under the provisions of the Localism Act 2011.
- 3.2 The designation of the Lydiard Millicent and Parish Neighbourhood Area was made on 14 March 2017. For the designation notice see <http://www.wiltshire.gov.uk/planning-neighbourhood-latest-news>
- 3.3 A Draft Neighbourhood Plan accompanies this screening decision, setting out the proposed policies of the Plan.

### **4. SEA Screening assessment**

- 4.1 Wiltshire Council, as the 'Responsible Authority', considers that the Lydiard Millicent 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 Lydiard Millicent 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 Lydiard Millicent neighbourhood plan and ii) the characteristics of the effects and of the area likely to be affected by the Lydiard Millicent 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 Lydiard Millicent Neighbourhood Plan 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 regard to the location, nature, size and operating conditions or by allocating resources | No  | <p>The neighbourhood plan covers the parish area only. It sets a new policy framework for the parish to allow development of not more than a small group of houses (no more than ten dwellings), that is generally infill, where it is in keeping with the character of the village (draft Policy 4). This will enable some older residents to down size and stay within the parish and for younger residents with their roots in the community to continue to live there, whilst protecting and enhancing the individual, separate identity of the historic rural settlements within the parish. The Plan aims to support the development of retail opportunities in the village and to protect cafes and restaurants (Use Classes A3 and A4) from conversion to residential accommodation in order to protect the vitality and viability of Lydiard Millicent and increase its self-containment (draft Policy 3A). It also includes aims to address transport issues in the Parish (draft Policy 1a).</p> <p>These proposals are in accordance with the Core Strategy. The village of Lydiard Millicent is designated as a 'Small Village' and infill development is described in the Core Strategy as <i>'the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling Exceptions to this approach will only be considered through the neighbourhood plan process or DPDs.'</i> Policies in the Wiltshire Core Strategy promote sustainable forms of transport protect the transport network and seek to reduce reliance on the private car (Core Policies 60-66). Proposals which focus on improving accessibility between towns and villages, helping to reduce social exclusion, isolation and rural deprivation, such as transport and infrastructure improvements and aren't to the detriment of local residents or the environment are supported (Core Policy 48)</p> |
| (b) the degree to which the plan influences other plans and programmes including those in a hierarchy   | No  | <p>The neighbourhood plan is produced by the local community to influence development at the local level. A neighbourhood plan must be in general conformity with Local Plans and national planning guidance.</p>  |

|  |    |  |
|--|----|--|
| (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. It is not a Plan specifically for the integration of environmental considerations. However, the Plan recognises (draft Policy 2A) the separate and distinctive identity and character of Lydiard Millicent Parish as a historic Wiltshire Village and Parish, and the historical environment and landscape setting, is of utmost importance. The Plan also seeks to protect important areas of existing open space and pastures, including between Lydiard Millicent Village and Swindon (Policy B), to retain and enhance existing green infrastructure (draft Policy 2C) and to protect the existing green space (sports ground and playground) from development (draft Policy 3B). Local environmental and heritage features will continue to be protected and enhanced through this Plan but also through the Core Strategy and national planning policy e.g. NPPF. |
| (d) environmental problems relevant to the plan  | No | A tributary of the River Ray, the brook running from Lydiard Park to Holborn and Washpool is within Floodzone 2/3. According to the plan, this area around Holborn and around the the S.W. edge of the Parish on the boundary with Swindon, have, at times, been prone to severe flooding. Protection will be achieved through Core Strategy policies 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.   |
| <b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</b>  |    |  |
| (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. The Plan is not proposing any sites for development and seeks to give further protection to areas of environmental and cultural importance. Any development that does take place will be in accordance with the Wiltshire Core Strategy and national planning guidance. Effects of the limited amount of infill development expected are likely to be localised and short-term.   |
| (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.  |

|  |           |  |
|--|-----------|--|
| <p>(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);</p>   | <p>No</p> | <p>The parish has a population size of roughly 1570 (Census 2011) and includes the ‘Small Village’ of Lydiard Millicent and the hamlets and areas of Common Platt, Greatfield, Greenhill, Holborn, Lydiard Green, and part of Nine Elms and Washpool.<br/>Significant environmental effects due to the geographic size of the area and population size are not considered likely.</p>  |
| <p>(f) the value and vulnerability of the area likely to be affected due to—<br/>(i) special natural characteristics or cultural heritage;<br/>(ii) exceeded environmental quality standards or limit values; or<br/>(iii) intensive land-use;</p> | <p>No</p> | <p>The neighbourhood area contains two Conservation Areas in the parish, one of which, centred around the Parish Church, protects the views from, and to, the All Saints Church, and the Parish Hall. The other is in the adjoining hamlet of Lydiard Green. Lydiard Millicent Parish also has many listed buildings within its boundaries. All Saints church is a Grade 2* and The Sun Inn, in The Street, is a grade 2 listed building. There are open views from Holborn and the western side of Lydiard Millicent village towards Lydiard House and Park and the County Wildlife Site that adjoins it. The parish also includes other County Wildlife Sites including Webbs Wood.<br/>Because the Plan is not proposing any sites for development and any future infill development will be in accordance with policies of the Wiltshire Core Strategy and national planning guidance, no significant environmental effects are considered likely on areas of special natural or cultural significance. Environmental quality standards or limit values are not likely to be exceeded and land-use is not likely to be intensified as a result of this neighbourhood plan.</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 neighbourhood area contains County Wildlife Sites, a conservation area and a number of listed buildings.<br/>A small amount of infill development i.e. not more than a small group of houses (no more than ten dwellings) as infill, during the Plan period, to meet local housing needs as the Core Strategy allows, is not considered likely to have significant environmental effects on any of these designations. Any development that is proposed during the Plan period must be in accordance with local and national planning policies.</p>   |

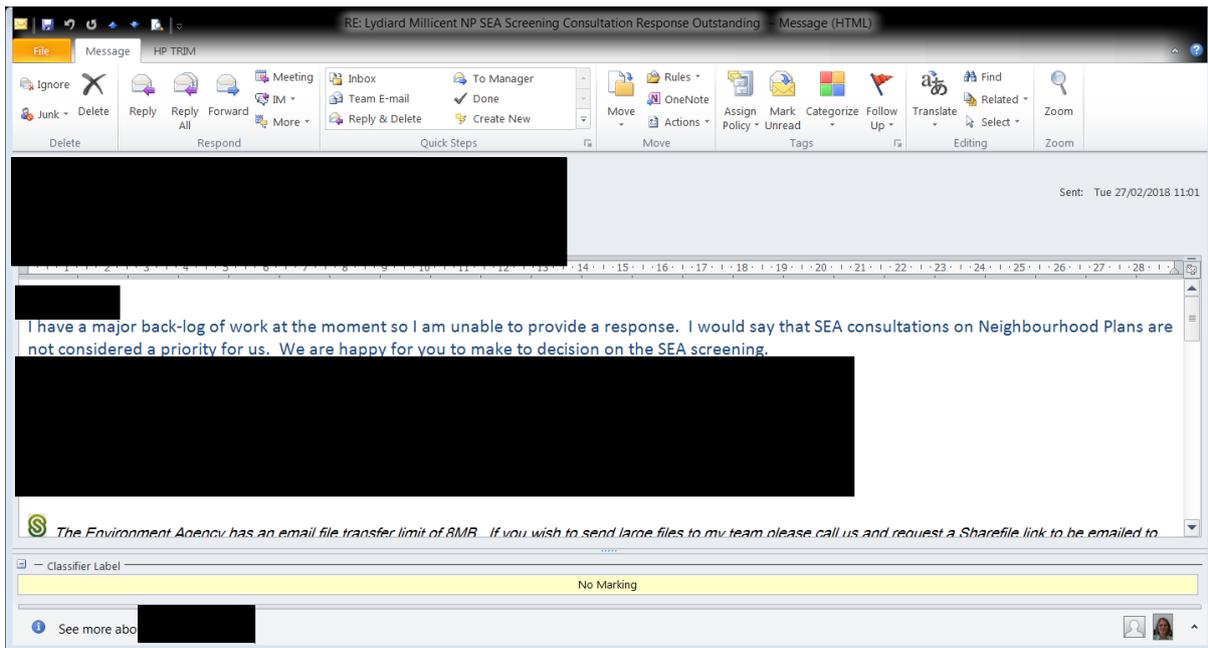
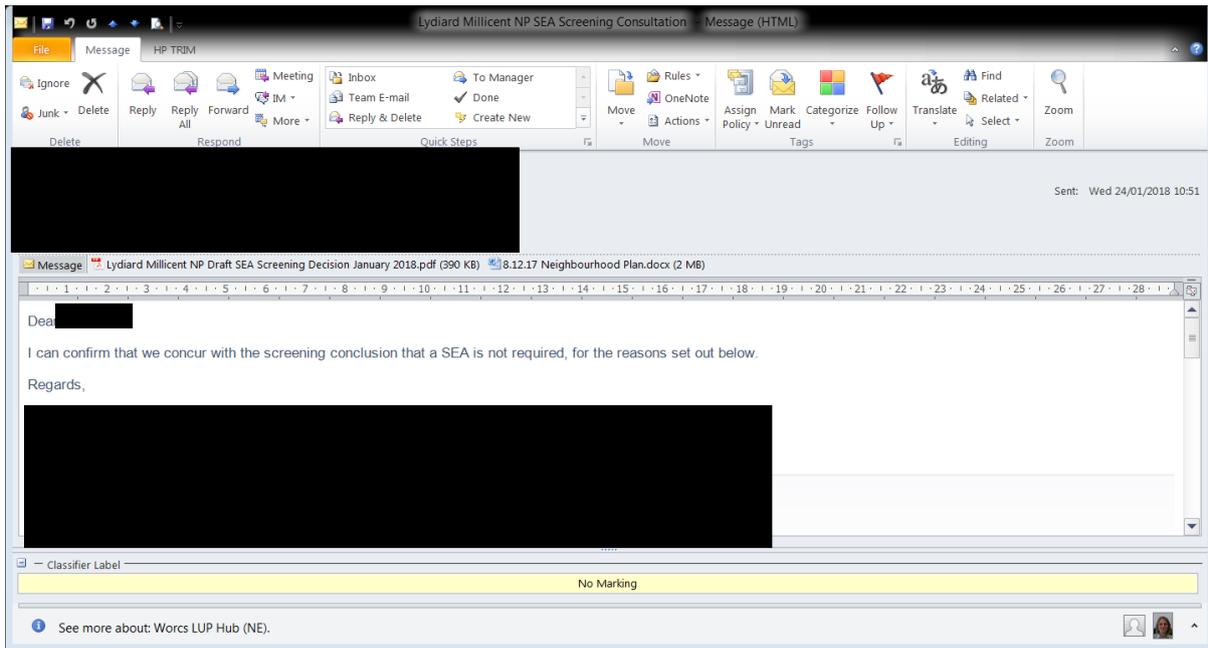
## 5. SEA Screening decision

- 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 Lydiard Millicent 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 proposals are considered to be in general conformity with the Wiltshire Core Strategy which has been subject to SEA and HRA assessments. The Core Strategy was adopted on 20<sup>th</sup> January 2015.
  2. The neighbourhood plan is proposing policies that will give added protection and enhancement to environmental and cultural features within the parish, in addition to protection already contained within local and national planning policy.
  3. The neighbourhood plan is not allocating any sites for development. Planning permission for future development will need to be in accordance with the Wiltshire Core Strategy and NPPF. Within the ‘Small Village’ of Lydiard Millicent, infill development only will be permitted in accordance with Core Policy 2 of the Core Strategy. Development proposals in the rest of the parish, in the open countryside, will only be permitted in accordance with the limited exception policies of the Core Strategy.
- 5.4 This screening decision was sent to Natural England, the Environment Agency and Historic England, requesting comments within a 5-week period from 19 January 2018.

## 6. Statutory consultee response to screening decision

- 6.1 Natural England, Environment Agency and Historic England, as statutory consultation bodies under Regulation 9 of the SEA Regulations, were consulted on this SEA screening determination between 19 January 2018 and 23 February 2018. All three bodies agreed with the determination that no SEA is required on the neighbourhood plan.
- 6.2 The responses received from the three statutory bodies are presented in Appendix A.

## Appendix A - Consultation responses from statutory consultation bodies



Lydiard Millicent NP SEA Screening Consultation - Message (HTML)

File Message HP TRJM

Ignore X Delete Reply Reply All Forward IM More

Meeting

Inbox To Manager Done Create New

Team E-mail

Reply & Delete

Move Actions

Rules OneNote

Assign Policy Mark Unread Categorize Follow Up

Tags

Translate Select

Find Related

Zoom

Zoom

Deleting

Sent: Tue 13/03/2018 15:19

Dear [REDACTED]

Thank you for your SEA Screening consultation on the emerging Lydiard Millicent Neighbourhood Plan.

Our profuse apologies for not responding before now. This was due to a breakdown in our internal communications system.

This is our first involvement with the preparation of this Plan. Having considered the draft Plan and SEA Screening Report I can confirm that we have no objection to the view that an SEA will not be required.

I can also confirm that based on the version of the Plan made available there are unlikely to be any issues upon which we would feel the need to make further comment at future stages of consultation.

[REDACTED]

No Marking

