

Wiltshire Council

Strategic Environmental Assessment

**Screening determination for the Lyneham and Bradenstoke
Neighbourhood Plan**

May 2020

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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 Lyneham and Bradenstoke Neighbourhood Plan (hereafter referred to as '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.

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 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"

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 projects⁴ (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:

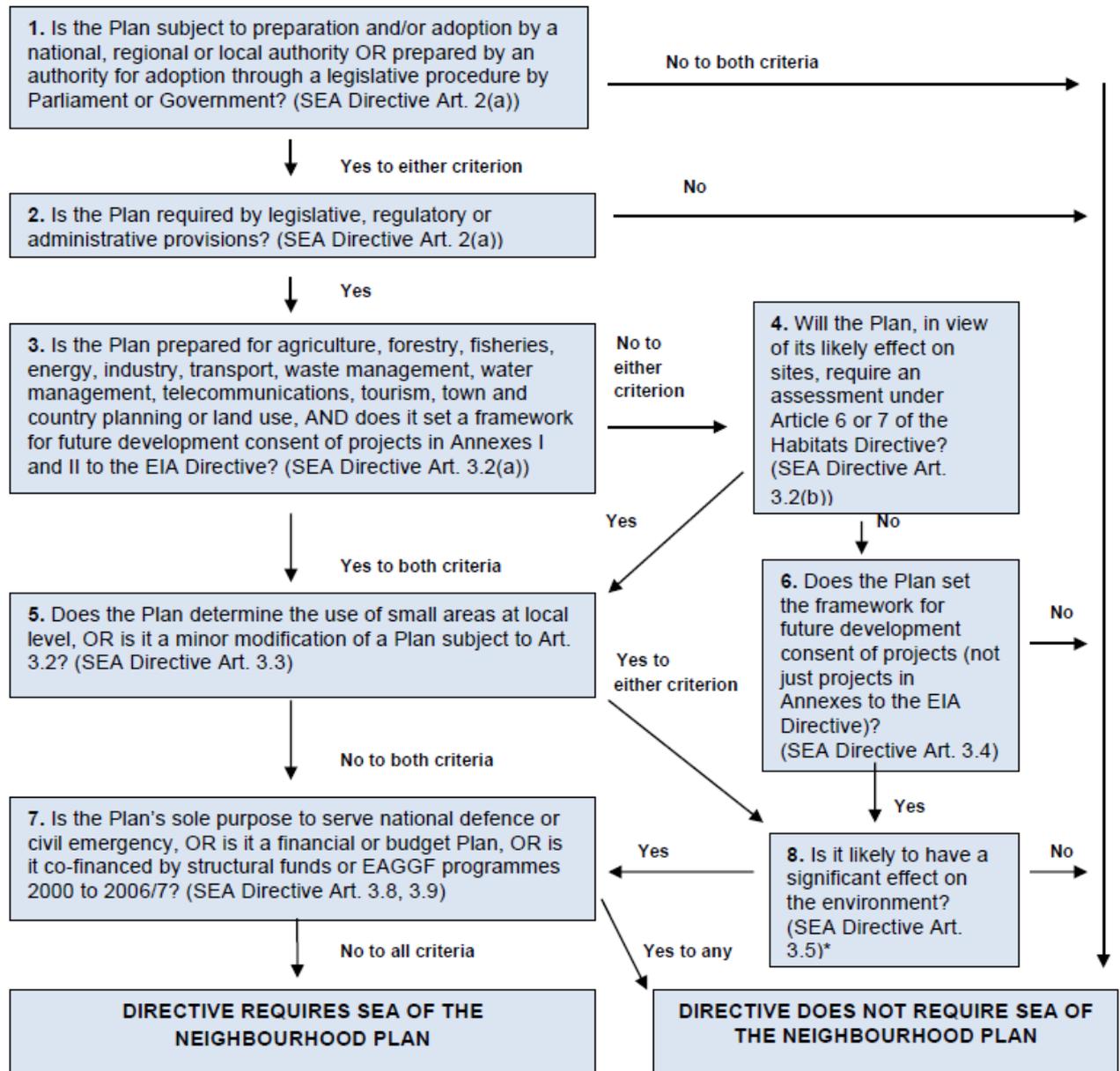
- a) plans which determine the use of a small area⁵ at local level (Regulation 5, para. (6)(a); or
- b) plans which are a minor modification⁶ to a plan or programme (Regulation 5, para. (6)(b) unless it has been determined under regulation 9(1) that the plan is likely to have significant environmental effects.

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.

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



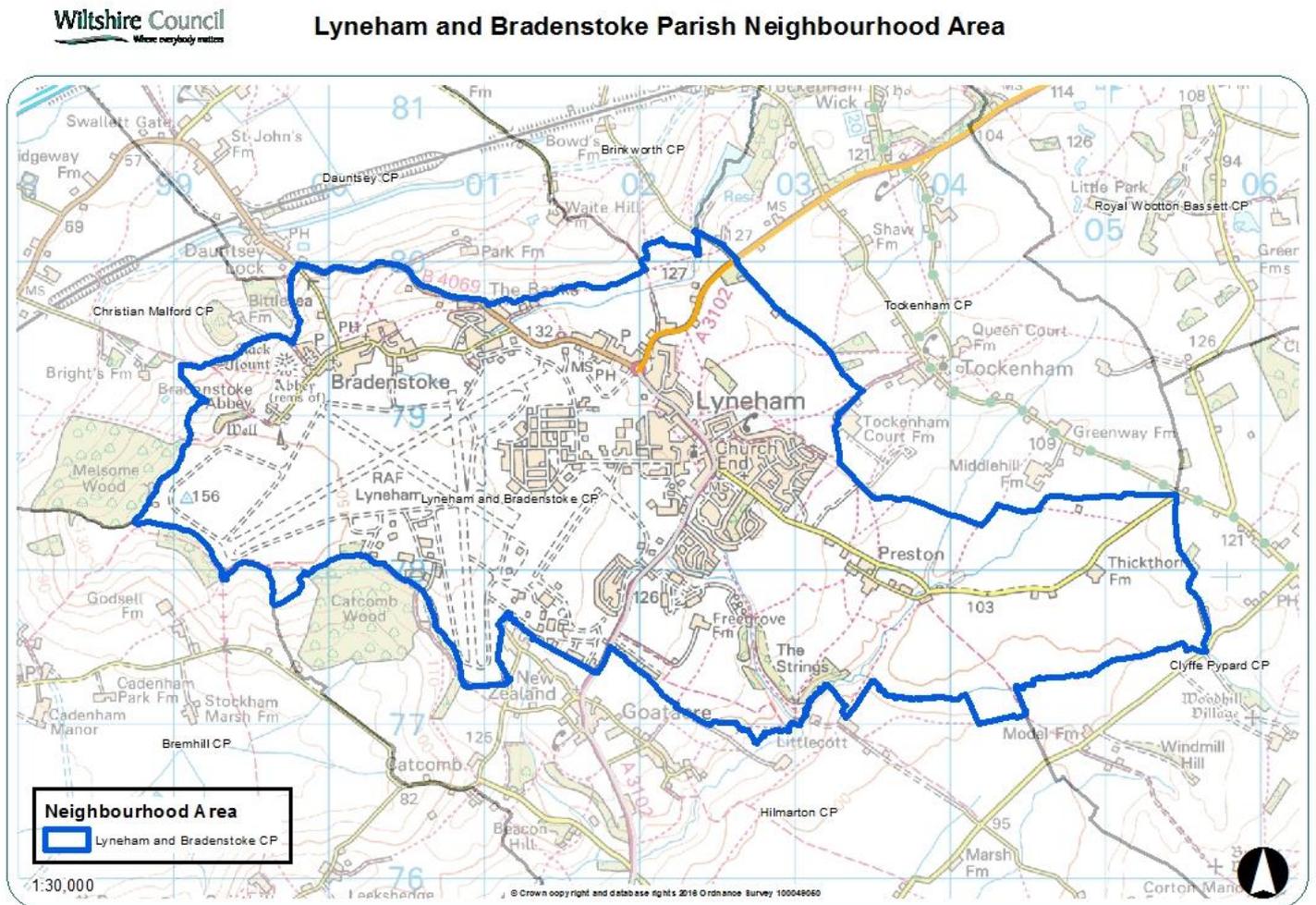
* Plans falling in this category (No.8) will be screened by Wiltshire Council to determine if they are likely to have significant environmental effects. This determination will be made on a case by case basis for neighbourhood plans coming forward in Wiltshire.

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 Lyneham and Bradenstoke Neighbourhood Plan

- 3.1. The parish of Lyneham and Bradenstoke is preparing a Neighbourhood Plan under the provisions of the Localism Act 2011.
- 3.2. The designation of the Lyneham and Bradenstoke Neighbourhood Area was made on 6th December 2016. For the designation notice see <http://www.wiltshire.gov.uk/planning-neighbourhood-latest-news>.
- 3.3. The designated Neighbourhood Area is shown on the map below:



4. SEA Screening Assessment

4.1. Wiltshire Council, as the 'Responsible Authority', considers that the Lyneham and Bradenstoke 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 Lyneham and Bradenstoke 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 Lyneham and Bradenstoke Neighbourhood Plan and ii) the characteristics of the effects and of the area likely to be affected by the Lyneham and Bradenstoke 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 Lyneham and Bradenstoke 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 parish areas of Lyneham and Bradenstoke only. It sets a policy framework for the parish to allow only small-scale infill housing development of 10 dwelling or less, with a mix of housing types and the provision of affordable housing on Brownfield sites wherever possible. It seeks to protect and enhance the greenfield areas of the community, the rural historical settings and existing open space. The neighbourhood plan is not proposing any new specific site allocations for development. It encourages small-scale local businesses that are in keeping with the existing character of both Lyneham and Bradenstoke and encourages the provision of appropriate recreational facilities, where feasible.
(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. A neighbourhood plan is influenced by, and must be in general conformity, with local and national planning policy.
(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, but it does recognise the importance of the rural nature of the area and proposes policies to protect and enhance the quality of the built and natural environment, conserving and enhancing biodiversity and the historical environment and the landscape setting of the villages.
(d) environmental problems relevant to the plan	No	There are no specific environmental problems relevant to this neighbourhood area.
(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. The Plan is not proposing any specific sites for development and seeks to give further protection to areas of natural, heritage and cultural importance. Proposals in the draft Plan to encourage and support local businesses and to allow limited new infill housing development are not considered likely to result in significant environmental effects.
(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	The neighbourhood plan covers the large village of Lyneham and the small village of Bradenstoke, as defined in the settlement hierarchy within the Wiltshire Core Strategy. Significant environmental effects due to the geographic size of the area and population size are not considered likely.
(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	The draft Plan is not proposing anything that is likely to have significant environmental effects on areas of natural or cultural value within the parish. Any future proposals for development will need to not only be in accordance with the policies of this neighbourhood plan, but also with the Local Plan and NPPF. The draft Plan seeks to protect greenfield areas of the community as well as rural historic settings and open space. It also requires high quality design which is in keeping with the existing building styles, scales and materials of the current buildings in the villages in order to retain and enhance their individual identity. 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.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	No	The neighbourhood area is not within a national landscape designation. The boundary of the North Wessex Downs AONB is approx. 3 miles to the south-east of Lyneham village and small-scale developments are not likely to adversely impact on the setting of the AONB. There is a conservation area within Bradenstoke village, and there are a number of listed buildings throughout both villages which will continue to be protected through policies within this Plan and also Local Plan and NPPF policies. There are no ecological designations likely to be significantly affected by these proposals. A small amount of infill development i.e. the filling of a small gap within the village, during the Plan period is not considered likely to have significant environmental effects on any natural, heritage or cultural designations. Habitats Regulations screening has concluded that this plan is not likely to have adverse effects on the integrity of any European Sites and that an Appropriate Assessment will not 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 Lyneham and Bradenstoke 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 proposing policies that will give further protection and enhancement to environmental, heritage and cultural features within the parish, in addition to protection already contained within local and national planning policy.
 - 2. The neighbourhood plan supports local businesses and sensitive small-scale infill residential dwellings that is in keeping with the rural nature of the area. It does not propose any specific sites for development. Any future proposals will still need to be in accordance with policies within the neighbourhood plan, Local Plan and NPPF.
 - 3. Habitats Regulations screening has concluded that this plan is not likely to have adverse effects on the integrity of any European Sites and that an Appropriate Assessment will not be required.
- 5.4. This SEA screening is based on a draft of the neighbourhood plan dated December 2019. 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, or if a decision is made that the Plan requires an Appropriate Assessment, this SEA screening must be reviewed. In this instance, the Qualifying Body should request a revised SEA screening assessment from Wiltshire Council.
- 5.5. This screening decision was sent to Natural England, the Environment Agency and Historic England (the SEA 'consultation bodies'), requesting comments within a 5-week period from 9th April 2020 to 14th May 2020. All three consultees agreed with the Council's decision that an SEA is not required. Consultation comments are presented in Appendix A.

Natural England

Date: 20 April 2020

Our ref: 314460

Your ref: Lyneham and Bradenstoke Neighbourhood Plan

██████████
Senior Planning Officer
Wiltshire Council

BY EMAIL ONLY

Dear ██████████

SEA screening consultation - Lyneham and Bradenstoke Neighbourhood Plan

Thank you for your consultation on the above dated 09 April 2020

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

Natural England does not have any specific comments on this draft neighbourhood plan.

However, we refer you to the attached annex which covers the issues and opportunities that should be considered when preparing a Neighbourhood Plan.

Strategic Environmental Assessment (SEA) Screening

Natural England considers that, based on the material supplied with the consultation, in so far as our strategic environmental interests are concerned, significant environmental effects resulting from the neighbourhood plan are unlikely. We therefore agree with the conclusion of the SEA screening report that a Strategic Environmental Assessment would not be required.

Further guidance on deciding whether the proposals are likely to have significant environmental effects and the requirements for consulting Natural England on SEA are set out in the National Planning Practice Guidance.

Habitats Regulations Assessment (HRA) Screening

Natural England agrees with the report's conclusions that the Lyneham and Bradenstoke Neighbourhood Plan would not be likely to result in a significant effect on any European Site, either alone or in combination and therefore no further assessment work would be required.

For any further consultations on your plan, please contact:

██

██████████
██████████
Consultations Team

Historic England

From: [REDACTED]

To: [REDACTED]

Subject: SEA screening decision – Lyneham and Bradenstoke Neighbourhood Plan

Date: 14 May 2020

Dear [REDACTED]

Thank you for your consultation on the SEA Screening for the emerging Lyneham and Bradenstoke Neighbourhood Plan.

I can confirm that based on the version of the Plan made available there are no issues associated with it which attract our attention or upon which we are likely to want to comment.

I can therefore also confirm that on that basis we have no objection to the view that a full SEA is not required.

Kind regards

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]