

**Wiltshire Council**

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

**February 2017**

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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 Oaksey 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 Oaksey 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 (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<sup>4</sup> (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<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)*

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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"

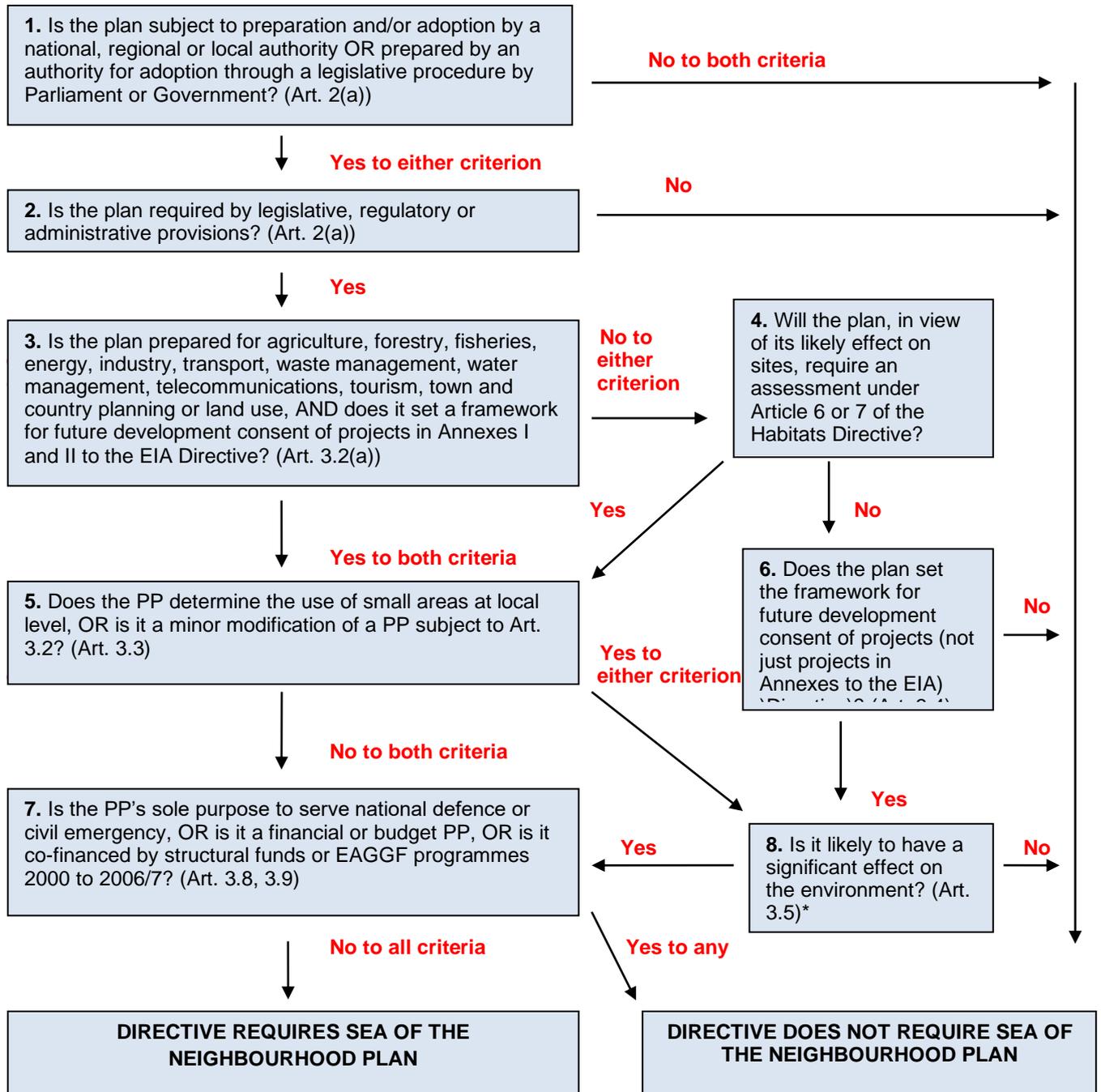
<sup>4</sup> European Commission guidance states that plans and programmes which **set the framework for future development consent of projects** would normally contain 'criteria or conditions which guide the way a consenting authority decides an application for development consent'. **Development consent** 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"

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

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

**3. The Oaksey Neighbourhood Plan**

<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.

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

## ***Background***

- 3.1 Oaksey Parish council are currently preparing a neighbourhood plan under the provisions of the Localism Act 2011, and associated Regulations.
- 3.2 Oaksey is designated as a large village in the adopted Wiltshire Core Strategy. Large villages are defined as settlements with a limited range of employment, services and facilities. Development at Large and Small Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities.
- 3.3 The neighbourhood planning process commenced in 2012. A steering group coordinates the work of a number of sub groups. A main source helping to identify issues that the Plan should address took the shape of an opinion survey, carried out in 2013, to canvass. Since then the Plan initially evolved into two main streams: traffic and housing. The current proposal is that plan will focus entirely on the latter recognising that traffic and parking plans are better pursued through other routes.
- 3.4 A survey of the housing stock in Oaksey was undertaken in 2015. The results led the Plan to address the adequacy of housing in the village and it has become a key stream of action for the plan.
- 3.5 The current content of the Plan is contemplated to be:
  - A number of adjustments to the settlement boundary
  - a suggestion to extend to the conservation area
  - The selection of sites for redevelopment within the settlement boundary to enhance the overall housing stock and increase the number of affordable homes by up to 12-15.
- 3.6 These areas are shown on a plan provided by the Parish Council
- 3.7 Planning officers from Wiltshire Council have advised and supported the steering group since 2012 on the development of the plan.

## ***Neighbourhood area designation***

- 3.8 Wiltshire Council publicised the Oaksey Neighbourhood Area application for consultation from 29<sup>th</sup> February to 13<sup>th</sup> April 2016. Having considered the feedback received through the consultation, Wiltshire Council recommended that the proposed Oaksey Neighbourhood Plan Area is coherent, consistent and appropriate in planning terms. The designation of the Oaksey Neighbourhood Area was approved on 29<sup>th</sup> April 2016.
- 3.9 The Oaksey Neighbourhood Area application and designation documents are available to view online.

## **4. SEA Screening assessment**

- 4.1 Wiltshire Council, as the 'Responsible Authority', consider that the Oaksey 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 Oaksey 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 Oaksey Neighbourhood Plan and ii) the characteristics of the effects and of the area likely to be affected by the Oaksey Neighbourhood Plan.
- 4.4 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.

**Table 1 - Screening assessment of the Oaksey Neighbourhood Plan**

| 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  | The draft neighbourhood plan sets out a framework of objectives designed to address particular issues in the parish. These seek to protect and enhance the local environment and heritage assets. The draft plan is intending to allocate four small sites for re-development. They are in close proximity. They do not involve a change of use, new infrastructure or revisions to access. Together they may over the plan period deliver a better mix of 22 dwellings to replace the existing dwellings no longer considered fit for purpose. The proposals are to provide dwellings that better suited to local needs, that are more energy efficient and in keeping with local building styles. The draft Plan seeks to enhance the local environment and landscape setting by adjustments to the settlement boundary to the village and by suggesting an extension to the conservation area. All draft policies will be in general conformity with policies in the Core Strategy as to what development is permitted and where. |
| (b) the degree to which the plan influences other plans and programmes including those in a hierarchy   | No  | The draft neighbourhood plan is produced by the local community to influence development at the local parish level. It does not strongly influence strategic plans higher up in a hierarchy, although any potential future review of the Wiltshire Core Strategy will need to give consideration to the Plan's proposals.  |
| (c) the relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development  | No  | The draft neighbourhood plan is a land-use plan that seeks to promote the objectives of sustainable development. However, it is not specifically a plan for integrating environmental considerations. Policies are under consideration would be relatively be minor in scope and intended to protect and enhance the local environment.  |
| (d) environmental problems relevant to the plan   | No  | The draft neighbourhood plan will seek that local housing needs are met better by minor adjustments in terms of the overall stock. There are no specific environmental problems relevant to the neighbourhood area. The draft Plan seeks to enhance the local environment and landscape setting by adjustments to the settlement boundary to the village and by suggesting an extension to the conservation 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 draft neighbourhood plan is not relevant as a plan for implementing community legislation.   |

| Criteria (Schedule 1 SEA Regs.)  | Significant environmental effects likely? | Justification and evidence  |
|--|---|---|
| <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  | The draft neighbourhood plan is not proposing any significant additional development and no change of land uses. The draft Plan is proposing policies to protect and enhance the local natural and cultural environment. Consequently, adverse effects are not considered likely to be significant in terms of their probability, duration, frequency or reversibility.   |
| (b) the cumulative nature of the effects   | No  | No cumulative effects are considered to be significant with the proposals.  |
| (c) the transboundary nature of the effects  | No  | There are no likely EU transboundary effects arising from the neighbourhood plan.   |
| (d) the risks to human health or the environment (for example, due to accidents)   | No  | There are unlikely to be risks to human health or the environment arising from the neighbourhood plan.  |
| (e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);  | No  | The neighbourhood plan will apply to the parish area only. Significant effects due to the geographical 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—<br>(i) special natural characteristics or cultural heritage;<br>(ii) exceeded environmental quality standards or limit values; or<br>(iii) intensive land-use; | No  | It is considered that the draft policies proposed will not significantly affect the natural characteristics or cultural heritage of the area, or lead to an exceedence of environmental quality standards. There is a conservation area within the village of Oaksey and individual listed buildings throughout the parish. Redevelopment proposals are not in close proximity to listed buildings and all the sites are outside the conservation area. The proposals would result in a slightly more efficient use of land and do not represent an intensification of use that would be likely to result in significant environmental effects. |
| (g) the effects on areas or landscapes which have a recognised national, Community or international protection status.   | No  | The draft neighbourhood plan is not proposing anything that is likely to adversely affect areas or landscapes which have a recognised national, Community or international protection status. No sites other than the redevelopment are allocated in the draft Plan. Draft policies focus on protecting and enhancing the quality of the local environment. Amendments to the settlement boundary are suggested for consistency and in order to resolve local anomalies. They do not introduce greater scope for development.   |

## **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, as the responsible authority, considers that the proposed Oaksey Neighbourhood Plan is unlikely to have significant environmental effects and consequently will not require a Strategic Environmental Assessment, as per the reasons given in Table 1.
- 5.4 This screening decision was sent to Natural England, Environment Agency and Historic England as required by the SEA Regulations<sup>8</sup>. Their comments are attached to this report as an appendix.

## **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 the 13<sup>th</sup> January 2017 and the 17<sup>th</sup> February 2017. All three bodies agreed with the screening determination that the Oaksey Neighbourhood Plan is not likely to have significant environmental effects and therefore an SEA is not required.
- 6.2 The responses received from the three consultation bodies, agreeing with the screening determination, are presented in Appendix A.

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<sup>8</sup> The Environmental Assessment of Plans and Programmes Regulations 2004

Dear [REDACTED]

**Oaksey Neighbourhood Plan SEA screening opinion**

Thank you for consulting the Environment Agency on the above screening opinion.

We have no objection to your opinion that Oaksey Neighbourhood Plan does not require a SEA. We have reviewed the submitted map showing proposed development and are satisfied that the relevant site/s are not situated with flood zone 2/3 (which could be the most significant environmental effect, that cannot be mitigated for, from our perspective).

Yours sincerely

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

Dear [REDACTED]

### **Oaksey Neighbourhood Plan SEA Screening opinion**

Thank you for your consultation on the above dated 13 January 2017 which was received by Natural England on the same date.

We have considered the screening assessment of the Oaksey Neighbourhood Plan against the requirements of the criteria set out in the SEA Directive.

The Neighbourhood Plan is currently being prepared and is expected to contain:

1. adjustments to the settlement boundary
2. an extension of the conservation area and
3. a selection of sites for redevelopment

While we note that approximately 22 new dwellings are proposed, these will be located within the settlement boundary and will replace existing prefabricated steel frame and concrete houses.

Based on the information provided at this stage, we agree that the emerging Neighbourhood Plan appears unlikely to give rise to significant environmental effects and that the Council's conclusion that a Strategic Environmental Assessment is not required is therefore reasonable.

Notwithstanding the above, we wanted to draw your attention to North Meadow and Clattinger Farm Special Area of Conservation, also designated Sites of Special Scientific Interest, which lies within Oaksey Parish boundary.

Natural England has identified that the current level of recreational activity at North Meadow National Nature Reserve is at or above capacity, which is resulting in damage to its interest features. While we would not expect the relatively modest housing proposals in the Oaksey NP to result in a significant increase in visitor pressure on North Meadow, we would welcome recognition in the NP of the importance and fragility of this national and European designated site.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact [REDACTED]  
[REDACTED] For any new consultations, or to provide further information on this consultation please send your correspondences to  
[REDACTED]

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

A solid black rectangular redaction box covering the signature area.

Dear [REDACTED]

Many thanks for this consultation. My apologies for not getting this response to you before 5pm on Friday.

We are appreciative too of the enquiries you made of the community concerning the potential for impact on the historic environment and for enclosing their reply in this exercise. This does help considerably in teasing out the relevant details, especially relating to how the community is preparing its evidence base.

The issue for us is of course whether the intended development sites will generate significant effects on the fabric or setting of designated heritage assets. Our records indicate that the area has 1 Grade I and 11 Grade II Listed Buildings, and 5 Scheduled Ancient Monuments. These also indicate that the monuments are a significant distance from the proposed sites (though not referred to at all by you or the community in your correspondence), and many of the Listed Buildings are towards the centre of the Conservation Area or further east. However, one Grade II building (possibly Woodfold's Farmhouse) lies south of the western extreme of the settlement within what is anticipated as an extension to the conservation area. Although we haven't scaled the distance from a map this asset may be less than the 260m from the nearest development site which the community's report alludes to. It would therefore be useful to doublecheck this assertion for accuracy

That issue notwithstanding, it doesn't automatically follow that such a distance (whatever it may be) in itself allows for the conclusion that the setting of this Listed Building – and possibly others – does not have potential to be impacted upon by the development of the proposed sites. It is then necessary to understand the existing and proposed development nature of the sites in order to gauge whether in nature and scale any change might generate significant effects.

In that respect we note that the sites are already housing sites and that no change of use is involved. We recognise too that the character of the existing development is not as sympathetic as it might be in defining the setting of the conservation area and that improving the quality of housing on the site to cater for community needs also provides an opportunity to enhance this relationship. Welcome assurances are given that the community very much values its historic environment and that policy safeguards elsewhere in the Plan will ensure its preservation and enhancement – particularly the conservation area. The proposed extensions of the conservation are a tangible illustration of the community's commitment and it is to be applauded in that respect.

We note too that while the intention is to increase the number of units across the sites, which might depending on development character impact on heritage assets, the Nov 2015 Housing Report qualifies this by stating "if sites permit".

We therefore deduce that the key to whether the proposed content of the Plan requires an SEA will be the actual wording of the eventual policies. If policy for the sites proposes an absolute housing number then further evidence will be required to demonstrate that this can be accommodated without causing harm to heritage assets. At present that level of detailed evidence does not seem to be available, suggesting that it is not possible to conclude that an SEA will not be required. But if the policy proposes an "up to" housing number or otherwise qualifies the policy by referring to the need to avoid causing harm then we would have no objection to the view that an SEA would not be required.

In summary, our position is that, based on the information provided, we are happy with the view that an SEA may not be necessary. But we would encourage consideration of

our advice above as the formulation of the Plan and its policies moves forward as the need for an SEA Screening review might be prompted at some future point.

Kind regards

[Redacted]

[Redacted]

[Redacted]