

Wiltshire Council

Strategic Environmental Assessment

Screening determination for the Potterne Neighbourhood Plan

November 2014

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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 Potterne Neighbourhood Plan. This process has been carried out in accordance with the requirements of European Directive 2001/42/EC¹, often known as the Strategic Environmental Assessment (SEA) Directive, which has been transposed into English law by the SEA Regulations².
- 1.2 Wiltshire Council, as the 'Responsible Authority'³ under the SEA Regulations, is responsible for undertaking this screening process of the Potterne Neighbourhood Plan. It will determine if the plan is likely to have significant environmental effects, and hence whether SEA is required.

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) or*
 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) or*
 3. *set the framework for future development consent of projects⁴ (Regulation 5, para. (4)(b) and 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 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)*

¹ European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment"

² The Environmental Assessment of Plans and Programmes Regulations 2004

³ 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').

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"

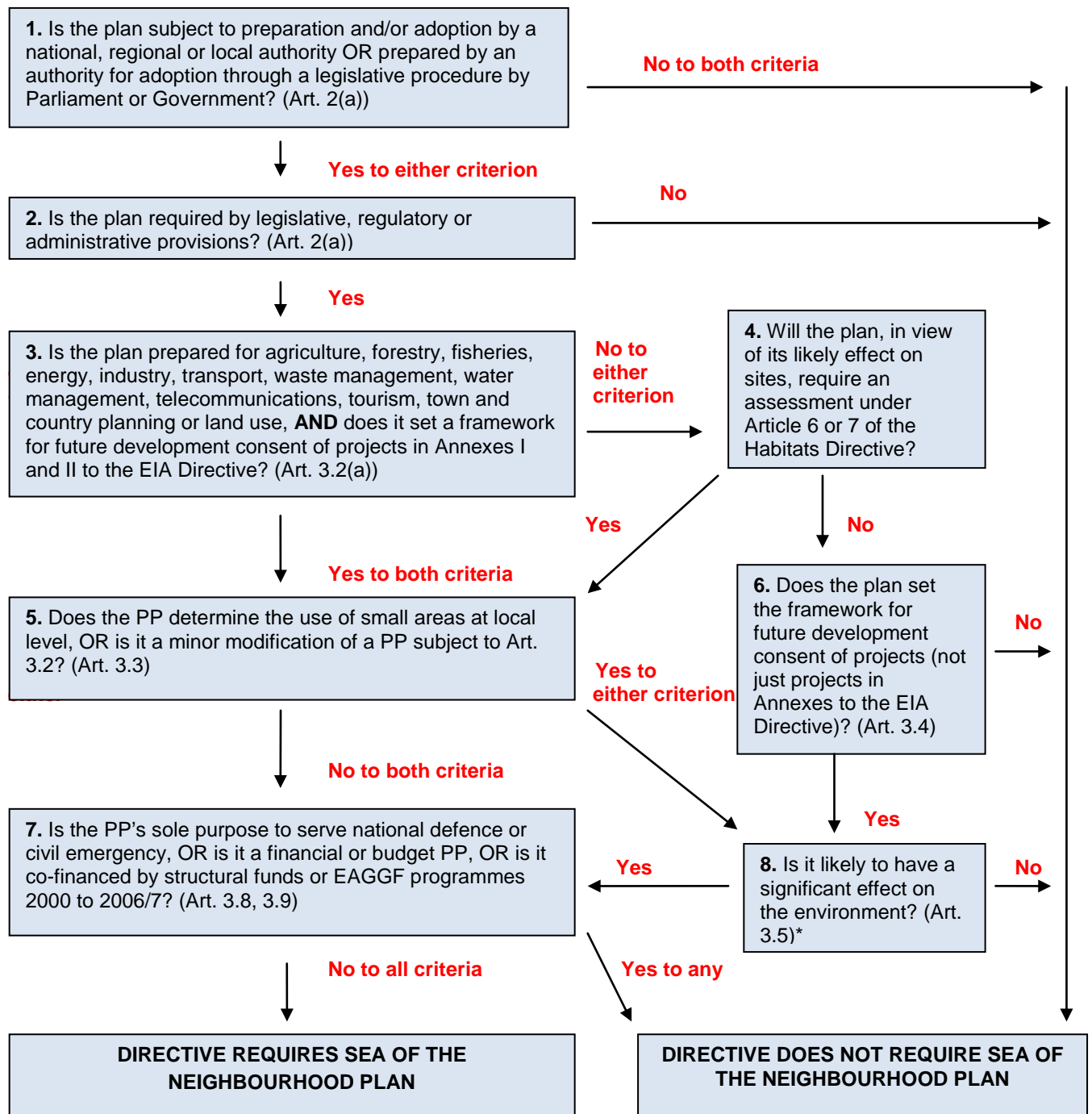
unless it has been determined under regulation 9(1) that the plan is likely to have significant environmental effects.

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

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.

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

Figure 1 - Application of the SEA Directive to neighbourhood plans in Wiltshire



* 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 Potterne Neighbourhood Plan

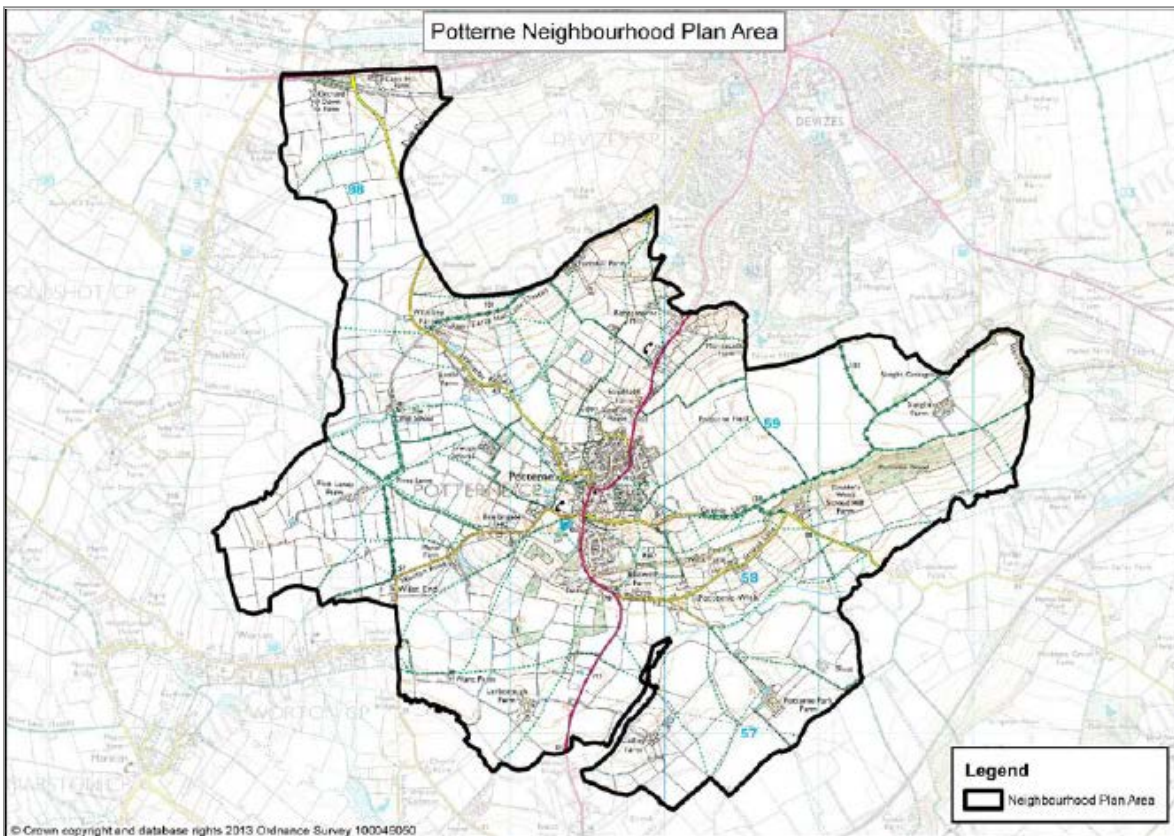
Background

- 3.1 The parish of Potterne is currently preparing a Neighbourhood Plan under the provisions of the Localism Act 2011. The emerging Neighbourhood Plan seeks to identify non-strategic development to support the viability and vitality of community facilities in Potterne. It will also enable a locally distinctive framework to be developed in accordance with that provided by the emerging Wiltshire Core Strategy.
- 3.2 The Neighbourhood Plan process was commenced by the Parish Council in November 2011 with the appointment of a steering group as an adjunct to the full Parish Council, delegated to assemble and process the Plan. The steering group includes a cross section of community representatives that meet regularly to develop the draft plan.
- 3.3 According to the 2011 Census the population of the Parish amounts to 1622 persons living in 675 households.

Neighbourhood area designation

- 3.4 The designation of the Potterne Neighbourhood Area was approved by Wiltshire Council on 15th April 2014 who agreed that the proposed area of Potterne parish was appropriate. This followed a statutory consultation by Wiltshire Council which ran from 9th December 2013 to 4th February 2014. One representation was received with no objections. The neighbourhood area is shown on the following map:

Figure 2 – Map of the Potterne Neighbourhood Area



The Potterne Neighbourhood Plan

- 3.5 Wiltshire Council is aware that the steering group are intending to bring forward proposals that are in accordance with the Wiltshire Core Strategy, which has been subject to sustainability appraisal, incorporating the requirements of the SEA Directive and Regulations. The intention is for the steering group to consult the public on a Draft in Autumn 2014 and then submit to Wiltshire Council for statutory consultation and examination by January 2015.
- 3.6 The Wiltshire Core Strategy designates Potterne as a 'large village' within the Devizes community area. At the 'large villages', a limited level of development is supported in the Core Strategy to help retain the vitality of these communities. At 'large villages', settlement boundaries have been retained and development is expected to predominantly take the form of small housing and employment sites within the settlement boundaries. However, settlement boundaries can be reviewed and amended through a neighbourhood plan in order to identify new developable land to meet local housing and employment needs.
- 3.7 Through the Neighbourhood Plan the parish council are seeking to enhance their local amenities and community facilities whilst ensuring development has regard to the unique character and heritage of Potterne. The plan will ensure that future developments in the Parish are appropriate and do not have an adverse effect on the village or surrounding agricultural land.

Neighbourhood plan vision

- 3.8 The draft Potterne Neighbourhood Plan identifies the following vision:

"The Potterne Neighbourhood Plan seeks to reflect the residents' aspirations for, and concerns over development within the Parish while maintaining strict accord with the Wiltshire Core Strategy and the National Planning Policy Framework.

Potterne is an attractive village within which to live and work and is fortunate in its present community facilities. The Plan seeks therefore to allow but control the expansion of the village, while strictly limiting development elsewhere in the Parish in order to protect the distinctive nature of the village and its surroundings. The plan should support residents of all ages to encourage a vibrant and supportive community for future generations, in part by encouraging the enhancement of community facilities by site allocation where appropriate."

Neighbourhood plan objectives

- 3.9 The Draft Plan will seek to achieve the above vision by means of the following objectives:

1. The Plan should maintain the distinctive character of the village by ensuring that there remain green corridors between the settlement boundaries of Potterne, Devizes and other nearby villages. The Plan also seeks to ensure that there is protection to specific views in and out of the village.

2. The Plan should provide for the calculated requirement for an additional 22 dwellings to be located in the village in a manner supported by residents, by means of modest alterations to the settlement boundary and specific site allocations.

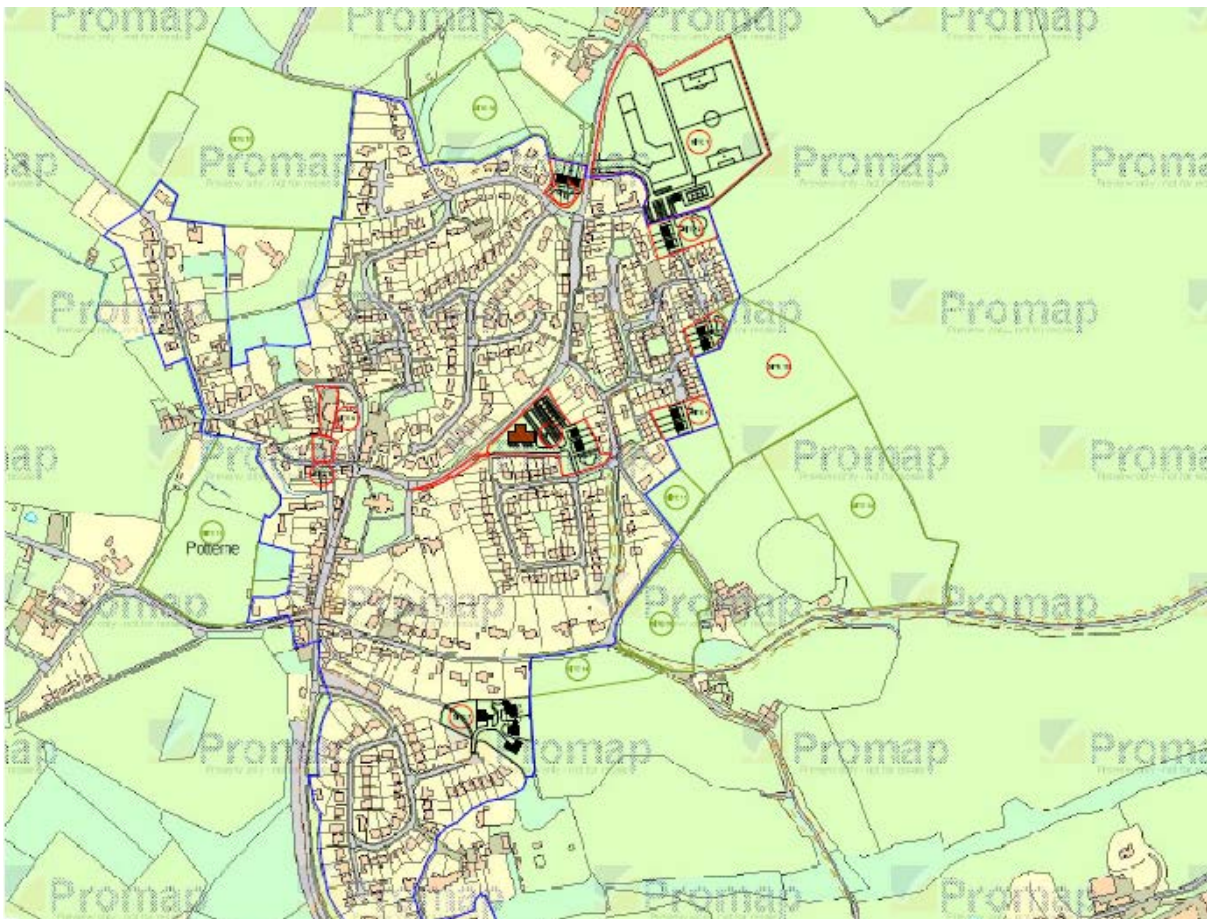
3. The Plan should encourage the creation of a safer environment for pedestrians and cyclists and encourage accessible public transport while accepting that the use of the private car is essential to residents, and planning accordingly.

4. The Plan will seek to provide enhanced community facilities by means of specific site allocations for a new Community Hall, and sports facilities within and adjacent to the adjusted settlement boundary.

Potential site allocations

- 3.10 It is proposed that sites be found to accommodate no more than 24 dwellings, with each individual site accommodating no more than 4 dwellings to allow adjustments to the village settlement boundary to be modest and measured, minimising and spreading the effect of the new housing. Proposed site allocations are shown below, bordered in red, with the proposed revised settlement boundary shown in blue. All proposed allocations are within or adjacent to the existing urban area of the village.

Figure 3 – Neighbourhood plan proposed site allocation locations



- Site 1 – Land adjacent to Butts Farm and along the Devizes Road, A360
- Site 2 – Land to the north of Firs Hill Way
- Site 3 – Land south of Firs Hill Way
- Site 4 – Land south of Mead Close
- Site 5 – Ryleaze Field

- Site 6 – Blackberry Lane, close to junction with Devizes Road (A360)
- Site 7 – Land north of Blounts Court estate and off estate cul-de-sac
- Site 8 – Potterne Village Hall, Mill Road
- Site 9 – Potterne Social Club, Whistley Road

4. SEA Screening assessment

4.1 Wiltshire Council, as the 'Responsible Authority', considers that the Potterne 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 Potterne 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 include two sets of characteristics for determining the likely significance of effects on the environment. These relate to i) the characteristics of the neighbourhood plan and ii) the characteristics of the effects and of the area likely to be affected by the neighbourhood plan. In making a determination, Wiltshire Council will take into account the following criteria specified in Schedule I of the Regulations:

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 Potterne 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 does set the framework for development projects and other activities but at a very local level. Proposed development sites are small (4 dwellings or less) and generally within the existing urban area. Minor adjustments are proposed to the existing settlement boundary; this review is in accordance with Core Policy 2 of the Wiltshire Core Strategy which has been subject to SEA. As a general point, it is also worth noting that planning applications will be required for any development to proceed and therefore additional safeguards are in place to protect assets of local and national importance, for example in the Conservation Area.
(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 may influence strategic policy in the Wiltshire Core Strategy to a limited degree but not to the extent that significant environmental effects would result.
(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. Contributing to sustainable development is a basic condition for a neighbourhood plan and inserted as Schedule 4B to the Town and Country Planning Act 1990. The Potterne neighbourhood plan is not specifically a plan for integrating environmental considerations but will seek to protect and enhance the unique character and environment within the village.
(d) environmental problems relevant to the plan	No	No specific environmental problems are known to be associated with the Potterne parish area that would lead to significant environmental effects resulting from the neighbourhood plan.
(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	Environmental effects are not considered likely to be significant judging by the proposed objectives of the neighbourhood plan and site allocations. Any effects of the limited amount of development proposed is likely to be localised and short-term and related to the construction stage.
(b) the cumulative nature of the effects	No	No significant cumulative effects considered likely from the limited and small-scale development proposed in the village.
(c) the transboundary nature of the effects	No	No transboundary effects likely to be significant with other EU countries.
(d) the risks to human health or the environment (for example, due to accidents)	No	No environmental effects of the proposals are considered likely to risk human health or the environment.

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	The neighbourhood plan covers one rural parish as shown in figure 2 and the Census 2011 showed a parish population of 1622. Significant 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 limited and small-scale development proposed within and on the edge of the urban area is not considered likely to lead to significant effects on any special natural characteristics or cultural heritage. Development sites are not located within an AONB or within the setting of an AONB or located within or adjacent to any SSSI. Site 9 is located within the Potterne Conservation Area and this is acknowledged by the steering group. However, the proposal is for the possible replacement of a modern village hall with no more than 3 dwellings and any development on this site would need to come forward through a planning application and be in accordance with national policy and the Wiltshire Core Strategy. The Core Strategy HRA has confirmed that Policy 50 provides sufficient safeguards from development on the Salisbury Plain SAC/SPA.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	No	There are no national landscape designations that would be affected by the proposals. One proposed allocation is located within the Potterne Conservation Area however the proposal is for the possible replacement of a modern village hall with no more than 3 dwellings and any development on this site would need to come forward through a planning application and be in accordance with national policy and the Wiltshire Core Strategy. The Core Strategy HRA has confirmed that Policy 50 provides sufficient safeguards from development on the Salisbury Plain SAC/SPA.

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 Potterne 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 reasons:

1. The neighbourhood plan proposals are considered to be in general conformity with the emerging Wiltshire Core Strategy which has been subject to SEA and HRA assessments. The Core Strategy HRA has confirmed that development proposed through the Devizes community area strategy (Core Policy 12) will have no significant effects on SAC or SPA as Core Policy 50 provides sufficient safeguards.

2. The neighbourhood plan seeks to enhance local amenities and community facilities whilst ensuring development has regard to the unique character and heritage of Potterne. The plan will ensure that future development in the Parish is appropriate and will not have an adverse effect on the village or surrounding agricultural land.

3. The proposed site allocations are for small-scale development of 4 dwellings or less which will be unlikely to have significant environmental effects on the local area.

4. The parish is not affected by AONB designations and site allocations will not affect local, national or European wildlife designations. There are sufficient safeguards in the NPPF, emerging Core Strategy and extant planning policy to ensure that development within the Conservation Area will not lead to significant environmental effects.

5. National Planning Guidance states that an SEA will only be required for a neighbourhood plan in some limited circumstances where significant environmental effects are likely. It is considered that the location and size of the proposed site allocations will not lead to significant environmental effects individually or cumulatively that would affect sensitive natural or heritage assets or that have not already been considered and dealt with in the sustainability appraisal of the Core Strategy.

5.4 This screening decision has been sent to Natural England, Environment Agency and English Heritage for their opinion.

6. Statutory consultee response to screening decision

- 6.1 Natural England, Environment Agency and English Heritage, as statutory consultation bodies under Regulation 9 of the SEA Regulations, were consulted on this SEA screening determination between 10th October 2014 and 21st November 2014. All three bodies have agreed with the screening determination that the Potterne Neighbourhood Plan is not likely to have significant environmental effects and therefore an SEA is not required.
- 6.2 Wiltshire Council's request for comments on this screening determination from the three statutory consultation bodies is presented in Appendix A. The responses received from the three statutory consultation bodies, agreeing with the screening determination, is presented in Appendix B.

Appendix A – Request for consultation response on screening determination from statutory consultation bodies

From: [REDACTED]
Sent: 10 October 2014 15:58
To: [REDACTED]
Cc: [REDACTED]
Subject: Potterne neighbourhood plan - Wiltshire Council SEA screening decision

Dear [REDACTED]

I hope you're keeping well.

We are advising the Potterne neighbourhood plan steering group on their plan and they have asked us to produce an SEA screening decision. Wiltshire Council, as 'responsible authority' under the SEA Regulations, must issue a statement of its reasons for the determination and consult the designated consultation bodies. Our opinion is that an SEA is not required because the plan would be unlikely to have significant environmental effects. It will be in accordance with the Wiltshire Core Strategy which has been subject to an environmental assessment.

I have attached a preliminary draft of their plan and a map showing potential housing site allocations. The plan will seek to protect and enhance its environmental and cultural heritage whilst providing sites for an additional 24 dwellings in line with the Wiltshire Core Strategy. On the allocations map attached, only Site 1 is outside the present settlement boundary and it is proposed to provide community outdoor sporting facilities, including a full-size football pitch, with possibly a small car park, pavilion and tennis court(s) on that site. Site 10 has been rejected as an option. Sites 8 and 9 are within the village Conservation Area. They propose to limit each individual development to 4 dwellings or fewer.

Please see our screening statement attached which gives our reasons for the plan not requiring an SEA. Please could you provide a response with any comments by Friday 21st November 2014.

If you need any further information regarding this please do not hesitate to contact me.

Kind regards,

[REDACTED]

[Redacted]

From: [Redacted]

Sent: 10 October 2014 15:52

To: [Redacted]

Cc: [Redacted]

Subject: Potterne neighbourhood plan - Wiltshire Council SEA screening decision

Dear [Redacted]

I hope you're keeping well.

We are advising the Potterne neighbourhood plan steering group on their plan and they have asked us to produce an SEA screening decision. Wiltshire Council, as 'responsible authority' under the SEA Regulations, must issue a statement of its reasons for the determination and consult the designated consultation bodies. Our opinion is that an SEA is not required because the plan would be unlikely to have significant environmental effects. It will be in accordance with the Wiltshire Core Strategy which has been subject to an environmental assessment.

I have attached a preliminary draft of their plan and a map showing potential housing site allocations. The plan will seek to protect and enhance its environmental and cultural heritage whilst providing sites for an additional 24 dwellings in line with the Wiltshire Core Strategy. On the allocations map attached, only Site 1 is outside the present settlement boundary and it is proposed to provide community outdoor sporting facilities, including a full-size

football pitch, with possibly a small car park, pavilion and tennis court(s) on that site . Site 10 has been rejected as an option. Sites 8 and 9 are within the village Conservation Area. They propose to limit each individual development to 4 dwellings or fewer.

Please see our screening statement attached which gives our reasons for the plan not requiring an SEA. Please could you provide a response with any comments by Friday 21st November 2014.

If you need any further information regarding this please do not hesitate to contact me.

Kind regards,

[Redacted signature block]

From: [Redacted]
Sent: 10 October 2014 15:47
To: [Redacted]
Cc: [Redacted]
Subject: Potterne neighbourhood plan - SEA screening decision (Wiltshire Council)

Dear [Redacted]

I hope you're keeping well.

We are advising the Potterne neighbourhood plan steering group on their plan and they have asked us to produce an SEA screening decision. Wiltshire Council, as 'responsible authority' under the SEA Regulations, must issue a statement of its reasons for the determination and consult the designated consultation bodies. Our opinion is that an SEA is not required because the plan would be unlikely to have significant environmental effects. It will be in accordance with the Wiltshire Core Strategy which has been subject to an environmental assessment.

I have attached a preliminary draft of their plan and a map showing potential housing site allocations. The plan will seek to protect and enhance its environmental and cultural heritage whilst providing sites for an additional 24 dwellings in line with the Wiltshire Core Strategy. On the allocations map attached, only Site 1 is outside the present settlement boundary and it is proposed to provide community outdoor sporting facilities, including a full-size football pitch, with possibly a small car park, pavilion and tennis court(s) on that site . Site 10 has been rejected as an option. Sites 8 and 9 are within the village Conservation Area. They propose to limit each individual development to 4 dwellings or fewer.

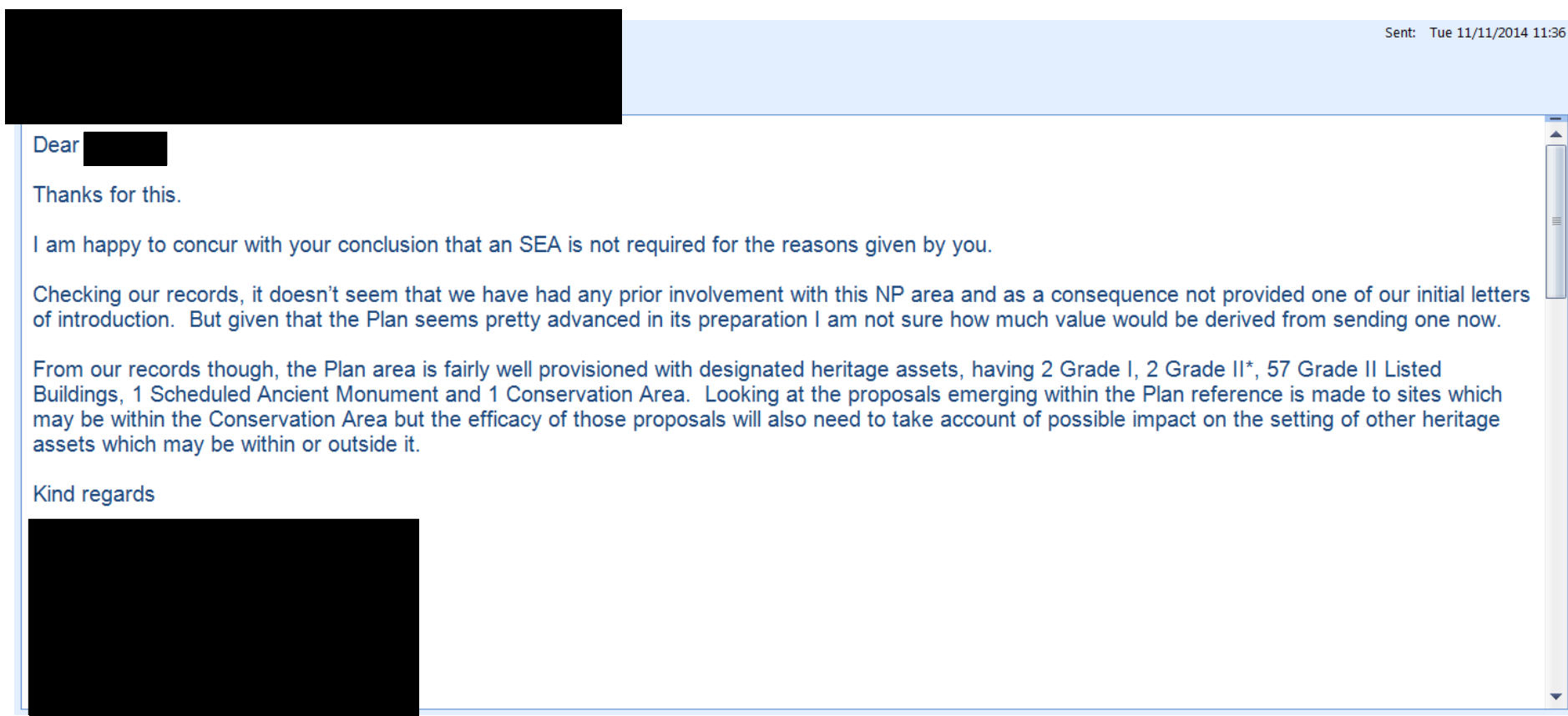
Please see our screening statement attached which gives our reasons for the plan not requiring an SEA. Please could you provide a response with any comments by Friday 21st November 2014.

If you need any further information regarding this please do not hesitate to contact me.

Kind regards,

[Redacted signature block]

Appendix B – Consultation responses from statutory consultation bodies



Sent: Fri 10/10/2014 17:10

Cc:

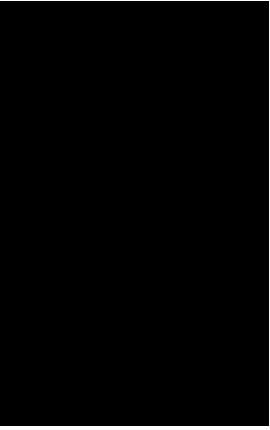
Subject: RE: Potterne neighbourhood plan - Wiltshire Council SEA screening decision. NE ref: 134210

Dear [REDACTED] I can confirm that, with respect to matters falling under Natural England's remit, we concur with your screening conclusions namely:

that the proposed Potterne Neighbourhood Plan is unlikely to have significant environmental effects and accordingly does not require a Strategic Environmental Assessment.

Please find attached an associated feedback form which we would appreciate if you would complete and return.

[REDACTED]



Our ref: WX/2009/110257/OR-21/IS1-
L01

Your ref:

Date: 28 October 2014

POTTERNE NEIGHBOURHOOD PLAN – SEA SCREENING

Thank you for your email of consultation addressed to my colleague Katherine Burt, dated 10 October 2014.

We concur with your screening decision, that the plan does not require a SEA.

Yours sincerely

