

Wiltshire Council

Strategic Environmental Assessment

**Screening determination for the Royal Wootton Bassett
Neighbourhood Plan**

August 2015

Contents

1. Introduction
2. Legislative requirements
3. The Royal Wootton Bassett Neighbourhood Plan
4. SEA Screening assessment
5. SEA Screening decision
6. Statutory consultee response to screening decision

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

Appendix B – Consultation responses from statutory consultation bodies

1. Introduction

- 1.1 This document provides a screening determination of the need to carry out a Strategic Environmental Assessment (SEA) of the Royal Wootton Bassett Neighbourhood Plan. Wiltshire Council, as the 'Responsible Authority'¹ under the SEA Regulations², is responsible for undertaking this screening process of the neighbourhood plan; it will determine if the Plan is likely to have significant environmental effects, and hence whether SEA is required.
- 1.2 This process has been carried out in accordance with the requirements of European Directive 2001/42/EC³, often known as the Strategic Environmental Assessment (SEA) Directive, which has been transposed into English law by the SEA Regulations.

2. Legislative requirements

- 2.1 The Localism Act 2011 requires neighbourhood plans to comply with EU legislation. The screening procedure outlined in this report meets the requirements of the SEA Directive and Regulations, as introduced in Section 1 of this document.
- 2.2 Regulation 5 of the SEA Regulations requires an environmental assessment of plans which:

1. are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use (Regulation 5, para. (2)(a), and which set the framework for future development consent of projects listed in Annex I or II to Council Directive 85/337/EEC (EIA Directive) on the assessment of the effects of certain public and private projects on the environment (Regulation 5, para. (2)(b)

2. in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive (92/43/EEC) (Regulation 5, para. (3)

3. set the framework for future development consent of projects⁴ (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 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 The organisation which adopts the neighbourhood plan (this is described in Wiltshire Council's guide *Neighbourhood planning – a guide for Wiltshire's parish and town councils* (June 2012) as 'makes the plan').

² The Environmental Assessment of Plans and Programmes Regulations 2004

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

⁴ European Commission guidance states that plans and programmes which **set the framework for future development consent of projects** would normally contain 'criteria or conditions which guide the way a consenting authority decides an application for development consent'. **Development consent** is defined in the EIA Directive as "the decision of the competent authority or authorities which entitled the developer to proceed with the project" (Article 1(2) of the EIA Directive).

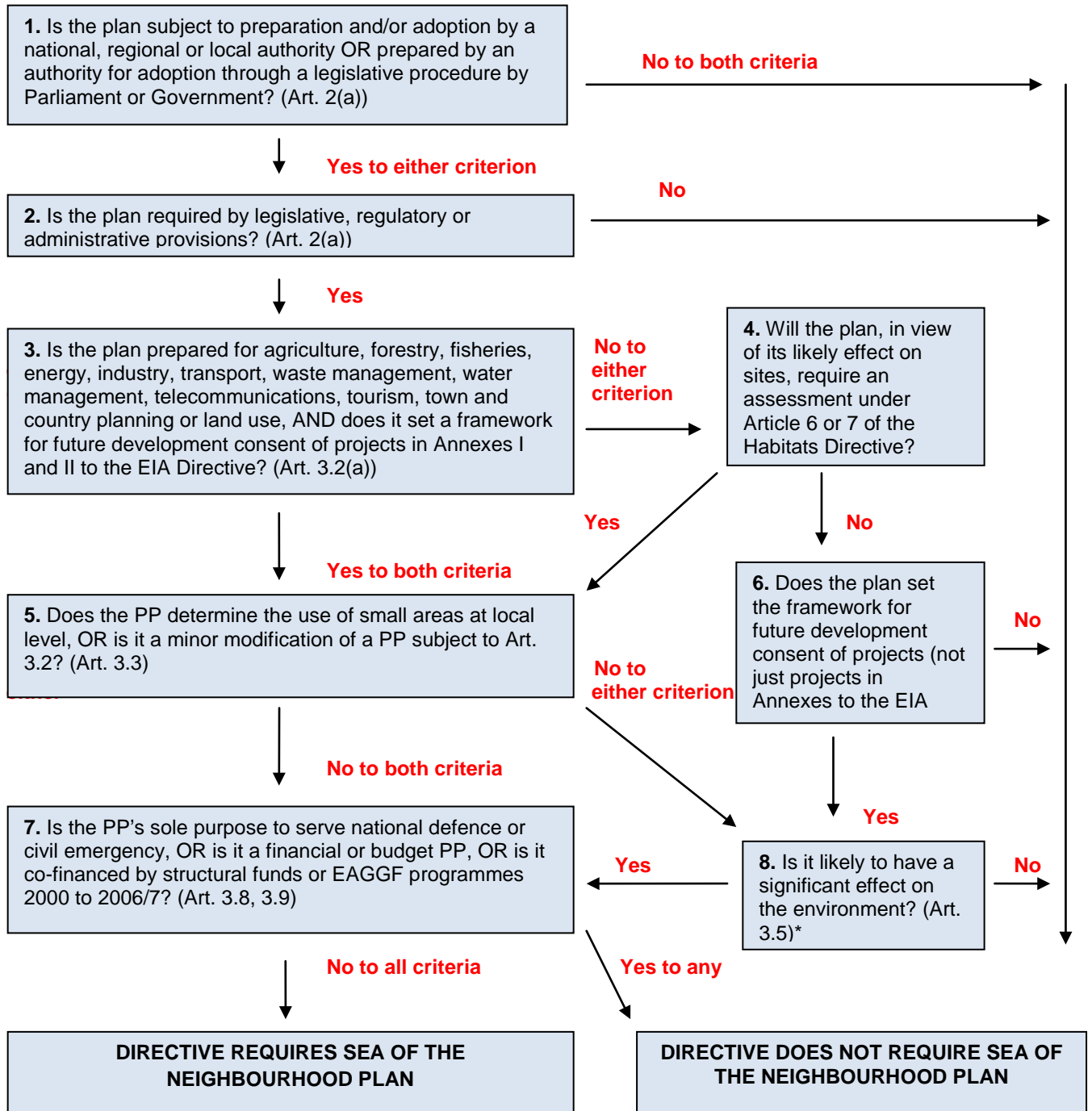
⁵ European Commission guidance suggests that **plans which determine the use of small areas at local level** might include "a building plan which, for a particular, limited area, outlines details of how buildings must be constructed, determining, for example, their height, width or design"

⁶ '**Minor modifications**' should be considered in the context of the plan or programme which is being modified and of the likelihood of their having significant environmental effects. A modification may be of such small order that it is unlikely to have significant environmental effects.

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

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

Application of the SEA Directive to neighbourhood plans



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

NB This diagram is intended as a guide to the criteria for application of the Directive to neighbourhood plans. It has no legal status.

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

3. The Royal Wootton Bassett Neighbourhood Plan

Background

- 3.1 Royal Wootton Bassett town council are currently preparing a neighbourhood plan under the provisions of the Localism Act 2011, and associated Regulations.
- 3.2 Royal Wootton Bassett is designated as a market town in the adopted Wiltshire Core Strategy. Market towns are defined as settlements that have the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services and employment opportunities. Market Towns have the potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self containment and viable sustainable communities.
- 3.3 A draft of a neighbourhood plan was produced in June 2015 and in section 1.5 '*preserving our environment*', it is acknowledged that Royal Wootton Bassett is a distinct settlement with an identifiable character. It states that '*the neighbourhood plan needs to ensure that the features which make the town distinct and give it its identifiable character are maintained. The neighbourhood plan needs also to encourage only development which is sympathetic to our landscape setting – recognising and protecting obvious and not-so-obvious physical boundaries such as roads, water courses and other geographical and man-made features*'.
- 3.4 Further information on the neighbourhood plan can be found on the Royal Wootton Bassett neighbourhood plan website at <http://www.rwbneighbourhood.co.uk/>

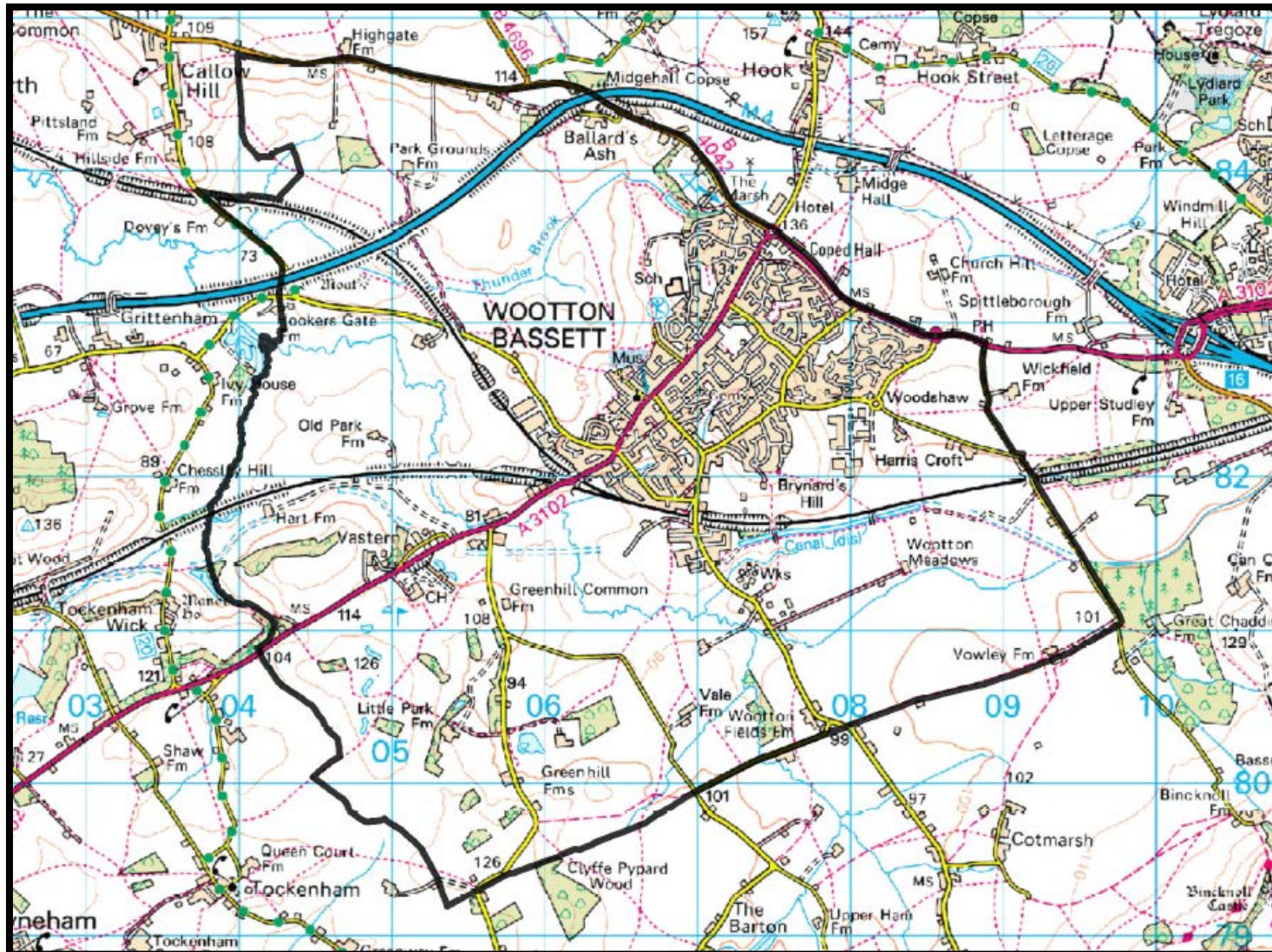
Steering Group

- 3.5 The neighbourhood plan process was started in March 2013 and has been undertaken in parallel with the production of Wiltshire Council's Core Strategy. The development of the neighbourhood plan has been led by Royal Wootton Bassett Town Council, as the 'qualifying body', but work has been undertaken by a specifically tasked Steering Group, comprising Town Council Members and staff, and individuals representing interests around the town, including the schools, local businesses, residents, young people and retailers. Information about the process of plan preparation has been available at all times on the Royal Wootton Bassett Neighbourhood Plan website, which is linked to the Town Council website.
- 3.6 Planning officers from Wiltshire Council have advised and supported the steering group since 2013 on the development of the plan.

Neighbourhood area designation

- 3.7 Wiltshire Council publicised the Royal Wootton Bassett Neighbourhood Area application for consultation from 14th January 2013 to 27th February 2013. Having considered the feedback received through the consultation, Wiltshire Council recommended that the proposed Royal Wootton Bassett Neighbourhood Plan Area is coherent, consistent and appropriate in planning terms. The designation of the Royal Wootton Bassett Neighbourhood Area was approved on 20th March 2013.
- 3.8 The Royal Wootton Bassett Neighbourhood Area application and designation documents are available to view online at:

<http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/neighbourhoodplanning/nppconsultations/npppreviousconsultations.htm>



Map showing the designated Royal Wootton Bassett neighbourhood area

Neighbourhood plan draft vision and objectives

3.9 A draft vision and objectives for the neighbourhood plan have been proposed as follows:

Vision: To provide a high quality sustainable environment for all who live, work, visit and study in Royal Wootton Bassett both now and in the future.

Objectives: To develop and enhance a town which:

- Has a strong, independent market town identity and an attractive vibrant town centre
- Provides all the facilities and services its residents require to improve its self-containment
- Provides well planned, good quality housing for all for every life stage, in line with sustainability principles and community views.
- Offers accessible, attractive green spaces for all to enjoy
- Is attractive to investors and employers as a location for growth
- Promotes sustainable transport choices encouraging walking and cycling both within and outside the town.

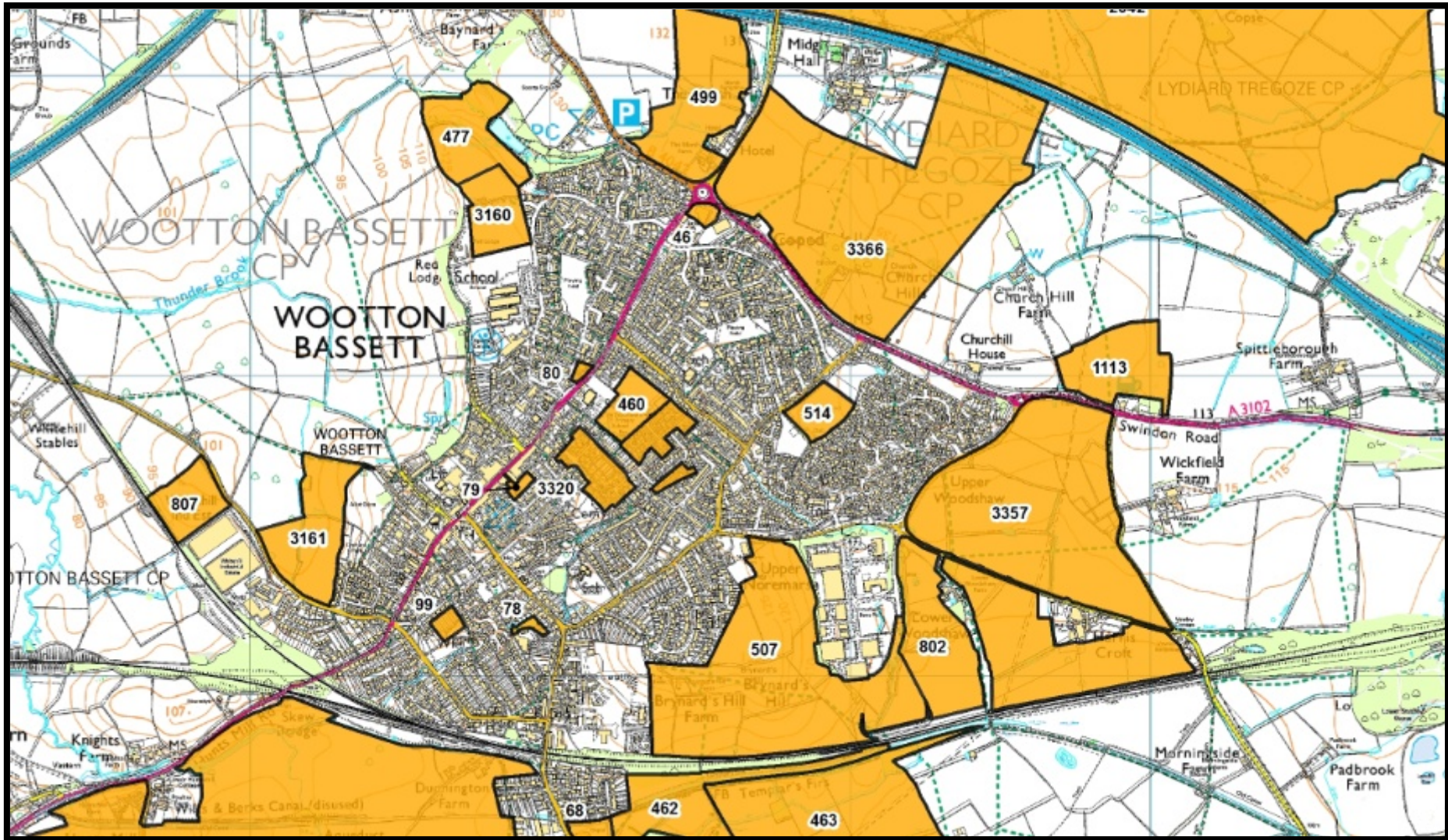
Draft Plan policies

3.10 A number of policies are currently being proposed which are detailed further in the draft Plan attached to this report. These policies are as follows:

- Policy 1: Services and Facilities
- Policy 2: Convenience and comparison retail
- Policy 3: Town Centre Uses
- Policy 4: Community Infrastructure
- Policy 5: Town Park and Row-de-Dow
- Policy 6: Community Campus
- Policy 7: Restricted/Infill development
- Policy 8: High quality mixed development
- Policy 9: Design
- Policy 10: Land off Maple Drive
- Policy 11: Land North of Whitehill Lane
- Policy 12: Prioritisation of brownfield sites
- Policy 13: Employment land
- Policy 14: Visitor accommodation and facilities
- Policy 15: Rural gap avoiding coalescence with Swindon
- Policy 16: Railway station
- Policy 17: Road safety, traffic and transport
- Policy 18: Pedestrian/cycleways

Housing site allocations

3.11 The Draft Plan allocates two sites for housing development at Maple Drive (107 dwellings) and Whitehill Lane (128 dwellings). These are shown on the following map with reference numbers 3160 and 3161 respectively:



Map showing proposed housing site allocations (site references 3160 and 3161 only)

4. SEA Screening assessment

4.1 Wiltshire Council, as the 'Responsible Authority', consider that the Royal Wootton Bassett 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 Royal Wootton Bassett 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 Royal Wootton Bassett Neighbourhood Plan and ii) the characteristics of the effects and of the area likely to be affected by the Royal Wootton Bassett 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 Royal Wootton Bassett 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	Yes	The neighbourhood plan is allocating two sites for residential development of 107 dwellings (ref 3160) and 128 dwellings (ref 3161). These are large sites which have not been subject to SA/SEA as allocations in the Wiltshire Core Strategy and it is considered that, due to the size of these sites and the proximity of the Royal Wootton Bassett Conservation Area to site 3161, there is the possibility of significant environmental effects. The Plan, through Policy 6, also supports the development of land for a community campus near to the Royal Wootton Bassett academy – the exact location of any future site is not known but a site large enough to accommodate a new campus facility is also likely to have significant environmental effects.
(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 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 neighbourhood plan is a land-use plan that seeks to promote the objectives of sustainable development. However, it is not specifically relevant as a plan for integrating environmental considerations. Any development proposed will be in accordance with environmental protection policies of the adopted Wiltshire Core Strategy and National Planning Policy Framework (NPPF).
(d) environmental problems relevant to the plan	No	There are no specific environmental problems relevant to this 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	Yes	The scale of development supported by the plan, including land for a new community campus and the allocation of land for 235 dwellings is likely to have significant environmental effects on the open countryside adjacent to each site. There is a County Wildlife Site in close proximity (<100m) to site ref 3160 and site 3161 lies adjacent to the western boundary of the Conservation Area where listed buildings in Church St and Wood St, in particular, could be adversely affected from new residential development. There is the potential for long-term adverse effects in each location. The draft Plan does not identify specifically where new dwellings and associated infrastructure would be located at each site or what mitigation measures might be delivered to avoid or reduce such effects. It does

Criteria (Schedule 1 SEA Regs.)	Significant environmental effects likely?	Justification and evidence
		not specify the type of dwellings to be built on each site or the density of the dwellings.
(b) the cumulative nature of the effects	Yes	The scale of the housing sites identified, which are both adjacent to the western boundary of Royal Wootton Bassett, and the support for a campus site also adjacent to the western boundary, will increase the likelihood of cumulative effects on the open countryside and on the road network on this side of the town. Development at site 3161 is likely to have a cumulative impact on road traffic through the Conservation Area.
(c) the transboundary nature of the effects	No	No significant transboundary effects with other EU countries are likely from the proposals.
(d) the risks to human health or the environment (for example, due to accidents)	No	No significant environmental effects are 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);	Yes	The geographical size of both housing site allocations and numbers of dwellings envisaged are likely to have some significant environmental effects which should be investigated through an SEA assessment.
(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;	Yes	It is acknowledged that the draft Plan prioritises development of brownfield land but the proposed development sites are of a significant scale, on greenfield land, and there is the possibility of significant environmental effects due to the number of dwellings proposed and direct and indirect impacts on the Conservation Area and County Wildlife Site. The site allocations themselves are not located in areas designated for their special natural or cultural significance but there is the possibility that development could be viewed from the Conservation Area and adversely affect its setting.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	Yes	There are unlikely to be significant effects on AONB designations as the Cotswolds AONB and North Wessex Downs AONB are not in proximity to allocated development sites. With regards European Natura 2000 designations, it is not known if an HRA screening assessment has been carried out or what its findings would be and this screening report will need to be updated to reflect those findings. Significant effects are most likely to occur with regards the Royal Wootton Bassett Conservation Area and individual listed buildings which are of national significance and it is recommended that an SEA is undertaken to assess the extent of any effects on these designations and how these may be mitigated.

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 Royal Wootton Bassett Neighbourhood Plan is likely to have significant environmental effects and accordingly does require a Strategic Environmental Assessment. This decision is made for the following key reasons:
- 1. The draft neighbourhood plan, whilst prioritising development of brownfield land, is allocating two sites for residential development of 235 dwellings adjacent to the settlement boundary of Royal Wootton Bassett. The scale of these two proposed sites is likely to warrant an SEA assessment due to the potential for significant effects and the fact that these sites have not been assessed through the SA/SEA of the Wiltshire Core Strategy.
 - 2. The proximity of site 3160 to a County Wildlife Site and the proximity of site 3161 to the western boundary of the Royal Wootton Bassett Conservation Area, given the number of proposed dwellings involved, may have significant direct and indirect effects on these designations – effects which should be explored further through an SEA that will also examine mitigate measures to reduce or avoid and such effects.
- 5.4 This screening decision was sent to Natural England, Environment Agency and Historic England for their comments and their responses 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 23rd June 2015 and 4th August 2015. The Environment Agency and Historic England responded that, in their opinion, the plan proposals were likely to have significant environmental effects. Natural England responded that, in their opinion, the plan proposals were not likely to have significant environmental effects. It is the decision of Wiltshire Council, as ‘responsible authority’, that the original screening determination should stand and that an SEA should be undertaken on the neighbourhood plan.
- 6.2 Wiltshire Council’s request for a response to this screening determination from the three statutory consultation bodies is presented in Appendix A. The responses received from the three consultation bodies are presented in Appendix B.

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

From:
To:
Subject:
Date:
Attachments:



Dear 

We are advising the Royal Wootton Bassett neighbourhood plan steering group on the production of their neighbourhood plan and we have produced an SEA screening decision which I have attached. I also attach a draft of their neighbourhood plan for you to see the policies and housing allocations that they are proposing.

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 **required** because the Plan is **likely to have significant environmental effects**. The reasons for this decision are outlined in the attached report

Please could you provide any comments you may wish to make by Tuesday 4th August 2015. If you need any further information regarding this please do not hesitate to contact me.

Kind regards,



From:
To:
Subject:
Date:
Attachments:



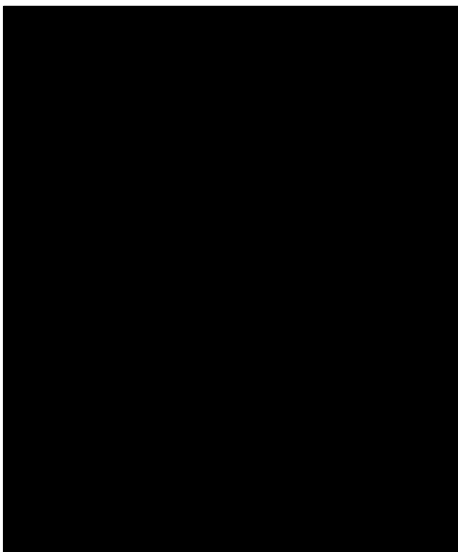
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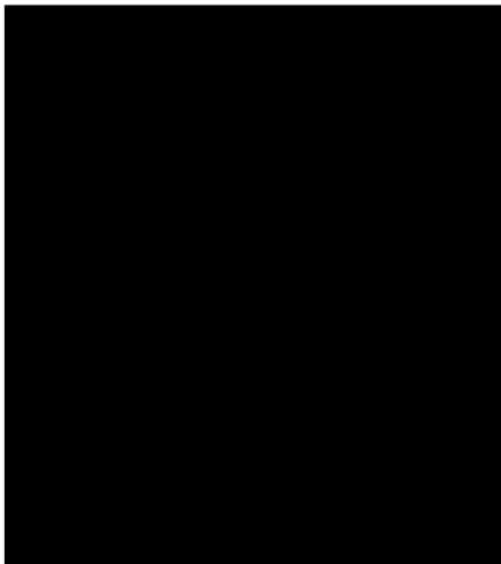
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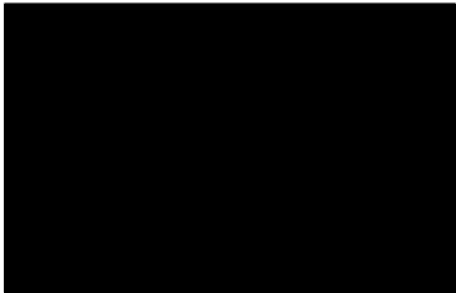
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Kind regards,



Appendix B – Consultation responses from statutory consultation bodies



Our ref: WX/2009/110257/OR-32/IS1-L01
Your ref: Royal Wootton Bassett NP
Date: 14 August 2015

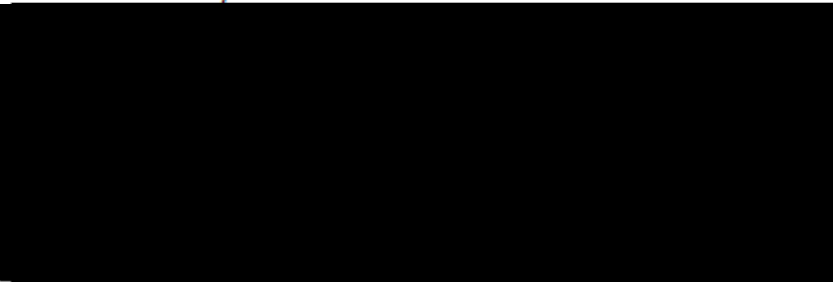
Dear 

Royal Wootton Bassett Neighbourhood Plan – SEA Screening Decision

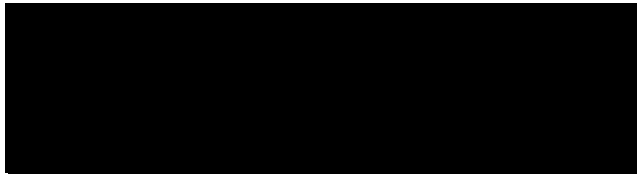
Thank you for consulting the Environment Agency on the above document.

We concur with your conclusion that the Plan requires an SEA.

Yours sincerely



From:
To:
Subject:
Date:
Attachments:



Dear 

Thank you for your consultation on this.

We are happy to concur with your view that an SEA will be required for this neighbourhood plan.

The June 2015 draft of the Plan you kindly attached refers on P17 to a Multi-Criteria Decision Analysis (MCDA) Matrix which the community has used to evaluate sites which have come through the SHLAA but which is not included in this document. Having looked on-line I see that there is a July 2015 version of the Plan which includes all relevant appendices. This includes the MCDA matrix as Appendix 3 (P44) but this relates only to criteria which the community thinks are desirable (though includes the preservation and enhancement of the conservation area).

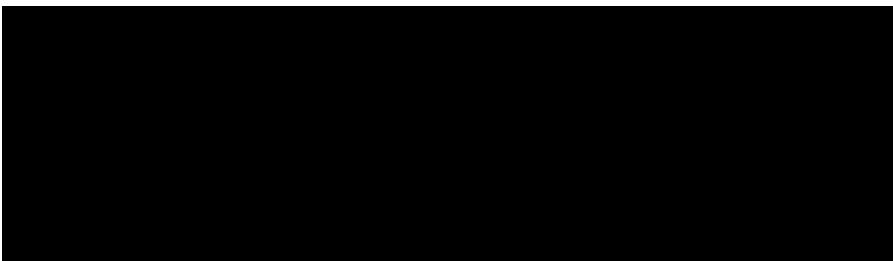
Appendix 2 (P34) runs through the 16 SHLAA sites identified and identifies constraints. However, the entry identified as site 478, for example, (Policy 11 – SHLAA site 3161 - Land north of Whitehill Lane) only identifies minerals safeguarding with no reference to the settings of nearby heritage assets as per your Screening Determination report (P11). The same site is not picked up at all from an impact on conservation area point of view in the MCDA table (P47).

Sadly this would appear to throw some doubt on the integrity of the methodology used overall for the assessment of the suitability of the sites which the Plan identifies.

Now the need for an SEA has been identified there will presumably need to be a robust assessment of these and alternative sites to demonstrate that any eventually selected as allocations within the Plan can demonstrate conformity with the historic environment policy provisions of the NPPF and Core Strategy.

Otherwise, we have no comments on the remainder of the Plan, which elsewhere is to be applauded for giving significant weight to the preservation and enhancement of the area's distinctive identity.

Kind regards



From:
To:
Subject:
Date:
Attachments:



Dear



It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan. Note that these assets exclude Conservation Areas.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

Regards,

