

**Wiltshire Council**

**Strategic Environmental Assessment**

**Screening determination for the Draft Seagry Neighbourhood Plan**

**December 2018**

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## **1. Introduction**

- 1.1 This document provides a screening determination of the need to carry out a Strategic Environmental Assessment (SEA) of the draft Seagry Neighbourhood Plan (NP).
- 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 draft Seagry NP. It will determine if the plan is likely to have significant environmental effects, and hence whether SEA is required.
- 1.3 This process has been carried out in accordance with the requirements of European Directive 2001/42/EC<sup>3</sup>, often known as the Strategic Environmental Assessment (SEA) Directive, which has been transposed into English law by the SEA Regulations.

## **2. Legislative requirements**

- 2.1 The Localism Act 2011 requires neighbourhood plans to comply with EU legislation. The screening procedure outlined in this report meets the requirements of the SEA Directive and Regulations, as introduced in Section 1 of this document.
- 2.2 Regulation 5 of the SEA Regulations requires an environmental assessment of plans which:
  1. *are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use (Regulation 5, para. (2)(a), and which set the framework for future development consent of projects listed in Annex I or II to Council Directive 85/337/EEC (EIA Directive) on the assessment of the effects of certain public and private projects on the environment (Reg. 5, para. (2)(b)*
  2. *in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive (92/43/EEC) (Reg. 5, para. (3)*
  3. *set the framework for future development consent of projects<sup>4</sup> (Reg. 5, para. (4)(b)*
  4. *are determined to be likely to have significant environmental effects as determined under regulation 9(1) (Reg. 5, para. (4)(c)*

An environmental assessment need not be carried out for:

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

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<sup>1</sup> The organisation which adopts the neighbourhood plan (this is described in Wiltshire Council’s guide *Neighbourhood planning – a guide for Wiltshire’s parish and town councils* (June 2012) as ‘makes the plan’).

<sup>2</sup> The Environmental Assessment of Plans and Programmes Regulations 2004

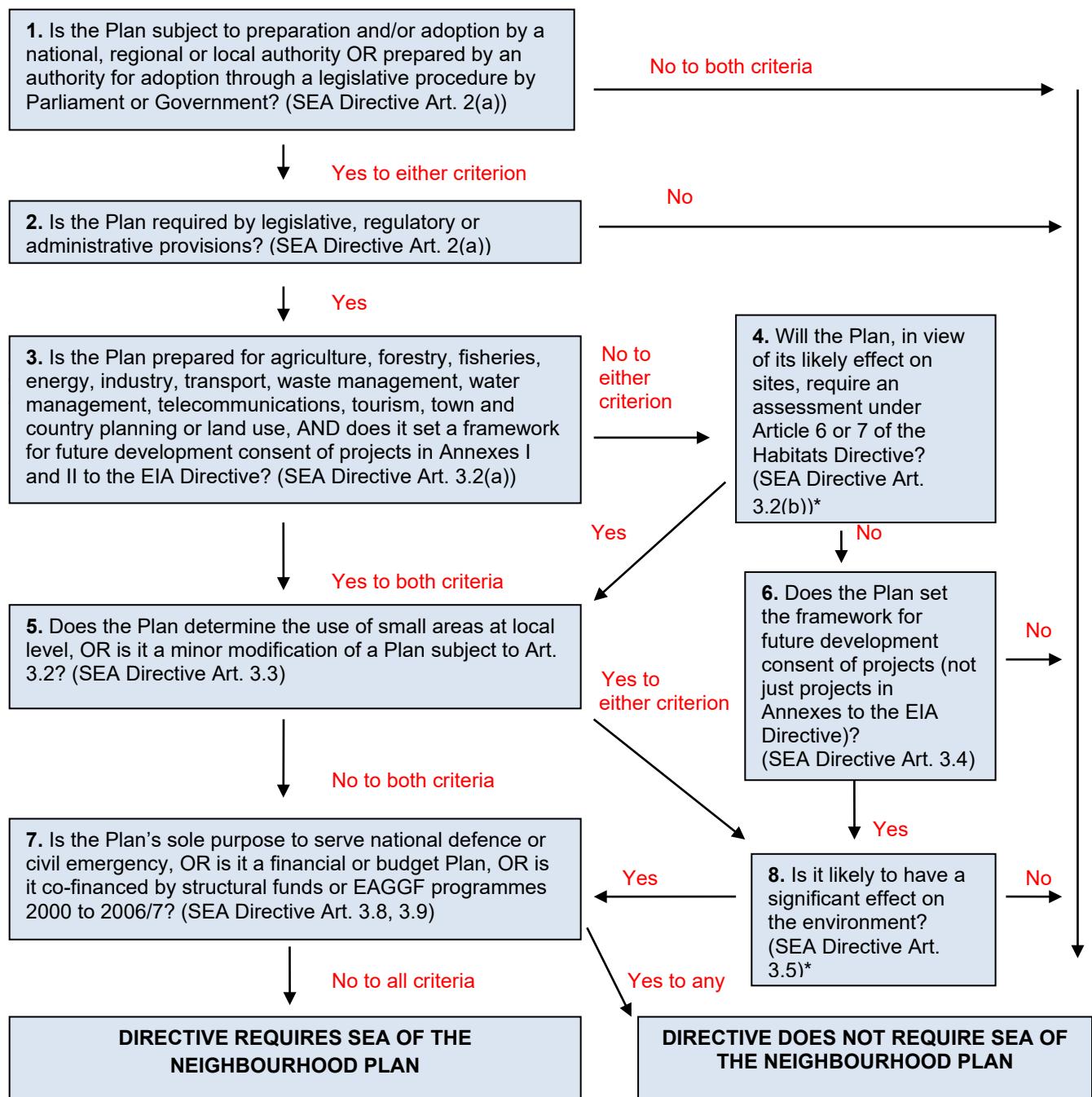
<sup>3</sup> European Directive 2001/42/EC “on the assessment of the effects of certain plans and programmes on the environment”

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

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

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

2.3 The diagram<sup>7</sup> below shows the SEA Directive's requirements and its application to neighbourhood plans:



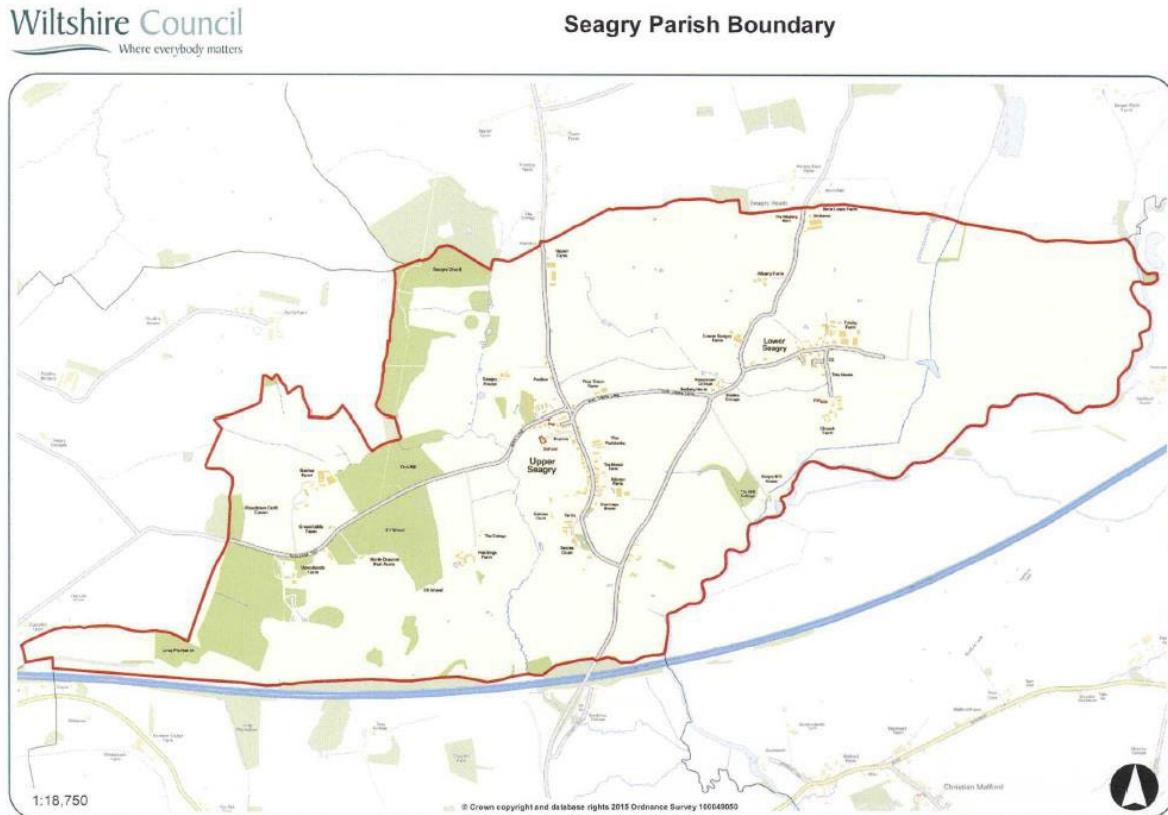
\* Plans falling in this category (No.8) will be screened by Wiltshire Council to determine if they are likely to have significant environmental effects. This determination will be made on a case by case basis for neighbourhood plans coming forward in Wiltshire.

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

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

### **3. The Draft Seagry Neighbourhood Plan (NP)**

- 3.1 The parish of Seagry, in the Chippenham Community Area of Wiltshire, is preparing a NP under the provisions of the Localism Act 2011.
- 3.2 The designation of the Seagry Parish Neighbourhood Area was made on 1<sup>st</sup> September 2015 (see map of area below). For the designation notice see <http://www.wiltshire.gov.uk/planning-neighbourhood-latest-news>



- 3.3 This screening decision is based on a draft of the Seagry NP dated November 2018, which sets out draft policies that are proposed to be taken forward. If this 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 is likely to give rise to any other significant environmental effects, this SEA screening must be reviewed. In this instance, the Qualifying Body should request a revised SEA screening assessment from Wiltshire Council.

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

- 4.1 Wiltshire Council, as the ‘Responsible Authority’, considers that the draft Seagry NP 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 draft Seagry NP 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 draft Seagry NP and ii) the characteristics of the effects and of the area likely to be affected by the draft Seagry NP. In making a determination, Wiltshire Council will take into account the criteria specified in Schedule 1 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 draft Seagry NP is set out below:

<b>Criteria (Schedule 1 SEA Regs.)</b>	<b>Significant environmental effects likely?</b>	<b>Justification and evidence</b>
<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 regards to the location, nature, size and operating conditions or by allocating resources	No	The neighbourhood plan covers the Seagry parish area only. Whilst the draft Plan does set a framework for projects at the parish level, it is not considered that the draft Plan sets a framework for a significant degree of projects or other activities that would have significant environmental effects.
(b) the degree to which the plan influences other plans and programmes including those in a hierarchy	No	The draft NP is produced by the local community to influence development at the local parish level. It is not considered that the draft Plan will have a significant influence on other plans and programmes or those in a hierarchy. All neighbourhood plans must be in general conformity with the strategic policies contained in the development plan for the area, contribute to the achievement of sustainable development and have regard to national policies.
(c) the relevance of the plan for the integration of environmental considerations, in particular with a view to promoting sustainable development	No	The draft NP is a land-use plan that promotes sustainable development, in general conformity with the Local Plan and national planning policy. However, it is not a Plan specifically relating to the integration of environmental considerations, although environmental considerations are taken into account in the draft Plan.
(d) environmental problems relevant to the plan	No	There are no known specific environmental problems relevant to the plan 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 NP is not relevant as a plan for implementing community legislation.
<b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</b>		
(a) the probability, duration,	No	The draft NP is not allocating any sites for future development and none of the proposed policies

frequency and reversibility of the effects		are considered likely to lead to significant environmental effects. The parish contains one 'Small Village' as designated by the Wiltshire Core Strategy (WCS), Upper Seagry. The whole of the parish is designated as open countryside. The WCS allows small-scale infill development only within 'Small Villages', defined as ' <i>the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling</i> '. The draft NP proposes an infill policy that is considered to be in general conformity with the WCS. It seeks to meet the objective to ' <i>allow for small developments that deliver sustainable growth whilst retaining the distinctive characters of Upper and Lower Seagry</i> '. The draft policy SNDP2 proposes to allow for ' <i>small developments of no more than 2 houses where the application demonstrates that it meets the overall principles of the Plan.</i> ' These overall principles recognise that ' <i>design quality is a particular concern because both Upper and Lower Seagry are highly distinctive in their settlement pattern and buildings.</i> '
(b) the cumulative nature of the effects	No	The draft NP is not allocating any sites for development. Draft policies seek to protect and enhance the natural and built environment of the parish. 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 NP covers a rural parish which includes the 'Small Village' of Upper Seagry. The 2011 Census records that the resident population of the parish is 285, living in 140 households and the parish covers an area of 593 hectares. 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	It is not considered that the draft Plan will have significant environmental effects due to exceeded environmental quality standards or limit values or intensive land-use.  The draft NP is not proposing to allocate any sites for development or proposing a level of development over and above that required by the WCS. The parish contains one 'Small Village' where infill development only is allowed. The whole of the parish is within open countryside where new development is restricted.

<p>(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>No</p>	<p>The parish of Seagry is not located within an area that has a specific national, Community or international protection status. The western edge of the parish lies approx. 4 miles from the edge of the Cotwolds AONB. There are several listed buildings and structures within the parish but no conservation areas. There are areas of ancient woodland within the parish designated as SSSI but these are not located in proximity to the villages of Upper and Lower Seagry.</p> <p>The draft NP is not proposing to allocate any sites for development or proposing a level of development over and above that required by the WCS. The parish contains one 'Small Village' where infill development only is allowed. The whole of the parish is within open countryside where new development is restricted.</p>
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## **5. SEA Screening decision**

- 5.1 Regulation 9 of the SEA Regulations requires that the responsible authority (Wiltshire Council) 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 (Historic England, Natural England, Environment Agency).
- 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 draft Seagry Neighbourhood Plan (NP) **is not likely to have significant environmental effects** and accordingly **a Strategic Environmental Assessment is not required**. This decision is made for the following key reasons:
1. The draft NP is not allocating any sites for development.
  2. The proposed ‘infill’ policy supports small developments of no more than 2 houses where applications meet all other policies of the Plan and higher order policy.
  3. Draft policies require all new development to achieve high quality design to conserve and enhance the local distinctiveness of Seagry and to demonstrate how it responds to the Seagry Community Design Statement.
  4. Draft policies seek to ensure sustainable design of new development, protect and enhance the landscape setting of the parish, protect and enhance the natural environment and biodiversity and designate areas of Local Green Space that are important to the local community.
- 5.4 This SEA screening decision was sent to the SEA consultation bodies, Natural England, the Environment Agency and Historic England, requesting comments within a 5-week period from 13<sup>th</sup> November 2018 to 18<sup>th</sup> December 2018. All three bodies responded and confirmed that they agree with the council’s decision that no SEA is required. These responses are included in Appendix A.
- 5.5 This SEA screening decision has been based on a November 2018 draft of the Seagry Neighbourhood Plan. If this 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 is likely to give rise to any other significant environmental effects, this SEA screening must be reviewed. In this instance, the Qualifying Body should request a revised SEA screening assessment from Wiltshire Council.

## **Appendix A – Consultation responses from consultation bodies**

### Natural England

From: [REDACTED]

[REDACTED]

[REDACTED]

*David, I can confirm that in terms of the natural environment, we concur with your conclusion namely: Wiltshire Council considers that the draft Seagry Neighbourhood Plan (NP) **is not likely to have significant environmental effects** and accordingly **a Strategic Environmental Assessment is not required.***

Regards,

[REDACTED]

### Historic England

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

*Thank you for your SEA Screening consultation on the emerging Seagry Neighbourhood Plan. This is our first involvement with the preparation of this Plan so this is a useful opportunity for us to familiarise ourselves with its aspirations and highlight issues of interest.*

*Based on the version of the Plan made available I can confirm that there are no issues associated with the Plan upon which we would wish to comment.*

*I am therefore also then happy to confirm that we have no objection to the view that an SEA is not required.*

*Kind regards*

[REDACTED]

[REDACTED]

[REDACTED]

Environment Agency

[REDACTED]

[REDACTED]

***Seagry Neighbourhood Plan SEA***

*Thank you for consulting the Environment Agency on the above SEA.*

*We concur with your judgement that the Seagry Neighbourhood Plan does not require a SEA because it is unlikely to have significant environmental effects.*

*However, we would take this opportunity to offer comments on the draft Plan document sent to us. We would encourage the author to include greater reference to the River Avon as part of Policy 5M. Where green corridors are referred to, this could be expanded to blue (i.e. watery) corridors as well. We would like to see the inclusion of Natural Flood Management in this policy. The parish includes areas of River Avon floodplain which can be maximized for their biodiversity, wider flood management and recreational qualities.*

*Yours sincerely*

[REDACTED]