

Wiltshire Council

Strategic Environmental Assessment

Screening determination for the Southwick Neighbourhood Plan

February 2019

Contents	Page
1. Introduction	1
2. Legislative requirements	1
3. The Southwick Neighbourhood Plan	3
4. SEA Screening assessment	3
5. SEA Screening decision	9
Appendix A – Consultation comments from 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 Southwick Neighbourhood Plan.
- 1.2 Wiltshire Council, as the 'Responsible Authority'¹ under the SEA Regulations², is responsible for undertaking this screening process of the Southwick 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/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 (Reg. 5, para. (2)(b)*
2. *in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive (92/43/EEC) (Reg. 5, para. (3)*
3. *set the framework for future development consent of projects⁴ (Reg. 5, para. (4)(b)*
4. *are determined to be likely to have significant environmental effects as determined under regulation 9(1) (Reg. 5, para. (4)(c)*

An environmental assessment need not be carried out for:

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

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

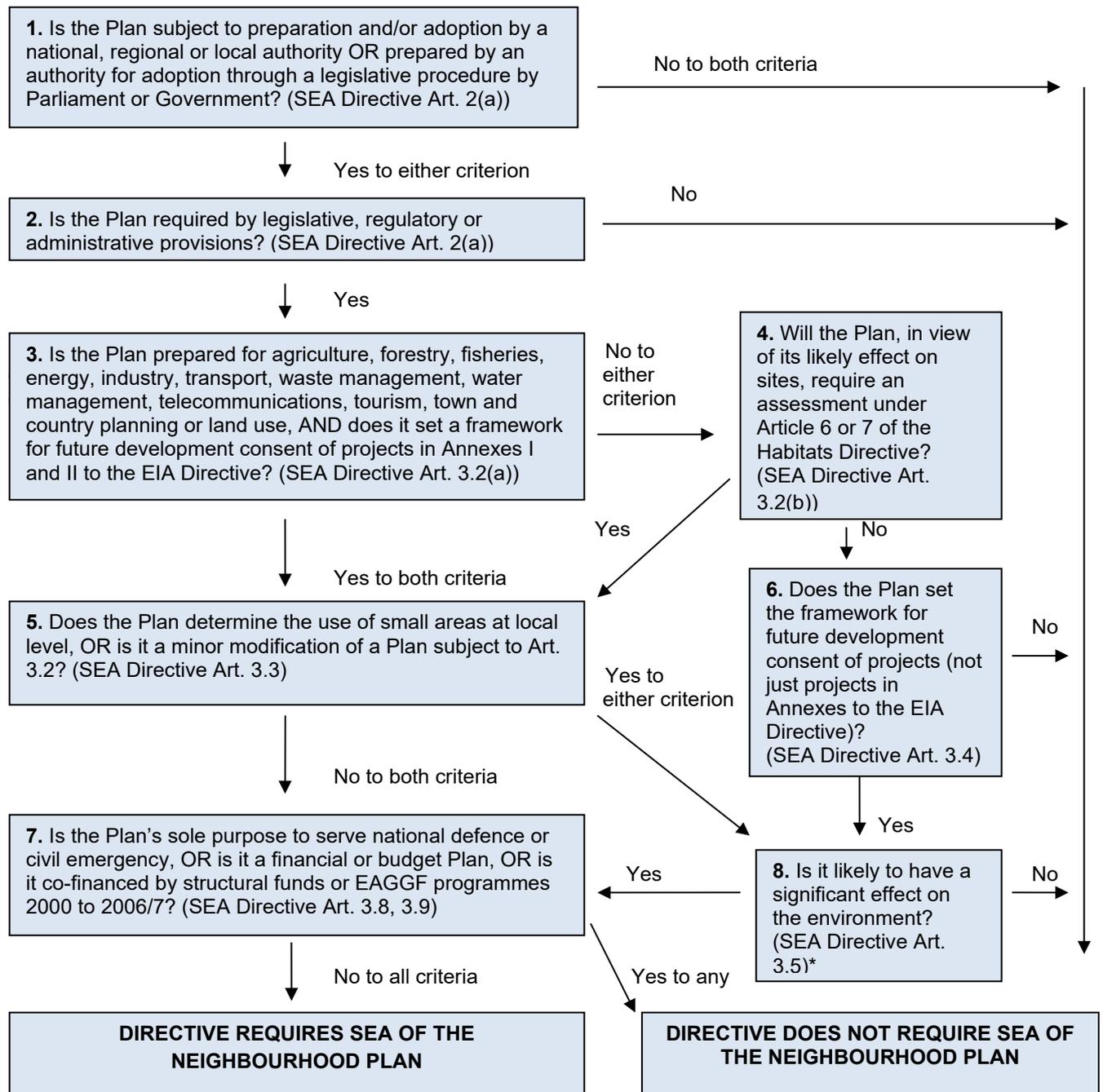
³ European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment"

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.

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



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

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

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

3. The Southwick Neighbourhood Plan

- 3.1 The parish of Southwick is preparing a neighbourhood plan under the provisions of the Localism Act 2011.
- 3.2 The designation of the Southwick Parish Neighbourhood Area was made on 31 May 2016. For the designation notice see <http://www.wiltshire.gov.uk/planning-neighbourhood-latest-news>
- 3.3 A Draft Neighbourhood Plan accompanies this screening decision, setting out the proposed policies of the Plan.

4. SEA Screening assessment

- 4.1 Wiltshire Council, as the 'Responsible Authority', considers that the Southwick 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 Southwick 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 Southwick Neighbourhood Plan and ii) the characteristics of the effects and of the area likely to be affected by the Southwick Neighbourhood Plan. 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 Southwick Neighbourhood Plan is set out below:

Criteria (Schedule 1 SEA Regs.)	Significant environmental effects likely?	Justification and evidence
1. The characteristics of plans, having regard, in particular, to:		
(a) the degree to which the plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	No	The neighbourhood plan covers the Southwick parish area only. Whilst the draft Plan does set a framework for projects at the parish level, particularly with regard to the allocation of a small number of housing sites, it is not considered that the draft Plan sets a framework for a significant degree of projects or other activities.
(b) the degree to which the plan influences other plans and programmes including those in a hierarchy	No	The neighbourhood plan is produced by the local community to influence development at the local level. A neighbourhood plan must be in general conformity with Local Plans and national planning guidance.
(c) the relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development	No	The neighbourhood plan is a land-use plan that promotes sustainable development, in general conformity with the Local Plan and national planning guidance. It is not a Plan specifically for the integration of environmental considerations.
(d) environmental problems relevant to the plan	Yes	It has been determined by Wiltshire Council, the 'competent authority' under the Habitats Regulations ⁸ , that the neighbourhood plan will require a full Appropriate Assessment (AA) due to the potential effects on the integrity of the Bath and Bradford on Avon Bats Special Area of Conservation (SAC) and Salisbury Plain SPA. Regulation 5 of the SEA Regulations requires an environmental assessment of plans which ' <i>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)).</i> ' Planning Practice Guidance (PPG) para 047 states that ' <i>if a plan is one which has been determined to require an appropriate assessment under the Habitats Directive then it will normally also require a Strategic Environmental Assessment.</i> '

⁸ The Conservation of Habitats and Species Regulations 2017

		In light of this, it is considered that the draft NP is likely to have significant environmental effects and therefore an SEA will be required.
(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	<p>It has been determined by Wiltshire Council, the 'competent authority' under the Habitats Regulations⁹, that the neighbourhood plan will require a full Appropriate Assessment (AA) due to the potential effects on the integrity of the Bath and Bradford on Avon Bats Special Area of Conservation (SAC) and Salisbury Plain SPA.</p> <p>Regulation 5 of the SEA Regulations requires an environmental assessment of plans which '<i>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)).</i>' Planning Practice Guidance (PPG) para 047 states that '<i>if a plan is one which has been determined to require an appropriate assessment under the Habitats Directive then it will normally also require a Strategic Environmental Assessment.</i>'</p> <p>In light of this, it is considered that the draft NP is likely to have significant environmental effects and therefore an SEA will be required.</p>
(b) the cumulative nature of the effects	Yes	<p>It has been determined by Wiltshire Council, the 'competent authority' under the Habitats Regulations¹⁰, that the neighbourhood plan will require a full Appropriate Assessment (AA) due to the potential effects on the integrity of the Bath and Bradford on Avon Bats Special Area of Conservation (SAC) and Salisbury Plain SPA.</p> <p>Regulation 5 of the SEA Regulations requires an environmental assessment of plans which '<i>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)).</i>' Planning Practice Guidance (PPG) para 047 states that '<i>if a plan is one which has been determined to require an appropriate assessment under the Habitats Directive then it will normally also require a Strategic Environmental Assessment.</i>'</p>

⁹ The Conservation of Habitats and Species Regulations 2017

¹⁰ The Conservation of Habitats and Species Regulations 2017

		In light of this, it is considered that the draft NP is likely to have significant environmental effects and therefore an SEA will be required.
(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 parish has a population size of roughly 1953 (Census 2011) and includes the 'Large Village' of Southwick. 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;	Yes	It has been determined by Wiltshire Council, the 'competent authority' under the Habitats Regulations ¹¹ , that the neighbourhood plan will require a full Appropriate Assessment (AA) due to the potential effects on the integrity of the Bath and Bradford on Avon Bats Special Area of Conservation (SAC) and Salisbury Plain SPA. Regulation 5 of the SEA Regulations requires an environmental assessment of plans which ' <i>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)).</i> ' Planning Practice Guidance (PPG) para 047 states that ' <i>if a plan is one which has been determined to require an appropriate assessment under the Habitats Directive then it will normally also require a Strategic Environmental Assessment.</i> ' In light of this, it is considered that the draft NP is likely to have significant environmental effects and therefore an SEA will be required.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	Yes	It has been determined by Wiltshire Council, the 'competent authority' under the Habitats Regulations ¹² , that the neighbourhood plan will require a full Appropriate Assessment (AA) due to the potential effects on the integrity of the Bath and Bradford on Avon Bats Special Area of Conservation (SAC) and Salisbury Plain SPA. Regulation 5 of the SEA Regulations requires an environmental assessment of plans which ' <i>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)).</i> ' Planning Practice Guidance (PPG) para 047 states that ' <i>if</i>

¹¹ The Conservation of Habitats and Species Regulations 2017

¹² The Conservation of Habitats and Species Regulations 2017

		<p><i>a plan is one which has been determined to require an appropriate assessment under the Habitats Directive then it will normally also require a Strategic Environmental Assessment.'</i></p> <p>In light of this, it is considered that the draft NP is likely to have significant environmental effects and therefore an SEA will be required.</p>
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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 Southwick Neighbourhood Plan **is likely to have significant environmental effects** and accordingly **does require a Strategic Environmental Assessment**. This decision is made for the following reason:
1. It has been determined by Wiltshire Council, the ‘competent authority’ under the Habitats Regulations¹³, that the neighbourhood plan will require a full Appropriate Assessment (AA) due to the potential effects on the integrity of the Bath and Bradford on Avon Bats Special Area of Conservation (SAC) and Salisbury Plain SPA.
- Regulation 5 of the SEA Regulations requires an environmental assessment of plans which *‘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)).’* Planning Practice Guidance (PPG) para 047 states that *‘if a plan is one which has been determined to require an appropriate assessment under the Habitats Directive then it will normally also require a Strategic Environmental Assessment.’*
- In light of this, it is considered that the draft NP is likely to have significant environmental effects and therefore an SEA will be required.
- 5.4 This SEA screening is based on a confirmation from the Wiltshire Council Senior Ecologist in January 2019 that the neighbourhood plan has been ‘screened in’ under the Habitats Regulations and therefore requires an Appropriate Assessment (AA). If this HRA screening decision changes, or if the draft Plan is subsequently amended significantly i.e. changes that substantially alter the draft plan e.g. adding, amending or removing site allocations and policies, this SEA screening must be reviewed. In this instance, the Qualifying Body should request a revised SEA screening assessment from Wiltshire Council.
- 5.5 This SEA screening decision was sent to the environmental consultation bodies, Natural England, the Environment Agency and Historic England, requesting comments within a 5-week period from 22nd January 2019 to 26th February 2019. Responses are presented in Appendix A.

¹³ The Conservation of Habitats and Species Regulations 2017

Appendix A – Consultation comments from Consultation Bodies

Environment Agency

[REDACTED]

[REDACTED]

Southwick Neighbourhood Plan SEA screening

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

We have reviewed the Neighbourhood Plan Screening Draft August 2018 and the Draft Screening Determination, January 2019.

We note draft objectives are included to protect and enhance the natural environment and reduce flood risk for local residents. Indicators should relate to the environmental constraints in the local area. This would normally include flood risk management, water quality, and biodiversity.

We note your opinion that a SEA is required and we have no objection to this decision.

*We recommend that the SEA takes account of relevant policies, plans and strategies, including the Government's **25 Year Environment Plan**, the Local Authority's Strategic Flood Risk Assessment (SFRA), flood risk strategies and the South West River Basin Management Plan.*

Yours sincerely

[REDACTED]

Natural England

By email dated 1st February 2019

Dear Sir/Madam,

I can confirm that Natural England concurs with the conclusion of the above revised SEA Screening Decision consultation, namely that a SEA will be required.

[Redacted signature block]