

**Wiltshire Council**

**Strategic Environmental Assessment**

**Screening determination for the Tockenham Neighbourhood Plan**

**April 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 Tockenham Neighbourhood Plan.
- 1.2 Wiltshire Council, as the 'Responsible Authority'<sup>1</sup> under the SEA Regulations<sup>2</sup>, is responsible for undertaking this screening process of the Tockenham Neighbourhood Plan. It will determine if the plan is likely to have significant environmental effects, and hence whether SEA is required.
- 1.3 This process has been carried out in accordance with the requirements of European Directive 2001/42/EC<sup>3</sup>, often known as the Strategic Environmental Assessment (SEA) Directive, which has been transposed into English law by the SEA Regulations.

## 2. Legislative requirements

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

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

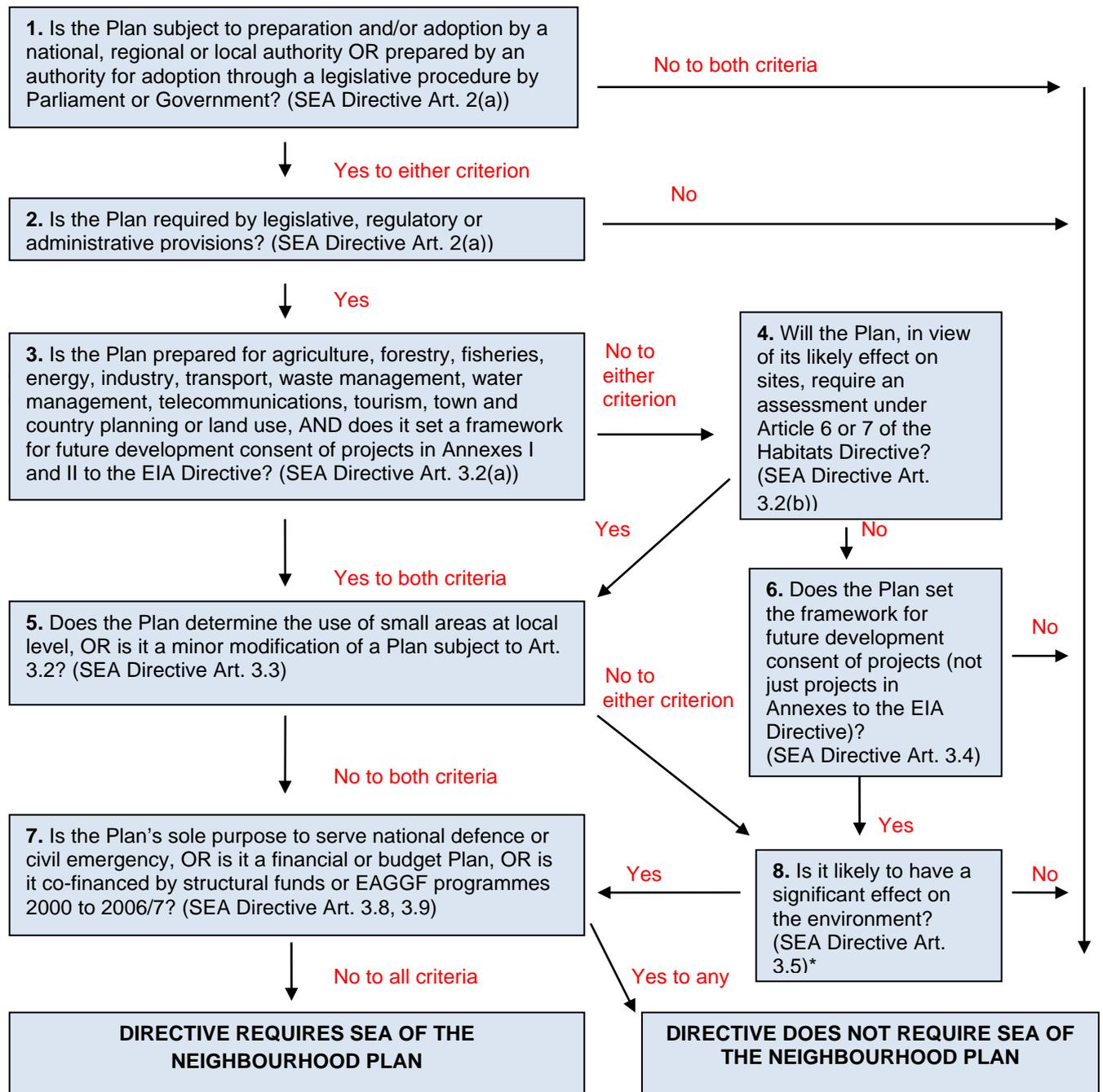
<sup>3</sup> European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment"

<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 Tockenham Neighbourhood Plan**

- 3.1 The parish of Tockenham is preparing a neighbourhood plan under the provisions of the Localism Act 2011.
- 3.2 The designation of the Tockenham Neighbourhood Area was made on 12<sup>th</sup> July 2017. For the designation notice see <http://www.wiltshire.gov.uk/planning-neighbourhood-latest-news>
- 3.3 A first draft of the neighbourhood plan accompanies this screening decision, setting out the proposed policies of the Plan. The draft does not propose any specific sites for development.

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

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

Criteria (Schedule 1 SEA Regs.)	Significant environmental effects likely?	Justification and evidence
<b>1. The characteristics of plans , having regard, in particular, to:</b>		
(a) the degree to which the plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	No	<p>The neighbourhood plan covers the parish area only. It sets a new policy framework for the parish to allow only sensitive and small-scale in-fill development. It seeks to protect and enhance the rural nature of the parish, including the natural, cultural and heritage assets within it. The whole of the parish area is within open countryside according to the Wiltshire Core Strategy, where development is restricted.</p> <p>The neighbourhood plan is not proposing any new specific site allocations for development. It supports small-scale local businesses that are in keeping with the rural character of Tockenham, farm and equestrian diversification and limited additional new housing in the form of infill development of no more than 2 or 3 dwellings.</p>
(b) the degree to which the plan influences other plans and programmes including those in a hierarchy	No	<p>The neighbourhood plan is produced by the local community to influence development at the local level. A neighbourhood plan is influenced by, and must be in general conformity with local and national planning policy.</p>
(c) the relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development	No	<p>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 but it does recognise the importance of the rural nature of the area and proposes policies to protect and enhance the quality of the built and natural environment, conserving and enhancing biodiversity and the historical environment and the landscape setting of the parish.</p>

(d) environmental problems relevant to the plan	No	There are no specific environmental problems relevant to this neighbourhood 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 neighbourhood plan 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, frequency and reversibility of the effects	No	Any environmental effects are not considered to be significant judging by the proposals in the neighbourhood plan. The Plan is not proposing any specific sites for development and seeks to give further protection to areas of natural, heritage and cultural importance. The Wiltshire Core Strategy restricts development in the open countryside which covers the whole of this parish area. Proposals in the draft Plan to encourage and support local businesses and to allow limited new infill housing development is not considered likely to result in significant environmental effects.
(b) the cumulative nature of the effects	No	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 neighbourhood plan covers a rural parish which includes small rural settlements that are entirely within the open countryside. Significant environmental effects due to the geographic size of the area and population size are not considered likely.

<p>(f) the value and vulnerability of the area likely to be affected due to—</p> <ul style="list-style-type: none"> <li>(i) special natural characteristics or cultural heritage;</li> <li>(ii) exceeded environmental quality standards or limit values; or</li> <li>(iii) intensive land-use;</li> </ul>	<p>No</p>	<p>The draft Plan is not proposing anything that is likely to have significant environmental effects on areas of natural or cultural value within the parish. Any future proposals for development will need to not only be in accordance with the policies of this neighbourhood plan, but also with the Local Plan and NPPF. The draft Plan seeks to protect and enhance the rural and historic environment and requires all development proposals to be sensitive to the defining rural characteristics of the area and to demonstrate how they maintain the quality of the built and natural environment. It also requires high quality design which reflects the key characteristics of the current buildings in the village to retain and enhance their individual identity.</p> <p>Environmental quality standards or limit values are not likely to be exceeded and land-use is not likely to be intensified as a result of this neighbourhood plan.</p>
<p>(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>No</p>	<p>The neighbourhood area is not within a national landscape designation. The boundary of the North Wessex Downs AONB is approx. 3.5km to the south-east of Tockenham village and small-scale infill developments of up to 3 dwellings is not likely to adversely impact on the setting of the AONB. There is no conservation area within the parish. There are a number of listed buildings throughout the parish which will continue to be protected through policies within this Plan and also Local Plan and NPPF policies. There are no ecological designations likely to be significantly affected by these proposals.</p> <p>A small amount of infill development i.e. the filling of a small gap within the village, during the Plan period, to meet local housing needs, is not considered likely to have significant environmental effects on any natural, heritage or cultural designations.</p>

## 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 Tockenham 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 key reasons:
- 1. The neighbourhood plan is proposing policies that will give further protection and enhancement to environmental and cultural features within the parish, in addition to protection already contained within local and national planning policy.
  - 2. The neighbourhood plan supports local businesses and sensitive small-scale infill residential dwellings to meet local housing needs that is in keeping with the rural nature of the area. It does not propose any specific sites for development. Any future proposals will still need to be in accordance with policies within the neighbourhood plan, Local Plan and NPPF. The Wiltshire Core Strategy restricts most forms of development within the open countryside which covers the whole of the area covered by this neighbourhood plan.
- 5.4 This screening decision has been sent to Natural England, the Environment Agency and Historic England, requesting comments within a 5-week period from 27<sup>th</sup> February 2018.

## 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 27<sup>th</sup> February 2018 and 3<sup>rd</sup> April 2018. Natural England and Historic England agreed with the determination that an SEA is not required for this neighbourhood plan. The Environment Agency responded to say that they had no comments to make.
- 6.2 The responses received from the three statutory consultation bodies are presented in Appendix A.

## Appendix A - Statutory consultee responses to screening decision

### Historic England

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

*Thanks for the nudge! Apologies for not getting back to you before yesterday.*

*Based on the information provided I can confirm that we have no objection to the view that an SEA will not be required for the Tockenham Neighbourhood Plan.*

*Having looked at the emerging draft Plan I can also confirm that there are no issues upon which we wish to make specific comment and unless the Plan changes significantly during its preparation would not envisage wishing to do so in the future.*

*Kind regards,*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### Natural England

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

*I can confirm that Natural England concurs with the reasoning set out in the SEA screening decision documentation that a SEA is not required.*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Environment Agency**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

*It has to be a 'no comment' from me this time. I just don't have the capacity to look at SEA consultations in details at the moment.*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]