

**Wiltshire Council**

**Strategic Environmental Assessment - Screening determination for the  
Warminster Neighbourhood Plan**

**June 2015**

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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 Warminster 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 Warminster 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 (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 projects*<sup>4</sup> (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 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)

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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).

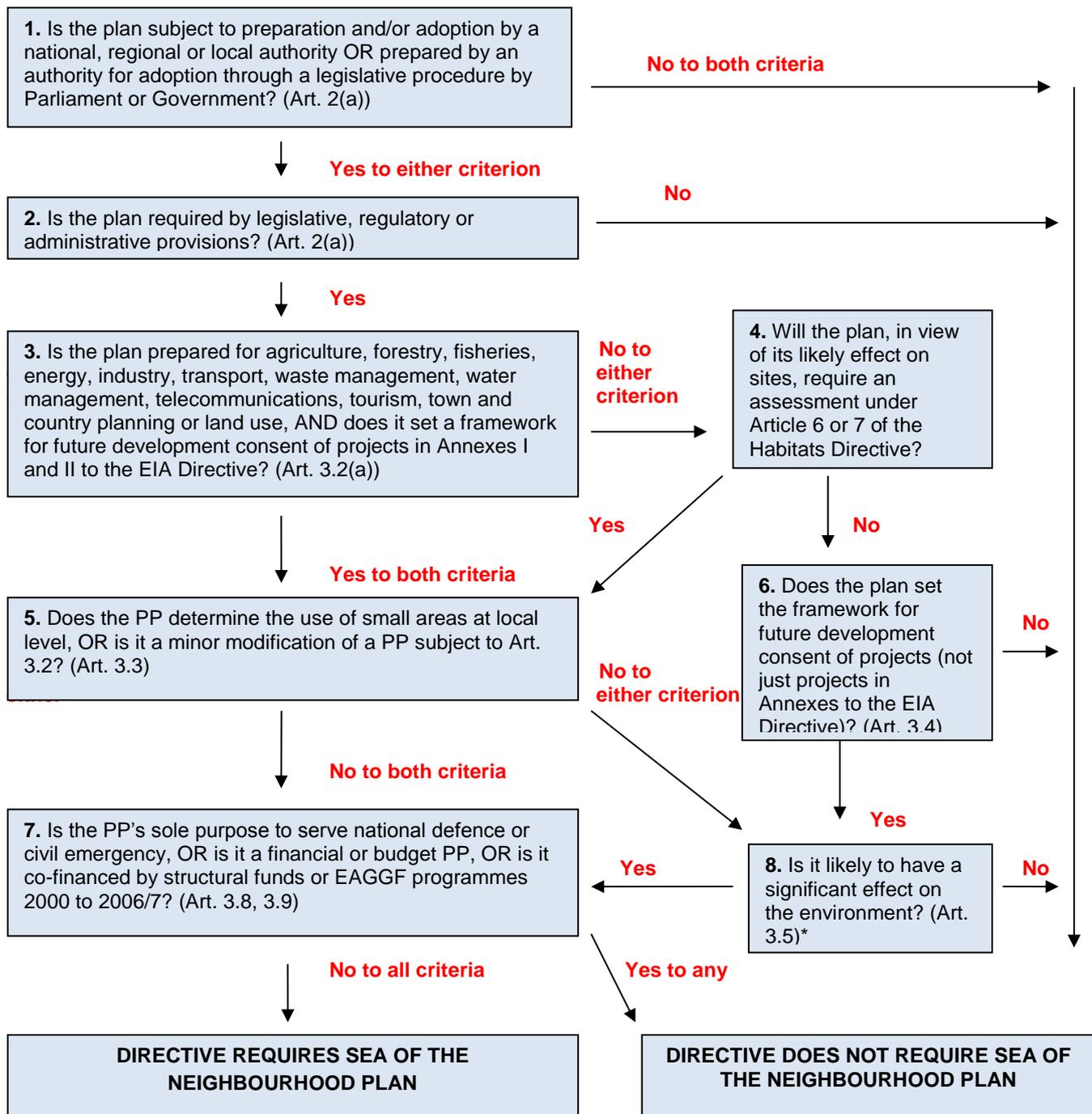
<sup>5</sup> European Commission guidance suggests that **plans which determine the use of small areas at local level** might include “a building plan which, for a particular, limited area, outlines details of how buildings must be constructed, determining, for example, their height, width or design”

<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.

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

2.3 The diagram<sup>7</sup> 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.

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

### **3. The Warminster Neighbourhood Plan**

#### **Background**

- 3.1. The town of Warminster and its surrounding Parish are currently preparing a neighbourhood plan under the provisions of the Localism Act 2011.
- 3.2. The Warminster Neighbourhood Plan will cover the period 2015–2026, and will set out a number of policies with a focus on protecting and enhancing Warminster’s prominence as a market town; making the most of the neighbourhood area’s heritage and attractive environment both in the town and surrounding countryside; promoting a vibrant and resilient economy that is equipped to adapt to future challenges; promoting a diverse range of employment opportunities as well as a strong and independent town centre; emphasising a sense of community and promoting links with the army garrison; and supporting sustainable growth.

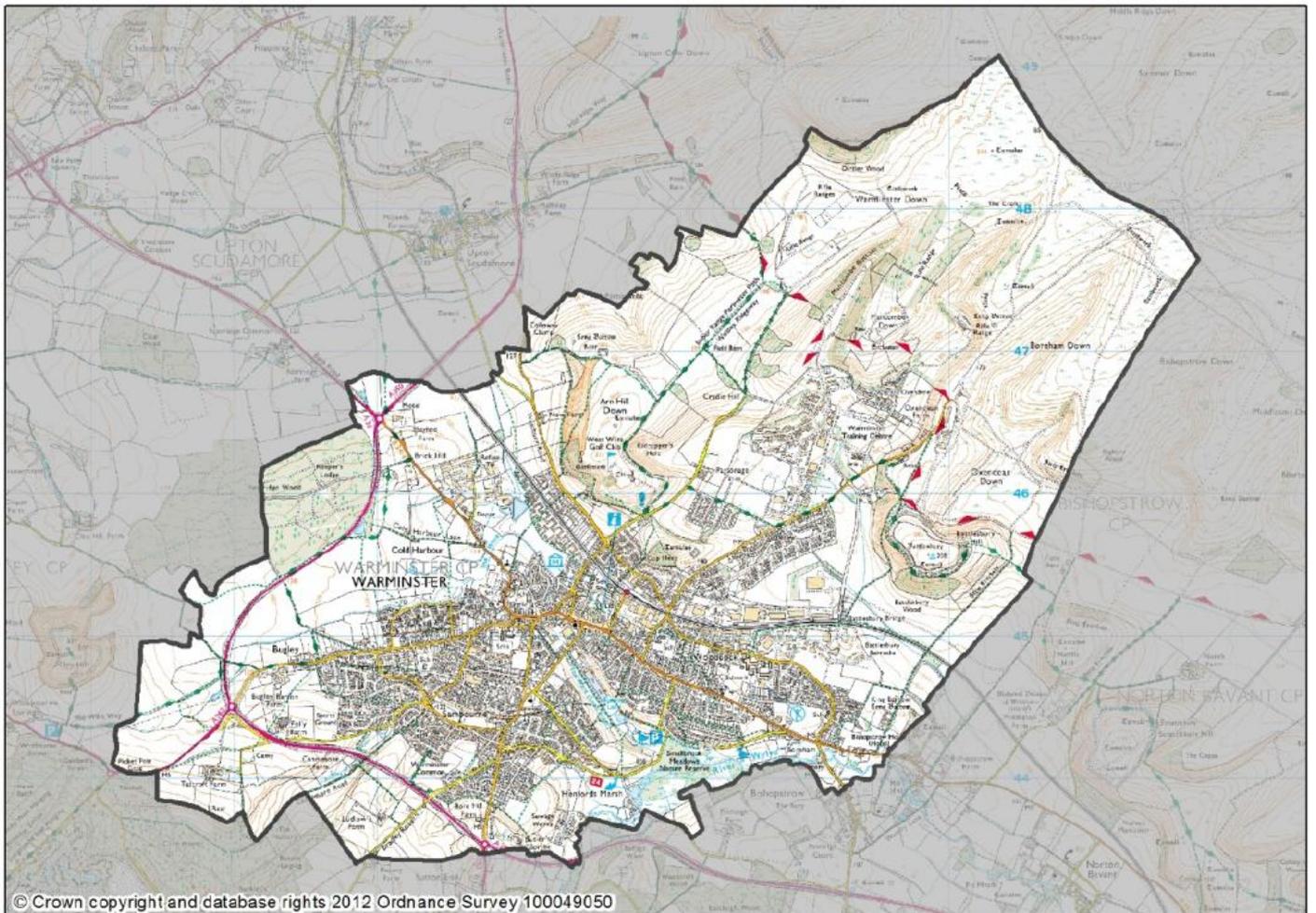
#### **Steering Group**

- 3.3. The Warminster Neighbourhood Plan steering group is made up by the Town Council with the help of representatives from across the community, that include local businesses, schools, churches, NHS surgeries, the armed forces, sports clubs, individual community members, invited experts, and various bodies from the town including the Civic Trust, Warminster and Villages Community Partnership, Warminster Development Trust, and Warminster Preservation Trust.
- 3.4. Planning officers from Wiltshire Council have been informal members of the steering group and continue to act as ‘link officers’ in providing support and advice.

#### **Neighbourhood area designation**

- 3.5. The designation of the Warminster Neighbourhood Area was approved on 5<sup>th</sup> March 2013.
- 3.6. Wiltshire Council publicised the Warminster Neighbourhood Area application for consultation over a period of 9 weeks and 2 days from 9am Monday 17<sup>th</sup> December 2012 to 5pm Wednesday 20<sup>th</sup> February 2013. No representations were received.
- 3.7. Following this consultation, Wiltshire Council confirmed that the proposed Warminster Neighbourhood Area (illustrated in Figure 1) is coherent, consistent and appropriate in planning terms.
- 3.8. The Warminster Neighbourhood Area application and designation documents area available to view online at:

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



**Figure 1 – Warminster neighbourhood area**

Source: <http://www.wiltshire.gov.uk/warminster-designation-approved.pdf>

### **Draft Warminster Neighbourhood Plan (February 2015)**

- 3.9. The draft Warminster Neighbourhood Plan is currently available to view on the Warminster Neighbourhood Plan webpage at:  
<http://www.warminster.uk.com/council/neighbourhood-plan.php>
- 3.10. The development of the Neighbourhood Plan has been informed by early community engagement, and the steering group have embarked upon a pre-submission consultation on the plan between 17<sup>th</sup> March and 8<sup>th</sup> May 2015.
- 3.11. The draft Neighbourhood Plan identifies a vision for Warminster, which can be found on page 13 of the Plan. The policies of the plan are set around the identified themes of: A Place to Live; A Place to Work; and a Place to Enjoy, with additional policies set out to address transport/movement and the Town Centre.

## **4. SEA Screening assessment**

- 4.1. Wiltshire Council, as the 'Responsible Authority', consider that the Warminster 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 (Regulation 5, para. 2)
  - c) is a plan that sets the framework for future development consent of projects generally (Regulation 5, para. 4); and
  - d) 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 Warminster 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 Warminster Neighbourhood Plan and ii) the characteristics of the effects and of the area likely to be affected by the Warminster 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 trans-boundary 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 Warminster 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 planned housing growth for Warminster will be met largely by the West Warminster Urban Extension (WWUE) which is a strategic mixed used allocation set out in the Wiltshire Core Strategy (WCS), and has already been subject to SA. Warminster Neighbourhood Plan does not allocate any further undeveloped land for housing within the neighbourhood area. The neighbourhood plan does indicate that future strategic housing at Warminster should be spread across the town to avoid imbalance of the town.</p> <p>The plan also loosely proposes development, policies W3, W6, E10, TC1, GA1, GA2 – these policies are allocations of a sought, but would not have a significant environmental affect as they aren't at a large enough scale.</p> <p>The neighbourhood plan proposes that any forthcoming changes to the Warminster settlement boundary be drawn to protect a number of valued areas in the town. This is broadly in line with the scope of WCS CP2.</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. It is in broad conformity with the provisions of the WCS and national planning guidance. The neighbourhood plan also builds upon the intentions of the Warminster Town Plan, which has been endorsed by Wiltshire Council.</p> <p>The neighbourhood plan sets some prescriptive requirements for the delivery of the WWUE, such as requiring the design and layout to be in conformity with the Building for Life 12 standards, the requirement for a Local Centre within the development, and the creation of separate accesses to the employment and residential parts of the development. It is not considered that these policies would compromise the aims of the WCS, including in relation to the Development Template for the WWUE set out in Appendix A of the WCS.</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; it is not specifically a plan for integrating environmental considerations but does contain policies for the protection of the historic, built and natural environment. Much of the plan is dedicated to the preservation and improvement of the Town Centre as a sustainable destination, in terms of, for example, its ability to retain business and drive the local economy, promote social cohesion and</p>

Criteria (Schedule 1 SEA Regs.)	Significant environmental effects likely?	Justification and evidence
		encourage the use of sustainable modes of transport.
(d) environmental problems relevant to the plan	No	The neighbourhood plan aims to conserve and enhance the existing landscape including buildings of architectural and historical significance. to capitalise on the towns setting on the edge of Salisbury Plain, and its surrounding Iron Age Hill Forts, and to protect the Warminster and Boreham Road Conservation Area. The Warminster neighbourhood Area does not fall within any European or Locally designated protected area. There were previously issues with high phosphate levels in the River Avon from the sewage lines in the Warminster area. This has since been resolved and is no longer considered an environmental issue.
(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. 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 cumulative effects considered to be significant from the limited development proposals outlined in the neighbourhood plan.
(c) the trans-boundary nature of the effects	No	No trans-boundary effects with other EU countries are likely from the limited development proposals outlined in the neighbourhood plan.
(d) the risks to human health or the environment (for example, due to accidents)	No	No environmental effects are considered likely to risk human health or the environment. The neighbourhood plan seeks to protect and enhance the natural and built environment and proposes limited new development.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	No	Significant effects due to the geographic size of the area and population size are not considered likely. The neighbourhood plan covers just the Warminster town administrative area. All large developments proposed in and around the Warminster CA and the town itself are set out in the

Criteria (Schedule 1 SEA Regs.)	Significant environmental effects likely?	Justification and evidence
		Wiltshire Core Strategy which has been found viable and sustainable. The Core Strategy has been subject to sustainability appraisal which meets the requirements of the SEA Regulations.
(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	Warminster town centre and the neighbourhood plan area do abut the AONB but do not fall within the area itself. The proposed limited development within the Neighbourhood Plan will not affect the setting of this designation. The effects of the West Warminster urban extension have already been assessed through the SA/SEA of the Wiltshire Core Strategy and will also be assessed through a masterplan approach to the development and any subsequent planning application. There are no SSSIs within or surrounding the Warminster area, but the town itself does abut a county wildlife park, this however will not be affected by any development which is proposed in the NP.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status. 	No	The neighbourhood plan, plans to conserve and enhance the existing landscape including buildings of architectural and historical significance. to capitalise on the towns setting on the edge of Salisbury Plain, and its surrounding Iron Age Hill Forts, and to protect the Warminster and Boreham Road Conservation Area. There are no national and European landscape/biodiversity designations within the plan area but the AONB does lie to the west of the NP area. However, the limited proposals of the neighbourhood plan that accord with the Wiltshire Core Strategy are not considered likely to lead to any significant effects . The Core Strategy has been subject to SEA and HRA and this plan does not propose anything over and above what is contained in that higher-level plan.

## **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 Warminster 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 produced by the local community to influence development at the local level. It is in broad conformity with the provisions of the WCS and national planning guidance.
  - 2. The neighbourhood plan aims to conserve and enhance the existing landscape including buildings of architectural and historical significance. to capitalise on the towns setting on the edge of Salisbury Plain, and its surrounding Iron Age Hill Forts, and to protect the Warminster and Boreham Road Conservation Area.
  - 3. There are no national and European landscape/biodiversity designations within the plan area but the AONB does lie to the west of the NP area. However, the limited proposals of the neighbourhood plan that accord with the Wiltshire Core Strategy are not considered likely to lead to any significant effects.

## **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, have been consulted on this SEA screening determination. All three bodies agreed with the screening determination that the Warminster Neighbourhood Plan was not likely to have significant environmental effects and therefore an SEA is not required.
- 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, agreeing with the screening determination, is presented in Appendix B.

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

**From:**  
**To:**  
**Cc:**  
**Subject:**  
**Date:**  
**Attachments:**  
**Importance:**



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Dear Sir / Madam,

We are advising the Warminster neighbourhood plan steering group on their neighbourhood 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 is in general conformity with the Wiltshire Core Strategy which has been subject to a Strategic Environmental Assessment.

I have attached a preliminary draft of their plan and the SEA screening decision. The plan seeks to protect and enhance its environmental, built and cultural heritage whilst proposing limited development which is in accordance with Core Policy 31 of the Wiltshire Core Strategy.

Please see the 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 17<sup>th</sup> April 2015.

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

Kind regards,



## **Appendix B – Consultation responses from statutory consultation bodies**

*B.i. Response from the Environment Agency (attached)*

*B.ii. Response from Natural England (attached)*

*B.iii. Correspondence and response from Historic England (attached)*