

Wiltshire Council

Strategic Environmental Assessment

**Screening determination for the West Ashton
Neighbourhood Plan**

December 2019

Wiltshire Council
The logo for Wiltshire Council, featuring a green wavy line underneath the text.

Contents	Page
1. Introduction	3
2. Legislative requirements	4
3. The West Ashton Neighbourhood Plan	6
4. SEA Screening assessment	7
5. SEA Screening decision	12

Appendix A - Statutory consultee responses to screening decision

1. Introduction

- 1.1 This document provides a screening determination of the need to carry out a Strategic Environmental Assessment (SEA) of the West Ashton Neighbourhood Plan (NP).
- 1.2 Wiltshire Council, as the 'Responsible Authority'¹ under the SEA Regulations², is responsible for undertaking this screening process of the West Ashton 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/EC³, often known as the Strategic Environmental Assessment (SEA) Directive, which has been transposed into English law by the SEA Regulations.

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"

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 states, among other things, that:

5. (1) Subject to paragraphs (5) and (6) and regulation 7, where—

(a) the first formal preparatory act of a plan or programme is on or after 21st July 2004; and

(b) the plan or programme is of the description set out in either paragraph (2) or paragraph (3),

the responsible authority shall carry out, or secure the carrying out of, an environmental assessment, in accordance with Part 3 of these Regulations, during the preparation of that plan or programme and before its adoption or submission to the legislative procedure.

(2) The description is a plan or programme which—

(a) is prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, and

(b) sets the framework for future development consent of projects listed in Annex I or II to Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive 97/11/EC(a).

(3) The description is a plan or programme which, in view of the likely effect on sites, has been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive.

(4) Subject to paragraph (5) and regulation 7, where—

(a) the first formal preparatory act of a plan or programme, other than a plan or programme of the description set out in paragraph (2) or (3), is on or after 21st July 2004;

(b) the plan or programme sets the framework for future development consent of projects; and

(c) the plan or programme is the subject of a determination under regulation 9(1) or a direction under regulation 10(3) that it is likely to have significant environmental effects,

the responsible authority shall carry out, or secure the carrying out of, an environmental assessment, in accordance with Part 3 of these Regulations, during the preparation of that plan or programme and before its adoption or submission to the legislative procedure.

(6) An environmental assessment need not be carried out—

(a) for a plan or programme of the description set out in paragraph (2) or (3) which determines the use of a small area at local level; or

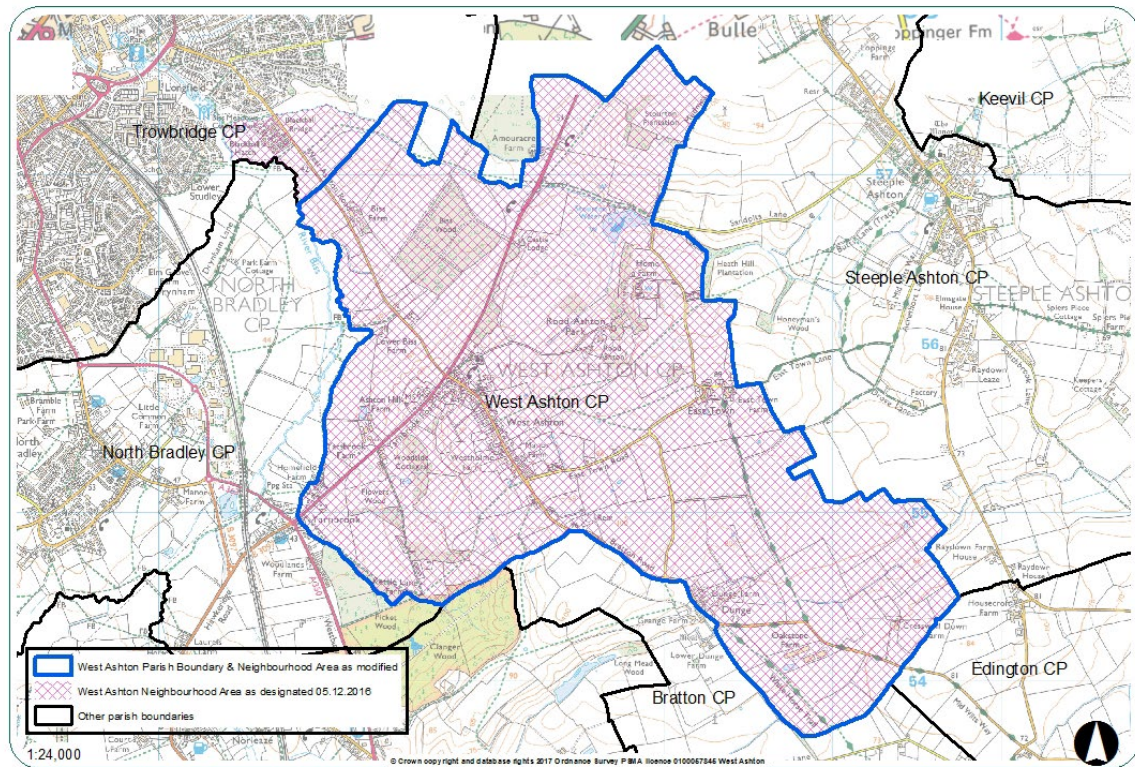
(b) for a minor modification to a plan or programme of the description set out in either of those paragraphs,

unless it has been determined under regulation 9(1) that the plan, programme or modification, as the case may be, is likely to have significant environmental effects, or it is the subject of a direction under regulation 10(3).

3. The West Ashton Neighbourhood Plan (NP)

3.1 The parish of West Ashton is preparing a neighbourhood plan under the provisions of the Localism Act 2011.

3.2 The designation of the West Ashton Neighbourhood Area was made on 20th September 2017 (see map of area outlined in blue below – the original boundary has been modified due to the Wiltshire Council Reorganisation of Community Governance Order 2016). For the designation notice see <http://www.wiltshire.gov.uk/planning-neighbourhood-latest-news>



3.3 This screening decision is based on, and accompanied by, the 'West Ashton Neighbourhood Development Plan 2019-2026 Regulation 14 Draft' ⁴.

⁴ West Ashton Neighbourhood Development Plan 2019-2026 Regulation 14 Draft (West Ashton Parish Council, September 2019)

4. SEA Screening assessment

4.1 Wiltshire Council, as the 'Responsible Authority', considers that the West Ashton 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); and

b) in view of the likely effect on sites, has been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive (Regulation 5, para. 3).

4.2 Wiltshire Council has determined that Regulation 5(6) of the SEA Regulations is relevant to this Plan, given the nature of the Plan, its policies and what it is seeking to achieve, and that this Plan can be considered as determining a '*small area at local level*'. Regulation 5(6) states:

*'An environmental assessment need not be carried out (a) for a plan or programme of the description set out in paragraph (2) or (3) which **determines the use of a small area at local level**;... unless it has been determined under regulation 9(1) that the plan, programme or modification, as the case may be, is likely to have significant environmental effects, or it is the subject of a direction under regulation 10(3).'*

4.3 Determining whether a Plan '*determines the use of a small area at local level*' is a matter of fact and degree that involves planning judgement for the responsible authority. This neighbourhood plan does not contain any policies that support development over and above Core Policies 1 and 2 of the Wiltshire Core Strategy. Infill development within the village of West Ashton is only supported where it is in accordance with the Core Strategy. Other policies include landscape protection and enhancement, support for sustainable modes of transport, design standards, support for small-scale community facilities within the village of West Ashton, designation of Local Green Spaces, renewable energy for new residential development, essential infrastructure for new development and a bat conservation policy. There are no development sites allocated in the Plan and development that is not in accordance with the Core Strategy is not supported.

4.4 The key criterion for the application of the Directive is not the size of area covered by the Plan but whether the plan or programme would be likely to have significant environmental effects. Importantly, the recommendations of the Appropriate Assessment for this Plan have all been incorporated into the revised draft of the Plan and the Appropriate Assessment concludes that, provided all recommendations are applied, it is possible to conclude, beyond reasonable scientific doubt, that the West Ashton Neighbourhood Plan would not lead to adverse effects on the affected European Sites, alone or in-combination with other plans and projects.

4.5 According to Regulation 5(6), a determination under Regulation 9 is still required as to whether the West Ashton NP is likely to have significant effects on the environment, and this assessment follows.

4.6 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 West Ashton NP and ii) the characteristics of the effects and of the area likely to be

affected by the West Ashton NP. 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.

Screening assessment of the West Ashton Neighbourhood Plan, as required by Regulation 9, 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 regards to the location, nature, size and operating conditions or by allocating resources	No	The neighbourhood plan covers the West Ashton parish area only. Whilst the Plan does set a framework for projects at the local parish level, it is not considered that the Plan sets a framework for a significant degree of projects or other activities. The Plan does not contain any site allocations for development and development that is not in accordance with the Core Strategy is not supported.
(b) the degree to which the plan influences other plans and programmes including those in a hierarchy	No	The NP is produced by the local community to influence development at the local parish level. It is not considered that the 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 NP is a land-use plan that promotes sustainable development, in general conformity with the Local Plan and national planning guidance, but it is not a Plan specifically relating to the integration of environmental considerations, although environmental considerations are considered in the Plan. The NP seeks to preserve its rural landscape setting that helps define West Ashton as a rural village of distinct and separate character from nearby Trowbridge. Developments which incorporate the small-scale generation of renewable energy are supported and one area of Local Green Space is proposed at Shepherd's Drove Recreation Area. There is a specific policy on bat conservation that requires development proposals to conform with the Trowbridge Bat Mitigation Strategy published by Wiltshire Council.
(d) environmental problems relevant to the plan	No	Part of the neighbourhood plan designated area lies within zones identified in the emerging Trowbridge Bat Mitigation Strategy where development is considered likely to have harmful effects on the Bath and Bradford on Avon Bats SAC. However, the Plan is not allocating sites for development and development that is not in accordance with the Core Strategy is not supported. Reference is made in the Plan to any future development within the village of West Ashton being delivered as infill development in accordance with Core Policies 1 and 2 of the Wiltshire Core Strategy which has been subject to SEA.

		The recommendations of the Appropriate Assessment for this Plan have all been incorporated into a revised draft of the Plan and the Appropriate Assessment concludes that, provided all recommendations are applied, it is possible to conclude, beyond reasonable scientific doubt, that the West Ashton Neighbourhood Plan would not lead to adverse effects on the affected European Sites, alone or in-combination with other plans and projects.
(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 European Union 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	No	The Plan does not contain any development site allocations. The objectives of the Plan seek to maintain the rural setting of the parish, improve sustainable transport links, and allow limited infill housing development within the existing built-up area of West Ashton village, in accordance with the Wiltshire Core Strategy (West Ashton is identified as a 'Small Village' in the WCS which allows infill development only). The policies of the Plan include policies on landscape setting, sustainable transport, design standards, support for a village shop, post office or pub within the built-up area of the village, protection of Local Green Space, support for sustainable housing as infill, renewable energy, infrastructure priorities and bat conservation. None of these policies are considered likely to have significant environmental effects and the Appropriate Assessment has concluded that the revised Plan would not lead to adverse effects on the affected European Sites, alone or in-combination with other plans and projects.
(b) the cumulative nature of the effects	No	The Plan supports limited small-scale development as infill within the existing built-up area of West Ashton village, in accordance with Core Policies 1 and 2 of the Wiltshire Core Strategy. This is not considered likely to have significant cumulative effects with other proposals.
(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	No	There are no significant environmental effects considered likely to risk 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)	No	<p>The Plan covers a rural parish which includes the 'Small Village' of West Ashton. The 2011 Census records a parish population of just 737. Significant environmental effects due to the geographic size of the area and population size are not considered likely.</p> <p>Wiltshire Council has determined that Regulation 5(6) of the SEA Regulations is relevant to this Plan, given the nature of the Plan, its policies and what it is seeking to achieve, and that this Plan can be considered as determining a '<i>small area at local level</i>'.</p>
(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	<p>It is not considered that the Plan will have significant environmental effects due to exceeded environmental quality standards, limit values or intensive land-use.</p> <p>The Plan does not allocate sites for development. Development can occur in the parish in accordance with Core Policies 1 and 2 of the Wiltshire Core Strategy which has been subject to SEA, to include limited infill development within the existing built-up area of the 'Small Village' of West Ashton and through exception policies in the open countryside, and in accordance with national planning policies.</p> <p>Policies of the Plan are not considered likely to significantly affect areas of special natural characteristics or cultural heritage. There are no specific details regarding any sustainable transport connections, renewable energy installations, or specific location for a new village shop, post office or pub. The parish does not fall within any landscape designation. There are no conservation areas within the parish. The village of West Ashton is not within an area of flood risk.</p> <p>The Appropriate Assessment has concluded that the revised Plan would not lead to adverse effects on the affected European Sites, alone or in-combination with other plans and projects.</p>
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	No	<p>There are no landscape designations or conservation areas within the parish. The Plan does not allocate any sites for development.</p> <p>The Appropriate Assessment has concluded that the revised Plan would not lead to adverse effects on the affected European Sites, alone or in-combination with other plans and projects.</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 West Ashton 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 Plan is not allocating any sites for development within the parish.
 - 2. The Plan is seeking to maintain the rural setting of the parish, to improve local facilities, including those for recreation, and protect valued local green spaces.
 - 3. The Wiltshire Core Strategy allows limited infill development to come forward within a 'Small Village' such as West Ashton. The Plan is not supporting additional development within the village other than through Core Policies 1 and 2 of the Core Strategy.
 - 4. The Plan supports small-scale proposals such as sustainable transport connections, renewable energy installations and a new village shop, post office or pub, although there are no details of specific projects in the Plan. Any future proposals would need to meet the requirements of policy in the neighbourhood plan, Local Plan and NPPF.
 - 5. Recommendations of the Appropriate Assessment for this Plan have all been incorporated into the revised draft of the Plan and the Appropriate Assessment concludes that, provided all recommendations are applied, it is possible to conclude, beyond reasonable scientific doubt, that the West Ashton Neighbourhood Plan would not lead to adverse effects on the affected European Sites, alone or in-combination with other plans and projects.
- 5.4 This screening decision is based on the September 2019 Reg 14 Draft Plan. If any changes are subsequently made to the Plan that may be likely to have significant environmental effects e.g. policy changes or allocation of development sites, the Qualifying Body⁵ must inform and request a revised SEA screening determination from the Council.
- 5.5 This screening decision was sent to Natural England, the Environment Agency and Historic England (the "consultation bodies"), requesting comments within a 5-week period, from 29th October 2019 to 3rd December 2019. Comments were received from

⁵ West Ashton Parish Council

all three statutory consultees who agreed with the decision that a SEA is not required. Comments are presented in Appendix A.

Appendix A - Statutory consultee responses to screening decision

Historic England

[REDACTED]

Thank you for your consultation on the SEA Screening Report for the emerging West Ashton Neighbourhood Plan.

We also appreciate having sight of the draft Plan. We have not had any involvement in the preparation of the Plan since offering general advice on the Area's designation in January last year and this opportunity allows us to identify and highlight any specific issues of interest. We note that this is referred to as a Regulation 14 draft but assume that as we have not yet received a consultation from the community that it remains work in progress, perhaps pending the outcome of this current consultation.

Having considered the draft Plan I can confirm that there are no issues associated with it upon which we might wish to comment. Unless the Plan experiences significant change subsequently, such as in the allocation of sites for development, it is unlikely that this position will change as the Plan progresses through its various stages.

On this basis I can also confirm that we have no objection to the view that a full SEA is not required.

[REDACTED]

[REDACTED]

Environment Agency

[REDACTED]

[REDACTED]

We would have no objection to your screening decision.

I would take this opportunity to request that you pass on to the steering group that we would expect to see some much more ambitious intentions in relation to climate change adaptation and mitigation in the final draft of the Plan.

This is in line with the announcement of a Climate Emergency by many local authorities, including Wiltshire Council, and the 25 Year Environment Plan which should guide other Plans.

[REDACTED]

Natural England

Date: 05 December 2019
Our ref: 301557
Your ref: West Ashton NP -
SEA

[REDACTED]

West Ashton Neighbourhood Plan - SEA Screening Decision

Thank you for your consultation on the above dated 29 October 2019 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Screening Request: Strategic Environmental Assessment

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (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.

Neighbourhood Plan

Guidance on the assessment of Neighbourhood Plans, in light of the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended), is contained within the [National Planning Practice Guidance](#). The guidance highlights three triggers that may require the production of an SEA, for instance where:

- *a neighbourhood plan allocates sites for development*
- *the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan*
- *the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.*

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

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.

For any new consultations, or to provide further information on this consultation please send your correspondences to [\[REDACTED\]](#)

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