

Wiltshire Council

Strategic Environmental Assessment

**Screening determination for The Winterbournes Neighbourhood
Plan**

March 2018

Contents

Page

1. Introduction	3
2. Legislative requirements	3
3. The Winterbournes Neighbourhood Area	5
4. SEA Screening assessment	6
5. SEA Screening decision	11
6. Statutory consultee response to screening decision	11

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 Winterbournes Neighbourhood Plan.
- 1.2 Wiltshire Council, as the ‘Responsible Authority’¹ under the SEA Regulations², is responsible for undertaking this screening process. 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 (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 projects⁴ (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 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)*

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”

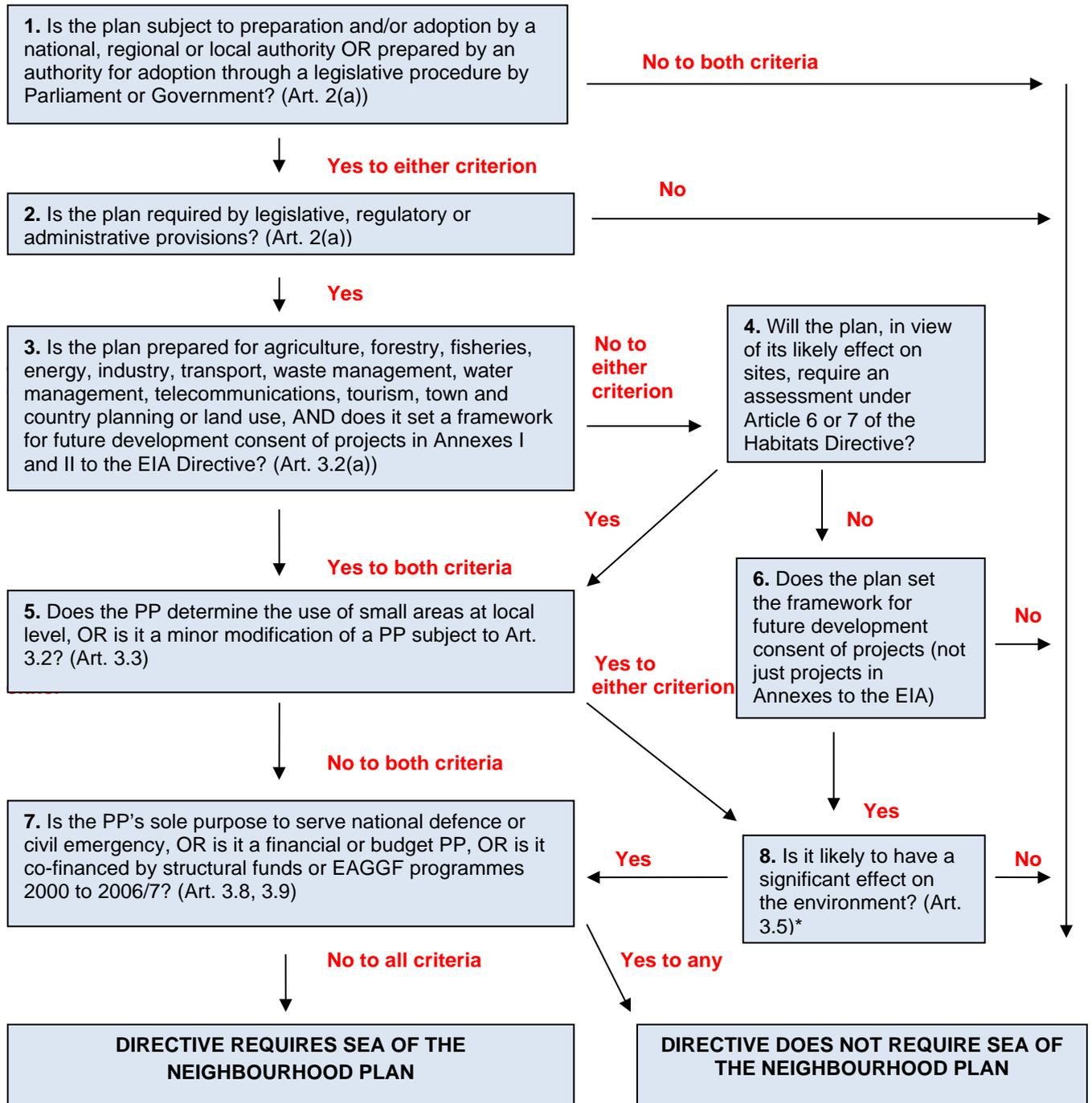
⁴ European Commission guidance states that plans and programmes which **set the framework for future development consent of projects** would normally contain ‘criteria or conditions which guide the way a consenting authority decides an application for development consent’. **Development consent** is 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”

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

2.3 The diagram⁷ 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.

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.

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

3. The Winterbournes Neighbourhood Area

3.1 Winterbourne Parish Council forms the 'relevant body' for the purposes of neighbourhood planning. They submitted an application to designate the whole of the parish area as a Neighbourhood Area. The designation was made by Wiltshire Council on 9th December 2015 and is shown on the map below:

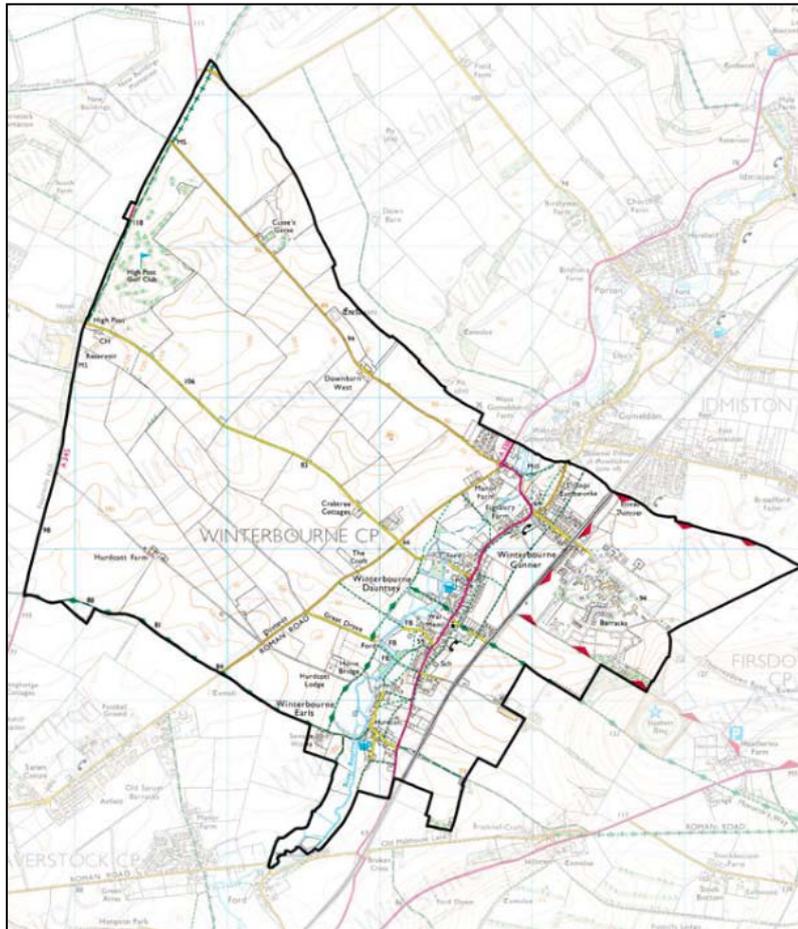


Figure 1: The Winterbournes Neighbourhood Area

4. SEA Screening assessment

4.1 Wiltshire Council, as the 'Responsible Authority', consider that The Winterbournes 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 Winterbournes 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 Winterbournes Neighbourhood Plan and ii) the characteristics of the effects and of the area likely to be affected by The Winterbournes Neighbourhood Plan.

4.4 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.

Table 1 - Screening assessment of The Winterbournes Neighbourhood Plan

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 draft neighbourhood plan will set out a framework of objectives designed to address particular issues at the parish level only.
(b) the degree to which the plan influences other plans and programmes including those in a hierarchy	No	The draft neighbourhood plan is produced by the local community to influence development at the local parish level. It does not strongly influence strategic plans higher up in a hierarchy, although any potential future review of the Wiltshire Core Strategy will need to give consideration to the Plan's proposals.
(c) the relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development	No	The draft neighbourhood plan will seek to promote the objectives of sustainable development and it will integrate and take into account environmental considerations and requirements set at the local and national level. However, it will not be a Plan specifically for integrating environmental considerations, and no significant environmental effects are considered likely from its relevance in this regard.
(d) environmental problems relevant to the plan	No	The draft neighbourhood plan will seek to address environmental problems that are relevant to the parish but there are considered to be no specific significant environmental problems relevant to the neighbourhood area. The site assessment for ' <i>Land between primary school and Glebe Hall</i> ' makes reference to the proximity of a nearby pig farm and the potential for odour issues at this site. However, it is recognised that much of the original site area assessed has been rejected as being within a 400m radius of the pig farm – a distance recommended by Wiltshire Council's Environmental Health Officers. Consequently, only a small part of the original site in the north-west of the site is proposed for allocation for a relatively small number of dwellings, adjacent to existing residential development. There are existing residences closer to the pig farm than this proposed site. Significant environmental problems are not considered likely on this basis.
(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 draft neighbourhood plan will not be relevant as a plan for implementing community legislation.

Criteria (Schedule 1 SEA Regs.)	Significant environmental effects likely?	Justification and evidence
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>Historic England and Wiltshire Council's conservation officer remain concerned that one of the proposed housing site allocations, 'Land at the Portway', has the potential to cause harm to nearby heritage assets. It is considered that an SEA will be required for this Plan as significant environmental effects are considered likely. See attached comments from Historic England in Appendix A who recommended further opinion of the conservation officer regarding this site. The conservation officer states that, having seen the further heritage assessments commissioned by the group from Elaine Milton Heritage & Planning Limited, <i>'I'm happy that the Glebe Hall site would not cause significant harm. With regard to the Portway site though, even the heritage statement states that the development 'would be harmful to the predominant character and appearance of the conservation area', and with so little public benefit to be gained from two or three dwellings, there seems little point in pursuing this site.'</i></p> <p>The heritage assessment noted above also states that <i>'the site makes a positive contribution to the setting of the Winterbournes Conservation Area and non-designated heritage assets within the locality. Development of the site would have a negative impact on the designated and non-designated heritage assets identified due to the erosion of the predominantly open, rural qualities of the area and the reinforcement of the existing ribbon development on the north side of The Portway.'</i></p>
(b) the cumulative nature of the effects	No	No cumulative effects are considered likely to be significant with the proposals, due to the relatively small-scale development proposed.
(c) the transboundary nature of the effects	No	There are no likely EU transboundary effects arising from the neighbourhood plan.
(d) the risks to human health or the environment (for example, due to accidents)	No	There are unlikely to be risks to human health or the environment arising from the neighbourhood plan.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	No	The neighbourhood plan will apply to the parish area only. Significant effects due to the geographical 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	Yes	<p>It is considered that the proposed development sites will not lead to an exceedence of environmental quality standards or limit values. The parish is not covered by any specific environmental designations and development sites are not located within or adjacent to any areas of flood risk.</p> <p>However, Historic England and Wiltshire Council's conservation officer remain concerned that one</p>

Criteria (Schedule 1 SEA Regs.)	Significant environmental effects likely?	Justification and evidence
standards or limit values; or (iii) intensive land-use;		<p>of the proposed housing site allocations, 'Land at the Portway', has the potential to cause harm to nearby heritage assets. It is considered that an SEA will be required for this Plan as significant environmental effects are considered likely. See attached comments from Historic England in Appendix A who recommended further opinion of the conservation officer regarding this site. The conservation officer states that, having seen the further heritage assessments commissioned by the group from Elaine Milton Heritage & Planning Limited, <i>'I'm happy that the Glebe Hall site would not cause significant harm. With regard to the Portway site though, even the heritage statement states that the development 'would be harmful to the predominant character and appearance of the conservation area', and with so little public benefit to be gained from two or three dwellings, there seems little point in pursuing this site.'</i></p> <p>The heritage assessment noted above also states that <i>'the site makes a positive contribution to the setting of the Winterbournes Conservation Area and non-designated heritage assets within the locality. Development of the site would have a negative impact on the designated and non-designated heritage assets identified due to the erosion of the predominantly open, rural qualities of the area and the reinforcement of the existing ribbon development on the north side of The Portway.'</i></p>
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	No	Proposed development sites are not considered likely to have significant effects on areas or landscapes of recognised national, Community or international status.

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, as the responsible authority, consider that, in light of comments received through consultation with Historic England and the Council's conservation officer, the proposed The Winterbournes Neighbourhood Plan is likely to have significant environmental effects and consequently will require a Strategic Environmental Assessment, as per the reasons given in Table 1.

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 an SEA screening determination between 29th March 2017 and 3rd May 2017. The original pre-consultation determination was that an SEA would not be required.
- 6.2 Natural England and Environment Agency agreed with the original determination that an SEA was not required. However, Historic England did not agree. Considering further advice from Historic England, the Council's conservation officer and further heritage assessment commissioned by the qualifying body, it was decided to change the original pre-consultation determination and that consequently an SEA is required for this neighbourhood plan.
- 6.3 The responses received from consultation with the statutory bodies are presented in Appendix A.

Appendix A - Statutory consultee responses to screening decision

Historic England



Thank you for your SEA Screening consultation on the emerging Winterbournes Neighbourhood Plan.

This is our first involvement with this Plan. We note that this consultation is based exclusively on the proposed housing site allocations and includes individual site assessments as well as the Screening Report.

The focus of our attention is the “Land Adjacent The Portway & Down Barn Road” and “Land between the Primary School and Glebe Hall”. Both these sites are adjacent to the Conservation Area but while the need for careful consideration of this relationship has been highlighted both have been identified as being able to be developed without causing significant environmental effects.

The issue at this stage is not the amount of development that each site can accommodate but the role of the sites in defining the setting and thereby the significance of the conservation area as a designated heritage asset. There is no reference to a conservation appraisal and it is not clear whether one exists (there is no reference to one on the relevant page of the Council’s website). It is therefore not clear how it has been concluded that the sites can be developed in any form without causing harm.

From the map information provided it is clear that the settlement has a tight linear development pattern which follows the river valley. There is a firm rural/urban delineation which generally contributes significantly to the setting of the settlement. While there may be scope for some discreet development which extends the de facto settlement boundary into its rural context it also seems evident that some areas will be more valuable in their contribution to the setting of the conservation area and therefore more sensitive to change than others. As a consequence, individual or cumulative impacts may even at a modest level well have the potential to cause harm equivalent to significant environmental effects.

We therefore consider it premature to conclude that the sites are suitable for development and that insufficient evidence exists to be able to conclude that potential harm can be avoided or mitigated through such measures as landscaping.

We would therefore recommend that further heritage evidence be gathered to appropriately inform the assessment of the sites in question when we would be happy to review our advice. Until that time we cannot agree with the view that an SEA is not required for this Plan.

In the meantime we would like to capitalise on this first opportunity to provide some generic introductory information on heritage and neighbourhood plans which I have attached. Specific guidance on SEAs and Setting is available on our website at <https://historicengland.org.uk/images->

[books/publications/sustainability-appraisal-and-strategic-environmental-assessment-advice-note-8/](#)
<https://content.historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/gpa3.pdf/>. We would be grateful if you could share this with the community.

Kind regards

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Thank you for the additional information in response to our previous response.

From what you say this has been prepared by the NP Steering Group and on that basis there doesn't appear to have been any "expert" heritage input. The report has been prepared after the sites have been selected and so there is always the risk of creating the perception of post-rationalisation.

The report is quite simplistic in its scope and detail, focusing understandably just on the two sites in question and the respective contribution which they are considered to make to the setting and views into and out of the conservation area. It is always difficult to gauge the relative contribution or value of such sites in the absence of an holistic appraisal of the conservation area. Certainly the photographic images help in establishing an appreciation of the character of the sites, how they sit within the wider landscape, and their relationship with the conservation area as a consequence.

But without possessing local knowledge or broader information on the character of the conservation area as a whole it remains difficult to determine whether the allocations will generate a level of impact that suggests an SEA should be required. While it is accepted that the sites do play a part in defining the setting of the conservation area and that there will be some harm it is argued that they represent only a very small portion of the open countryside surrounding it and that mitigation measures such as planting can further reduce impact.

In response it is tempting to intimate that the character of development in the conservation area near to the Portway site is disparate and low density in nature and that consolidating the existing cluster of housing in the form of ribbon development could be seen as creating an uncharacteristic concentration of development which might create not only a significant and incongruous presence but also a visual barrier.

The Glebe Hall/ Primary School site effectively constitutes backland development adjacent to a part of the conservation area where although development is more tightly clustered it tends to restrict its footprint to either side of the highway network. Viewpoint 3 as shown suggests that there is quite an

intimate relationship between this part of the conservation area and its rural hinterland and while it may represent only a very small portion of the surrounding countryside this part of it could well be quite an important open /undeveloped space.

None of what I have said necessarily disputes the assertions of the Steering Group or that the sites are inappropriate but is meant to highlight the importance of applying appropriate methodology and expertise to such assessments.

I am conscious of not wishing to put the community to further work if this can be avoided, especially when all that is probably required is a locally expert review of the evidence provided. I would therefore suggest that you do what has been done with other neighbourhood plans in parts of Wiltshire and ask your conservation officer colleagues to confirm whether they are happy that to allocate the sites in question will not cause harm to designated heritage assets and thereby obviate the need for an SEA, addressing necessary national and local policy for the historic environment into the bargain. This can be a very quick and simple exercise, saving all further undue investment of time and effort.

Kind regards

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Many thanks for your further information on this Plan. I will attempt to summarise the situation and our position on it as best I can.

- 1. The Plan advocates allocating two sites for housing development. This is in response to community aspirations arising from local desire. I am not sure of the evidence which might exist to demonstrate basic housing need, bearing in mind that the Local Plan process does not propose any allocations, unless presumably the nature of the housing in question (eg shared tenancy/ownership, owner build, house size/design etc) is a response to identified local housing problems. If this is the case then such criteria or restrictions should be a part of the evidence base and presumably incorporated within the allocation policies as well. (Note: I appreciate that supporting documents might already set out an adequate rationale and evidence base for the policy as drafted)*
- 2. The issue is then one of harm to designated heritage assets. There is a presumption against development (including allocations) which causes harm so the planning process (including site*

Natural England

[Redacted]

[Redacted]

[Redacted]

[Redacted] we concur with the assessment that the Winterbournes Neighbourhood Plan is unlikely to have significant environmental effects, in so far as the natural environment is concerned.

Regards,

[Redacted]

[Redacted]

[Redacted]

Environment Agency

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

The Winterbournes Neighbourhood Plan – SEA screening decision

Thank you for your email of 29 March 2017, consulting the Environment Agency on the above SEA screening decision.

We have reviewed the environmental constraints associated with the three sites. We have no objection to your decision that the Plan does not require a SEA.

Yours sincerely

[Redacted]

[Redacted]

[Redacted]

[Redacted]