

Wiltshire Council

Strategic Environmental Assessment

**Screening determination for the Draft Aldbourne Neighbourhood
Plan**

November 2020

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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 draft Aldbourne Neighbourhood Plan (NP).
- 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 (Reg. 5, para. (2)(b)*
2. *in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive (92/43/EEC) (Reg. 5, para. (3)*
3. *set the framework for future development consent of projects⁴ (Reg. 5, para. (4)(b)*
4. *are determined to be likely to have significant environmental effects as determined under regulation 9(1) (Reg. 5, para. (4)(c)*

An environmental assessment need not be carried out for:

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

¹ The organisation which adopts the neighbourhood plan (this is described in Wiltshire Council's guide *Neighbourhood planning – a guide for Wiltshire's parish and town councils* (June 2012) as 'makes the plan').

² The Environmental Assessment of Plans and Programmes Regulations 2004

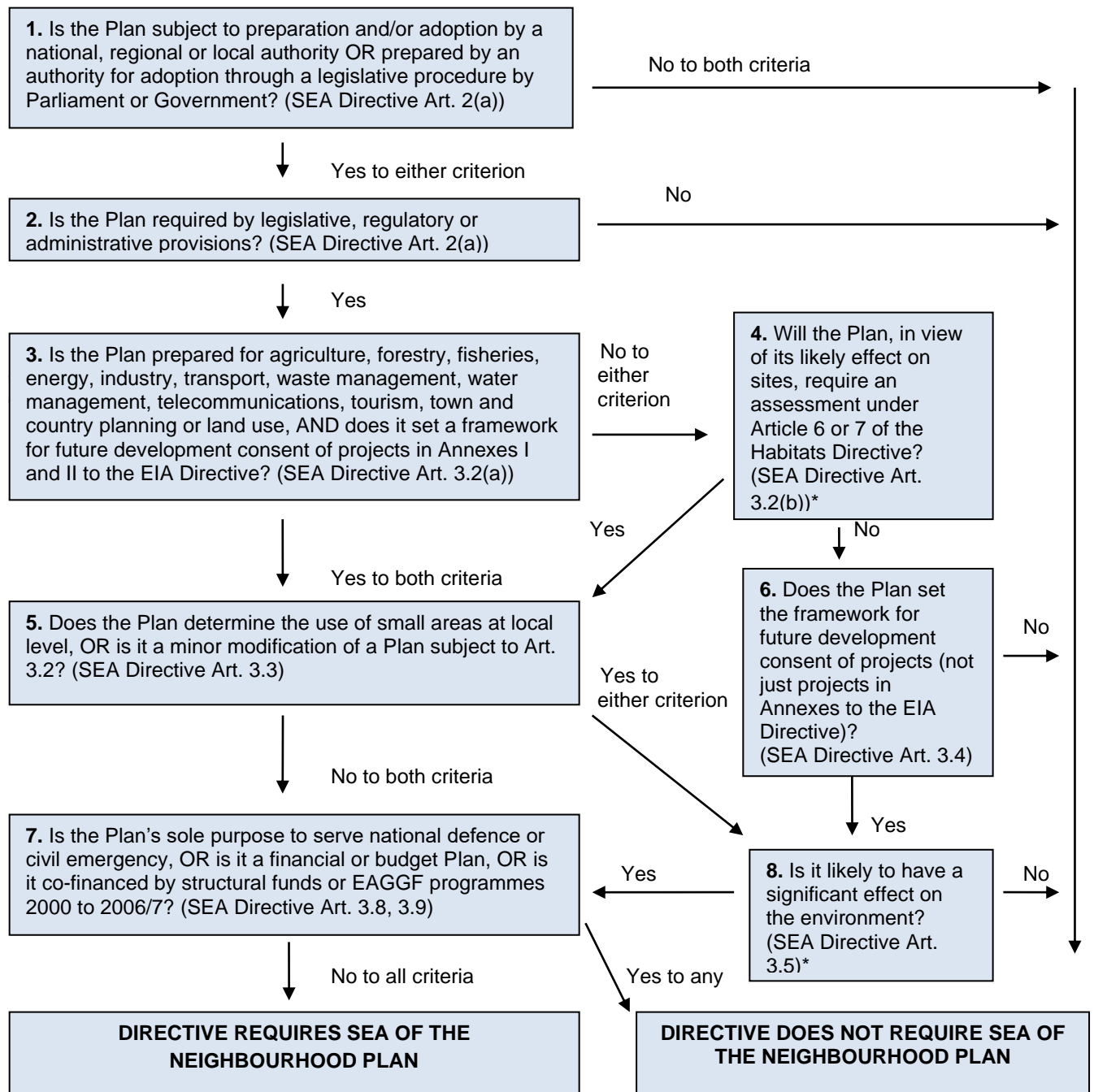
³ European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment"

⁴ European Commission guidance states that plans and programmes which set the framework for future development consent of projects would normally contain 'criteria or conditions which guide the way a consenting authority decides an application for development consent'. Development consent is defined in the EIA Directive as "the decision of the competent authority or authorities which entitled the developer to proceed with the project" (Article 1(2) of the EIA Directive).

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

⁶ 'Minor modifications' should be considered in the context of the plan or programme which is being modified and of the likelihood of their having significant environmental effects. A modification may be of such small order that it is unlikely to have significant environmental effects.

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



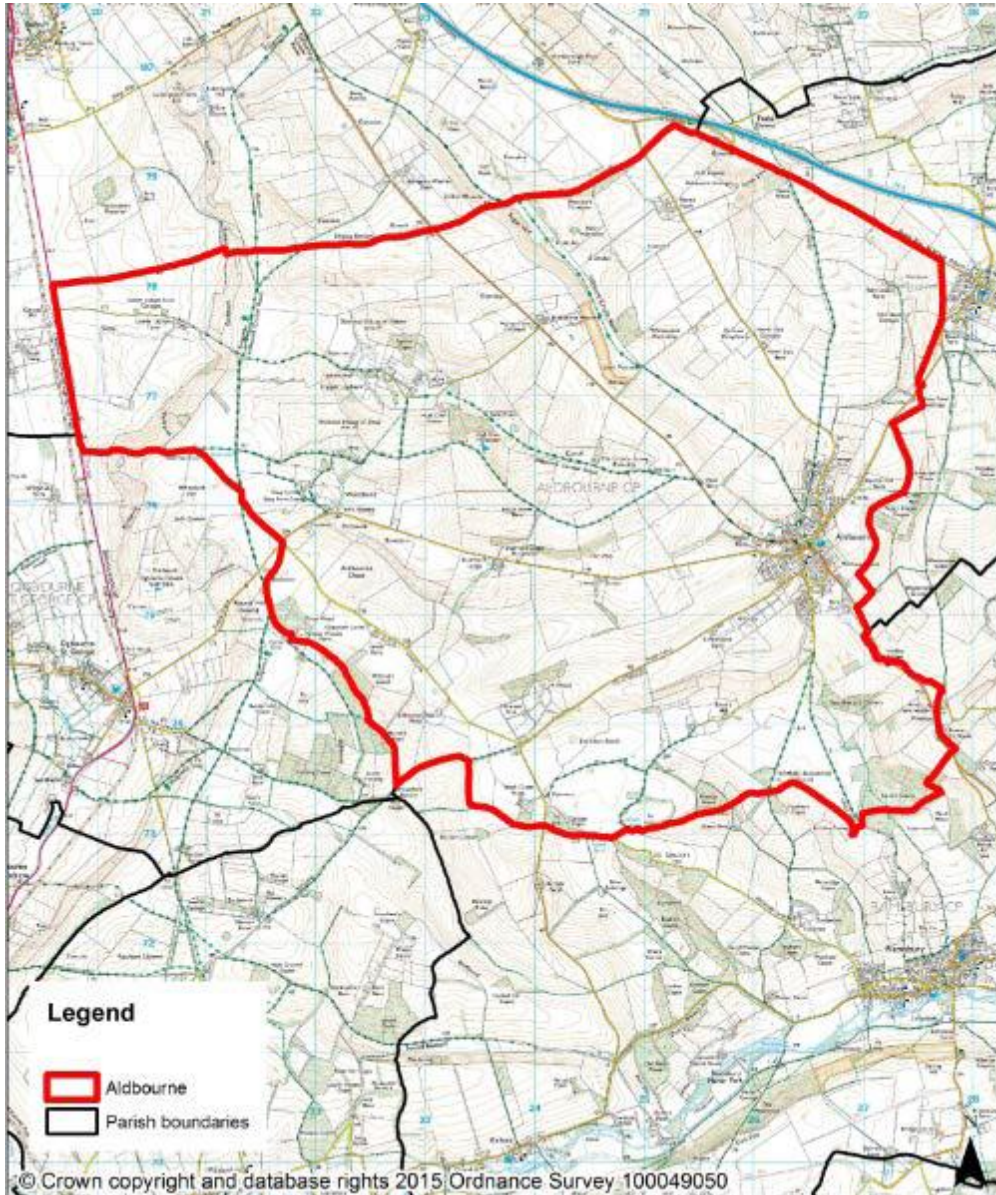
* Plans falling in this category (No.8) will be screened by Wiltshire Council to determine if they are likely to have significant environmental effects. This determination will be made on a case by case basis for neighbourhood plans coming forward in Wiltshire.

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

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

3. The Draft Aldbourne Neighbourhood Plan

- 3.1 The parish of Aldbourne is preparing a neighbourhood plan under the provisions of the Localism Act 2011.
- 3.2 The designation of the Aldbourne Neighbourhood Area was made on 8th August 2016 (see map of area below).
- 3.3 For the area designation notice see <http://www.wiltshire.gov.uk/planning-neighbourhood-latest-news>



- 3.4 This screening decision was made on a draft of the Aldbourne Neighbourhood Plan dated July 2020.

4. SEA Screening assessment

4.1 Wiltshire Council, as the 'Responsible Authority', considers that the draft Aldbourne 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);

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 draft Aldbourne NP 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 draft Aldbourne NP and ii) the characteristics of the effects and of the area likely to be affected by the draft Aldbourne 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.

The screening assessment of the draft Aldbourne Neighbourhood Plan is set out below:

Criteria (Schedule 1 SEA Regs.)	Significant environmental effects likely?	Justification and evidence
1. The characteristics of plans, having regard, in particular, to:		
(a) the degree to which the plan sets a framework for projects and other activities, either with regards to the location, nature, size and operating conditions or by allocating resources	No	The neighbourhood plan covers the Aldbourne parish area only. Whilst the draft Plan does set a framework for projects at the parish level, it is not considered that it sets a framework for a significant degree of projects or other activities.
(b) the degree to which the plan influences other plans and programmes including those in a hierarchy	No	The draft Plan is produced by the local community to influence development at the local parish level. It is not considered that the draft 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 draft Plan is a land-use plan that promotes sustainable development, in general conformity with the Local Plan and national planning guidance. However, it is not a Plan specifically relating to the integration of environmental considerations, although environmental considerations are considered.
(d) environmental problems relevant to the plan	Yes	<p>It has been determined by Wiltshire Council, the 'competent authority' under the Habitats Regulations⁸, that the draft Plan will require an Appropriate Assessment (AA) as it has potential to lead to a likely significant effect on one European Site and its qualifying features alone and/or in-combination with other plans and projects. This is due to the allocation of three sites for residential development as the Plan area lies within the catchment of the River Kennet and tributaries and is within the Thames Water Swindon and Oxfordshire WRZ. As such, the policies allocating residential development have the potential to lead to significant effects due to an increase in water abstraction which could impact the hydrological regime of the River Kennet and the Kennet and Lambourn Floodplain SAC.</p> <p>Regulation 5 of the SEA Regulations requires an environmental assessment of plans which '<i>in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive (92/43/EEC) (Reg. 5, para. (3)).</i>' Planning Practice Guidance (PPG) para 047 states that '<i>if a plan is one which has been determined to require an</i></p>

⁸ The Conservation of Habitats and Species Regulations 2017

		<p><i>appropriate assessment under the Habitats Directive then it will normally also require a Strategic Environmental Assessment.'</i></p> <p>In light of this, it is considered that the draft Plan is likely to have significant environmental effects and therefore an SEA will be required.</p>
(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 Plan is not relevant as a plan for implementing community legislation.
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:		
(a) the probability, duration, frequency and reversibility of the effects	Yes	Refer to 1(d) above.
(b) the cumulative nature of the effects	Yes	Refer to 1(d) above.
(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 draft Plan covers a rural parish which includes the 'Large Village' of Aldbourne. Significant environmental effects due to the geographic size of the area and population size are not considered likely.
(f) the value and vulnerability of the area likely to be affected due to— (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use;	Yes	Refer to 1(d) above. It is not considered that the draft Plan will have significant environmental effects due to exceeded environmental quality standards or limit values or intensive land-use.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	Yes	Refer to 1(d) above.

5. SEA Screening decision

- 5.1 Regulation 9 of the SEA Regulations requires that the responsible authority (Wiltshire Council) 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 (Historic England, Natural England, Environment Agency).
- 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 draft Aldbourne Neighbourhood Plan **is likely to have significant environmental effects** and accordingly **a Strategic Environmental Assessment is required**. This decision is made for the following reasons:
- It has been determined by Wiltshire Council, the 'competent authority' under the Habitats Regulations, that the draft Plan will require an Appropriate Assessment (AA) as it has potential to lead to a likely significant effect on one European Site and its qualifying features alone and/or in-combination with other plans and projects. This is due to the allocation of three sites for residential development as the Plan area lies within the catchment of the River Kennet and tributaries and is within the Thames Water Swindon and Oxfordshire WRZ. As such, the policies allocating residential development have the potential to lead to significant effects due to an increase in water abstraction which could impact the hydrological regime of the River Kennet and the Kennet and Lambourn Floodplain SAC.
 - Regulation 5 of the SEA Regulations requires an environmental assessment of plans which '*in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive (92/43/EEC) (Reg. 5, para. (3)).*' Planning Practice Guidance (PPG) para 047 states that '*if a plan is one which has been determined to require an appropriate assessment under the Habitats Directive then it will normally also require a Strategic Environmental Assessment.*'
 - In light of this, it is considered that the draft Plan is likely to have significant environmental effects and therefore a SEA will be required.
- 5.4 This SEA screening decision was sent to the SEA 'environmental consultees', Natural England, the Environment Agency and Historic England, requesting comments within a 5-week period from 1st October 2020 to 5th November 2020. All three consultees agreed with the Council's decision that an SEA is required for the neighbourhood plan. Comments received are presented in Appendix A.
- 5.5 This SEA screening is based on a confirmation from the Wiltshire Council Ecologist in September 2020 that the neighbourhood plan has been 'screened in' under the Habitats Regulations and therefore requires an Appropriate Assessment (AA). If this

HRA screening decision changes, or if the draft Plan is subsequently amended significantly i.e. changes that substantially alter the draft plan e.g. adding, amending or removing site allocations and policies, this SEA screening must be reviewed. In this instance, the Qualifying Body should request a revised SEA screening assessment from Wiltshire Council.

Appendix A – Consultation comments from Consultation Bodies

Historic England

[REDACTED]

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

Our attention is focused on the policies proposing to allocate sites for housing development. The draft Plan identifies that these are close to nationally designated heritage assets, and in one instance partly within the Conservation Area. There is therefore the potential for the proposals to impact on any or all of these assets, to an extent which might generate significant environmental effects.

We therefore have no objection to the view that a full SEA is required, but would suggest that the rationale for such a conclusion embrace historic environment considerations even if only in a supporting capacity to the basis already identified.

Our guidance on SEAs, Setting of Heritage Assets, and Site Allocations, are all likely to be of value in providing the appropriate evidence to demonstrate that eventual policies for site allocations have been prepared in conformity with the provisions within the National Planning Policy Framework for the protection and enhancement of the historic environment. In relaying the outcome of this SEA Screening exercise to the Plan's community we would request that it's attention is drawn to this guidance via the following weblinks:

<https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/>

<https://historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans/>

<https://historicengland.org.uk/images-books/publications/sustainability-appraisal-and-strategic-environmental-assessment-advice-note-8/>

Kind regards,

[REDACTED]

Environment Agency

[REDACTED]

[REDACTED]

SEA screening consultation - Draft Aldbourne Neighbourhood Plan

Thank you for consulting the Environment Agency on the SEA screening report/draft plan for the Aldbourne Neighbourhood Plan. We are a statutory consultee in the SEA process and aim to reduce flood risk and protect and enhance the water environment.

Flood risk

The Neighbourhood Plan proposes site allocations within areas at risk of surface water flooding but not at risk of fluvial flooding. The Local Authority's Strategic Flood Risk Assessment and Surface Water Management Plans forms the evidence base to determine the level of flood risk in this area. We recommend consultation with the Wiltshire Lead Local Flood Authority for father advice on managing surface water including sustainable drainage options/requirements for new development.

Main River water quality

We agree with the local authorities decision that the Aldbourne Neighbourhood Plan should include an assessment of the impacts on the River Kennet and the Kennet and Lambourn Floodplain SAC.

The Aldbourne River runs through the neighbourhood plan area. This watercourse as well as downstream catchments are currently failing to reach good chemical status under the Water Framework Directive. These are currently classified as having moderate status. Developments within or adjacent to this watercourse should not cause further deterioration and should seek to improve the water quality based on the recommendations of the Thames River Basin Management Plan. An assessment of the potential impacts of the neighbourhood plan on these watercourses under WFD should be included within the SEA appraisal. Further information on the current status of this watercourse can be found on [Catchment Data Explorer](#).

Water Efficiency

We note the draft plan does not make reference to water efficiency requirements. As part of the adapting to climate change section the plan should set out clear water efficiency targets for new development. Increased water efficiency for all new developments potentially enables more growth with the same water resources. Developers can highlight positive corporate social responsibility messages and the use of technology to help sell their homes. For the homeowner lower water usage also reduces water and energy bills.

Final Comments

We encourage you to seek ways in which your neighbourhood plan can improve the local environment. For your information, together with Natural England, English Heritage and Forestry Commission we have published joint guidance on neighbourhood planning, which

sets out sources of environmental information and ideas on incorporating the environment into plans. This is available at:

<https://neighbourhoodplanning.org/toolkits-and-guidance/consider-environment-neighbourhood-plans/>

Thank you again for consulting us. If you have any queries regarding our response please get in touch at [REDACTED]

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Natural England

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Aldbourn Neighbourhood Plan – SEA Screening

Thank you for your consultation on the above dated 1st October 2020 which was received by Natural England on the same day.

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.

Strategic Environmental Assessment Screening

We welcome the production of this SEA Screening report. Natural England notes and concurs with the screening outcome that the Aldbourn Neighbourhood Plan is likely to have significant environmental effects and accordingly a Strategic Environmental Assessment is required.

Further guidance on deciding whether the proposals are likely to have significant environmental effects and the requirements for consulting Natural England on SEA are set out in the [National Planning Practice Guidance](#).

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

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

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