

Wiltshire Council

Strategic Environmental Assessment

**Screening determination for the Draft Preshute Parish Council
Neighbourhood Plan**

March 2022

Wiltshire Council


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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 Preshute Parish Council Neighbourhood Plan (hereafter 'draft PPCNP').
- 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 draft PPCNP 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

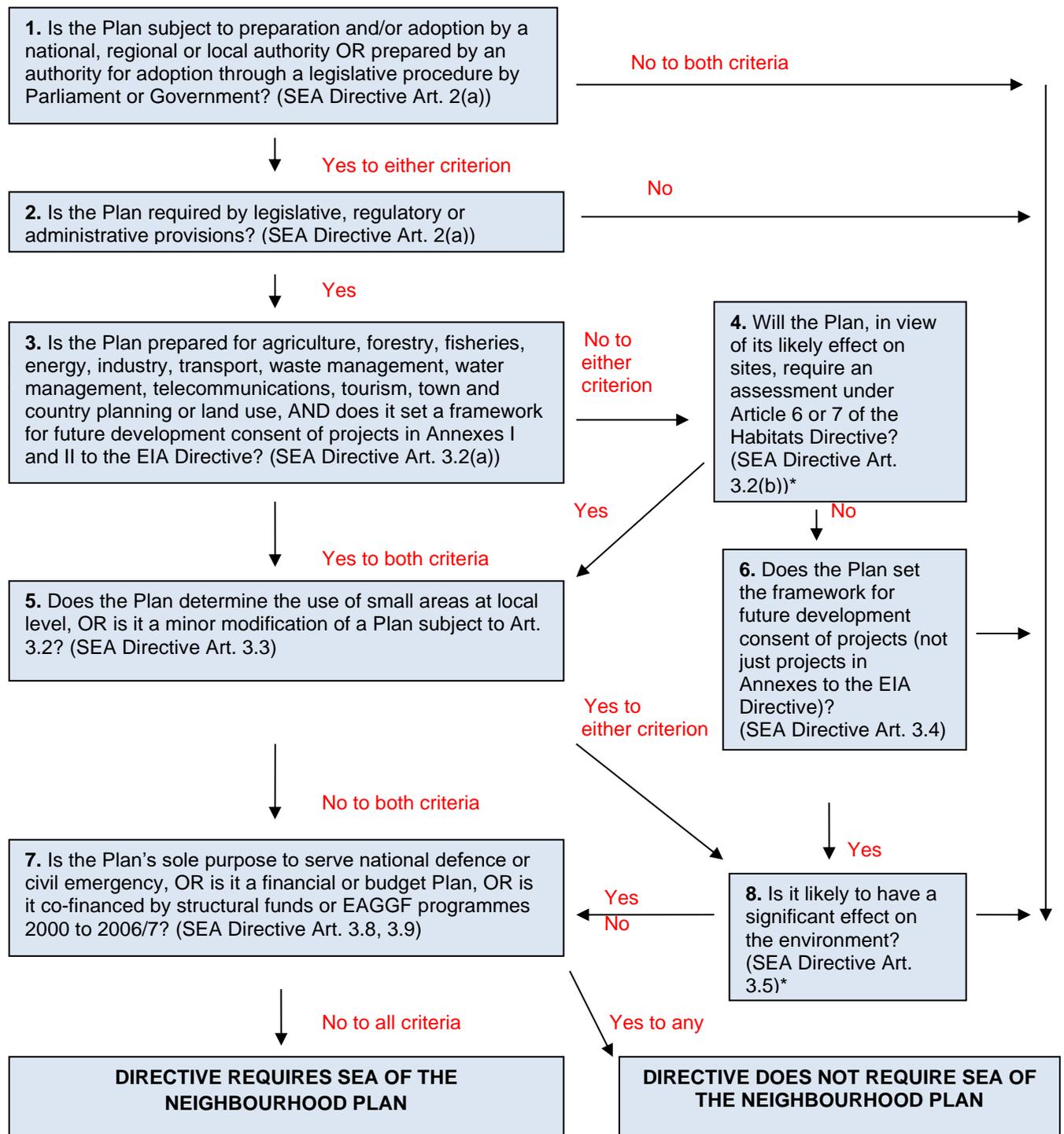
³ European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment"

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:



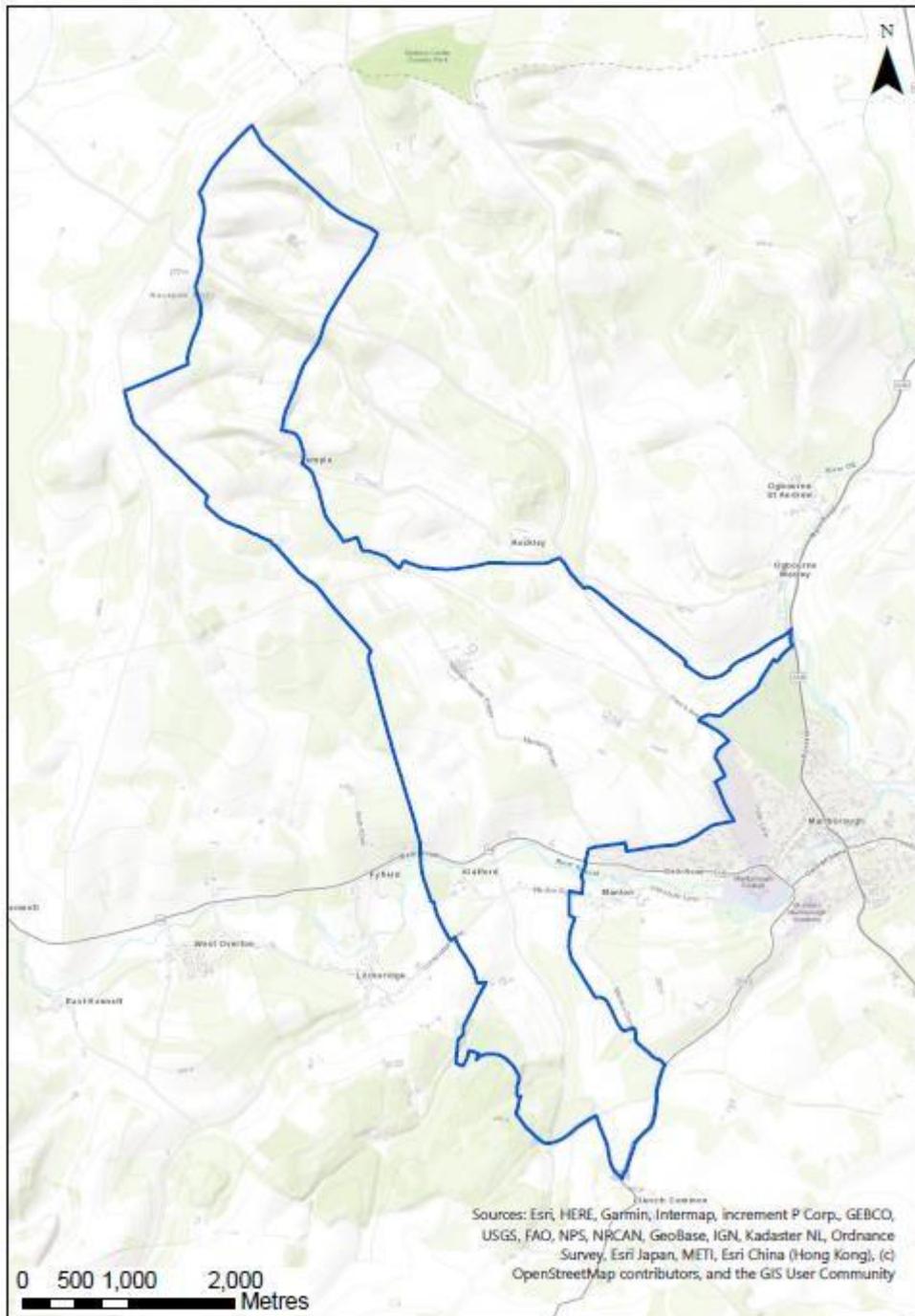
* Plans falling in this category (No.8) will be screened by Wiltshire Council to determine if they are likely to have significant environmental effects. This determination will be made on a case by case basis for neighbourhood plans coming forward in Wiltshire.

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 Preshute Parish Council Neighbourhood Plan

- 3.1 The parish of Preshute is preparing a neighbourhood plan under the provisions of the Localism Act 2011.
- 3.2 The designation of the Preshute Neighbourhood Area was made on 19th November 2020 (see map of area outlined in blue below). For the designation notice see <http://www.wiltshire.gov.uk/planning-neighbourhood-latest-news>



- 3.3 This screening decision is based on a draft of the neighbourhood plan dated January 2022.

4. SEA Screening assessment

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

4.2 A determination under Regulation 9 is therefore required as to whether the draft PPCNP 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 PPCNP and ii) the characteristics of the effects and of the area likely to be affected by the draft PPCNP. In making a determination, Wiltshire Council will take into account the criteria specified in Schedule I of the Regulations which are 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 PPCNP 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 Preshute rural parish area only. Whilst the draft Plan does set a framework for projects at the parish level, it does not set 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 PPCNP is produced by the local community to influence development at the local parish level. The draft PPCNP will not 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 PPCNP is a land-use plan that promotes sustainable development, in general conformity with the Local Plan and national planning guidance. It is not a Plan specifically relating to the integration of environmental considerations.
(d) environmental problems relevant to the plan	No	There are no known specific environmental problems relevant to this Plan. The neighbourhood area is rural and mainly agricultural. The entire parish is designated as open countryside in the Wiltshire Core Strategy (WCS).
(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.
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 draft PPCNP covers an area of open countryside. The majority of policies seek to protect and enhance the natural, built and historic environment. There is one proposed development site allocation which is policy number PRES3; this is a very small existing business/ industrial site which is a brownfield site. There are no heritage assets in proximity to this site. It is considered that any landscape effects on the AONB, which the site is within, are considered likely to be minor because the site is quite secluded. Other policies supporting new development do not introduce anything that is over and above that supported by the Wiltshire Core Strategy (WCS).

		Habitats Regulations Assessment screening has concluded that an appropriate assessment will not be required for this Neighbourhood Plan. Therefore, an SEA is not required based on this decision.
(b) the cumulative nature of the effects	No	No specific cumulative effects of the proposals are considered likely.
(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 PPCNP covers a rural parish which is entirely open countryside. The 2011 Census records 193 people living in the parish. 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;	No	The draft PPCNP covers an area of open countryside. The neighbourhood area is entirely within the North Wessex Downs AONB. However, the one small development site allocation is not considered likely to have significant landscape impacts on the AONB. The draft Plan is considered unlikely to 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.	No	Refer to 2a and 2f 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 PPCNP **is not likely to have significant environmental effects** and accordingly **a Strategic Environmental Assessment is not required**. This decision is made for the following reasons:

Reason 1: The majority of policies seek to protect and enhance the natural, built and historic environment. There is one proposed development site allocation which is policy number PRES3; this is a very small existing business/ industrial site which is a brownfield site. There are no heritage assets in proximity to this site. However, in response to the consultation response from Historic England, Policy PRES3 has been amended to include the text '*It will be a requirement for any application for planning permission to demonstrate that the development avoids or minimises any harm to heritage assets.*' This is considered to further reduce the likelihood of harm to heritage assets and to further justify the determination that no SEA is required.

It is considered that any landscape effects on the AONB, which the site is within, are considered likely to be minor because the site is quite secluded. Other policies supporting new development do not introduce anything that is over and above that supported by the Wiltshire Core Strategy (WCS).

Reason 2: Habitats Regulations Assessment screening has concluded that an appropriate assessment will not be required for this Neighbourhood Plan. Therefore, an SEA is not required based on this decision.

5.4 This SEA screening has been undertaken on a draft of the neighbourhood plan dated January 2022. It is possible that these proposals may change. If the draft Plan is subsequently amended significantly from these proposals i.e. changes that substantially alter the draft plan and/or are likely to give rise to additional significant environmental effects, or it is subsequently decided that the draft Plan should be subject to an Appropriate Assessment under the Habitats Regulations, this SEA screening must be reviewed. In this instance, the Qualifying Body should request a revised SEA screening assessment from Wiltshire Council.

6. Consultation on the SEA screening decision

6.1 This screening decision was sent to Natural England, Environment Agency and Historic England, requesting comments within a 5-week period, from 8th February 2022 to 5pm on 15th March 2022.

6.2 Comments received have been considered. They are included in Appendix 1.

Appendix 1 – consultation comments received from the consultation bodies

Historic England

From: [REDACTED]

To: [REDACTED]

Subject: Draft Preshute Parish Council Neighbourhood Plan - SEA screening determination

Date: Thu 10/03/2022 10:01

Dear [REDACTED]

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

In preliminary liaison with the Plan's community we have identified the potential risk to heritage assets arising from policy PRES3 which proposes allocating a quantum of housing on land which we understand has established business use and can therefore be considered brownfield in status.

We have highlighted that while this status means that the principle of development is not at issue, we are concerned that there needs to be sufficient evidence to demonstrate that the quantum of housing units aspired to can be delivered without causing harm to heritage assets in accordance with overarching planning policy for the protection and enhancement of the historic environment. Though the number of housing units in question may be modest, SEA test cases have shown that the threshold for triggering significant environmental effects is low when considering the potential for impact on nationally designated heritage assets. We have drawn attention to our guidance on relevant matters so that this can be used to inform any review of the Plan's evidence base.

The community has responded to our initial advice by amending the policy to require a heritage assessment as part of any planning proposals which come forward. However, there may be a residual tension between the policy and its deliverability if the situation regarding relevant heritage assets and their relationship with the site is not adequately and appropriately understood in advance.

For this reason we have advised that the assertion that there are no heritage assets in the proximity of the site does not constitute evidence which demonstrates that there are no heritage assets whose significance is likely to be affected by the development proposed. Details of this correspondence are attached.

There are two possible approaches to the resolution of this issue. The first is to provide the additional evidence, and the second is to modify the policy to one where the provision of the housing development aspired to is more qualified.

We have previously suggested to the community that a simple expedient with the former approach is to seek advice from your authority's conservation team to confirm in writing the assertion that the housing in question can be delivered on an acceptable basis. We are not sure if this suggestion has been pursued.

In the meantime, in reviewing the policy we believe that it can be further modified to address the outstanding concern. We note that the policy refers to up to 3 affordable homes, and a similar number of market homes subject to a financial case being made. We would therefore suggest that the wording concerning the historic environment is made more robust, and a qualification or condition inserted which requires any development proposals to demonstrate that they can be delivered without causing harm to heritage assets.

Subject to this amendment we would be happy to agree with the view that a full SEA is not required. Any written confirmation from your authority's conservation team that the policy as currently proposed can be delivered without causing such harm would obviate the need for such provision but it may be a sensible precaution to include it anyway.

Kind regards

██████████

██████████ | Historic Places Adviser

Historic England | South West 1st Floor Fermentation North | Finzels Reach | Hawkins Lane | Bristol | BS1 6WQ Direct Line: ██████████ | Mobile: ██████████
<https://historicengland.org.uk/southwest>

Natural England

Date: 10 March 2022

Our ref: 383286

██████████

Wiltshire Council

Hornbeam House
Crewe Business Park
Electra Way
Crewe
CW1 6GJ
T 0300 060 3900

Dear ██████████

Draft Preshute Council Neighbourhood Plan – SEA Screening

Thank you for your consultation on the above dated and received by Natural England on 08 February 2022.

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.

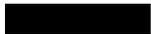
We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected 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 consultations@naturalengland.org.uk.

Yours sincerely



Consultations Team