

**Wiltshire Council**

**Strategic Environmental Assessment**

**Screening determination for the Draft Stanton St Quintin  
Neighbourhood Plan**

**December 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 Stanton St Quintin Neighbourhood Plan (NP).
- 1.2 Wiltshire Council, as the 'Responsible Authority'<sup>1</sup> under the SEA Regulations<sup>2</sup>, is responsible for undertaking this screening process. It will determine if the draft plan is likely to have significant environmental effects, and hence whether SEA is required.
- 1.3 This process has been carried out in accordance with the requirements of European Directive 2001/42/EC<sup>3</sup>, often known as the Strategic Environmental Assessment (SEA) Directive, which has been transposed into English law by the SEA Regulations.

## 2. Legislative requirements

- 2.1 The Localism Act 2011 requires neighbourhood plans to comply with EU legislation. The screening procedure outlined in this report meets the requirements of the SEA Directive and Regulations, as introduced in Section 1 of this document.
- 2.2 Regulation 5 of the SEA Regulations requires an environmental assessment of plans which:

1. *are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use (Regulation 5, para. (2)(a), and which set the framework for future development consent of projects listed in Annex I or II to Council Directive 85/337/EEC (EIA Directive) on the assessment of the effects of certain public and private projects on the environment (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 projects<sup>4</sup> (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 area<sup>5</sup> at local level (Regulation 5, para. (6)(a); or b) plans which are a minor modification<sup>6</sup> to a plan or programme (Regulation 5, para. (6)(b) unless it has been determined under regulation 9(1) that the plan is likely to have significant environmental effects.*

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

<sup>2</sup> The Environmental Assessment of Plans and Programmes Regulations 2004

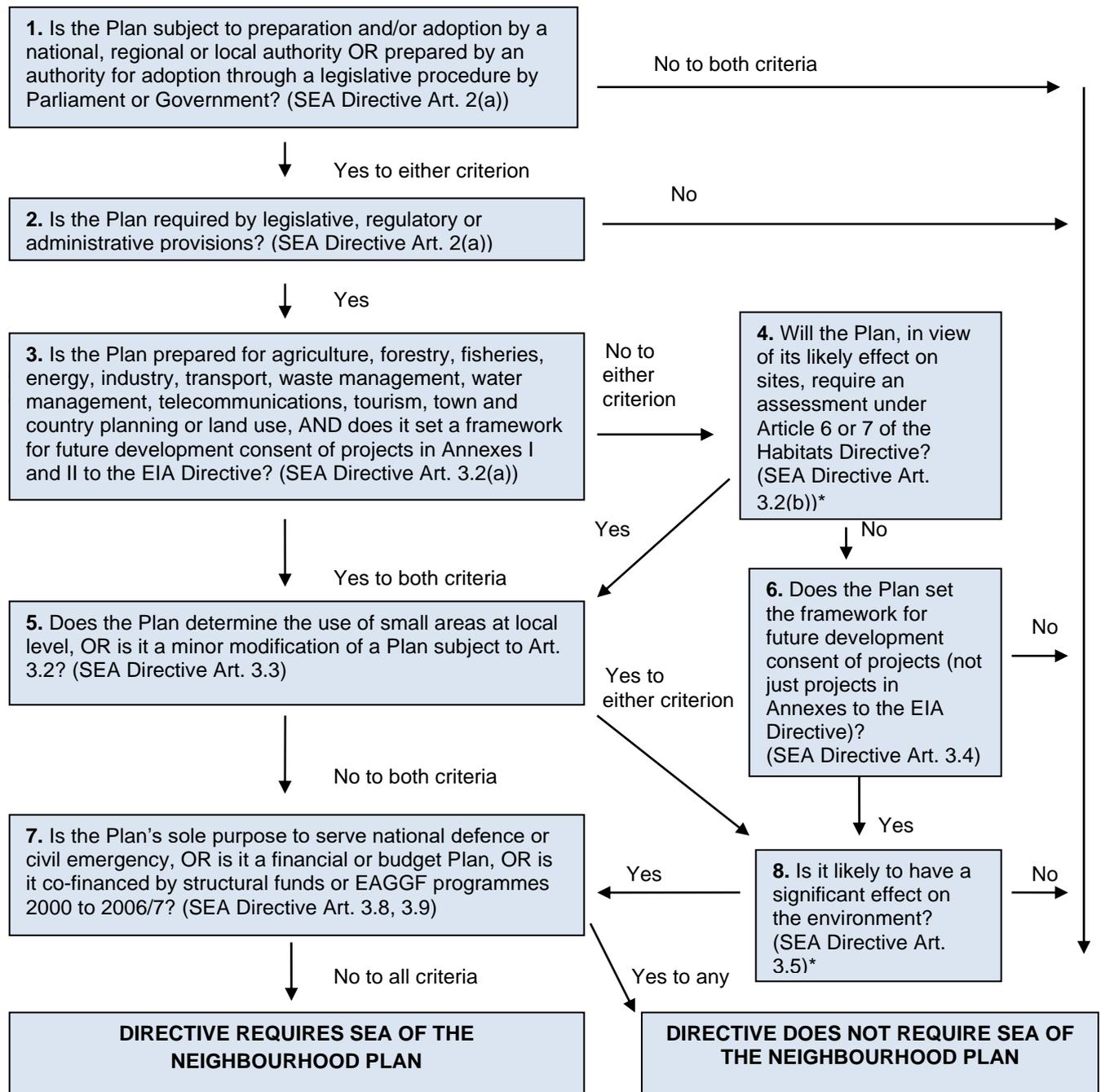
<sup>3</sup> European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment"

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

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

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

2.3 The diagram<sup>7</sup> below shows the SEA Directive's requirements and its application to neighbourhood plans:



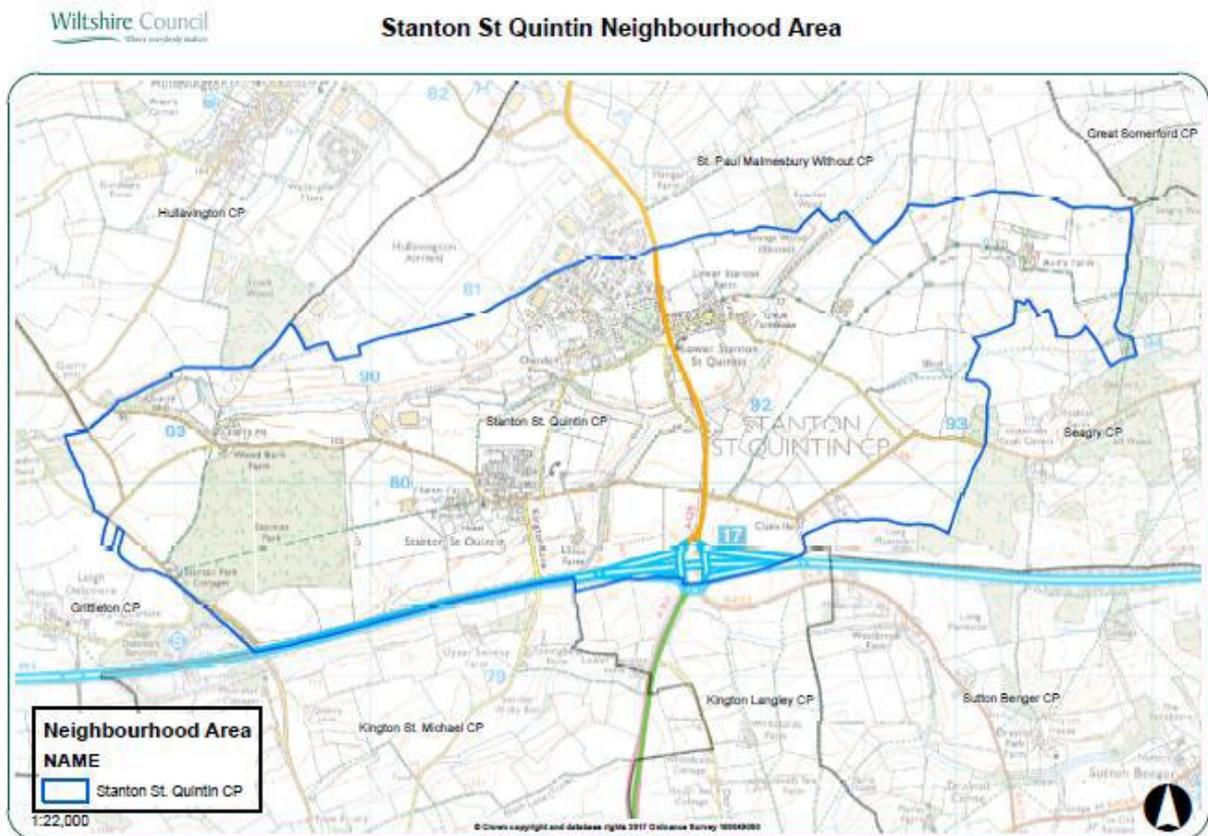
\* Plans falling in this category (No.8) will be screened by Wiltshire Council to determine if they are likely to have significant environmental effects. This determination will be made on a case by case basis for neighbourhood plans coming forward in Wiltshire.

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

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

### 3. The Draft Stanton St Quintin Neighbourhood Plan

- 3.1 The parish of Stanton St Quintin is preparing a neighbourhood plan under the provisions of the Localism Act 2011.
- 3.2 The designation of the Stanton St Quintin Neighbourhood Area was made on 20<sup>th</sup> September 2017 (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 Stanton St Quintin Neighbourhood Plan dated November 2020.

#### **4. SEA Screening assessment**

4.1 Wiltshire Council, as the 'Responsible Authority', considers that the draft Stanton St Quintin 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 draft 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 draft plan and ii) the characteristics of the effects and of the area likely to be affected by the draft plan. In making a determination, Wiltshire Council will take into account the criteria specified in Schedule I of the Regulations as follows:

##### **1. The characteristics of the plans and programmes, having regard in particular to:**

**(a)** the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;

**(b)** the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;

**(c)** the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;

**(d)** environmental problems relevant to the plan or programme; and

**(e)** the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).

##### **2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:**

**(a)** the probability, duration, frequency and reversibility of the effects;

**(b)** the cumulative nature of the effects;

- (c)** the 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 Stanton St Quintin Neighbourhood Plan is set out below:

Criteria (Schedule 1 SEA Regs.)	Significant environmental effects likely?	Justification and evidence
<b>1. The characteristics of plans, having regard, in particular, to:</b>		
(a) the degree to which the plan sets a framework for projects and other activities, either with regards to the location, nature, size and operating conditions or by allocating resources	No	The neighbourhood plan covers the Stanton St Quintin 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	No	There are no significant environmental problems relating to this rural parish and it has been determined by Wiltshire Council, the 'competent authority' under the Habitats Regulations <sup>8</sup> , that the draft Plan will <b>not</b> require an Appropriate Assessment (AA).
(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.
<b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</b>		
(a) the probability, duration, frequency and reversibility of the effects	No	There are no policies proposed in the draft plan that are considered likely to have significant environmental effects. There are no development site allocations. Both Stanton St Quintin and Lower Stanton St Quintin are classed as 'Small Villages' in the Wiltshire Core Strategy

<sup>8</sup> The Conservation of Habitats and Species Regulations 2017

		<p>(WCS). The draft plan is seeking to reinstate settlement boundaries at both villages and proposes a continuation of an infill development only policy.</p> <p>The Lower Stanton St Quintin settlement boundary is proposed to include the BP petrol station adjacent to the A429 and a small field and dwelling south of Church Lane which has a planning permission <a href="#">N/12/00895/FUL</a> for 12 dwellings with associated parking &amp; landscaping. Likely impacts of that development have already been assessed as part of that permission and do not need to be assessed again. It is not a development proposed in the draft plan.</p>
(b) the cumulative nature of the effects	No	No cumulative effects are considered likely to be significant. Refer to 2(a) 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	<p>The draft Plan covers a rural parish which includes the ‘Small Villages’ of Stanton St Quintin and Lower Stanton St Quintin.</p> <p>Significant environmental effects due to the geographic size of the area and population size are not considered likely.</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>Refer to 2(a) above. The draft plan does not contain policies or development site allocations that are likely to affect special natural characteristics or cultural heritage.</p> <p>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.</p>
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	No	Refer to 2(a) above. The draft plan does not contain policies or development site allocations that are likely to affect areas or landscapes which have a recognised national, Community or international protection status.

## 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 Stanton St Quintin Neighbourhood Plan **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:
- There are no policies proposed in the draft plan that are considered likely to have significant environmental effects and there are no development site allocations in the plan.
  - Both Stanton St Quintin and Lower Stanton St Quintin are classed as ‘Small Villages’ in the Wiltshire Core Strategy (WCS). The draft plan is seeking to reinstate settlement boundaries at both villages and proposes a continuation of an infill development only policy.
  - The Lower Stanton St Quintin settlement boundary is proposed to include the BP petrol station adjacent to the A429 and a small field and dwelling south of Church Lane which already has a planning permission [N/12/00895/FUL](#) for 12 dwellings with associated parking & landscaping. Likely impacts of that development have already been assessed as part of that permission and do not need to be assessed again. It is not a development proposed in the draft plan.
- 5.4 This SEA screening decision was sent to the SEA ‘consultation bodies’ - Natural England, the Environment Agency and Historic England - requesting comments within a 5-week period from 10<sup>th</sup> November 2020 to 15<sup>th</sup> December 2020. Comments were received from all three bodies agreeing with the Council’s view that a SEA is not required for this plan. Comments are included at Appendix A.
- 5.5 This SEA screening is based on a November 2020 draft of the neighbourhood plan. If this draft 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]

[REDACTED]

Thank you for your consultation on the SEA Screening Opinion for the emerging Stanton St Quintin Neighbourhood Plan.

This appears to be our first opportunity to become familiar with the aspirations for the area of its community. This allows us to determine whether and in what form there may be issues affecting our interests which it is useful to identify should their accommodation in the Plan making process be desirable.

We note that the Plan does not seek to allocate any sites for development and that its suite of policies is modest in scope and criteria-based in nature. On that basis there are unlikely to be any issues affecting our interests and upon which we would feel the need to comment.

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

Kind regards

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

<https://historicengland.org.uk/southwest>

## **Environment Agency**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### **SEA screening determination - Draft Stanton St Quintin Neighbourhood Plan**

Thank you for consulting us on the Strategic Environmental Assessment screening report for the Stanton St Quintin Neighbourhood Plan.

We have reviewed the provided screening report and draft plan. We agree with your assessment that the plan is unlikely to have any significant environmental effects and therefore an SEA is not required. I have included some additional comments below for your consideration and to aid in the development of the plan.

#### **Flood risk**

We note that no sites have been allocated within the draft plan, however there are 'aspirational' sites which have been included. Based on a review of environmental constraints for which we are a statutory consultee, we find that there are areas of fluvial flood risk and watercourses within the neighbourhood plan area, however this does not impact on the aspirational sites described.

#### **Water quality**

The Rodbourne Brook (GB109053027720) runs through the neighbourhood plan area. It is 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 Severn River Basin Management Plan.

#### **Groundwater protection**

The plan includes areas which are located on aquifers and Source Protection Zones. These should be considered within your plan if growth or development is proposed here. The relevance of the designation and the potential implication upon development proposals should be considered with reference to our Groundwater Protection guidance:

<https://www.gov.uk/government/collections/groundwater-protection>

One site of note is the 'Site 1 - Site to the south of the existing petrol station (fig 3)'. This site is located within SPZ1c which means the deeper aquifer is particularly sensitive and could be at risk due to the site's proximity to the existing petrol filling station. We note the site is not being allocated and we do believe though that an SEA is required, instead we expect to manage any risk through any planning permission for the site.

## Further information for the Stanton St Quintin NP steering group

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]

Yours sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## **Natural England**

Date: 11 December 2020

Our ref: 336634

Your ref: Stanton St Quintin NP SEA

[REDACTED]

[REDACTED]

### **Stanton St Quintin Neighbourhood Plan – SEA Screening**

Thank you for your consultation on the above dated 10 November 2020 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]

Yours sincerely

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]