

## **Basic Conditions Statement**

# **Seend Parish Neighbourhood Development Plan**

Submission Version July 2020

### **Appendices**

**Appendix 1:** Map of designated Neighbourhood Plan Area

**Appendix 2 (separate document):** Strategic Environmental Assessment: Screening determination for the Seend Parish Neighbourhood Plan, February 2020

**Appendix 3 (separate document):** Seend Parish Neighbourhood Plan Habitats Regulations Assessment, March 2020

## **A Introduction**

### **A1 Outline**

- A1.1 This Basic Conditions Statement demonstrates how the Seend Parish Neighbourhood Development Plan meets the basic conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by Section 38A of the Planning and Compulsory Purchase Act 2004<sup>1</sup>.
- A1.2 The qualifying body (Seend Parish Council) is required to produce this statement in line with regulation 15(1)(d) and regulation 22 (1)(e) of the Neighbourhood Planning (General) Regulations 2012 (as amended).
- A1.3 This Basic Conditions Statement has been prepared with regard to the following guidance / legislation:
- The Planning Aid Guide ‘Approaches to Writing a Basic Conditions Statement’<sup>2</sup>
  - The Planning Advisory Service ‘Guide for Councils: Meeting your legal requirements for Neighbourhood Plans’<sup>3</sup>
  - The relevant extracts from the National Planning Practice Guidance<sup>4</sup>, and
  - The relevant Acts and Regulations which pertain to Neighbourhood Development Plans.

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<sup>1</sup><https://www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum>

<sup>2</sup>[https://www.ourneighbourhoodplanning.org.uk/storage/resources/documents/Approaches\\_to\\_writing\\_a\\_basic\\_conditions\\_statement1.pdf](https://www.ourneighbourhoodplanning.org.uk/storage/resources/documents/Approaches_to_writing_a_basic_conditions_statement1.pdf)

<sup>3</sup><http://www.pas.gov.uk/documents/332612/1099329/Legal+compliance+guide+NDP+March+2015.pdf>

<sup>4</sup><http://planningguidance.planningportal.gov.uk/>

## **B Legal Requirements**

*This part of the Basic Conditions Statement confirms that in the view of Seend Parish Council, the Seend Parish Neighbourhood Development Plan meets the legal requirements for a Neighbourhood Development Plan.*

### **B1 The plan is being submitted by a qualifying body**

B1.1 The Seend Parish Neighbourhood Development Plan is submitted by the qualifying body – Seend Parish Council.

### **B2 What is being proposed is a Neighbourhood Development Plan**

B2.1 The Seend Parish Neighbourhood Development Plan relates to planning matters (the use and development of land) and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.

### **B3 The proposed Neighbourhood Development Plan states the period for which it is to have effect**

B3.1 The Seend Parish Neighbourhood Plan specifies the time period for which it is to have effect as 2020-2030.

### **B4 The policies do not relate to excluded development**

B4.1 The Seend Parish Neighbourhood Development Plan proposals do not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

### **B5 The proposed neighbourhood plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area**

B5.1 The Seend Parish Neighbourhood Development Plan proposals relate to the Seend Parish Neighbourhood Area and to no other area. There are no other neighbourhood plans relating to this neighbourhood area.

B5.2 The Seend Parish Neighbourhood Area was designated on 29<sup>th</sup> July 2016, the Neighbourhood Area boundary is shown in **Appendix 1** to this Statement and within the Seend Parish Neighbourhood Development Plan. The Neighbourhood Area follows the Seend Parish boundary.

## C Basic Conditions

*This part of the Basic Conditions Statement confirms that in the view of Seend Parish Council, the Seend Parish Neighbourhood Development Plan meets all of the basic conditions required for a Neighbourhood Plan.*

### C1 Have appropriate regard to national policy

C1.1 The National Planning Policy Framework (2019)<sup>5</sup> sets out the planning policies for England, together with the National Planning Practice Guidance (NPPG)<sup>6</sup>. Table 1 below briefly summarises how the national policies and guidance have been taken into account for each planning policy in the Seend Parish Neighbourhood Plan. This approach follows the format employed by Arundel District Council in their Basic Conditions Statement, as referenced in Planning Aid Guidance as good practice<sup>7</sup>.

**Table 1- General conformity of NDP Policies with National Planning Policy Framework 2019**

Planning Policy Ref.	Planning Policy Title	Key NPPF Para. Cross Ref.	Commentary
SP1	Locally Distinctive, High Quality Design	124, 125, 126, 127, 128, 130	The policy is supported by the Seend Parish Character Statement, which is a tool for the Parish, designers, developers and planning professionals to use in the design and consideration of planning or other applications in Seend Parish. It identifies the special qualities of Seend Parish and sets out in detail how this should be reflected in new development. It also sets out a clear design vision and expectation to enable as much certainty as possible about what will constitute a 'well-designed' place (para 125) with aim of avoiding poor design (para 130) in Seend Parish. It is informed by work undertaken on identifying positive design features and locally distinctive qualities (para 124). It enables design quality to be considered at the earliest stages (para 124).
SP2	Seend Conservation Area	184, 185, 187	The policy sets out a positive strategy for the conservation and enjoyment of Seend Conservation Area (185). It reinforces and strengthens the status of the Seend Conservation Area Appraisal, and is supported by the Conservation Area Appraisal Addendum 2019 Update Note as well as the Seend Parish Character Statement. The policy sets out key principles for development within the Conservation Area, which are central to new development making a positive contribution to local character and distinctiveness.

<sup>5</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/740441/National\\_Planning\\_Policy\\_Framework\\_web\\_accessible\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf)

<sup>6</sup><https://www.gov.uk/government/collections/planning-practice-guidance>

<sup>7</sup>[http://community21.org/downloads/Arundel%20Neighbourhood%20Plan\\_Basic%20Conditions%20Statement\\_Nov%202013.pdf](http://community21.org/downloads/Arundel%20Neighbourhood%20Plan_Basic%20Conditions%20Statement_Nov%202013.pdf)

## Seend Parish Neighbourhood Plan | Basic Conditions Statement

SP3	Locally Valued Undesignated Heritage Assets	184, 187, 189, 197	<p>The policy identifies locally valued heritage assets and, for where a development proposal would affect the character, setting or integrity of one of these assets, the criteria which it must satisfy.</p> <p>The policy requires conservation and consideration in a manner appropriate to the local significance of the asset. The criteria within the policy reflects the requirements for planning applications which are set out in paragraph 189.</p> <p>The policy and Neighbourhood Plan are also supported by Historic Environment Record data relevant to Seend Parish.</p> <p>Where development proposals will affect the identified local heritage assets, the policy requires material to be submitted with the planning application which assists the balanced judgement outlined in paragraph 197.</p>
SP4	Landscape and Local Key Views	127, 170, 171	<p>The policy identifies locally valued views to be maintained and protected as part of development. In doing so, the policy works to ensure that development is sympathetic to local character, including the surrounding landscape setting.</p> <p>Many of the views identified within the policy and its accompanying Local Key Views Report recognise the intrinsic character and beauty of the Seend Parish countryside. This policy also seeks to protect the valued landscape character of Seend Parish.</p>
SP5	Parish Green Infrastructure and Biodiversity	91, 92, 96, 97, 98  104  170, 171, 174, 175	<p>The policy plans positively for the provision, protection and enhancement of new and existing green infrastructure in Seend Parish. Accompanying Figures 11 and 12 (and the supporting Green Infrastructure Report) identify existing green infrastructure assets and priorities, including open and recreation space, public rights of way, and trees / hedgerows / woodlands across the parish.</p> <p>The policy contributes to the enhancement of the natural environment. Accompanying Figure 11 (and the supporting Green Infrastructure Report) also identifies important existing wildlife habitats for safeguarding, protection and enhancement. The policy plans positively to preserve and protect habitats and biodiversity in the Parish. It anticipates the forthcoming Environment Bill and requires new developments to improve a site's biodiversity value by at least 10 per cent to gain planning consent. Biodiversity value must be calculated using the Government's biodiversity calculator otherwise known as the "Defra metric" expected to be ready for use in September 2020.</p>
SP6	Local Green Space Designations	99, 100, 101	<p>The policy identifies Local Green Spaces for designation in line with national planning policy criteria. The accompanying Local Green Space</p>

## Seend Parish Neighbourhood Plan | Basic Conditions Statement

			Evidence Base Report provides evidence to underpin the allocation of the spaces in the policy as Local Green Spaces.
SP7	Kennet & Avon Canal	83, 92, 96, 98, 170, 171, 174, 184	<p>The Canal is an important open space in the Parish, and the policy supports the retention of this facility, as required by paragraphs 83 and 92.</p> <p>The policy supports development to maintain or improve access to and along the canal for sport, leisure and recreational purposes, in line with the requirements of paragraphs 96 and 98.</p> <p>The policy also requires any development to protect the canal's historic character, including any undesignated heritage assets, and other structures originally associated with the canal, in line with paragraph 184.</p> <p>The policy also works to protect the canal and its setting as an important feature of green infrastructure and biodiversity value, and identifies the canal and its setting as a key wildlife corridor to be conserved and enhanced.</p>
SP8	Community Facilities	91, 92, 97	The policy promotes healthy and safe communities by protecting and improving the places that help to address health and wellbeing needs. It also safeguards against the unnecessary loss of the existing community facilities in Seend Parish, allowing the community to continue to meet its daily needs.
SP9	Pre-application Community Engagement	39, 40, 41, 42, 128  PPG Para. 019 Reference ID: 26-019-20191001	<p>Pre-application engagement and front-loading is identified as having significant potential to improve efficiency and effectiveness of the planning application system for all parties (paragraph 39).</p> <p>The policy encourages and enables early and effective pre-application engagement between developers, communities, and other relevant stakeholders, and puts in place a coherent and consistent approach, in the form of the protocol to do that. Though it cannot be required it can be 'encouraged' where considered beneficial (paragraph 40).</p> <p>The Pre-application protocol is aimed at resolving any potential issues at pre-application stage with input from the Parish Council and community of Seend (paragraphs 41 and 42).</p> <p>It also enables design quality to be considered at the earliest stages and to enable the demonstration of early, proactive and effective community engagement (paragraphs 128 and 130).</p> <p>The 2019 Planning Practice Guidance Note on Design also emphasises the importance of community engagement: "Communities can effectively shape both design policies and development through a collaborative process of</p>

## Seend Parish Neighbourhood Plan | Basic Conditions Statement

			<p>meaningful participation. Early engagement and linking engagement activities to key stages of design decision- making and plan-making can empower people to inform the vision, design policies and the design of schemes” (PPG paragraph 019).</p> <p>The Seend Parish Pre-application Community Engagement Protocol forms Appendix 1 to the Plan.</p>
SP10	Community Led Affordable Housing Delivery	60, 61, 62, 71, 78	<p>The policy supports the principle of development to meet the evidenced local housing need (paragraphs 60-63) to come forward as a rural exception site (paragraph 71) provided it meets a number of locally specific criteria.</p> <p>The support of an appropriate rural exception site serves to promote sustainable development in Seend Parish, to enhance and maintain the vitality of the rural community and support local services (paragraph 78).</p>
SP11	Sustainable Development in Seend Parish	13, 29, 71, 117	<p>This policy supports and does not undermine the delivery of Wiltshire Council’s strategic policies and provides local level detail (such as identifying open spaces and large gardens as important features to safeguard) to the strategic policies (such as the Settlement Boundary).</p> <p>The criteria in the policy promotes the re-use of brownfield land in line with paragraph 117.</p> <p>The policy also supports sustainable development coming forward as a rural exceptions site, provided that it meets all other national and local policy requirements (paragraph 71).</p>
SP12	Custom and Self-build Housing	59 PPG para. 016 Reference ID: 57-016-20170728	<p>The policy encourages support for self and custom build projects, supporting the government’s objective of significantly boosting the supply of homes.</p> <p>The policy is in line with the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016).</p>
SP13	Climate Change and Sustainable Design	149, 150, 151	<p>The policy supports design proposals that take a proactive approach to mitigating and adapting to climate change through low carbon development. It encourages designs that incorporate low carbon and renewable energy resources.</p>
SP14	Impact of Development on Highways and Traffic	102, 104	<p>By requiring a Transport Statement or Assessment to accompany planning applications where appropriate, the policy ensures that transport issues are considered at an early stage of planning development proposals. The Seend Road Safety Initiative Report (2017) together with the update Seend Parish Road Traffic Review (2020), supports this planning policy, giving specific local detail to enable developers to address the locally</p>

			important issues when developing proposals.
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**C2 Contributes to the achievement of sustainable development**

C2.1 The below approach follows the format employed by Broughton Astley Parish Council in their Basic Conditions Statement, as referenced in Planning Aid Good Practice Guidance<sup>8</sup>.

C2.2 The key ways that the Seend Parish Neighbourhood Development Plan will help to contribute to meeting the objectives of sustainable development are detailed below:

- The Neighbourhood Plan contains policies which relate to the environmental, social and economic aspects of the Parish (Policies: ALL)
- The Neighbourhood Plan seeks to set out a coherent local strategy for the development of Seend Parish: considering housing, employment, recreation, and community facilities. [Policies: SP8, SP10, SP11, SP12]
- The Neighbourhood Plan supports the protection and enhancement of environmental and historic assets. [Policies: SP1, SP2, SP3, SP4, SP5, SP6, SP7]
- The Neighbourhood Plan supports the protection and enhancement of local facilities and infrastructure. [Policies: SP8, SP7, SP14]
- The Neighbourhood Plan is positive and proactive. It seeks to shape and direct housing, employment and retail development to the most appropriate locations in line with national policy considerations. [Policies: SP9, SP10, SP11, SP13].

**C3 Be in general conformity with strategic local policy**

C3.1 The local policy which applied to the Seend Parish Neighbourhood Development Plan Area can be found in the following key policy documents:

- Wiltshire Core Strategy (adopted 2015)
- Saved policies from the Kennet District Local Plan (2011)
- The Wiltshire Housing Sites Allocations Plan (adopted February 2020).

C3.2 As the Local Plan is strategic in nature, general conformity will be considered against this.

C3.3 The qualifying body considers that Seend Parish Neighbourhood Development Plan is in general conformity with the adopted Wiltshire Local Plan. This is outlined in **Table 2** below.

**Table 2 – NDP Policies General conformity with the Wiltshire Core Strategy 2015**

Planning Policy Ref.	Planning Policy Title	Key Local Plan Cross Ref.	Commentary
SP1	Locally Distinctive, High Quality Design	CP57, CP58	<p>The policy requires development to take account of the local context and characteristics of Seend Parish. Design features and guidance are detailed in the Seend Parish Character Statement (supplementary design guidance, which is encouraged in Core Strategy paragraph 6.132).</p> <p>The policy requires high quality design for all new developments; enhancing local</p>

<sup>8</sup><http://broughtonastley.leicestershireparishcouncils.org/uploads/1752a98c6512905414323017.pdf>



			distinctiveness, responding positively to the existing characteristics of its location, respecting and enhancing the historic and natural environment.
SP2	Seend Conservation Area	CP57, CP58	The policy gives great weight to the conservation and appropriate enhancement of the Seend Conservation Area. It gives specific key principles for development within the Conservation Area, and references specific guidance in the Seend Parish Character Statement (supplementary design guidance, which is encouraged in Core Strategy paragraph 6.132).
SP3	Locally Valued Unlisted Heritage Assets	CP57, CP58	<p>This policy identifies local non-designated heritage assets, as outlined in para. 6.136 of the Core Strategy. The policy sets out criteria that any development that would affect the identified non-designated heritage assets would need to meet, giving local detail to how the aim of policy CP58, 'development should protect, conserve and where possible enhance the historic environment', should be met.</p> <p>Policy CP58 also recognises the value of non-designated heritage assets in contributing to a sense of local character and identity. Policy SP3 works to give detail to how this works in Seend Parish. SP3 also links to CP57 as the criteria work to ensure that development affecting these heritage assets comes forward in a sensitive and appropriate manner.</p>
SP4	Landscape and Local Key Views	CP51, CP57	By identifying and protecting locally valued views, including the visually sensitive skylines and topographical features of the Parish, the policy works to ensure that development does not have a harmful impact on landscape character and conserves and enhances important views and visual amenity. The policy provides local detail on how development can draw positively from its context and relate positively to its landscape setting; ensuring that important views into, within and out of the site are retained and enhanced.
SP5	Parish Green Infrastructure and Biodiversity	CP50, CP52	The policy is accompanied by a map to identify locally important natural environment and biodiversity features, including SSSIs and woodland, which must be considered as part of development proposals. This reflects policy wording in CP50. The accompanying map also shows key green infrastructure features in the Parish, encouraging applicants to retain and enhance existing green infrastructure within development

			<p>proposals.</p> <p>By working to protect and enhance the existing network of footpaths and bridleways in the Parish, the policy reflects the aims of CP52.</p>
SP6	Local Green Space Designations	CP49, CP52	This policy identifies and designates green spaces of particular importance to the local community, which play important roles as part of the green infrastructure network around Seend Parish, as well as open space for recreation.
SP7	Kennet & Avon Canal	<p>CP51, CP52, CP58</p> <p>Kennet Local Plan Policy TR2</p> <p>West Wiltshire Leisure and Recreation DPD Policy WR2</p>	<p>The policy recognises the Kennet and Avon canal as a key, locally distinctive feature in the Parish landscape to be protected, conserved and where possible enhanced. This relates to the valuable key views along the Canal and to its important historic and cultural value (CP51, CP58).</p> <p>Policy SP7 also recognises the canal as an important green infrastructure to retain, particularly in relation to the potential Melksham by-pass development (CP52).</p> <p>The policy seeks to prevent harmful development which would result in the loss of the buildings, locks and other structures originally associated with the Canal. This links to policy TR2 which seeks only to encourage development for redevelopment, improvement or modest extension of existing canal-side facilities.</p> <p>SP7 also encourages development to maintain or improve access to and along the Canal which encourages use for sport, leisure and recreational purposes, in line with policy WR2.</p>
SP8	Community Facilities	CP1, CP15, CP49	Seend Village is identified as a 'large village' in the Wiltshire Core Strategy, and so development is limited to that needed to improve services and facilities in the village. A core part of that is retaining the existing range of facilities within the village. This also applies to the facilities elsewhere in the Parish. The policy reinforces CP49 and identifies the local facilities that are to be protected.
SP9	Pre-application Community Engagement	<p>Spatial Vision for Wiltshire,</p> <p>Wiltshire Council Statement of Community Involvement</p>	<p>The policy seeks to encourage engagement between applicants and the community, reflecting Wiltshire's vision for partnership working in the Spatial Vision.</p> <p>SP9 encourages pre-application discussions with planning officers, applicants and the community at an early stage of development proposals, reflecting the approach set out in Wiltshire Council's Statement of Community Involvement.</p>

SP10	Community Led Affordable Housing Delivery	CP44, CP55	<p>Policy SP10 complements CP44 by adding local detail to the development that would be supported in principle as a rural exception site in Seend Parish.</p> <p>For example, in relation to criterion vii of CP44, which requires rural exception site development to be of a scale and type appropriate to the nature of the settlement and respect the character and setting, criterion iv of policy SP10 adds local detail to how that would come forward at the edge of a settlement in Seend Parish.</p> <p>The policy supports the appropriately located and designed provision of new homes, contributing towards meeting Wiltshire's housing needs, as set out in CP45.</p>
SP11	Sustainable Development in Seend Parish	CP1, CP2, CP44	<p>CP1 and CP2 support in principle proposals for sustainable development within existing settlement boundaries. Given that the Melksham Community Area, within which Seend Parish is located, has already exceeded the indicative housing requirements set out for it by the Wiltshire Core Strategy, the policy seeks to underpin this support for sustainable development in appropriate locations in order to support the continued vitality of rural life in Seend Parish for current and future generations.</p> <p>The policy includes a criterion relating to rural exceptions sites, as outlined in CP44.</p>
SP12	Custom and Self-build Housing	CP45, Spatial Vision for Wiltshire	<p>The policy encourages the diverse provision of new homes in the Parish, contributing towards the housing delivery objectives outlined in the Spatial Vision of the Core Strategy, and towards creating mixed and balanced communities (CP45).</p>
SP13	Climate Change and Sustainable Design	CP41, CP52, Wiltshire Council's commitment to becoming a carbon neutral county by 2031	<p>Policy SP13 supports sustainable development that incorporates sustainable construction techniques and low-carbon energy.</p> <p>It also encourages retrofitting measures of heritage properties and assets to reduce energy demand, as also encouraged in CP41.</p> <p>SP13 also refers to the importance of the role of green infrastructure assets in contributing positively to the fight against climate change.</p>
SP14	Impact of Development on Highways and Traffic	CP60, CP61	<p>The policy complies with CP60 by requiring, where appropriate, applications for development to be accompanied by a Transport Statement or Assessment. SP14 provides detail on the impacts of</p>

			<p>development on the local environment and community in Seend Parish that applications should consider (CP60).</p> <p>Policy SP14 requires development proposals to consider the existing lack of safe pedestrian and cycle routeways in Seend Parish and offer opportunities to improve this, in line with the hierarchy set out in CP61.</p>
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**C4 Be compatible with EU obligations**

C4.1 The Neighbourhood Plan is compatible with EU obligations around human rights, habitat protection and environmental impacts. Specifically:

- i) Where Local Green Space designations are proposed, consultation and notification of inclusion in the NDP has occurred with the landowners concerned. In addition, others who are affected by the proposals have been adequately consulted and have had the opportunity to comment on the proposals. The details of the consultation on the Plan are outlined in the Seend Parish Plan Consultation Statement which is found on the relevant page of the Seend Parish Council website. Specific Local Green Space consultation undertaken is outlined in the Local Green Space Report.
- ii) The Seend Parish Neighbourhood Plan group has prepared an evidence base which includes well documented evidence to underpin the policy approach. A summary of the local evidence which has been prepared to support the NDP is found in Appendix 2 to the Neighbourhood Plan.
- iii) Wiltshire Council, in line with the requirements of the European Directive 2001/42/EC, has an obligation to determine whether the Plan is likely to have significant environmental effects. To this end, Wiltshire Council carried out a Strategic Environmental Assessment (SEA) screening on the draft Neighbourhood Plan, and prepared a SEA screening determination report for the Neighbourhood Plan in February 2020 (see **Appendix 2**). Wiltshire Council considers that the Seend Parish neighbourhood Plan is not likely to have significant environmental effects and therefore a **Strategic Environmental Assessment is not required**.
- iv) In line with the requirements of Article 6(3) of the EU Habitats Directive, Wiltshire Council also has an obligation to determine whether the Neighbourhood Plan is likely to have any harmful effects on any European Designated sites, including Special Protection Areas and Special Areas of Conservation. The Seend Parish Neighbourhood Plan Habitats Regulations Assessment was prepared in March 2020 and is included as **Appendix 3** to this document. The Assessment concludes that the Seend Parish Neighbourhood Plan will **not result in a likely significant effect on any European Sites or their qualifying features** either alone or in-combination with other plans or projects.

**C5 Not breach the requirements of Chapter 8 Part 6 of the Conservation of Habitats and Species Regulations 2017(d)**

C5.1 The **Habitats Regulations Assessment** prepared by Wiltshire Council in March 2020 (see Appendix 3) screens the Seend Parish Neighbourhood Plan under the Conservation of Habitats and Species Regulations and determines that no further assessment is required and therefore that the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations are not breached by the Neighbourhood Plan.

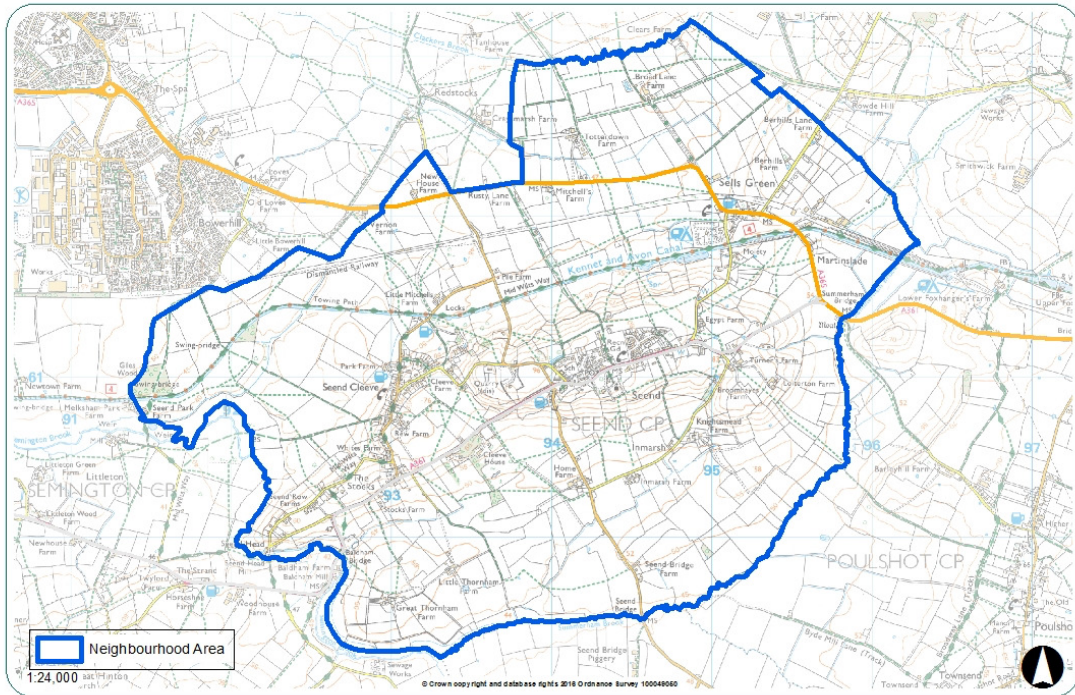
## **Appendices**

**Appendix 1:** Map of designated Neighbourhood Plan Area

**Appendix 2:** Strategic Environmental Assessment: Screening determination for the Seend Parish Neighbourhood Plan, February 2020

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**Appendix 1: Map of designated Neighbourhood Plan Area**



**Appendices 2 and 3(separate documents):**

**Appendix 2:** Strategic Environmental Assessment:Screening determination for the Seend Parish Neighbourhood Plan, February 2020

**Appendix 3:**Seend Parish Neighbourhood Plan Habitats Regulations Assessment, March 2020