

Wiltshire Council

Strategic Environmental Assessment

Screening determination for the Seend Parish Neighbourhood Plan

February 2020

Wiltshire Council

The logo for Wiltshire Council, featuring a green wavy line underneath the text.

Contents	Page
1. Introduction	3
2. Legislative requirements	4
3. The Seend Parish Neighbourhood Plan	6
4. SEA Screening assessment	7
5. SEA Screening decision	12
Appendix A - Statutory consultee responses to screening decision	

1. Introduction

- 1.1 This document provides a screening determination of the need to carry out a Strategic Environmental Assessment (SEA) of the Seend Parish Neighbourhood Plan.
- 1.2 Wiltshire Council, as the 'Responsible Authority'¹ under the SEA Regulations², is responsible for undertaking this screening process of the Seend Parish Neighbourhood Plan. 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.

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"

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 states, among other things, that:

'5. (1) Subject to paragraphs (5) and (6) and regulation 7, where—

(a) the first formal preparatory act of a plan or programme is on or after 21st July 2004; and

(b) the plan or programme is of the description set out in either paragraph (2) or paragraph (3),

the responsible authority shall carry out, or secure the carrying out of, an environmental assessment, in accordance with Part 3 of these Regulations, during the preparation of that plan or programme and before its adoption or submission to the legislative procedure.

(2) The description is a plan or programme which—

(a) is prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, and

(b) sets the framework for future development consent of projects listed in Annex I or II to Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive 97/11/EC(a).

(3) The description is a plan or programme which, in view of the likely effect on sites, has been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive.

(4) Subject to paragraph (5) and regulation 7, where—

(a) the first formal preparatory act of a plan or programme, other than a plan or programme of the description set out in paragraph (2) or (3), is on or after 21st July 2004;

(b) the plan or programme sets the framework for future development consent of projects; and

(c) the plan or programme is the subject of a determination under regulation 9(1) or a direction under regulation 10(3) that it is likely to have significant environmental effects,

the responsible authority shall carry out, or secure the carrying out of, an environmental assessment, in accordance with Part 3 of these Regulations, during the preparation of that plan or programme and before its adoption or submission to the legislative procedure.

(6) *An environmental assessment need not be carried out—*

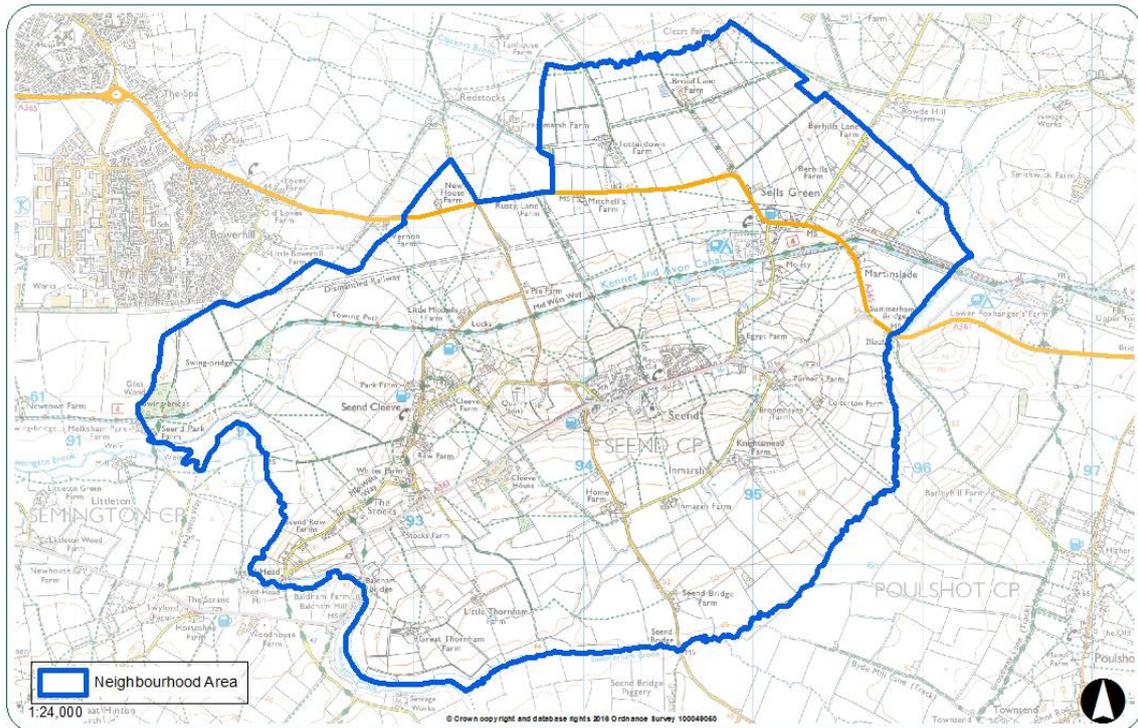
(a) *for a plan or programme of the description set out in paragraph (2) or (3) which determines the use of a small area at local level; or*

(b) *for a minor modification to a plan or programme of the description set out in either of those paragraphs - unless it has been determined under regulation 9(1) that the plan, programme or modification, as the case may be, is likely to have significant environmental effects...'*

3. The Seend Parish Neighbourhood Plan

- 3.1 The parish of Seend is preparing a neighbourhood plan under the provisions of the Localism Act 2011.
- 3.2 The designation of the Seend Parish Neighbourhood Area was made on 29th July 2016. See map of neighbourhood area outlined in blue below. For the designation notice see <http://www.wiltshire.gov.uk/planning-neighbourhood-latest-news>

Seend Parish Neighbourhood Area



- 3.3 This screening decision is based on, and accompanied by, the 'Seend Parish Neighbourhood Plan 2019 to 2030 Working Draft Version 7 November 2019' ⁴.

⁴ Seend Parish Neighbourhood Plan 2019-2030 Working Draft Version 7 (Seend Parish Council, November 2019)

4. SEA Screening assessment

4.1 Wiltshire Council, as the 'Responsible Authority', considers that the Seend Parish Neighbourhood Plan falls within the scope of the SEA Regulations on the basis that it is a plan that:

- *'is subject to preparation or adoption by an authority at national, regional or local level' (Regulation 2 (1) (a)); and*
- *'is required by legislative, regulatory or administrative provisions' (Regulation 2 (1) (c)).*
- *'the first formal preparatory act of a plan or programme, other than a plan or programme of the description set out in paragraph (2) or (3), is on or after 21st July 2004' (Regulation 5 (4) (a));*
- *'the plan or programme sets the framework for future development consent of projects' (Regulation 5 (4) (b)).*

4.2 Wiltshire Council must therefore *'...determine whether or not the Plan is likely to have significant environmental effects...'* (Regulation 9 (1) (a). *'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'* (Regulation 9 (3)).

4.3 The screening requirements set out in Regulation 9 and Schedule 1 of the SEA Regulations include two sets of characteristics for determining the likely significance of effects on the environment. These relate to i) the characteristics of the plan and ii) the characteristics of the effects and of the area likely to be affected by the 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.'

Screening assessment of the Seend Parish Neighbourhood Plan, as required by Regulation 9, 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 Seend parish area only. Whilst the plan does set a framework for small-scale projects at the local parish level, it is not considered that the plan sets a framework for a significant degree of projects or other activities. The plan does not contain any site allocations for development and supports small and infill development only where it is in accordance with policies of the Wiltshire Core Strategy.
(b) the degree to which the plan influences other plans and programmes including those in a hierarchy	No	The neighbourhood plan is produced by the local community to influence development at the local parish level. It is not considered that the 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 neighbourhood plan 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, although environmental considerations are considered in the plan. The neighbourhood plan seeks to protect the sensitive and distinctive landscape of the parish, identify and conserve locally valued views, protect green spaces, identify and support the conservation of parish heritage, including identifying locally valued heritage assets, improve traffic management through the parish and support development that sensitively responds to the environment and context of climate change.
(d) environmental problems relevant to the plan	No	There are no specific environmental problems to note. Seend is a rural parish dominated by farmland, with a small number of rural settlements.
(e) the relevance of the plan for the implementation of Community legislation on the environment (for example, plans and	No	The neighbourhood plan is not relevant as a plan for implementing European community legislation.

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	No	<p>It is not considered likely that the proposals will have significant environmental effects or adverse effects that will extend over a long period of time or be irreversible.</p> <p>The plan does not contain any development site allocations. The objectives of the plan seek to maintain the rural setting of the parish, protect and enhance heritage assets, protect green spaces and community facilities and address road safety. Support is given for small-scale development and infill housing development within the existing built-up area of villages, in accordance with the Wiltshire Core Strategy.</p> <p>The policies of the plan include policies on: small and infill development, affordable housing, community engagement, climate change and sustainable design, custom and self-build housing, high quality design, protection of Seend Conservation Area, protection of locally valued heritage assets, protecting views, landscapes and Green Infrastructure, protecting the setting of the Kennet & Avon Canal, designating Local Green Space, protecting community facilities and reducing the impact of traffic through Seend.</p> <p>None of these policies are considered likely to have significant environmental effects as they mainly seek to protect and enhance the environment, whilst supporting small-scale development that meets the requirements of other policies in the development plan.</p>
(b) the cumulative nature of the effects	No	The plan supports limited small-scale and infill development that is supported by and in accordance with other policies of the development plan. All other policies seek to protect and enhance locally valued assets and the environment. Policies are not considered likely to have significant cumulative effects with other proposals.
(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	No	The plan covers a rural parish which includes the villages of Seend, Seend Cleeve and Sells Green. The 2011 Census records a parish population of 1,132. Significant environmental effects due to the

(geographical area and size of the population likely to be affected)		geographic size of the area and population size are not considered likely. Any adverse effects of the plan are likely to be minor and localised and assessed in greater detail through the determination of individual planning applications.
(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	It is not considered that the plan will have significant environmental effects due to exceeded environmental quality standards, limit values or intensive land-use. The plan does not allocate any sites for development. In certain cases, development can occur in the parish in accordance with policies of the Wiltshire Core Strategy, to include limited infill development within the existing built-up area of small villages, small-scale development within larger villages and through exception policies in the open countryside, such as rural exception sites for affordable housing. As the plan is not allocating sites, it is not known what future applications will come forward. Policies of the plan are not considered likely to significantly affect areas of special natural characteristics or cultural heritage. The parish is not within an AONB. There are specific policies in the plan to protect and enhance the Seend Conservation Area and locally valued heritage assets, landscapes, Green Infrastructure and the Kennet & Avon canal, although protection is also given through Core Strategy and NPPF policies.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	No	As per 2(f) above. Habitats Regulations screening has concluded that this plan is not likely to have adverse effects on the integrity of any European Sites and that an Appropriate Assessment will not be required.

5. SEA Screening decision

- 5.1 Regulation 9 of the SEA Regulations requires that the responsible authority shall determine whether or not a plan is likely to have significant environmental effects. The responsible authority shall —
- (a) take into account the criteria specified in Schedule 1 to these Regulations; and
 - (b) consult the consultation bodies.
- 5.2 Where the responsible authority determines that the plan is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), it shall prepare a statement of its reasons for the determination.
- 5.3 Wiltshire Council considers that the proposed Seend Parish 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 key reasons:
- 1. The plan is not allocating any sites for development within the parish. Development is supported where it is in accordance with other policies of the neighbourhood plan and Wiltshire Core Strategy. The Core Strategy allows small-scale development within the settlement boundary of Seend and infill development within the ‘Small Village’ of Seend Cleeve. The Plan is not supporting additional development within the villages other than through Core Policies 1 and 2 of the Core Strategy
 - 2. The plan is seeking to maintain the rural setting of the parish through high quality and sensitive design, protect and enhance designated heritage assets as well as locally valued heritage assets, landscapes, local community facilities and to protect valued local green spaces.
 - 3. Policies of the plan are not considered likely to significantly affect areas of special natural characteristics or cultural heritage. The parish is not within an AONB. There are specific policies in the plan to protect and enhance the Seend Conservation Area and locally valued heritage assets, landscapes, Green Infrastructure and the Kennet & Avon canal, although protection is also given through Core Strategy and NPPF policies.
 - 4. Habitats Regulations screening has concluded that this plan is not likely to have adverse effects on the integrity of any European Sites and that an Appropriate Assessment will not be required.
- 5.4 This screening decision is based on, and accompanied by, the ‘*Seend Parish Neighbourhood Plan 2019 to 2030 Working Draft Version 7 November 2019.*’ If any changes are subsequently made to the plan that may be likely to have significant environmental effects e.g. policy changes or allocation of development sites, the Qualifying Body⁵ must request a revised SEA screening determination from the Council.
- 5.5 This screening decision was sent to Natural England, the Environment Agency and Historic England (the “consultation bodies”), requesting any comments within a 5-

⁵ Seend Parish Council

week period, from 18th January 2020 to 22nd February 2020. Comments were received from all three statutory consultees who agreed with the decision of the Council that a SEA is not required. Comments are presented in Appendix A.

Appendix A - Statutory consultee responses to screening decision

Historic England

From: Stuart, David

To: Way, David

Cc: Kilmister, Michael; Burvill, Victoria

Subject: Seend Parish Neighbourhood Plan Draft SEA Screening Decision

Date: 17 February 2020 11:22

Dear David

Thank you for your consultation on the draft SEA Screening Report for the emerging Seend Neighbourhood Plan. This is our first involvement in the preparation of this Plan so we are also grateful to have sight of the current draft so we can identify any issues of immediate interest or those which might become so as the Plan develops.

Having considered the Plan I can confirm that it generates no issues upon which we wish to comment nor would be likely to wish to do so in the future. There are no sites proposed as allocations, the issue most likely to attract our attention, and on that basis I can also confirm that we have no objection to the view that a full SEA is not required.

We note reference within the text to the Park Farm site which the community believes may be suitable as a Rural Exception site, possibly under policy SP2. But we also note that there is no specific reference to this site within that policy and that parallel development interest may result in a planning consent for the site being determined before the Plan has been made. We are therefore happy that such reference does not in this instance constitute a potential hostage to fortune provision within the Plan which may otherwise have had implications for the SEA Screening process.

Kind regards,

David

David Stuart | Historic Places Adviser South West

Direct Line: 0117 975 0680 | Mobile: 0797 924 0316 Historic England | 29 Queen Square | Bristol | BS1 4ND

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

Environment Agency

Mr. David Way
Senior Planning Officer, Wiltshire Council,
Economic Development and Planning,
Bythesea Road, Trowbridge, BA14 8JN

Our ref: WX/2009/110257/OR-73/IS1-
L01
Your ref:
Date: 18 February 2020

Dear Mr. Way

Seend Parish Neighbourhood Plan Draft SEA Screening Decision

Thank you for consulting the Environment Agency on the above Strategic Environmental Assessment (SEA) screening opinion. I am responding on behalf of my colleague Ellie Challans.

The Environment Agency is a statutory consultee for Strategic Environmental Assessments (SEAs) and provides advice to LPAs on the scope and findings of the SEA.

We are satisfied with your Authority's determination within the screening opinion process that a SEA is not required for the Neighbourhood Plan.

We would welcome the opportunity to have further input as the neighbourhood plan progresses.

Please contact the undersigned if you have any comments regarding the above using the email address swx.sp@environment-agency.gov.uk.

**Richard Jenkyns (on behalf of Ellie Challans)
Sustainable Places - Planning Advisor**

e-mail swx.sp@environment-agency.gov.uk

Environment Agency
Rivers House East Quay, Bridgwater, Somerset, TA6 4YS.

Customer services line: 03708 506 506
www.gov.uk/environment-agency

Natural England

Date: 18 February 2020
Our ref: 307916
Your ref: Seend
Neighbourhood Plan

David Way
Senior Planning Officer
Wiltshire Council
david.way@wiltshire.gov.uk

BY EMAIL ONLY

Dear David,

Seend Parish Neighbourhood Plan Draft SEA Screening Decision

Thank you for your consultation on the above dated 18 January 2020 which was received by Natural England on 18 January 2020.

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

*Jacqui Salt
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T 0300 060 3900*