

Wiltshire Council

Strategic Environmental Assessment

**Screening determination for the Draft Broad Hinton Winterbourne
Bassett and Uffcott Neighbourhood Development Plan**

December 2024

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

Contents	Page
1. Introduction	3
2. Legislative requirements	3
3. The Draft Broad Hinton Winterbourne Bassett and Uffcott Neighbourhood Development Plan	5
4. SEA Screening assessment	5
5. SEA Screening decision	9
6. Consultation on SEA screening decision	9

1. Introduction

- 1.1 This document provides a screening determination of the need to carry out a Strategic Environmental Assessment (SEA) of the Draft Broad Hinton Winterbourne Bassett and Uffcott Neighbourhood Development Plan (hereafter 'draft BHNDP').
- 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 BHNDP 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

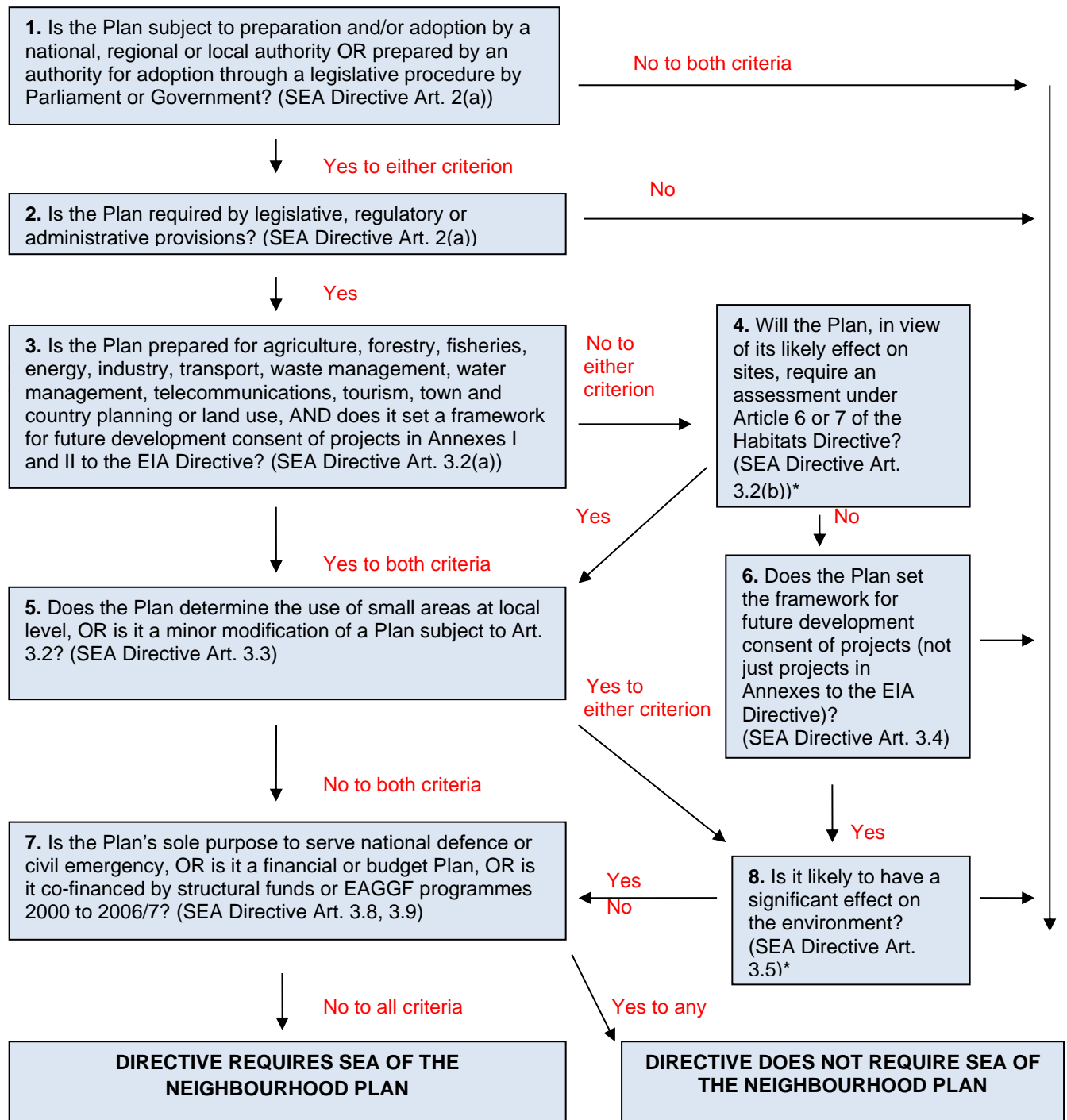
³ European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment"

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.

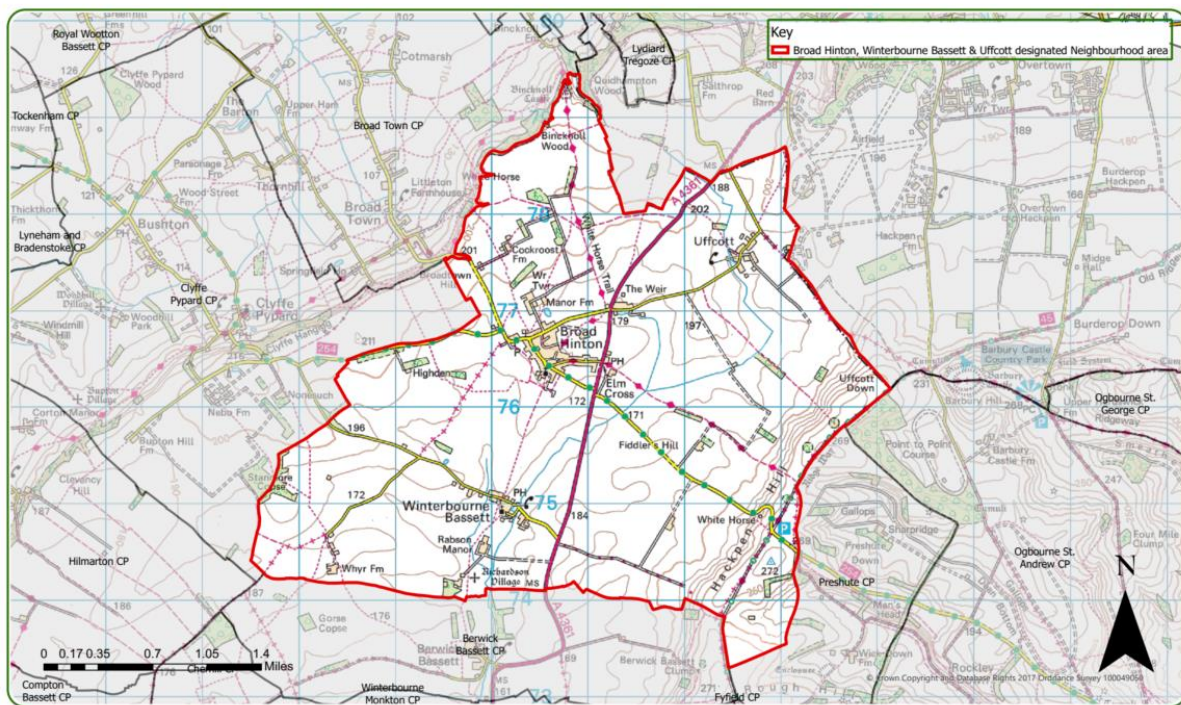
⁷ Taken from *A Practical Guide to the Strategic Environmental Assessment Directive* ODPM, 2005)

3. The Draft Broad Hinton Winterbourne Bassett and Uffcott Neighbourhood Development Plan

- 3.1 The parishes of Broad Hinton and Winterbourne Bassett are preparing a neighbourhood development plan under the provisions of the Localism Act 2011.
- 3.2 The designation of the Broad Hinton Winterbourne Bassett and Uffcott Neighbourhood Area was made on 24th November 2021 (see map of area outlined in red below). For the designation notice see <http://www.wiltshire.gov.uk/planning-neighbourhood-latest-news>



Map of Broad Hinton, Winterbourne Bassett & Uffcott Neighbourhood Area Designation 2021



- 3.3 This screening decision is based on, and accompanied by, an initial draft of the neighbourhood plan dated June 2024.

4. SEA Screening assessment

- 4.1 Wiltshire Council, as the 'Responsible Authority', considers that the draft BHNDP 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 BHNDP 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 BHNDP and ii) the characteristics of the effects and of the area likely to be affected by the draft BHNDP. 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 BHNDP 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 parish areas of Broad Hinton and Winterbourne Bassett only. Whilst the draft Plan will set a framework for projects at the parish level, it will 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 BHNDP is produced by the local community to influence development at the local parish level. The draft BHNDP 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 BHNDP 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.
(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	Yes	A significant mixed-use development, potentially including 40 new dwellings, community building and community car parking is proposed on a 1.9 hectare site to the north of the village. Given that the village is located entirely within the North Wessex Downs National Landscape, it is considered likely that there is the potential for this site to have significant environmental effects on landscape, heritage and biodiversity features over the long-term and that those effects will be irreversible due to the nature of built development.

		<p>The BHNDP comprises 11 policies, two of which are recommended to be taken forward to appropriate assessment due to potential likely significant effects on the Kennet and Lambourn Floodplain SAC.</p> <p>Regulation 5 of the SEA Regulations requires an environmental assessment of plans which <i>'in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive (92/43/EEC) (Reg. 5, para. (3)).'</i> Planning Practice Guidance (PPG) para 047 states that <i>'if a plan is one which has been determined to require an appropriate assessment under the Habitats Directive, then it will normally also require a Strategic Environmental Assessment.'</i> In light of this, it is considered that the draft PPNPR is likely to have significant environmental effects and therefore an SEA will be required.</p>
(b) the cumulative nature of the effects	Yes	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	The draft BHNDP covers two parishes only. Significant environmental effects due to the geographic size of the area and population size are not considered likely.
(f) the value and vulnerability of the area likely to be affected due to— (i) special natural Characteristics or Cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use;	Yes	Refer to 2(a) above.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	Yes	Refer to 2(a) 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 BHNDP **is likely to have significant environmental effects** and accordingly **a Strategic Environmental Assessment is required**. This decision is made for the following reasons:

Reason 1: The BHNDP comprises 11 policies, two of which are recommended to be taken forward to appropriate assessment due to potential likely significant effects on the Kennet and Lambourn Floodplain SAC.

Regulation 5 of the SEA Regulations requires an environmental assessment of plans which *‘in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive (92/43/EEC) (Reg. 5, para. (3)).’* Planning Practice Guidance (PPG) para 047 states that *‘if a plan is one which has been determined to require an appropriate assessment under the Habitats Directive, then it will normally also require a Strategic Environmental Assessment.’* In light of this, it is considered that the draft is likely to have significant environmental effects and therefore an SEA will be required.

Reason 2: The neighbourhood area is entirely within the North Wessex Downs National Landscape and therefore within a very sensitive landscape setting.

5.4 This screening decision is based on, and accompanied by, and accompanied by, an initial draft of the neighbourhood plan dated June 2024. 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, 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 SEA screening decision

6.1 This screening decision will be sent to Natural England, Environment Agency and Historic England, requesting comments within a 5-week period between Friday 1st November 2024 and Friday 6th December 2024.

6.2 Comments were received from all three bodies, agreeing with the decision that an SEA is required. See Appendix A for responses.

Appendix A – Comments from consultation bodies on SEA screening

Historic England

Response

From: [REDACTED]
Sent on: Friday, December 6, 2024 2:58:51 PM
To: [REDACTED]
CC: [REDACTED]
Subject: Draft Broad Hinton, Winterbourne Bassett and Uffcott Neighbourhood Plan - SEA screening consultation with consultation bodies
Attachments: Broad Hinton and Winterbourne Bassett NP SEA Scoping Report .msg (106.5 KB)

Follow up: Follow up
Start date: Monday, December 9, 2024 12:00:00 AM
Due date: Monday, December 9, 2024 12:00:00 AM

Dear [REDACTED]

Thank you for your consultation on the SEA Screening Report associated with the emerging Broad Hinton, Winterbourne Bassett and Uffcott Neighbourhood Plan.

We have recently received a consultation from AECOM on the related SEA Scoping Report. Our response to this was issued before the current SEA Screening consultation had been processed and our comments were drafted accordingly (see attached).

We welcome this latest consultation as an opportunity for a first appreciation of the draft Plan and the scope of policies which the community proposes. We note that policies BHW 5 & 6 propose to allocate sites for development and that the Screening Report identifies their potential to generate significant environmental effects on the historic environment (inter alia).

On that basis we concur with the view that a full SEA is required.

We would also take this opportunity to encourage liaison between the community and its consultants, and your authority's heritage team to ensure that site allocation proposals in particular are suitably informed by evidence and drafted to avoid causing harm to heritage assets.

Kind regards

Attachment

From: [REDACTED]
Sent on: Monday, November 25, 2024 11:41:30 AM
To: [REDACTED]
CC: [REDACTED]
Subject: Broad Hinton and Winterbourne Bassett NP SEA Scoping Report

Dear [REDACTED]

Thank you for your consultation on the SEA Scoping Report for the emerging Broad Hinton and Winterbourne Bassett Neighbourhood Plan.

This would appear to be our first involvement in the preparation of this Plan. We can find no record of a previous consultation on the SEA Screening but of course if it was agreed between Wiltshire Council and the NP community that a full SEA would be required we would not have needed to be consulted.

We note from the Scoping Report that the reason for a full SEA was based on the Plan's ambition to allocate sites for housing although the Report doesn't elaborate on what environmental aspects may have been identified as relevant factors in this decision.

In that impacts upon the historic environment could therefore well be legitimate considerations for the SEA process to consider we are pleased to see the inclusion of our guidance in the Scoping Report as listed. Their application in the assessment of the sites in question, and the Plan as a whole, will help ensure conformity with national and overarching policy for the protection and enhancement of the historic environment and relevant heritage assets.

To this list we would recommend adding our guidance on Site Allocations. While this is titled with reference to Local Plans it is of equal relevance when considering the allocation of development sites within Neighbourhood Plans. This can be accessed via the following link:

<https://historicengland.org.uk/images-books/publications/gpa1-historic-environment-local-plans/>

Kind regards

Environment Agency

From: [REDACTED]
Sent on: Friday, December 6, 2024 12:06:28 PM
To: [REDACTED]
CC: [REDACTED]
Subject: RE: Draft Broad Hinton, Winterbourne Bassett and Uffcott Neighbourhood Plan - SEA screening consultation with consultation bodies

Follow up: Follow up
Start date: Monday, December 9, 2024 12:00:00 AM
Due date: Monday, December 9, 2024 12:00:00 AM

Dear [REDACTED]

Thank you for consulting the Environment Agency on the SEA screening for the Broad Hinton, Winterbourne Bassett and Uffcott Neighbourhood Plan.

We have no objection to the LPA's decision that a SEA is required for the Plan.

Many thanks

Natural England

Response

From: [REDACTED]
Sent on: Monday, December 16, 2024 4:52:47 PM
To: [REDACTED]
Subject: NE Response 493344 - Broad Hinton, Winterbourne Bassett & Uffcott Neighbourhood Plan - Draft SEA Screening Consultation
Attachments: NE Response 493344 Broad Hinton, Winterbourne Bassett and Uffcott Neighbourhood Plan.pdf (70.06 KB)

Follow up: Follow up
Start date: Monday, December 16, 2024 12:00:00 AM
Due date: Monday, December 16, 2024 12:00:00 AM

Dear [REDACTED]

Thank you for consulting Natural England on the aforementioned neighbourhood plan and apologies for the delay in responding.

Please find our formal response attached.

Should you require further information please do not hesitate to contact me.

Kind regards,

Attachment

Dear [REDACTED]

Draft Broad Hinton, Winterbourne Bassett & Uffcott Neighbourhood Plan - SEA Screening Consultation

Thank you for your consultation on the above dated 01 November 2024.

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.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

We have considered the screening assessment of the Neighbourhood Plan against the requirements of the criteria set out in the SEA Directive. Based on the information provided, Natural England agrees the Neighbourhood Plan appears likely to give rise to significant environmental effects and your conclusion that a Strategic Environmental Assessment is required is reasonable.

We would be happy to comment further should the need arise but in the meantime if you have any queries relating to the above please contact me via email – [REDACTED]

For any further consultations on your plan, please contact: [REDACTED]

Yours faithfully,