

Wiltshire Council

Strategic Environmental Assessment

**Final screening determination for the Broad Chalke Neighbourhood
Plan**

July 2018

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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 Broad Chalke Neighbourhood Plan (NP).
- 1.2 Wiltshire Council, as the 'Responsible Authority'¹ under the SEA Regulations², is responsible for undertaking this screening process of the Broad Chalke NP. 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.

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

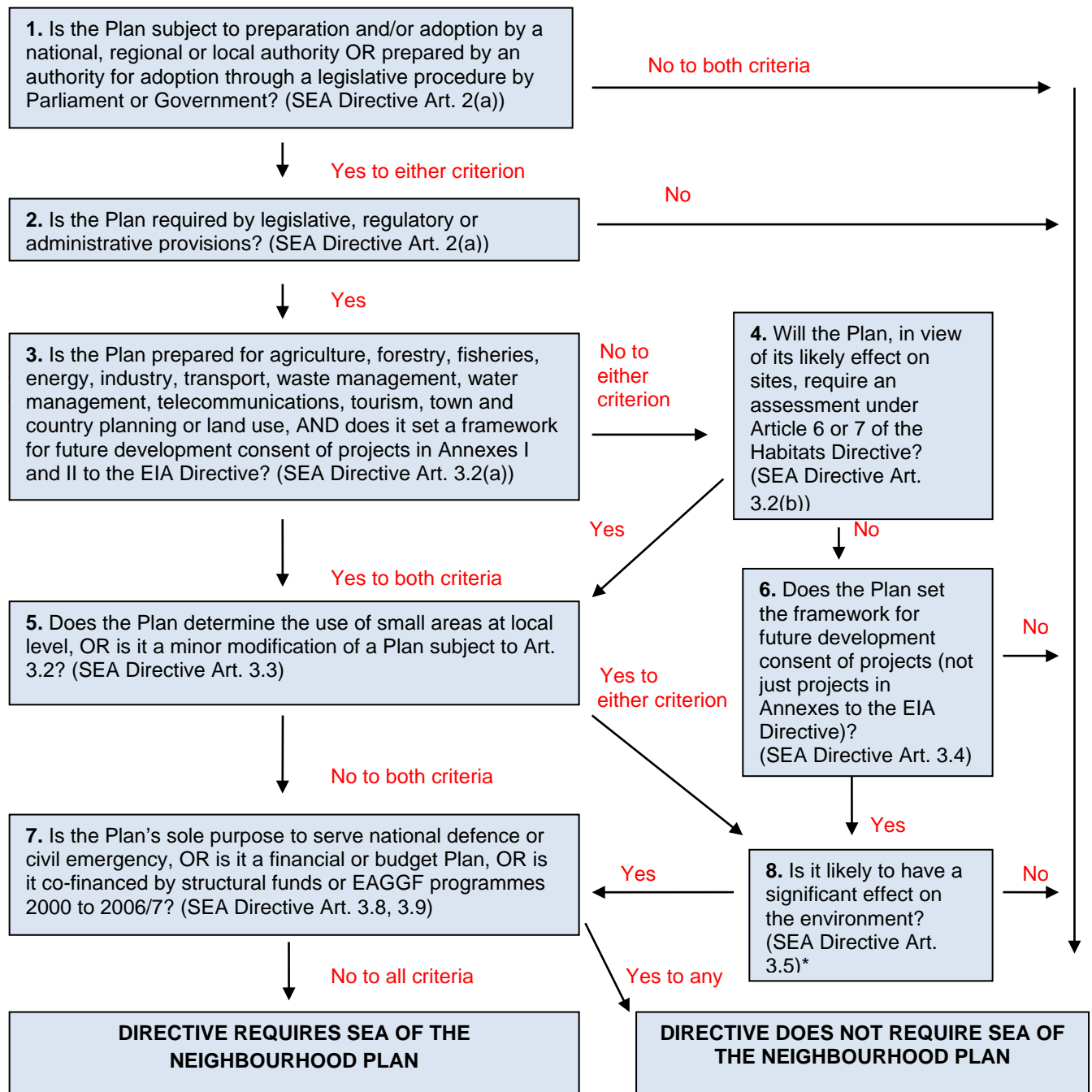
³ European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment"

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:



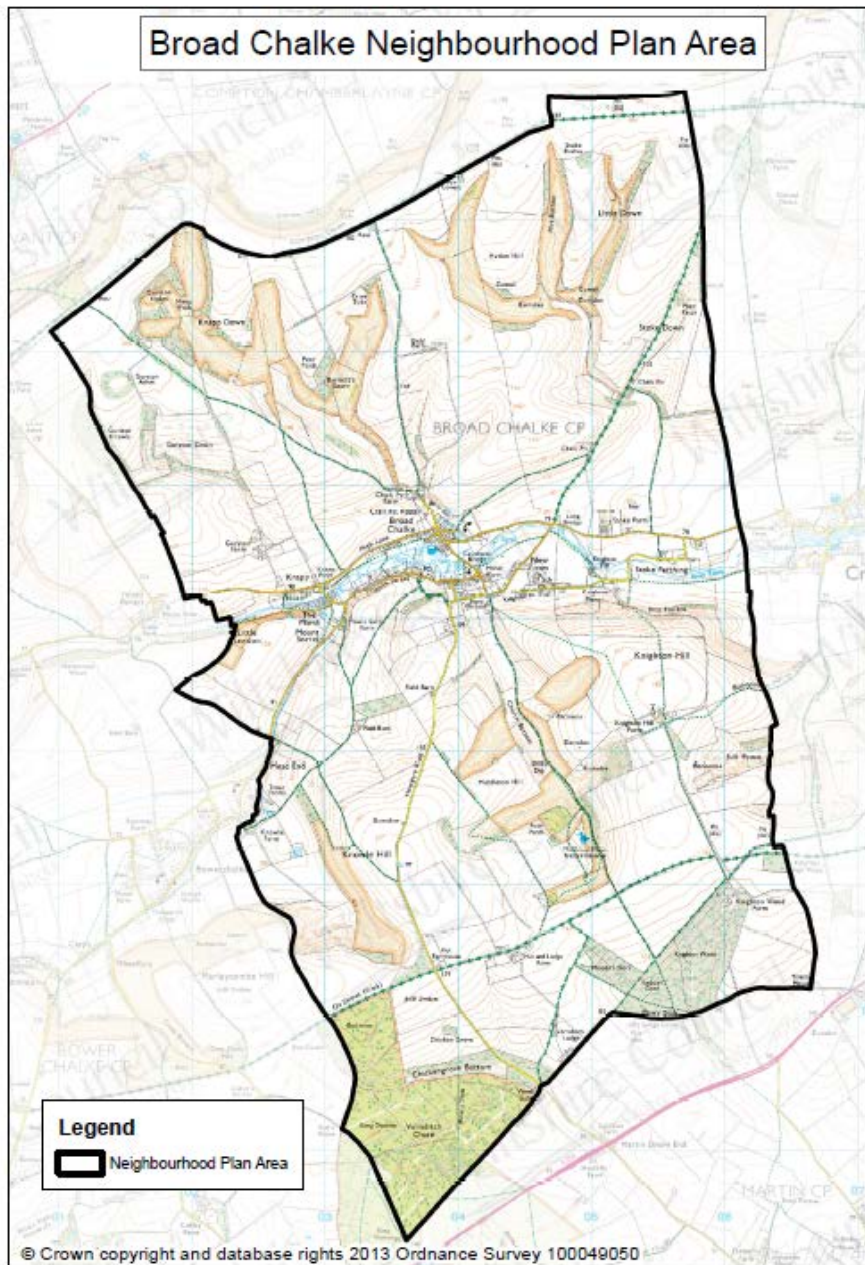
* Plans falling in this category (No.8) will be screened by Wiltshire Council to determine if they are likely to have significant environmental effects. This determination will be made on a case by case basis for neighbourhood plans coming forward in Wiltshire.

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 Broad Chalke Neighbourhood Plan (NP)

- 3.1 The parish of Broad Chalke is preparing a NP under the provisions of the Localism Act 2011.
- 3.2 The designation of the Broad Chalke Neighbourhood Area was made on 5th November 2014 (see map below). For the designation notice see <http://www.wiltshire.gov.uk/planning-neighbourhood-latest-news>



- 3.3 This screening decision is accompanied by an early draft of the neighbourhood plan, including a Village Design Statement, and a site assessment report of potential development sites within the parish.

4. SEA Screening assessment

4.1 Wiltshire Council, as the 'Responsible Authority', considers that the Broad Chalke NP 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 Broad Chalke NP 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 Broad Chalke NP and ii) the characteristics of the effects and of the area likely to be affected by the Broad Chalke NP. 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 Broad Chalke NP 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 regard to the location, nature, size and operating conditions or by allocating resources	No	The NP covers the parish area only and will set a policy framework for projects just within the parish. Although falling entirely within the Cranborne Chase AONB, the Plan is primarily seeking to protect and enhance its natural and built environment and is proposing two very small housing allocations for 3 dwellings and 6 dwellings to meet the needs of the community.
(b) the degree to which the plan influences other plans and programmes including those in a hierarchy	No	The NP is produced by the local community to influence development at the local level. A neighbourhood plan must be in general conformity with Local Plans and national planning guidance.
(c) the relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development	No	The NP 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, however. The draft NP and Village Design Statement recognise the location of the parish within a sensitive landscape setting, within an AONB, and that this must be respected in the design of any new development. The Plan's Vision Statement sets out the group's wish to ' <i>protect and perpetuate the rich heritage of our natural environment, the diversity of vernacular building styles, and the strong community spirit that makes this village special.</i> ' Local environmental and heritage assets will continue to be protected and enhanced through this Plan but also through the Core Strategy and national planning policy e.g. NPPF.
(d) environmental problems relevant to the plan	No	There are no specific environmental problems relevant to this neighbourhood area. However, the location of the village of Broad Chalke and the proposed small development sites entirely within the AONB means that when determining proposals, great weight will need to be given to conserving landscape and scenic beauty in accordance with paragraphs 115 and 116 of the NPPF.

(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 NP is not relevant as a plan for implementing community legislation.
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:		
(a) the probability, duration, frequency and reversibility of the effects	No	Any adverse effects of the proposals are most likely to arise from the two proposed housing site allocations - Site 5 (3 dwellings) and Site 4 (6 dwellings). The entire village of Broad Chalke is within the Cranborne Chase AONB but the two sites are small and only intended to meet local housing needs. Both sites are within flood zone 1 and not within a Source Protection Zone. Both sites are adjacent to areas of modern residential development (Manor Farm Close, Newtown, Knighton Road) and the grounds of the modern primary school. There are no biodiversity designations, ancient woodland or heritage assets within or adjacent to these two sites. The Wiltshire Council conservation officer has re-confirmed that there are no objections to either site on built heritage grounds.
(b) the cumulative nature of the effects	No	No specific cumulative effects are considered likely to be significant.
(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 NP covers a rural parish which includes the village of Broad Chalke. 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;</p>	<p>No</p>	<p>The neighbourhood area is entirely within the Cranborne Chase AONB and therefore within a very sensitive landscape setting. Development is not ruled out within AONBs but great weight must be given to conserving landscape and scenic beauty in accordance with paragraphs 115 and 116 of the NPPF.</p> <p>The two proposed housing site allocations are for a total of 9 dwellings to meet local housing needs. Both sites are within flood zone 1 and not within a Source Protection Zone. Both sites are adjacent to areas of modern residential development (Manor Farm Close, Newtown, Knighton Road) and the grounds of the modern primary school. There are no biodiversity designations, ancient woodland or heritage assets within or adjacent to these two sites.</p> <p>The Wiltshire Council conservation officer has re-confirmed that there are no objections to either site on built heritage grounds.</p> <p>Environmental quality standards or limit values are not likely to be exceeded and land-use is not likely to be intensified as a result of this neighbourhood plan.</p>
<p>(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>No</p>	<p>The neighbourhood area is entirely within the Cranborne Chase AONB and therefore within a very sensitive landscape setting. Development is not ruled out within AONBs but great weight must be given to conserving landscape and scenic beauty in accordance with paragraphs 115 and 116 of the NPPF.</p> <p>The two proposed housing site allocations are for a total of 9 dwellings to meet local housing needs. Both sites are within flood zone 1 and not within a Source Protection Zone. Both sites are adjacent to areas of modern residential development (Manor Farm Close, Newtown, Knighton Road) and the grounds of the modern primary school. There are no biodiversity designations, ancient woodland or heritage assets within or adjacent to these two sites.</p> <p>The Wiltshire Council conservation officer has re-confirmed that there are no objections to either site on built heritage grounds.</p>

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 Broad Chalke NP **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 neighbourhood plan is primarily seeking to protect and enhance its natural and built environment.
 2. The two modest housing site allocations, totalling 9 dwellings, are outside of the village Conservation Area, adjacent to modern residential development. There are no biodiversity, landscape or heritage designations within or adjacent to these sites likely to be adversely affected. Both sites are within flood zone 1.
 3. The Wiltshire Council conservation officer has re-confirmed that there are no objections to either housing site allocation on built heritage grounds.
- 5.4 This screening decision was sent to Natural England, the Environment Agency and Historic England, requesting comments within a 5-week period, from 8th May 2018 to 12th June 2018. Their responses are presented in Appendix 1. There were no objections to the Council's decision that an SEA is not required for this Plan.
- 5.5 This SEA screening has been undertaken on an early draft of the Broad Chalke Neighbourhood Plan. **If this draft Plan is subsequently amended significantly i.e. changes that substantially alter the draft plan and/or are likely to give rise to significant environmental effects, or a decision is made by Wiltshire Council that the draft Plan should be subject to an appropriate assessment under the Habitats Regulations, this SEA screening must be reviewed.** In this instance, the Qualifying Body should request a revised SEA screening assessment from Wiltshire Council.

Appendix 1 – Responses to consultation from statutory consultation bodies

Natural England

From: Routh, Charles (NE)

To: Way, David

Subject: RE: Broad Chalke Neighbourhood Plan - SEA screening consultation. NE ref: 246441

Date: 18 May 2018 15:50:22

Hi David,

Natural England concurs with the SEA screening conclusion (insofar as it pertains to the natural environment), namely that that the proposed Broad Chalke NP is not likely to have significant environmental effects.

That said, even for this scale of development, we'd like to see some evidence that the sites chosen are acceptable in landscape terms (even if just the inclusion of a statement from an impartial landscape professional).

Note: can you send consultations to consultations@naturalengland.org.uk so they get logged before they are passed to me? Thanks.

Regards,

Charles Routh

Lead Advisor, Planning & Licencing, Somerset, Avon and Wiltshire Area Team, Natural England.

07990 773630

Environment Agency

Mr David Way
Wiltshire Council
Planning Policy
County Hall Bythesea Road
Trowbridge
Wiltshire
BA14 8JD

Our ref: WX/2009/110257/OR-51/PO1-L01

Your ref: Broad Chalke NP SEA screening

Date: 08 June 2018

Dear Mr Way

Broad Chalke Neighbourhood Plan SEA Screening

Thank you for consulting the Environment Agency on the above SEA screening decision.

We have no objection to Wiltshire Council's judgement that the Broad Chalke Neighbourhood Plan will not require a SEA.

We would take this opportunity to offer some feedback on the draft Plan. Please share our comments with the Steering Group.

Flood Risk

The village of Broad Chalke is affected by flood risk from the River Ebbles and tributaries. There are lengthy areas of flood zones 2 and 3 associated with these watercourses running through the centre of the village.

Section 2.10, page 44 of Part 2 – Housing Needs, identifies “Recent experience has shown that the valley floor is more liable to flooding than is evident on Environment Agency Flood Maps2”. This is an important recognition of the fact that our flood mapping is indicative in nature, and that local knowledge sometimes shows that development planning should exercise extreme caution when proposing development near the floodplain. We are encouraged to note that some potential development sites have been excluded because of their liability to flooding.

We would advise the Steering Group to include Natural Flood Management requirements within the NP. Natural Flood Management measures can help slow, store and filter floodwater. Environmental, social and other benefits (such as reduced soil erosion) can be achieved simultaneously with reducing flood risk. It can also help to achieve Water Framework Directive, Floods Directive and biodiversity goals at the same time.

Natural flood management measures can include:

- restoring / creating functioning habitats such as upland peat moorlands and wet woodlands to store and filter floodwater
- installing / retaining large woody material in the upper reaches of rivers to hold water back
- re-meandering rivers and restoring species-rich floodplain meadows to reduce downstream floods, store sediment and process nutrients, whilst supporting sustainable agriculture and pollinating insects

Encouraging land use changes to slow water and reduce excessive fine sediment and nutrient loads in rivers is more sustainable over the long term. Rural and urban sustainable drainage systems (SuDS), tidal and fluvial managed re-alignment, land and soil management measures can all be used to help to slow, store and filter the flow.

Natural Flood Management can be incorporated into areas of public open space, water meadows, agricultural land and any other land with a willingness from the landowner. **For example, could natural flood management measures be incorporated into the proposed village green (page 62) and included in the Action Plan (page 65)?**

Further information can be found at the following links:

<http://www.floodplainmeadows.org.uk/>

[https://circabc.europa.eu/sd/a/2457165b-3f12-4935-819a-](https://circabc.europa.eu/sd/a/2457165b-3f12-4935-819a-c40324d22ad3/Policy%20Document%20on%20Natural%20Water%20Retention%20Measures_Final.pdf)

[c40324d22ad3/Policy%20Document%20on%20Natural%20Water%20Retention%20Measures_Final.pdf](https://circabc.europa.eu/sd/a/2457165b-3f12-4935-819a-c40324d22ad3/Policy%20Document%20on%20Natural%20Water%20Retention%20Measures_Final.pdf)

<http://researchbriefings.files.parliament.uk/documents/POST-PN-484/POST-PN-484.pdf>

Yours sincerely

Ms Ellie Challans

Sustainable Places - Planning Advisor Direct dial 02030 259311 E-mail

swx.sp@environment-agency.gov.uk

Historic England

From: Stuart, David

To: Way, David

Subject: Broad Chalke Neighbourhood Plan - SEA screening decision

Date: 19 June 2018 14:31:21

Dear David

Thank you for your consultation on the SEA Screening for the emerging Broad Chalke Neighbourhood Plan. My apologies for not responding before now.

This is our first opportunity to familiarise ourselves with the community's aspirations for its Plan. We note that this seems to essentially cover the Village Design Statement (VDS), Community Action Plan, and allocate 2 sites for development.

The VDS is informed significantly by the Conservation Area (CA) Appraisal and Management Plan and it uses this to establish Planning Guidelines and presumably as an evidence base for the 2 proposed site allocations.

The sites are outside the CA but while the VDS captures much of the CA material and highlights the importance of identified views/vistas it is light on capturing the role played by the Setting of the CA in defining its heritage significance – a point reflected in the absence of such reference in the Planning Guidelines. This is in contrast with the source CA report prepared by your authority which emphasises the importance of the rural context as an AONB to the definition of the CA.

So while we appreciate that the conservation officer has no heritage objections to the site allocations she does highlight the potential for possible landscape impact arising from site 3338. We therefore do wonder if the potential for impact on the AONB also has by implication potential for impact on the strategic setting of the CA which might suggest that an SEA is in fact required.

This leaves us with two comments:

1) If the VDS is the main (if not only) source of evidence which is informing the proposed site allocations we consider it may not contain sufficient information on the Setting of the Conservation Area to allow for a suitably informed assessment;

2) Is your authority – and particularly the conservation officer – happy with the manner in which the NP uses the CA report to inform the VDS and in turn the site allocations in terms of how the setting of the CA has been identified and its heritage significance understood?

If the conservation officer remains content with her initial advice⁸ then we are happy to defer to this and raise no objection to the opinion that the Plan does not

⁸ Note – Wiltshire Council conservation officer Jocelyn Sage has re-confirmed that she considers that the proposed two housing site allocations in the draft Plan will not have a harmful impact on the setting of any designated heritage assets ie on built heritage grounds

require an SEA.

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>