

Wiltshire Council

Strategic Environmental Assessment

**Screening determination for the Market Lavington Neighbourhood
Plan**

February 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 Market Lavington Neighbourhood Plan.
- 1.2 Wiltshire Council, as the 'Responsible Authority'¹ under the SEA Regulations², is responsible for undertaking this screening process of the Market Lavington 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.

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

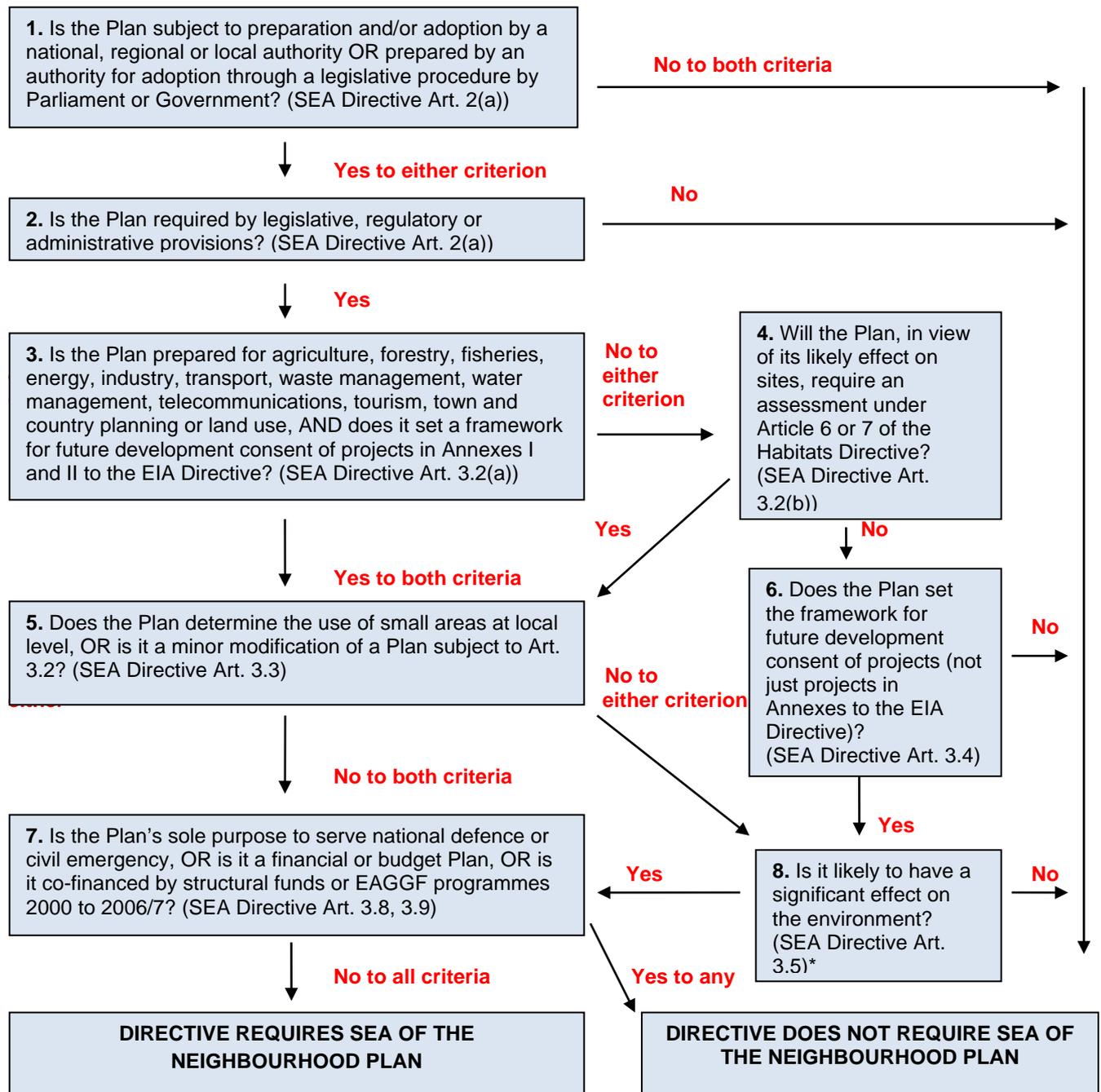
³ European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment"

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 Market Lavington Neighbourhood Plan

- 3.1 The parish of Market Lavington is preparing a neighbourhood plan under the provisions of the Localism Act 2011.
- 3.2 The designation of the Market Lavington Neighbourhood Area was made on 2nd March 2015. For the designation notice see <http://www.wiltshire.gov.uk/planning-neighbourhood-latest-news>

4. SEA Screening assessment

- 4.1 Wiltshire Council, as the 'Responsible Authority', considers that the Market Lavington Neighbourhood Plan falls within the scope of the SEA Regulations on the basis that it is a plan that:
 - a) is subject to preparation or adoption by an authority at national, regional or local level (Regulation 2);
 - b) is prepared for town and country planning or land use and it is a plan that sets the framework for future development consent of projects generally (Regulation 5, para. 4); and
 - c) will apply to a wider area other than a small area at local level and is not a minor modification to an existing plan or programme (Regulation 5, para. 6).
- 4.2 A determination under Regulation 9 is therefore required as to whether the Market Lavington Neighbourhood Plan is likely to have significant effects on the environment.
- 4.3 The screening requirements set out in Regulation 9 and Schedule 1 of the SEA Regulations includes two sets of characteristics for determining the likely significance of effects on the environment. These relate to i) the characteristics of the Market Lavington neighbourhood plan and ii) the characteristics of the effects and of the area likely to be affected by the Market Lavington Neighbourhood Plan. In making a determination, Wiltshire Council will take into account the criteria specified in Schedule I of the Regulations as follows:

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

- (a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;
- (b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;
- (c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;
- (d) environmental problems relevant to the plan or programme; and
- (e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).

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

- (a)** the probability, duration, frequency and reversibility of the effects;
- (b)** the cumulative nature of the effects;
- (c)** the transboundary nature of the effects;
- (d)** the risks to human health or the environment (for example, due to accidents);
- (e)** the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);
- (f)** the value and vulnerability of the area likely to be affected due to—
 - (i)** special natural characteristics or cultural heritage;
 - (ii)** exceeded environmental quality standards or limit values; or
 - (iii)** intensive land-use; and
- (g)** the effects on areas or landscapes which have a recognised national, Community or international protection status.

The screening assessment of the Market Lavington Neighbourhood Plan 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 neighbourhood plan covers the parish area only. It sets a new policy framework for projects in the parish only, not over a wider area, and it is considered to be in general conformity with policies of the adopted Wiltshire Core Strategy and national planning policies.
(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. 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 neighbourhood plan is a land-use plan that promotes sustainable development, in general conformity with the Local Plan and national planning guidance. One of the Basic Conditions for any neighbourhood plan is that it contributes to the achievement of sustainable development. However, it is not a Plan specifically for the integration of environmental considerations. The Plan is not required to contain policies that relate to environmental considerations as these are already contained within strategic and national level policies. However, the Plan (section 5) gives an overview of the historic importance of the parish and sensitive areas for landscape, biodiversity, flood risk, air quality and land/soil resources, and is proposing a number of important green spaces as Local Green Spaces which will receive added protection through the planning system.
(d) environmental problems relevant to the plan	No	There are no specific environmental problems relevant to this neighbourhood area.

(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	No	<p>Any environmental effects are not considered to be significant judging by the proposals in the neighbourhood plan. With regards the attached assessment of the 4 proposed housing sites, all sites are considered to have minor constraints. The key findings are as follows:</p> <p>Site 3: Land to south of Spin Hill next to Canada Rise. Site has minor constraints. Flood Zone 1. No heritage assets within or adjoining. Conservation Area 330m away. Nearest listed building 270m away. No landscape or ecological designations within or adjacent to site.</p> <p>Site 4: The Long Field, south of The Spring. Site has minor constraints. Flood Zone 1, although site may be susceptible to surface water flooding, with a varying degree of risk across the site. This risk is considered able to be mitigated through technical solutions. No heritage assets within or adjoining. The Conservation Area is within approx 85m of the eastern boundary – there is existing modern residential development and a Community Hall in between to the east and modern residential development adjoining the site to the north and west. The nearest listed building is approx 170m to the east with modern dwellings in between. Mitigation can include locating new dwellings further to the west of the site, away from the CA with substantial landscaping in between. No landscape or ecological designations within or adjacent to site.</p> <p>Site 5: Lavington School unused fields. Site has minor constraints. Flood Zone 1. No heritage assets within or adjoining site. Conservation Area 330m to the east. Canada Woods County Wildlife Site is situated adjacent to the northern boundary but no direct loss and the northern part of this site can be kept as open space to reduce effects on the CWS. No landscape designations affecting the site.</p> <p>Site 9: Southcliffe. No significant environmental constraints or landscape impacts predicted. Mixture of Greenfield and Brownfield site. Flood Zone 1. No heritage assets within or adjoining. Significant amount of modern development between the site and the Conservation Area. No landscape or ecological designations within or adjacent to site.</p> <p>Effects of developing all sites are considered to be reversible, short/medium term mainly connected to construction stage with potential for mitigation through landscaping.</p>
(b) the cumulative nature of the effects	No	No 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 neighbourhood plan covers a mainly rural parish which includes the Local Service Centre of Market Lavington. . 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;	No	<p>The neighbourhood area contains European and national level biodiversity designations. The southern part of the neighbourhood area, on Salisbury Plain, is designated as SSSI, SAC and SPA. The proposed housing site allocations are unlikely to have significant environmental effects on these either directly or indirectly as they are modest in size and located adjoining the existing built edge of the village.</p> <p>There are no national or local landscape designations in the neighbourhood area.</p> <p>Site assessment has shown that the location of the proposed four housing allocations is unlikely to have significant effects on heritage assets. The site (Site 4) that is closest to the Conservation Area and to a listed building has modern residential development and a Community Centre between the site and heritage assets and development can be located to the west of the site to avoid harm to their setting.</p> <p>All sites are in Flood Zone 1 although, in common with much of Market Lavington, some sites may be susceptible to surface water flooding, with a varying degree of risk across the sites. This risk is considered able to be mitigated through technical solutions.</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>
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	No	<p>The neighbourhood area contains a conservation area in the centre of Market Lavington and a number of listed buildings. In the south of the neighbourhood area, on Salisbury Plain, there are SSSI, SAC and SPA designations. The neighbourhood area is not affected by the North Wessex Downs AONB.</p> <p>The proposed housing site allocations are unlikely to have significant environmental effects on the SSSI, SAC or SPA designations on Salisbury Plain either directly or indirectly, given the modest size of the sites and their location adjoining the existing built edge of the village.</p> <p>Three of the four proposed housing site allocations are a considerable distance from the nearest heritage designations. With regards to site 4, the conservation area is approximately 85m from the eastern boundary with modern residential development and a Community Centre in between. The nearest listed building is approx 170m to the east. It will be possible to mitigate effects on the setting of these assets by locating development to the west of the site and leaving the eastern part as open space with landscaping options.</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 Market Lavington Neighbourhood Plan is **unlikely to have significant environmental effects** and accordingly **does not require a Strategic Environmental Assessment**. This decision is made for the following key reasons:
- 1. The neighbourhood plan proposals are considered to be in general conformity with the Wiltshire Core Strategy which has been subject to SEA and HRA assessments. The Core Strategy was adopted on 20th January 2015.
 - 2. The neighbourhood plan is proposing a modest amount of development on four different sites that have been assessed as having likely minor environmental constraints.
 - 3. All sites are within Flood Zone 1.
 - 4. There are no local or national landscape designations affecting the neighbourhood area.
 - 5. Three of the four proposed housing site allocations are a considerable distance from the nearest heritage designations. With regards to site 4, the conservation area is approximately 85m from the eastern boundary with modern dwellings in between. The nearest listed building is approx 170m to the east. It will be possible to mitigate effects on the setting of these assets by locating development to the west of the site and leaving the eastern part as open space with landscaping
 - 6. The proposed housing site allocations are unlikely to have significant environmental effects on the SSSI, SAC or SPA designations on Salisbury Plain either directly or indirectly, given the modest size of the sites and their location adjoining the existing built edge of the village.
- 5.4 This screening decision was sent to Natural England, the Environment Agency and Historic England, requesting comments within a 5-week period from 21st August 2017.

6. Statutory consultee response to screening decision

- 6.1 Natural England, Environment Agency and Historic England, as statutory consultation bodies under Regulation 9 of the SEA Regulations, were consulted on this SEA screening determination between 21st August 2017 and 25th September 2017. All three bodies agreed with the determination that no SEA is required for the neighbourhood plan.
- 6.2 The responses received from the three consultation bodies are presented in Appendix A.

Appendix A - Consultation responses from statutory consultation bodies

Environment Agency

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

Our ref: WX/2009/110257/OR-49/IS1-L01
Your ref: Market Lavington NP
Date: 22 September 2017

Dear Mr Way

Market Lavington Neighbourhood Plan – SEA Screening

Thank you for consulting the Environment Agency on the above screening determination. We have reviewed the following documents:

- SEA Screening Determination, dated August 2017
- Market Lavington Neighbourhood Development Plan 2017-2026, Neighbourhood Plan Document Screening Draft
- Letter from Dean Frosconi of Cole Easdon, dated 22 August 2017, ref DF/sc/4320mlfrl, relating to flood risk.

We concur with the statement that the Plan does not require an SEA.

However, we wish to point out that the table on page 10-12 of the SEA screening decision could be considered incomplete based on the content of the letter from Cole Easdon. It is stated several times that all sites are in Flood Zone 1. However, the Flood Zones relate to fluvial flooding only and fluvial flooding is not the only potential source of flooding. It is important that other sources of flooding are also considered, e.g. surface water flooding and groundwater flooding, and referred to. Please seek comments relating to non-fluvial flood risk from the Lead Local Flood Authority as this is their remit.

Yours sincerely

Ms Ellie Challans
Sustainable Places - Planning Advisor
Direct dial 02030 259311
E-mail swx.sp@environment-agency.gov.uk

Environment Agency Rivers House, Sunrise Business Park, Higher Shaftesbury Road,,
Blandford, Dorset, DT11 8ST. Customer services line: 03708 506 506
www.gov.uk/environment-agency

Natural England

From: Routh, Charles (NE) [charles.routh@naturalengland.org.uk]
Sent: 29 August 2017 13:35
To: Way, David
Subject: RE: Market Lavington Neighbourhood Plan - SEA screening (Wiltshire). NE ref: 224359

Dear David,

Further to your email below, Natural England concurs with the conclusion of the SEA screening report, namely that a SEA is not required.

Charles Routh

Lead Advisor, Planning & Licencing, Somerset, Avon and Wiltshire Area Team, Natural England. 07990 773630

Historic England

From: Stuart, David
To: Market Lavington PC
Cc: Way, David
Subject: Market Lavington Neighbourhood Plan
Date: 19 February 2018 16:11:32

Dear Carol,

Many thanks for the additional information on the site allocations proposed for the Market Lavington Neighbourhood Plan.

In our response to the SEA Screening consultation last year we indicated that we would be content with a statement from Wiltshire Council's conservation officer to confirm that they were happy with the sites proposed. This was in part due to this being what we saw as the simplest and quickest way of addressing those issues which we raised but also to emphasise that our role is not to substitute for or duplicate the role of local planning authorities in assuring themselves of the appropriateness of heritage evidence for neighbourhood plans and their compliance with overarching policy for the protection and enhancement of the historic environment.

It is not clear whether this exercise has been undertaken but regardless we appreciate the additional efforts which your community has gone to in commissioning follow up work from specialist heritage consultants.

Of the four original sites we note that the Lavington School Fields site has been dropped leaving Spin Hill, Southcliffe, and Longfield/The Spring. The Wessex Archaeology report of January 2018 confirms the relevant heritage assets to be taken into consideration and the manner in which their significance should inform the sites' suitability for selection and their respective potential for development. It demonstrates that the sites can be allocated for development in principle but identifies that detailed assessment, landscape considerations and design work will determine the nature and quantum which each site is able to accommodate without causing harm to those heritage assets.

In response, proposed Planning Policy 2: Housing Sites has been modified with reduced and now indicative dwelling numbers for each site and accompanying criteria and imperatives to ensure that the detailed design exercises do not cause harm to the setting of those identified heritage assets as well as the wider historic character of the area. It is explicitly acknowledged that eventual numbers may as a consequence need to be lower than those indicative numbers.

As a result of this additional evidence and the proposed modified policy which it has influenced I can confirm that we now have no objection to any view that an SEA will not be required for the Plan. I can also confirm that we have no other outstanding issues associated with the Plan and would therefore not expect to offer comments at the Regulation 14 stage or thereafter.

We would therefore like to take this opportunity to congratulate your community on its progress to date and wish it well in the making of its Plan.

I should add that our position does not prejudice any decision Wiltshire Council may take to satisfy itself independently of the veracity of the above!

Kind regards

David

David Stuart | Historic Places Adviser South West

Direct Line: 0117 975 0680 | Mobile: 0797 924 0316

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