

**Wiltshire Council**

**Strategic Environmental Assessment**

**Screening determination for the Hindon Neighbourhood  
Development Plan**

**March 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 Hindon Neighbourhood Development Plan (NDP).
- 1.2 Wiltshire Council, as the 'Responsible Authority'<sup>1</sup> under the SEA Regulations<sup>2</sup>, is responsible for undertaking this screening process of the Hindon NDP. 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/EC<sup>3</sup>, 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 projects<sup>4</sup> (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 area<sup>5</sup> at local level (Regulation 5, para. (6)(a); or b) plans which are a minor modification<sup>6</sup> 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.*

<sup>1</sup> 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').

<sup>2</sup> The Environmental Assessment of Plans and Programmes Regulations 2004

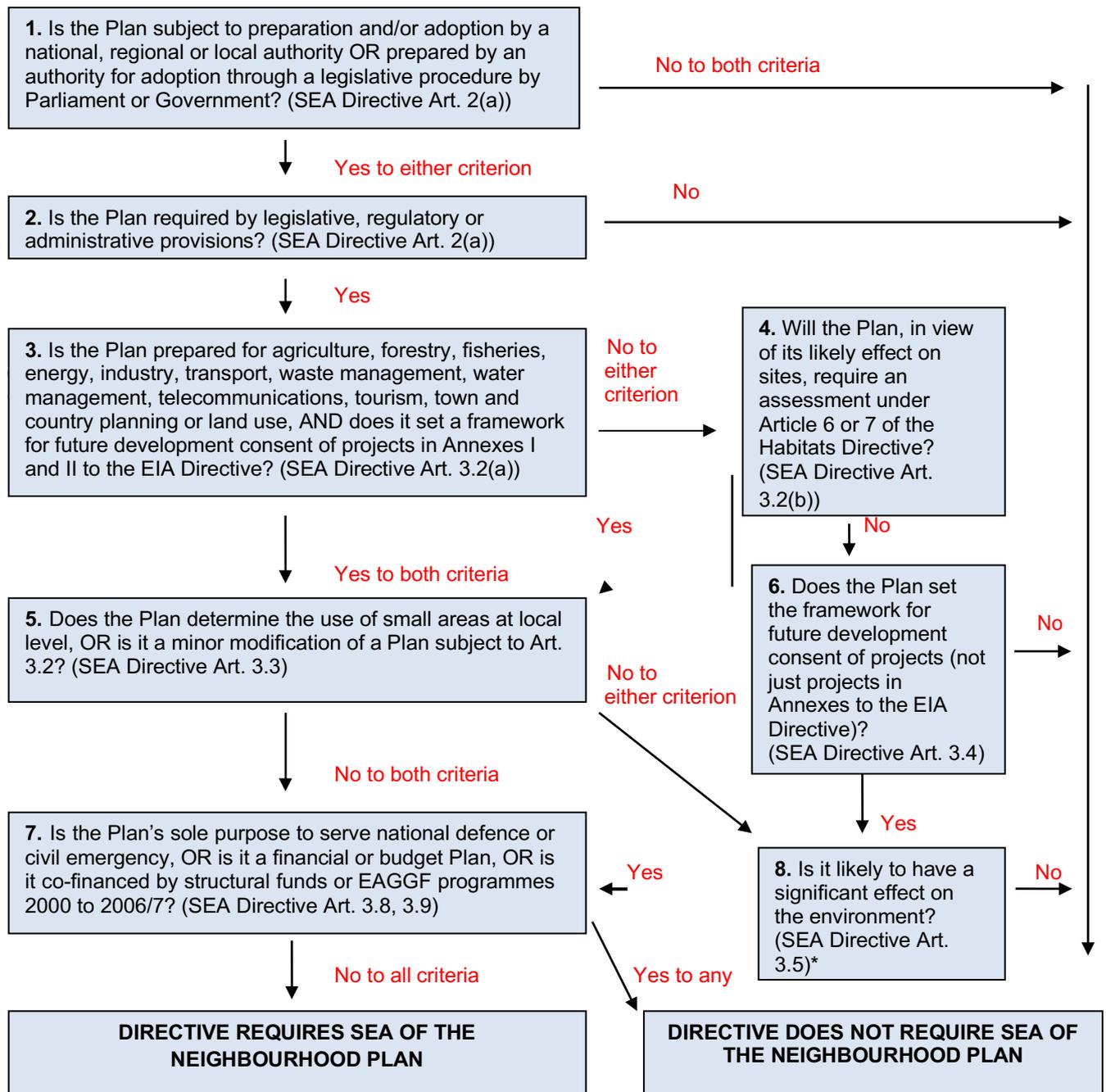
<sup>3</sup> European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment"

<sup>4</sup> 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).

<sup>5</sup> 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"

<sup>6</sup> '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 diagram<sup>7</sup> 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.

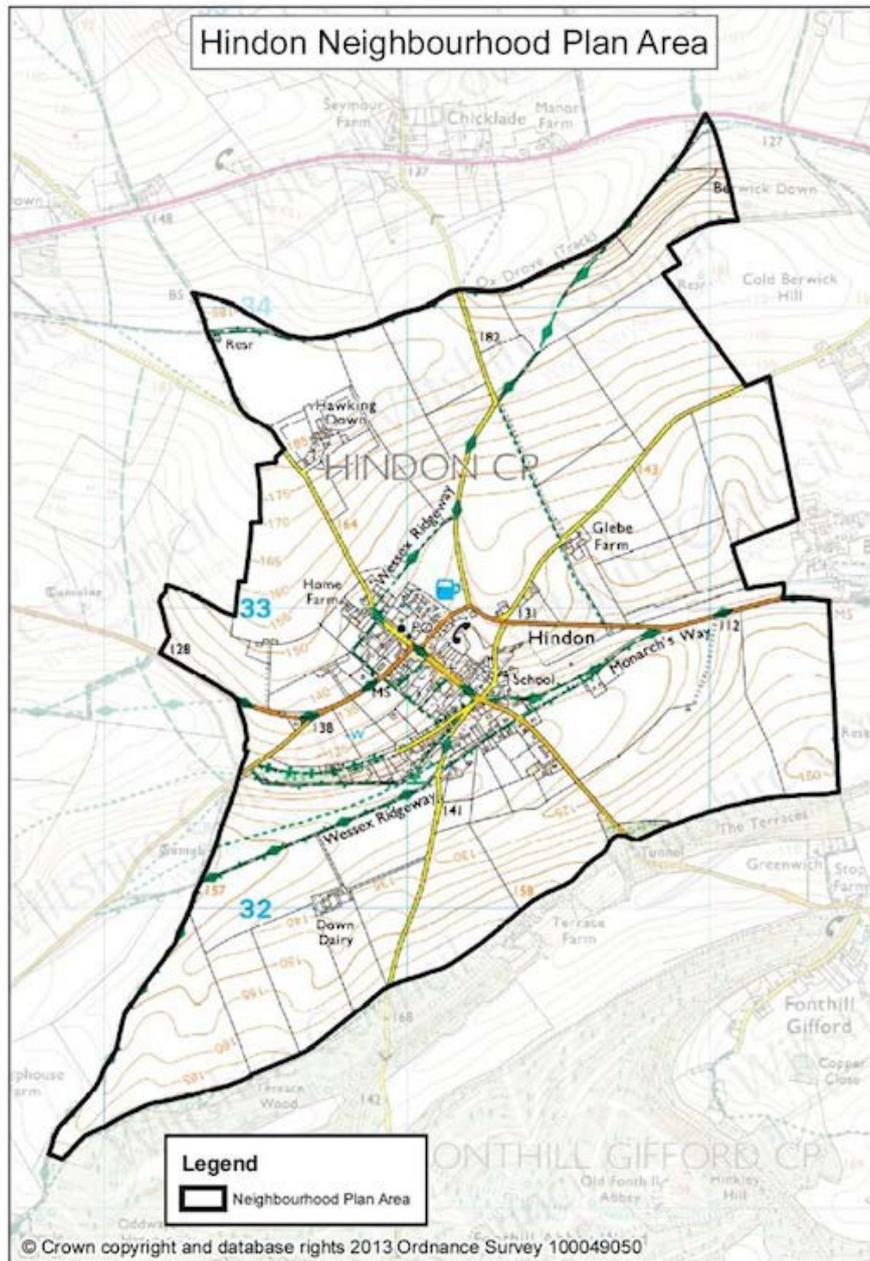
NB This diagram is intended as a guide to the criteria for application of the Directive to neighbourhood plans. It has no legal status.

<sup>7</sup> Taken from *A Practical Guide to the Strategic Environmental Assessment Directive* ODPM, (2005)

### 3. The Hindon Neighbourhood Development Plan (NDP)

3.1 The parish of Hindon is preparing a NDP under the provisions of the Localism Act 2011.

3.2 The designation of the Hindon Neighbourhood Area was made on 5<sup>th</sup> 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 NDP, Hindon Site Assessment, Base Evidence and Scoping Report, Chicklade Road Site Brief, Constraints and Opportunities Plan for the Chicklade Road site and two Proving Layout Options for the Chicklade Road site.

#### **4. SEA Screening assessment**

4.1 Wiltshire Council, as the 'Responsible Authority', considers that the Hindon NDP 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 Hindon NDP 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 Hindon NDP and ii) the characteristics of the effects and of the area likely to be affected by the Hindon NDP. 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 Hindon NDP is set out below:

Criteria (Schedule 1 SEA Regs.)	Significant environmental effects likely?	Justification and evidence
<b>1. The characteristics of plans , having regard, in particular, to:</b>		
(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	Yes	The NDP covers the parish area only and will set a policy framework for projects just within the parish. However, a significant mixed-use development, potentially including 35-40 new dwellings, new GP surgery and community centre is proposed on a 4.1 hectare site called Chicklade Road, to the north of the village. The village is located entirely within the Cranborne Chase AONB and the site is in reasonable proximity (approx. 80m) to the Hindon conservation area to the south of the site and a number of listed buildings, including views to/from St. John's Church. It is considered that there is the potential for this site to have significant environmental effects on landscape, heritage and biodiversity features.
(b) the degree to which the plan influences other plans and programmes including those in a hierarchy	No	The NDP 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 NDP is a land-use plan that promotes sustainable development, in general conformity with the Local Plan and national planning guidance. However, it is not a Plan specifically relating to the integration of environmental considerations. The draft NDP does recognise Hindon's location within a sensitive landscape setting, within an AONB, and that this must be respected in the design of any new development. The objectives of the draft Plan include the protection and enhancement of the village within the AONB and the surrounding landscape, and in relation to the conservation area and listed buildings. Local environmental and heritage features 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 Hindon and the proposed development site 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 NDP is not relevant as a plan for implementing community legislation.
<b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</b>		
(a) the probability, duration, frequency and reversibility of the effects	Yes	A significant mixed-use development, potentially including 35-40 new dwellings, new GP surgery and community centre is proposed on a 4.1 hectare site to the north of the village. Given that the village is located entirely within the Cranborne Chase AONB and the site is in reasonable proximity (approx. 80m) to the Hindon conservation area to the south of the site and a number of listed buildings, including views to/from St. John's Church, 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.
(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.

<p>(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);</p>	<p>No</p>	<p>The NDP covers a rural parish which includes the 'Large Village' of Hindon. Significant environmental effects due to the geographic size of the area and population size are not considered likely.</p>
<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>Yes</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. A significant mixed-use development, potentially including 35-40 new dwellings, new GP surgery and community centre is proposed on a 4.1 hectare site to the north of the village - given the location within the AONB and that the site is in reasonable proximity (approx. 80m) to the Hindon conservation area to the south of the site and a number of listed buildings, including views to/from St. John's Church, it is considered likely that there is the potential for this site to have significant environmental effects.</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>Yes</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. A significant mixed-use development, potentially including 35-40 new dwellings, new GP surgery and community centre is proposed on a 4.1 hectare site to the north of the village - given the location within the AONB and that the site is in reasonable proximity (approx. 80m) to the Hindon conservation area to the south of the site and a number of listed buildings, including views to/from St. John's Church, it is considered likely that there is the potential for this site to have significant environmental effects.</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 Hindon NDP **is likely to have significant environmental effects** and accordingly **a Strategic Environmental Assessment is required**. This decision is made for the following key reasons:
- 1. The neighbourhood area is entirely within the Cranborne Chase AONB and therefore within a very sensitive landscape setting.
  - 2. A significant mixed-use development, potentially including 35-40 new dwellings, new GP surgery and community centre is proposed on a 4.1 hectare site to the north of the village. This development is considered likely to have significant environmental effects on both landscape and heritage features, including the AONB, conservation area and a number of listed buildings, including views to and from St. John's church.
- 5.4 This screening decision was sent to Natural England, the Environment Agency and Historic England, requesting comments within a 5-week period, by 23<sup>rd</sup> February 2018.

## 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 19th January 2018 and 23rd February 2018. Natural England and Historic England agreed with the determination that an SEA is required for the Hindon NDP. The Environment Agency did not offer comments on the consultation.
- 6.2 The responses received from Natural England and Historic England are presented in Appendix A.

## **Appendix A - Statutory consultee responses to screening decision**

### **Historic England**

**To:** Way, David

**Cc:** Cleo Newcombe-Jones (cleo\_newcombe-jones@bathnes.gov.uk); Minting, Lucy

**Subject:** SEA screening decision - Hindon Neighbourhood Development Plan

**Date:** 30 January 2018 15:05:08

*Dear David*

*Thank you for your SEA Screening consultation on the emerging Hindon Neighbourhood Plan. This is our first involvement with this Plan so receipt of all the supporting documents is much welcomed to help us appreciate the community's aspirations and the basis for those issues relevant to the Screening process.*

*As the contextual information states, Hindon is a small historic village with a population in the region of 500. It is concerned that while it has a good range of local services the population might need to grow to sustain them. It is also concerned that while there has not been much recent development that which has occurred has done little to reinforce the area's distinctive historic character and sense of place.*

*Having looked at the emerging scope of the Plan it would seem that there are unlikely to be any issues to attract our attention other than the proposal to allocate a site for development at Chicklade Road. This is the product of a site selection process using those previously identified as part of the Council's SHLAA exercise. Summary reports for 4 sites appear to draw exclusively from that material with no additional evidence made available here or that we could find on the Plan website to substantiate the preferred outcome. As we know from our own experience that SHLAA exercises often do not engage in the level of historic environment assessment necessary to substantiate final site selection decisions we are concerned that relevant heritage considerations may have been overlooked or underplayed in the assessment process to date.*

*Hindon is a tightly drawn village most of which is a conservation area and for its size an impressive estate of 61 Grade II Listed Buildings forms the majority of the High Street. The settlement has a strong delineation with its rural context which forms an important setting to its designated heritage assets and provides visual connectivity with those such as St John's Church. Development of even a modest size can therefore have a significant impact on the overall character of the village, constituent heritage elements, and its relationship with its AONB hinterland.*

*In specific terms, although physically detached from the conservation area, the Chicklade Road site if developed could well therefore have a significant effect on the strategic setting of the village. While it may be possible to design development in such a way as to avoid harmful impact on views of the Church it is important and consistent with the NPPF to fully appreciate the heritage significance of this and other assets in advance to inform the policy formulation process rather than understand it afterwards in order to best mitigate undesirable effects.*

*So, for example, while an impressive 2009 Conservation Area Appraisal and Management Plan exists which sets out in some detail important aspects of heritage significance this document has not been referred to as a source of evidence with which proposals, and perhaps especially the Development Brief, have been clearly informed. And while the community has expressed dismay about the design of previous development departing from defining local character it advocates an approach for the high profile Chicklade Road site which, from the layout options supplied, may well end up diluting that character even further.*

*In summary, therefore, we would agree that there is a likelihood of the Plan generating significant environmental effects and support the view that an SEA is required.*

*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

**Natural England**

From: Routh, Charles (NE)

To: Way, David

Subject: RE: SEA screening decision - Hindon Neighbourhood Development Plan. NE ref: 237290.

Date: 29 January 2018 10:11:12

*Dear David,*

*I can confirm that Natural England agrees with the screening decision that a SEA is required for the Hindon Neighbourhood Development Plan.*

*Regards,*

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