

**Strategic Environmental Assessment - Screening determination for
the Whitchurch Village Neighbourhood Plan**

November 2016

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1. Introduction

This document provides a screening determination of the need to carry out a Strategic Environmental Assessment (SEA) of the Whitchurch Village Neighbourhood Plan.

Bath & North East Somerset, as the 'Responsible Authority' under the SEA Regulations¹, are responsible for undertaking this screening process of the Whitchurch Village Neighbourhood Plan. It will determine if the plan is likely to have significant environmental effects, and hence whether SEA is required.

This process has been carried out in accordance with the requirements of European Directive 2001/42/EC², often known as the Strategic Environmental Assessment (SEA) Directive, which has been transposed into English law by the SEA Regulations.

¹ The Environmental Assessment of Plans and Programmes Regulations 2004

² European Directive 2001/42/EC "*on the assessment of the effects of certain plans and programmes on the environment*"

2. Legislative requirements

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.

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 (Regulation 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) (Regulation 5, para. (3)*
3. *set the framework for future development consent of projects³ (Regulation 5, para. (4)(b)*
4. *are determined to be likely to have significant environmental effects as determined under regulation 9(1) (Regulation 5, para. (4)(c)*

An environmental assessment need not be carried out for:

- a) *plans which determine the use of a small area⁴ at local level (Regulation 5, para. (6)(a); or*
- b) *plans which are a minor modification⁵ 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.*

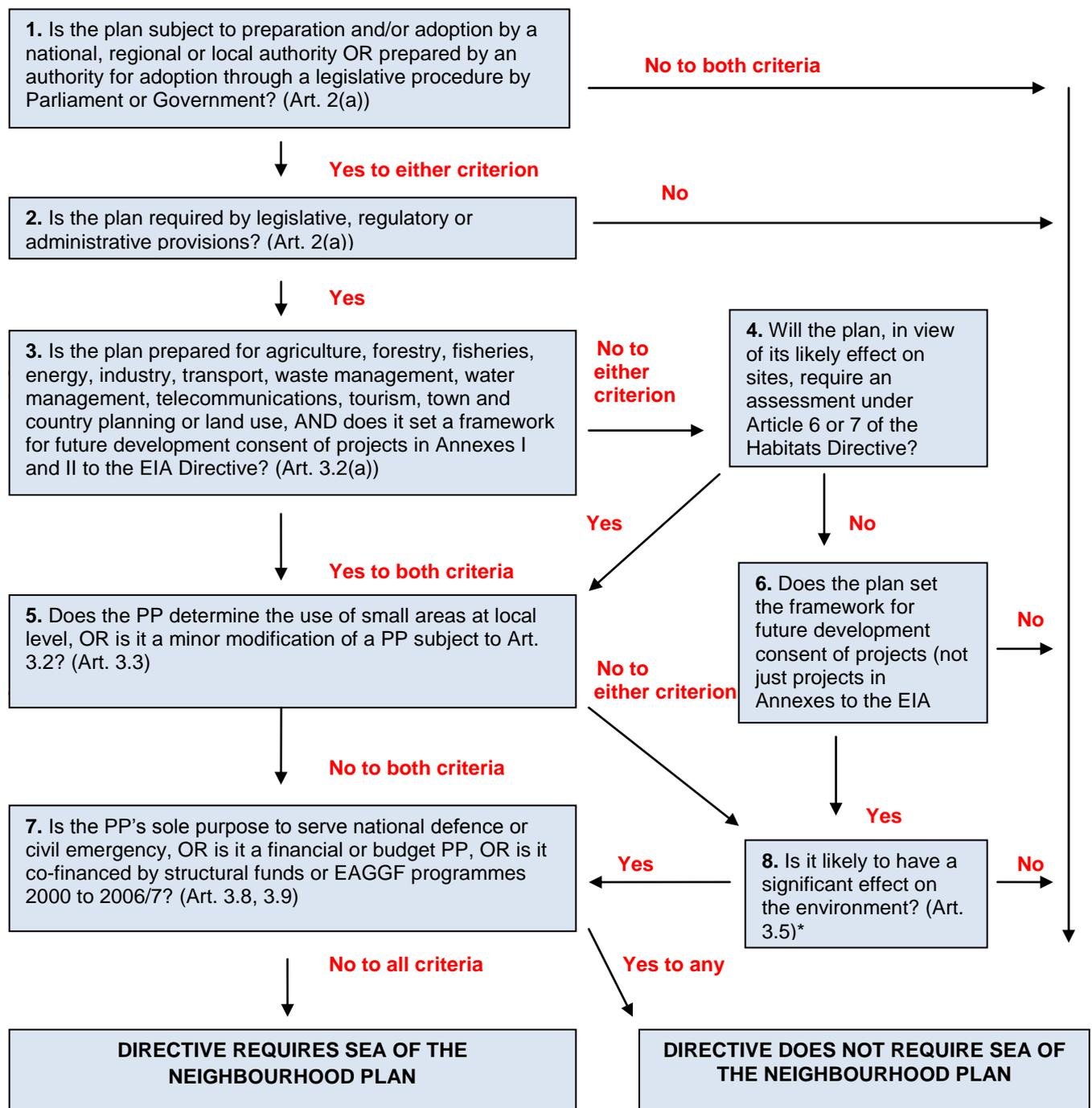
³ European Commission guidance states that plans and programmes which **set the framework for future development consent of projects** would normally contain 'criteria or conditions which guide the way a consenting authority decides an application for development consent'. **Development consent** is 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).

⁴ 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"

⁵ **'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.

The diagram⁶ below shows the SEA Directive's field of application:

Application of the SEA Directive to neighbourhood plans



* Plans falling in this category (No.8) will be screened by B&NES 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 B&NES.

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

⁶ Taken from *A Practical Guide to the Strategic Environmental Assessment Directive* (ODPM, 2005)

3. The Whitchurch Village Neighbourhood Plan

Background

The parish of Whitchurch Village within Bath & North East Somerset (B&NES) are currently preparing a neighbourhood plan under the provisions of the Localism Act 2011.

The emerging Neighbourhood Plan seeks to identify non-strategic development to support the viability and vitality of community facilities in Whitchurch Village.

Steering Group

In Autumn/Winter 2014, the Whitchurch Village Neighbourhood Plan Steering Group was set up to prepare the plan and is led by the parish council. The Group includes a cross section of community representatives that meet regularly to develop the draft plan.

Planning officers from B&NES Council have been informal members of the steering group and continue to act as 'link officers' in providing support and advice.

Neighbourhood area designation

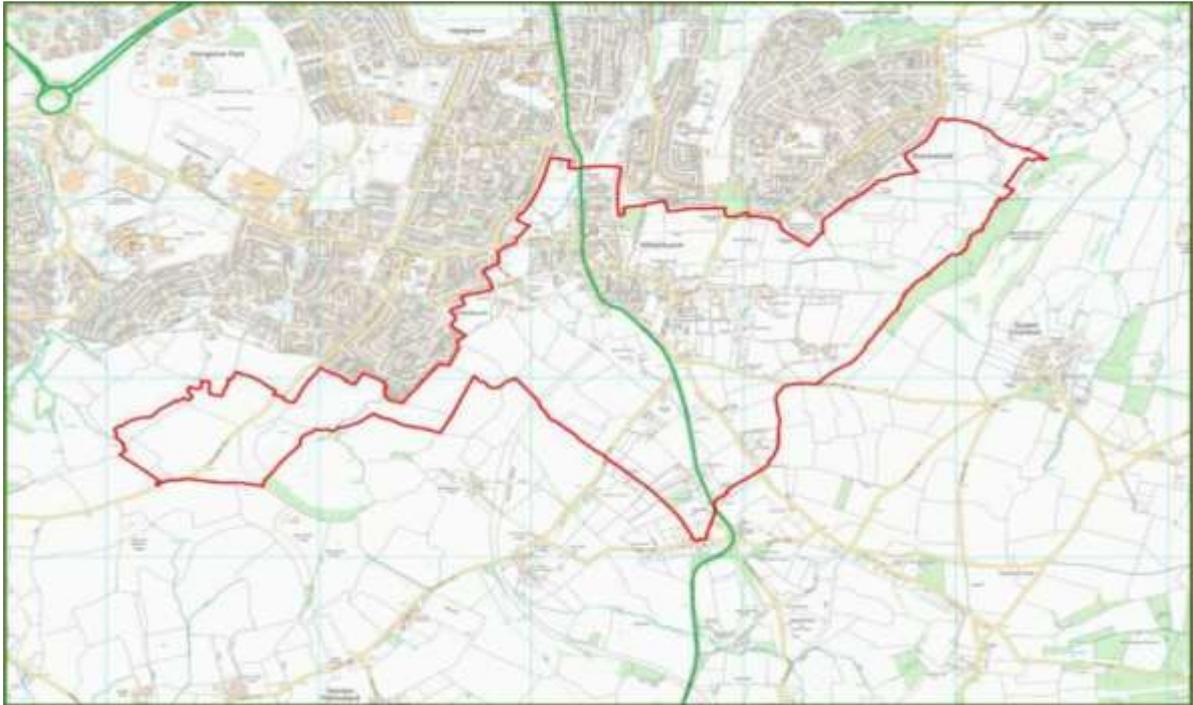
The designation of the Whitchurch Village Neighbourhood Area was approved on 3rd November 2014

B&NES Council publicised the Whitchurch Village Neighbourhood Area application for consultation over a time period of 6 weeks from 9am 10th September to 5pm on 22nd October 2014. No representations were received.

B&NES agree that the proposed Whitchurch Village Neighbourhood Area (illustrated in figure 1) is coherent, consistent and appropriate in planning terms.

The Whitchurch Village Neighbourhood Area application and designation documents are available to view online at: [B&NES Neighbourhood Planning](#)

Figure 1 Map of the Whitchurch Village Neighbourhood Plan Area



Draft Whitchurch Village Neighbourhood Plan (December 2016)

The development of the Neighbourhood Plan has been driven by extensive community engagement, as outlined in the draft plan and consultation statement. This work will culminate into a six week pre-submission consultation beginning in late January 2017. Following this consultation, the parish council intend to submit their neighbourhood plan and supporting documents to B&NES Council in March/April 2017, for local authority consultation and then examination.

The draft Whitchurch Village Neighbourhood Plan identifies the following vision:

“Whitchurch Village wishes to remain as a distinct, separate and sustainable community in a valuable greenbelt setting. It will work with developers and the new communities to achieve improvements and integration for all of its residents.”

The Plan has five themes which are:

1. *Maintain the village identity and increase sustainability*
2. *Manage and maintain the Green Buffer*
3. *The A37 Impact*
4. *Ensure that new development is integrated into the village*
5. *Seek improvements for the community arising from future growth*

From these themes, the plan takes forward 16 draft planning policies. The draft policies proposed can be summarised as: (policy numbers to be finalised)

- WV1.1: Village Design
- WV1.2: Provide a mix of housing types
- WV1.3: Allocation of Affordable Housing
- WV1.4: Heritage Assets & Their Setting
- WV2.1: Development proposals, particularly where sited on the edge of Whitchurch Village must maintain visual connections with the countryside
- WV2.2: Positive green buffer management between Whitchurch Village and Bristol
- WV2.3: Wildlife Corridors and Ecological Network
- WV2.4: The Visual Impact of new development on views into and from the countryside must be minimised.
- WV3.1: New Employment
- WV3.2: Retain employment in the village
- WV3.3: Broadband Provision Policy
- WV4.1: Air Quality
- WV4.2: Traffic Impacts of Developments
- WV4.3: Traffic and Safety
- WV4.4: Pedestrian and cycle routes must be provided to link together housing and Whitchurch Village community facilities and services
- WV5.1: Proposals for new housing in Whitchurch Village must ensure that the new homes are well integrated with the existing village.

Planning Officers at B&NES Council have been engaged with the neighbourhood plan throughout the plan making process. As part of this involvement, internal meetings were held by the council in September 2016 to discuss an earlier draft of the plan and identify potential issues at an early stage.

At this stage it is considered that the draft Whitchurch Village Neighbourhood Plan (and draft planning policies) broadly conforms to higher level policy, including the National Planning Policy Framework (NPPF) and the B&NES Core Strategy. The Core Strategy set out the strategic objectives for B&NES, focussing on key issues and a delivery strategy for achieving these objectives, setting out how much development is intended to happen, where, when, and by what means it will be delivered.

The B&NES Local Plan 2007 and the adopted B&NES Core Strategy identifies Whitchurch Village as a RA1 and a RA5 village which is expected to accommodate approximately 50 dwellings to meet the RA1 policy and approximately 200 dwellings as a RA5 village. Whitchurch Village has met the RA1 and RA5 Policy requirements and therefore will be limited to windfall and in-fill sites. Once the Joint Spatial Plan has been approved (in around 2018), the Neighbourhood Plan will be reviewed to ensure it is in accordance with this west of England Plan and strategy.

4. SEA Screening assessment

B&NES Council, as the 'Responsible Authority', consider that the Whitchurch Area 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).

A determination under Regulation 9 is therefore required as to whether the Whitchurch Village Neighbourhood Plan is likely to have significant effects on the environment.

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 Whitchurch Village neighbourhood plan and ii) the characteristics of the effects and of the area likely to be affected by the Whitchurch Village. In making a determination, B&NES 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 Whitchurch Village 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 promotes infill development and the development of brownfield sites in line with the NPPF. This is in accordance with Policy RA1 and RA5 of the B&NES Core Strategy which has been subject to SEA.
(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 level. It does not influence strategic plans higher up in the hierarchy.
(c) the relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development	No	<p>The neighbourhood plan is a land-use plan that promotes sustainable development; it is not specifically a plan for integrating environmental considerations. The Plan throughout acknowledges its Green Belt setting and theme 2 is called: '<i>Managing and maintaining the Green Buffer</i>' which seeks to protect the important ecological corridors throughout the Plan area.</p> <p>The following three policies in the Draft Plan will seek to enhance and enhance the natural environment, these policies are:</p> <ul style="list-style-type: none"> • WV2.1: Positive green buffer management between Whitchurch Village and Bristol • WV2.2: Wildlife Corridors and Ecological Network • WV2.3: The Visual Impact of new development on views into and from the countryside must be minimised
(d) environmental problems relevant to the plan	No	<p>The Plan throughout and in policies WV2.1, WV2.2 and WV2.3 acknowledges the Plans Green Belt location and the presence of biodiversity.</p> <p>The Draft HRA screening report has made reference to the location of the Chew Valley Special protection Area (SPA), the North Somerset and Mendip Bat Special Area of Conservation (SAC) and the North Somerset and Mendip Bat Special Area of Conservation (SAC) and the Bath & Bradford on Avon Bat SAC.</p> <p>The Whitchurch Village neighbourhood plan area is located roughly 1.3 km from the 4km buffer of the Chew Valley SPA. It is 8km from the 4km buffer of the North Somerset and Mendip Bat SAC, and about 9.2km from the Bath & Bradford on Avon Bat SAC 4km buffer. It is not therefore within a known high risk area. There are however a number of records for both Lesser and Greater</p>

Criteria (Schedule 1 SEA Regs.)	Significant environmental effects likely?	Justification and evidence
		Horseshoes bats for the parish. These species are associated with both Bat SAC. The Draft HRA made a number of recommendations which have been included in the Draft Plan. Further, the plan does not allocate sites for development and is not promoting development over and above that contained within the adopted B&NES Core Strategy which have has been subject to SEA and HRA screenings.
(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	Any environmental effects are not considered to be significant judging by the proposals in the neighbourhood plan. Any effects of the limited amount of development proposed is likely to be localised and short-term and related to the construction stage. The Draft HRA screening identified opportunities for impact avoidance and mitigation which have been incorporated into the draft Whitchurch Village Plan.
(b) the cumulative nature of the effects	No	No cumulative effects considered to be significant.
(c) the transboundary nature of the effects		No transboundary effects considered likely to be significant.
(d) the risks to human health or the environment (for example, due to accidents)	No	No 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 one rural parish with an area of approximately 341ha. A population of approximately 1,354 residents (ONS census 2011). Significant 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	The neighbourhood plan is located in the Dundry Plateau Landscape Character Area which is characterised by Dundry Hill which is forms the highest ground surrounded by a steep scarp leading to a lower shelf or plateau. The land is generally flat or gently sloping except for the more dramatic steeply sloping scarp slopes at the edge of the Oolitic Limestone Dundry Hill and the edge of the Lias Limestone lower plateau.

Criteria (Schedule 1 SEA Regs.)	Significant environmental effects likely?	Justification and evidence
		<p>The importance of the cultural heritage of the area, including many ancient and listed buildings is acknowledged in the Whitchurch Village Neighbourhood Plan and the Whitchurch Village Character Assessment.</p> <p>The character assessment and Draft Policy WV1.1: Village Design and Draft Policy WV5.1: Proposals for new housing in Whitchurch Village must ensure that the new homes are well integrated with the existing village seeks to ensure that new developments are well integrated into the village, to be sensitive to the physical and environmental context of the site and its location, and for the design, contemporary or traditional, to be a harmonious addition to the rural environment, complement the local built heritage, and sit well in the landscape.</p> <p>It is considered that the Draft Policies within the merging neighbourhood Plan will not significantly affect the special natural characteristics or cultural heritage of the area, or lead to an exceedance of environmental quality standards.</p>
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	No	<p>There are national and European landscape/biodiversity designations within and on the edge of the plan area. However, the limited proposals of the neighbourhood plan that accord with the Core Strategy of the local authority and are not considered likely to lead to significant effects on these designations.</p> <p>The B&NES Core Strategy has been subject to SEA and HRA screenings and this Plan does not propose anything over and above what is contained in the Core Strategy. The Draft HRA screening identified opportunities for impact avoidance and mitigation which have been incorporated into the draft Whitchurch Village Neighbourhood Plan.</p>

5. SEA Screening decision

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.

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.

B&NES Council consider that the proposed Whitchurch Village 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 Core Strategy documents of Bath & North East Somerset Council and this has been subject to SEA and HRA assessments.
2. The neighbourhood plan is not proposing additional development over and above that described in the emerging Core Strategy document. Whitchurch Village is described as a RA1 and RA5 settlement in the adopted planning policy. Whitchurch Village has exceeded the proposed housing targets and now a limited amount of infill development is appropriate. The neighbourhood plan explains that 'limited infill' development within the village housing development boundary will be subject to the usual controls and restrictions of the adopted Core Strategy.
3. The Draft HRA screening has confirmed that The Draft HRA that there are opportunities for impact avoidance and mitigation which have been incorporated into the draft Whitchurch Village Plan.

This Draft Screening Report has been sent to Natural England, Environment Agency and English Heritage for their opinions.