

**Wiltshire Council and Bath & North East Somerset Council**

**Strategic Environmental Assessment - Screening determination for  
the Freshford and Limpley Stoke Neighbourhood Plan**

**February 2014 (Amended April 2014)**

## **Contents**

1. Introduction
2. Legislative requirements
3. The Freshford and Limpley Stoke Neighbourhood Plan
4. SEA Screening assessment
5. SEA Screening decision
6. Statutory consultee response to screening decision

Appendix A – Request for consultation response on screening determination from statutory consultation bodies

Appendix B – Consultation responses from statutory consultation bodies

## 1. Introduction

- 1.1 This document provides a screening determination of the need to carry out a Strategic Environmental Assessment (SEA) of the Freshford and Limpley Stoke Neighbourhood Plan.
- 1.2 Bath & North East Somerset Council and Wiltshire Council, as the ‘Responsible Authorities’<sup>1</sup> under the SEA Regulations<sup>2</sup>, are responsible for undertaking this screening process of the Freshford and Limpley Stoke 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/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 (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 projects<sup>4</sup> (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 area<sup>5</sup> at local level (Regulation 5, para. (6)(a); or*

---

<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”

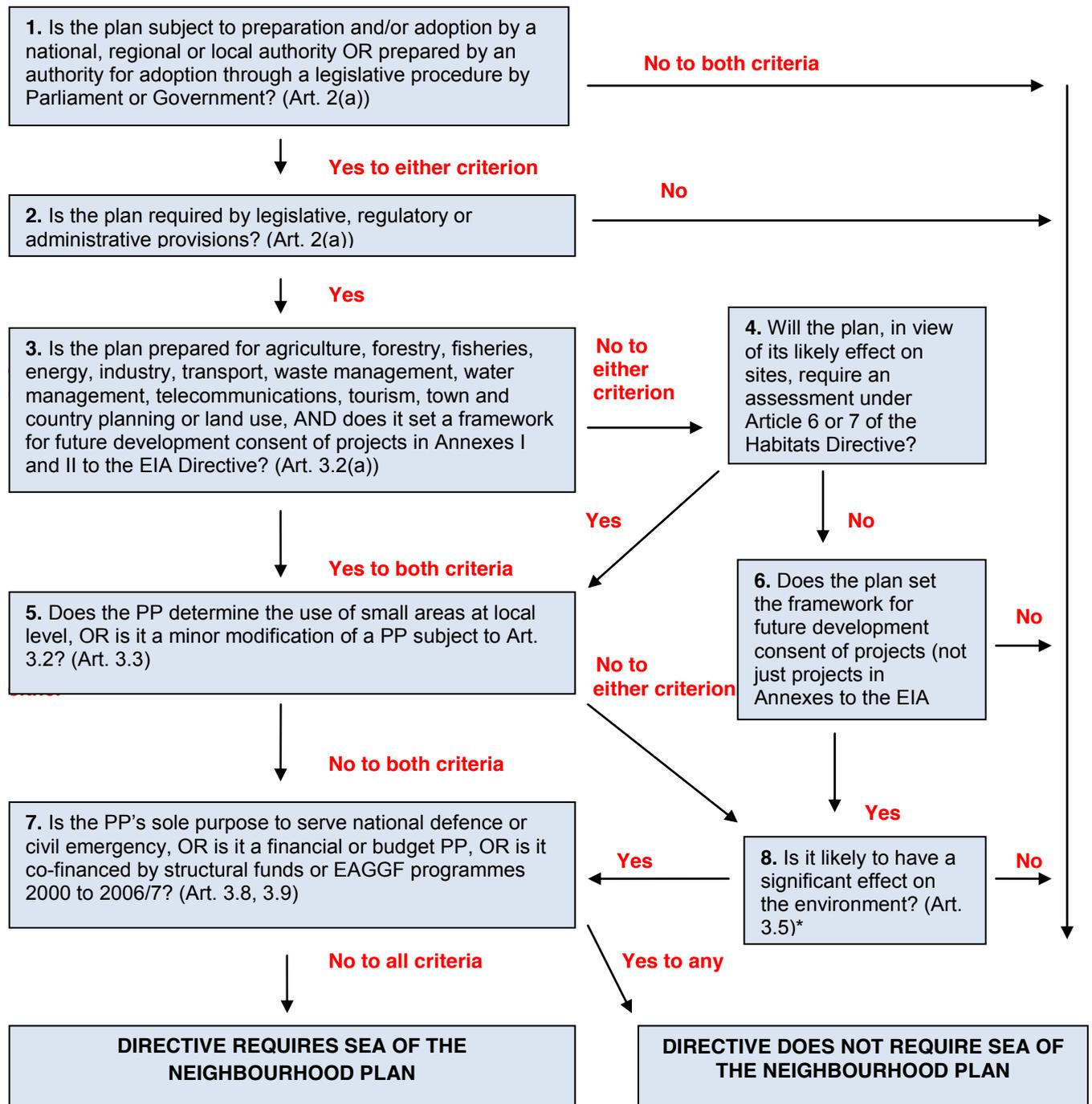
<sup>4</sup> European Commission guidance states that plans and programmes which **set the framework for future development consent of projects** would normally contain ‘criteria or conditions which guide the way a consenting authority decides an application for development consent’. **Development consent** 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”

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.

2.3 The diagram<sup>7</sup> below shows the SEA Directive's field of application:

**Application of the SEA Directive to neighbourhood plans**



<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.

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

\* 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.

### **3. The Freshford and Limpley Stoke Neighbourhood Plan**

#### **Background**

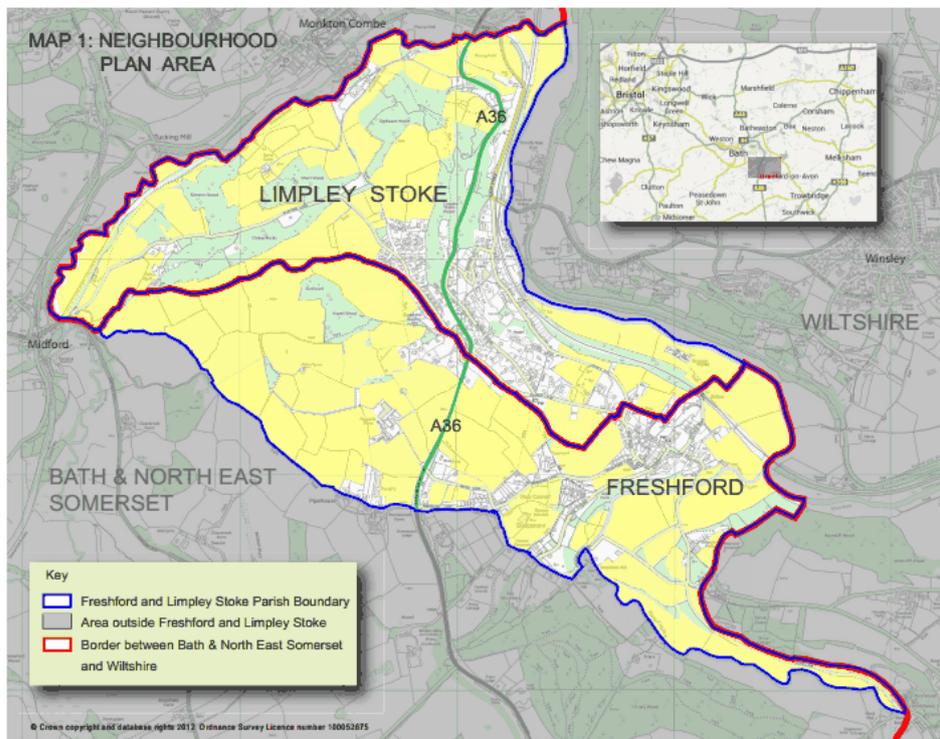
- 3.1 The parishes of Freshford, within Bath & North East Somerset (B&NES), and Limpley Stoke, within Wiltshire, are currently preparing a joint neighbourhood plan under the provisions of the Localism Act 2011.
- 3.2 The two villages of Freshford and Limpley Stoke are well related both physically and functionally, and share common concerns over the need to provide affordable housing. This formed the basis of Wiltshire Council and B&NES Council's joint application for a grant under the Government's Neighbourhood Planning Frontrunners' Scheme, which was successful.
- 3.3 The emerging Neighbourhood Plan seeks to identify non strategic development to support the viability and vitality of community facilities in Freshford and Limpley Stoke. It will also enable a locally distinctive framework to be developed to complement that provided by the emerging Wiltshire Core Strategy and emerging B&NES Core Strategy.

#### **Steering Group**

- 3.4 In 2011, the Freshford and Limpley Stoke Neighbourhood Plan Steering Group was set up to prepare the plan and is led by the parish councils. The Group includes a cross section of community representatives that meet regularly to develop the draft plan.
- 3.5 Planning officers from Wiltshire Council and 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**

- 3.6 The designation of the Freshford and Limpley Stoke Neighbourhood Area was approved on 30 October 2013.
- 3.7 Wiltshire Council and B&NES Council separately publicised the Freshford and Limpley Stoke Neighbourhood Area application for consultation over the same time period of 6 weeks and 3 days from 9am Monday 7 January to 5pm Thursday 21 February 2013. No representations were received.
- 3.8 Following this consultation, Wiltshire Council and B&NES Council entered into a joint working agreement whereby the cross-boundary application was determined on behalf of both local authorities by B&NES Council, having first taken into account a report submitted by Wiltshire Council. The agreement on this matter was formalised in a Memorandum of Understanding between the two authorities.
- 3.9 Both authorities agree that the proposed Freshford and Limpley Stoke Neighbourhood Area (illustrated in figure 1) is coherent, consistent and appropriate in planning terms.
- 3.10 The Freshford and Limpley Stoke Neighbourhood Area application and designation documents area available to view online at:



**Figure 1 Map of the Freshford and Limpley Stoke Neighbourhood Plan Area.** Source: Freshford and Limpley Stoke Neighbourhood Plan (Revised Draft January 2014). Available online: <http://www.freshfordvillage.com/living-in-freshford/parish-council/neighbourhood-plan/neighbourhood-plan---revised-draft-january-2014>

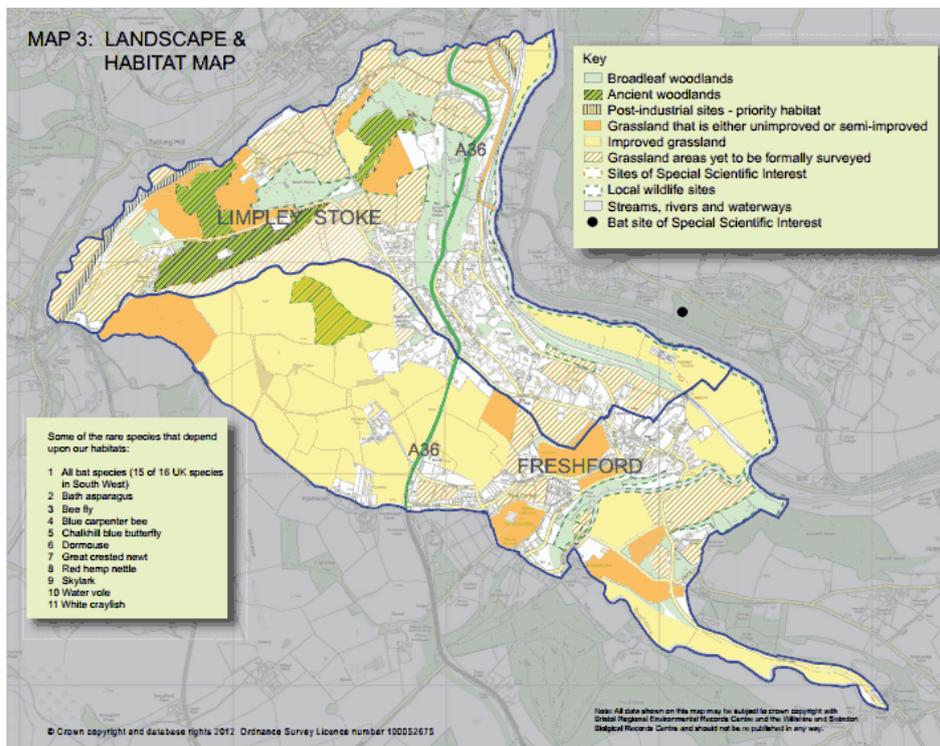


Figure 2 Landscape and habitat map - Freshford and Limpley Stoke Neighbourhood Plan Area.  
Source: Freshford and Limpley Stoke Neighbourhood Plan (Revised Draft January 2014). Available online: <http://www.freshfordvillage.com/living-in-freshford/parish-council/neighbourhood-plan/neighbourhood-plan---revised-draft-january-2014>

### Draft Freshford and Limpley Stoke Neighbourhood Plan (January 2014)

- 3.11 The latest version of the Freshford and Limpley Stoke Neighbourhood Plan (and supporting documents) is available to view online at: <http://www.freshfordvillage.com/living-in-freshford/parish-council/neighbourhood-plan/neighbourhood-plan---revised-draft-january-2014>.
- 3.12 The development of the Neighbourhood Plan has been driven by extensive community engagement, as outlined in the draft plan and consultation statement. This work has culminated in a six week pre-submission consultation on the plan between 11 January and 22 February 2014. Following this consultation, the parish councils intend to submit their neighbourhood plan and supporting documents to Wiltshire and B&NES Councils in March / April 2014, for local authority consultation and then examination.
- 3.13 The draft Freshford and Limpley Stoke Neighbourhood Plan identifies the following vision:
- “The Plan seeks to ensure that Freshford and Limpley Stoke remain the unique and cherishes villages that they are: vibrant, sustainable and forward-looking communities which are attractive places to live, work and visit. We wish to ensure that future generations will benefit from improved facilities whilst protecting the distinctive rural nature of the villages and their surrounding green fields and woodlands.”*
- 3.14 The plan also identifies four key themes / objectives: environment; planning and development; facilities and services; and walking, cycling and safer roads.
- 3.15 From these objectives, the plan takes forward five draft planning policies which relate to:
- The development framework
  - Housing
  - Local green spaces
  - Community hub project
  - Transport and safer movement.
- 3.16 Alongside this work, the Steering Group prepared and consulted on a Sustainability Appraisal Scoping Report (November 2012) and then took this forward in assessing the potential impacts of alternative policy options (see supporting documents).
- 3.17 The draft policies proposed can be summarised as:
- **NP Policy 1** - seeks to safeguard the Greenbelt and landscape of the AONB by requiring new infill development to: (i) be located within the village envelopes of Freshford and Limpley Stoke (as defined in the plan); (ii) protect and enhance Local Green Spaces (also defined in plan); and accord with the design guidance set out in the plan.
  - **NP Policy 2(a)** – targets the development of 6-8 new units of affordable housing in line with NP Policy 1 and higher level policies (does not allocate a specific sites).
  - **NP Policy 2(b)** – relates to market housing and preference for 1-2 bedroom units, but does not state an overall housing requirement figure.

- **NP Policy 2(c)** – relates to a ‘planning questionnaire’ that the parish councils will administer.
- **NP Policy 3** – identifies local green spaces that will be safeguarded from development, in accordance with paragraph 77 of the NPPF.
- **NP Policy 4** – policy to identify an area in Freshford, which includes the Galleries community shop and Freshford village memorial hall, as the hub of the combined community.
- **NP Policy 5** – project to introduce a 20mph speed limit in the residential areas of the two villages.

3.18 Planning Officers at Wiltshire Council and B&NES Council have been engaged with the neighbourhood plan throughout the plan making process. As part of this involvement, internal ‘pre-validation’ meetings were held by both councils in August 2013 to discuss an earlier draft of the plan and identify potential issues at an early stage. Comments arising from these meetings were combined by the two authorities and submitted to the Steering Group for their consideration. These comments are set out in the Consultation Statement.

3.19 At this stage it is considered that the draft Freshford and Limpley Stoke Neighbourhood Plan (and draft planning policies) broadly conform with higher level policy, including the National Planning Policy Framework (NPPF) and the emerging Wiltshire and B&NES Core Strategies. The Core Strategies set out the strategic objectives for Wiltshire and 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.

3.20 The Wiltshire Core Strategy identifies Limpley Stoke as a ‘small village’ and the draft Neighbourhood Plan is consistent with this in terms of only allowing for small levels of infill within the existing built environment. Similarly, the B&NES Local Plan and draft Core Strategy does not allocate development to the village of Freshford, but allows for limited infill and the re-development of brownfield sites in line with the NPPF.

## 4. SEA Screening assessment

4.1 B&NES Council and Wiltshire Council, as the 'Responsible Authorities', consider that the Freshford and Limpley Stoke 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 Freshford and Limpley Stoke 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 Freshford and Limpley Stoke neighbourhood plan and ii) the characteristics of the effects and of the area likely to be affected by the Freshford and Limpley Stoke. 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 Freshford and Limpley Stoke Neighbourhood Plan 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	No	<p>The neighbourhood plan promotes infill development and the development of Brownfield sites in line with the NPPF. The plan proposes to change the existing settlement boundaries. This review is in accordance with Core Policy 2 of the Wiltshire Core Strategy and the emerging B&amp;NES Core Strategy, both of which have been subject to SEA. The neighbourhood plan is also in line with saved policy R.3 of the B&amp;NES Local Plan. The neighbourhood plan indicates one small area as a 'community hub' but does not allocate any other sites for future development.</p> <p>As a general point, it is also worth noting that planning applications will be required for any development to proceed as no sites are allocated in the draft plan. Therefore additional safeguards are in place.</p>
(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	The neighbourhood plan is a land-use plan that promotes sustainable development; it is not specifically a plan for integrating environmental considerations but does contain policies for the protection of the historic, built and natural environment. The plan, in Section 5, acknowledges the area's location within the Cotswold AONB and West Wiltshire green belt, and the presence of areas of ancient woodland, SSSIs and protected wildlife sites and seeks to protect these features. A number of projects for conserving and enhancing the natural environment are detailed at the end of Section 5. The plan seeks to preserve the historic fabric of buildings through the development of a Village Design Statement and Section 6 promotes the safeguarding of Local Green Spaces.
(d) environmental problems relevant to the plan	No	The plan, in Section 5, acknowledges the area's location within the Cotswold AONB and West Wiltshire green belt, and the presence of areas of ancient woodland, SSSIs and protected wildlife sites and seeks to protect these features. The HRA screening report has made reference to the location of the Bath and Bradford on Avon Bats SAC being within 4km of the neighbourhood plan area. However, the plan does not allocate sites for development and is not promoting development over and above that contained within the Wiltshire Core Strategy and B&NES Core Strategy, which have both been subject to SEA and HRA. That HRA process concluded that neither Core Strategy was considered likely to adversely affect the integrity of the Bath and Bradford on Avon Bats SAC. The neighbourhood plan has also been screened for HRA which concluded that <i>'the current policies are now largely qualitative criteria to assess development proposals against, most of which are clearly intended to protect the built and natural environment. As such, all of the policies have now</i>

Criteria (Schedule 1 SEA Regs.)	Significant environmental effects likely?	Justification and evidence
		<i>been screened out from further assessment at the current time, and no amendments or additions to the document are recommended'.</i>
(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.
<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	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. HRA screening has confirmed that all policies have been screened out and no further assessment is required.
(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 likely to be significant, as considered by both Wiltshire Council and B&NES.
(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 two rural parishes with an area of 465ha. A combined population of approximately 1100 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 Avon and Limpley Stoke valley, within the Cotswolds AONB, which classifies it as a 'closed limestone valley' and characterises it as a 'rolling and settled agrarian landscape'. There are SSSIs and local wildlife sites in the plan area and development has the potential to impact upon the Bath and Bradford on Avon Bats SAC. However, HRA screening has confirmed that all policies have been screened out and no further assessment is required. Limited development proposed that is in conformity with the Core Strategies of both local authorities is not considered likely to significantly affect these environmental assets. The importance of the cultural heritage of the area, including many ancient and listed buildings, Conservation Areas and the remains of the medieval village of Woodwick is acknowledged in the plan. The plan proposes to preserve the historic fabric of buildings and proposes the setting up of a working group to develop a comprehensive Village Design Statement. This will aim to improve the physical qualities of the area by promoting good quality architectural and landscape design in development that will complement and reinforce the existing character of the rural landscape. Key principles include the need for new developments to be mindful of and sensitive to the physical and

Criteria (Schedule 1 SEA Regs.)	Significant environmental effects likely?	Justification and evidence
		<p>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 proposals put forward will not significantly affect the special natural characteristics or cultural heritage of the area, or lead to an exceedence of environmental quality standards. There are also no proposals that will lead to an intensification of land-use in the area.</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 emerging Core Strategies of both local authorities are not considered likely to lead to significant effects on these designations. The emerging Core Strategies have both been subject to SEA and HRA and this plan does not propose anything over and above what is contained in those higher-level plans. HRA screening has confirmed that all policies have been screened out and no further assessment is required.</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 B&NES Council and Wiltshire Council consider that the proposed Freshford and Limpley Stoke 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 emerging Core Strategy documents of Bath & North East Somerset Council and Wiltshire Council and these have both 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 documents. Freshford and Limpley Stoke are both described as small villages/settlements in adopted/emerging planning policy where a limited amount of infill development is appropriate. The neighbourhood plan explains that 'limited infill development within the Village Settlements will be subject to the usual controls and restrictions of Green Belt Planning Policy. Furthermore the extra restrictions which apply to Conservation Areas within the Village Settlements will also need to be met.

3. The neighbourhood plan includes 'Local Green Spaces' which define the areas where infill development will be avoided. These include environmentally sensitive areas such as green fields and woodlands and historically important sites such as the Saxon church, St Mary's, and the remains of the medieval village of Woodwick.

4. HRA screening has confirmed that all policies have been screened out and no further assessment is required. A decision to screen policies in and to undertake further HRA would mean that an SEA would be required but this is not the case.

5.4 This screening decision has been sent to Natural England, Environment Agency and English Heritage for their opinions and their responses are attached to this report as an appendix.

## **6. Statutory consultee response to screening decision**

6.1 Natural England, Environment Agency and English Heritage, as statutory consultation bodies under Regulation 9 of the SEA Regulations, were consulted on this SEA screening determination between 6<sup>th</sup> February 2014 and 20<sup>th</sup> March 2014. All three bodies agreed with the screening determination that the Freshford and Limpley Stoke Neighbourhood Plan was not likely to have significant environmental effects and therefore an SEA is not required.

6.2 Wiltshire Council's request for a response to this screening determination from the three statutory consultation bodies is presented in Appendix A. The responses received from the three consultation bodies, agreeing with the screening determination, is presented in Appendix B.

## Appendix A – Request for consultation response on screening determination from statutory consultation bodies

### Freshford & Limpley Stoke Neighbourhood Plan SEA screening decision

● Way, David

You forwarded this message on 06/02/2014 16:41.

Sent: Thu 06/02/2014 16:35

To: ● 'katherine.burt@environment-agency.gov.uk'

Cc: ● Cleo Newcombe-Jones (cleo\_newcombe-jones@bathnes.gov.uk); ● Taylor, Jon; ● Proyer, James

Dear Kath,

We spoke on the phone a few weeks ago regarding the Freshford & Limpley Stoke Neighbourhood Plan and implications for SEA. The neighbourhood plan is a joint authority plan being undertaken by Freshford parish council within the Bath & North East Somerset (B&NES) local authority area and Limpley Stoke parish council in the Wiltshire local authority area.

Details of the draft neighbourhood plan can be found at <http://www.freshfordvillage.com/living-in-freshford/parish-council/neighbourhood-plan/neighbourhood-plan---revised-draft-january-2014>

Wiltshire Council and B&NES, as 'responsible authorities' under the SEA Regulations have undertaken an SEA screening exercise which has reached the conclusion that an SEA assessment is not required for this plan because it is not considered likely that the plan will have significant environmental effects. Regulation 9 of the SEA Regulations requires the responsible authority to produce a statement of its reasons for the determination and to consult the consultation bodies.

I have attached the SEA screening determination and would invite you to send comments to me by 5pm on 20<sup>th</sup> March 2014. I have also attached a Habitats Regulations Assessment (HRA) screening decision, for your information, which has screened all policies out and concluded that an assessment under the Habitats Directive is not required. Therefore, that decision does not trigger the need to carry out an SEA.

If you need any further information regarding this determination please do not hesitate to contact me.

Kind regards,

David.

David Way  
Senior planning officer  
Wiltshire Council  
Economy and Regeneration  
County Hall  
Bythesea Rd.  
Trowbridge  
BA14 8JN  
Tel: 01225 718458  
E-mail: [david.way@wiltshire.gov.uk](mailto:david.way@wiltshire.gov.uk)

### Freshford & Limpley Stoke Neighbourhood Plan SEA screening decision

● Way, David

You forwarded this message on 06/02/2014 16:46.

Sent: Thu 06/02/2014 16:42

To: ● 'Stuart, David'

Cc: ● Cleo Newcombe-Jones (cleo\_newcombe-jones@bathnes.gov.uk); ● Taylor, Jon; ● Proyer, James

Dear David,

We spoke on the phone a few weeks ago regarding the Freshford & Limpley Stoke Neighbourhood Plan and implications for SEA. The neighbourhood plan is a joint authority plan being undertaken by Freshford parish council within the Bath & North East Somerset (B&NES) local authority area and Limpley Stoke parish council in the Wiltshire local authority area. Details of the draft neighbourhood plan can be found at <http://www.freshfordvillage.com/living-in-freshford/parish-council/neighbourhood-plan/neighbourhood-plan---revised-draft-january-2014>

Wiltshire Council and B&NES, as 'responsible authorities' under the SEA Regulations have undertaken an SEA screening exercise and have reached the conclusion that an SEA assessment is not required for this plan because it is not considered likely that the plan will have significant environmental effects. Regulation 9 of the SEA Regulations requires the responsible authority to produce a statement of its reasons for the determination and to consult the consultation bodies.

I have attached the SEA screening determination and would invite you to send comments to me by 5pm on 20<sup>th</sup> March 2014. I have also attached a Habitats Regulations Assessment (HRA) screening decision, not for consultation but for your information, which has screened all policies out and concluded that an assessment under the Habitats Directive is not required. Therefore, that decision does not trigger the need to carry out an SEA.

If you need any further information regarding this determination please do not hesitate to contact me.

Kind regards,

David.

David Way  
Senior planning officer  
Wiltshire Council  
Economy and Regeneration  
County Hall  
Bythesea Rd.  
Trowbridge  
BA14 8JN  
Tel: 01225 718458  
E-mail: [david.way@wiltshire.gov.uk](mailto:david.way@wiltshire.gov.uk)  
Web: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)  
Follow Wiltshire Council

## Freshford & Limpley Stoke Neighbourhood Plan SEA and HRA screening decisions

Way, David

Sent: Thu 06/02/2014 16:58

To: Charles Routh (charles.routh@naturalengland.org.uk)

Cc: Cleo Newcombe-Jones (cleo\_newcombe-jones@bathnes.gov.uk); Taylor, Jon; Proyer, James

Dear Charles,

I am writing to you regarding the Freshford & Limpley Stoke Neighbourhood Plan and the implications of the plan for SEA and HRA. The neighbourhood plan is a joint authority plan being undertaken by Freshford parish council within the Bath & North East Somerset (B&NES) local authority area and Limpley Stoke parish council in the Wiltshire local authority area. Details of the draft neighbourhood plan can be found at <http://www.freshfordvillage.com/living-in-freshford/parish-council/neighbourhood-plan/neighbourhood-plan---revised-draft-january-2014>

Wiltshire Council and B&NES, as 'responsible authorities' under the SEA Regulations have undertaken an SEA screening exercise and have reached the conclusion that an SEA assessment is not required for this plan because it is not considered likely that the plan will have significant environmental effects. Regulation 9 of the SEA Regulations requires the responsible authority to produce a statement of its reasons for the determination and to consult the consultation bodies.

Wiltshire Council and B&NES, as the 'competent authorities' under the Habitats Regulations, have also made an HRA screening decision which has screened all policies out and concluded that an assessment under the Habitats Directive is not required.

I have attached both SEA and HRA screening determinations and would invite you to send comments to me by 5pm on 20<sup>th</sup> March 2014.

If you need any further information regarding the neighbourhood plan or these determinations please do not hesitate to contact me.

Kind regards,

David.

David Way  
Senior planning officer  
Wiltshire Council  
Economy and Regeneration  
County Hall  
Bythesea Rd.  
Trowbridge  
BA14 8JN  
Tel: 01225 718458  
E-mail: [david.way@wiltshire.gov.uk](mailto:david.way@wiltshire.gov.uk)  
Web: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)  
Follow Wiltshire Council



## Appendix B – Consultation responses from statutory consultation bodies

### RE: Freshford & Limpley Stoke Neighbourhood Plan SEA screening decision

Burt, Katherine [katherine.burt@environment-agency.gov.uk]

You forwarded this message on 13/03/2014 08:39.

Sent: Tue 11/03/2014 16:37

To: Way, David

Dear David,

Thank you for your email which attached an SEA Screening decision for the Freshford and Limpley Stoke Neighbourhood Plan.

I attach a letter confirming that we agree with the SEA Screening decision reached by Wiltshire and B&NES councils, that the Freshford and Limpley Stoke Neighbourhood Plan is unlikely to have significant environmental effects and accordingly does not require a Strategic Environmental Assessment.

Please contact me if you have any queries.

(Nb: I am in County Hall, Trowbridge, tomorrow (12 March) meeting with Tim McCombe and Jon Taylor regarding some other planning issues. Therefore if it would be useful for me to pop over to your office to discuss any Neighbourhood Plan issues, please let me know. Otherwise I'm happy to discuss any issues another time.)

Regards

Kath

**Katherine Burt**  
Sustainable Places - Planning Specialist  
Wessex Area, South West Region  
Environment Agency

✉ Rivers House, Sunrise Business Park, Higher Shaftesbury Road, Blandford Forum, Dorset DT11 8ST  
✉ Email: [katherine.burt@environment-agency.gov.uk](mailto:katherine.burt@environment-agency.gov.uk)  
☎ 01258 483369 (Internal: 724-3369). Mobile: 07879 431345.

**RE: Freshford & Limpley Stoke Neighbourhood Plan SEA screening decision**

Stuart, David [David.Stuart@english-heritage.org.uk]

You replied on 24/03/2014 16:00.

Sent: Mon 24/03/2014 14:22

To: Way, David

Cc: Cleo Newcombe-Jones (cleo\_newcombe-jones@bathnes.gov.uk); Taylor, Jon; Proyer, James

Dear David

I have now been able to go through the documents kindly sent by you.

I am happy to confirm that we concur with the view that an SEA assessment is not required.

I note that we were not consulted on the first draft of the Plan last year and while your email below draws our attention to the existence of a revised draft this is not the same as a formal consultation. Of course, there would only be a requirement to consult us if it was felt that our interests were likely to be affected by any proposals which the Plan contained. Given the relatively benign development aspirations which the Plan advocates which are limited essentially to the infilling of brownfield sites I can appreciate it if the view has been taken that such proposals would not affect our interests, and this in turn has influenced our position on the need for SEA assessment.

At the same time, the Plan area is rich in built heritage and it is therefore pleasing and reassuring that this has been recognised and that policies, and proposals such as the production of a Village Design Statement, are intended to protect and enhance the area's distinctive historic character. Apart from any Grade II Listed Buildings in the Plan area, there are 6 Grade I or II\* Listed Buildings, 2 Scheduled Ancient Monuments, and 1 Grade I Registered Park or Garden. Individual development proposals for sites which come forward in due course may as a consequence require our statutory involvement but at this stage there are no obvious issues of in-principle concern and the protective policy regime provided by the Plan and its parent Local / Structure Plans and the National Planning Policy Framework (NPPF) should provide adequate provision to safeguard heritage assets if necessary.

We therefore wish the community and its local authority partners good fortune in the on-going preparation of this Plan and would be happy if discretion were exercised to consult us again at future stages.

Kind regards

David

David Stuart | Historic Places Adviser  
Direct line: 0117 975 0680  
Mobile phone: 0797 924 0316

**RE: Wiltshire Council Freshford & Limpley Stoke Neighbourhood Plan SEA and HRA screening decisions. NE ref: 112437**

Routh, Charles (NE) [charles.routh@naturalengland.org.uk]

You forwarded this message on 19/03/2014 08:33.

Sent: Tue 18/03/2014 14:55

To: Way, David

Dear David,

I can confirm that Natural England concurs with the conclusion of the SEA screening process, namely no SEA is required.

Having spoken to Jon Taylor, I believe you sent the wrong version on the HRA screening document. On the basis of the version Jon sent to me (attached for the record), Natural England concurs with the conclusion of the HRA screening process, namely that the Freshford and Limpley Stoke Neighbourhood Plan (revised draft, January 2014) would have no likely significant effects upon the Natura 2000 network alone or in combination.

Please find attached an associated feedback form which we would appreciate if you would complete and return.

Charles Routh  
Lead Adviser, Winchester Land Use Operations Team, Natural England. 07990 773630