

**Strategic Environmental Assessment - Screening determination for
Westfield Neighbourhood Plan**

October 2017

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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 Westfield Neighbourhood Plan.

Bath & North East Somerset, as the 'Responsible Authority' under the SEA Regulations¹, are responsible for undertaking this screening process of the Westfield 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.*

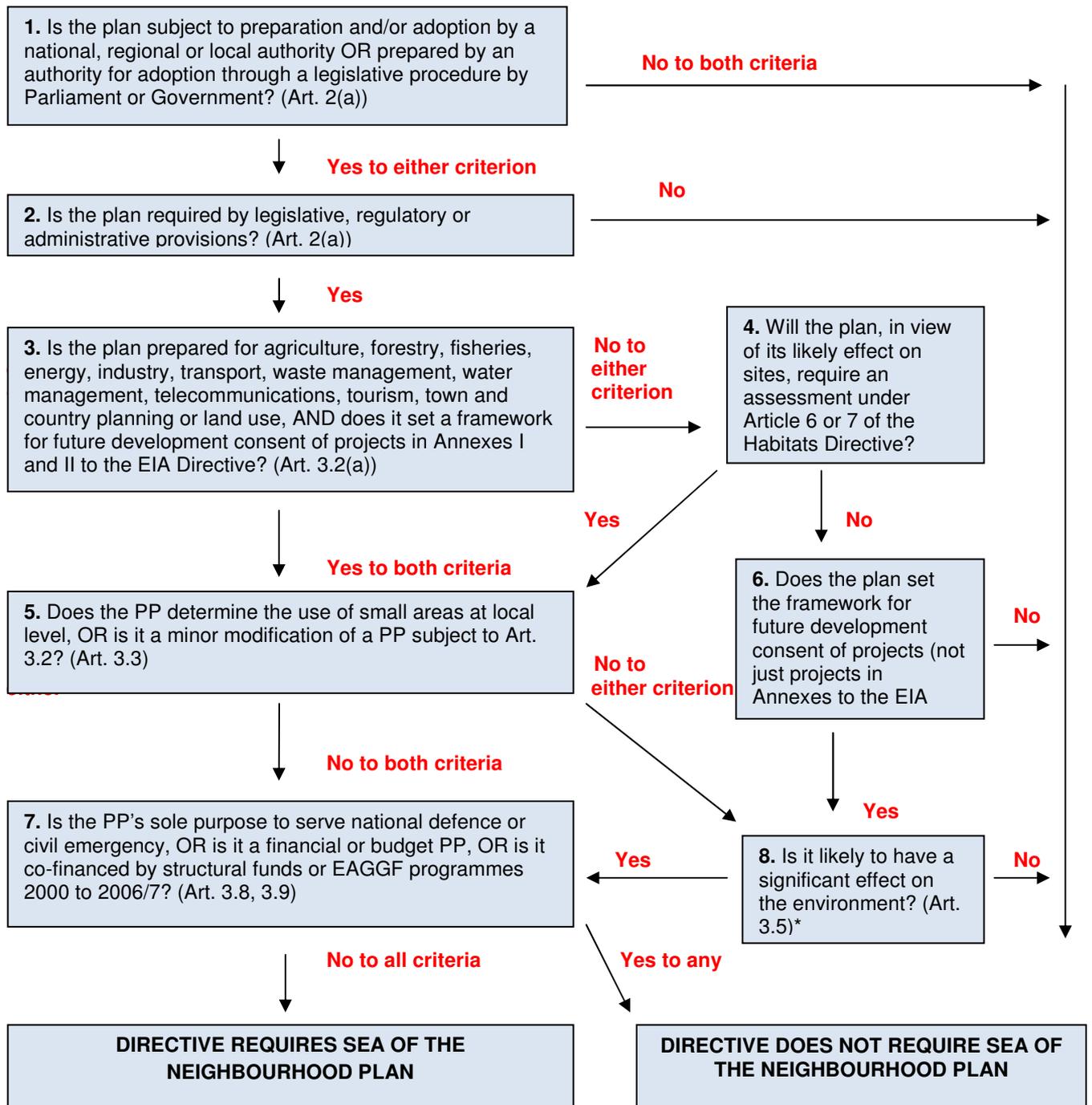
³ European Commission guidance states that plans and programmes which **set the framework for future development consent of projects** would normally contain 'criteria or conditions which guide the way a consenting authority decides an application for development consent'. **Development consent** is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

Background

The parish of Westfield 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 maintain and further enhance the Parish of Westfield, as a place that people of all ages, generations and backgrounds aspire to live, through the use of creative development that enhances the historic character of the area whilst delivering requirements of future generations.

This will be achieved through a blend of protection of existing community assets, enhancement of amenities and infrastructure, future developments that meet the needs of existing residents as well as growth aspirations to encourage new people into the parish.

Steering Group

In 2015, the Westfield 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

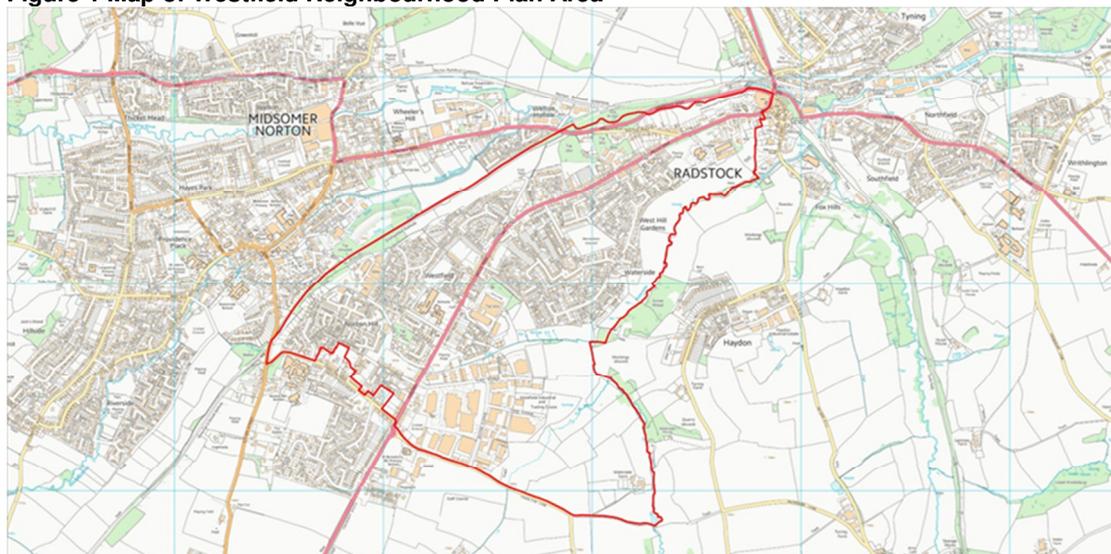
The designation of the Westfield Neighbourhood Area was approved on 23rd April 2015.

B&NES Council publicised the Westfield Neighbourhood Area application for consultation over a time period of 6 weeks from 4th March to 5pm 15th April 2015. No representations were received.

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

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

Figure 1 Map of Westfield Neighbourhood Plan Area



Draft Westfield Neighbourhood Plan (September 2017)

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 on the plan beginning in October 2017. Following this consultation, the parish council intend to submit their neighbourhood plan and supporting documents to B&NES Council in December/January 2018, for local authority consultation and then examination.

The draft Westfield Neighbourhood Plan identifies the following vision:

“The vision of the Neighbourhood Plan Working Group is to maintain and further enhance the parish of Westfield, as a place that people of all ages, generations and backgrounds aspire to live, through the use of creative development that enhances the historic character of the area whilst delivering requirements of future generations.

This will be achieved through a blend of protection of existing community assets, enhancement of amenities and infrastructure, future developments that meet the needs of existing residents as well as growth aspirations to encourage new people into the parish.”

The plan also identifies 6 key issues and objectives:

1. *Housing*
2. *Green Spaces*
3. *Preserving heritage*
4. *Economy, Industry and Jobs*
5. *Amenity and Infrastructure*
6. *Highways*

From these objectives, the plan takes forward 21 draft planning policies. The draft policies proposed can be summarised as: (policy numbers to be finalised)

- Policy 1 Residential infill and backland developments
- Policy 2 Housing Accessibility Standard
- Policy 3 Housing Design
- Policy 4 Ecology: Protecting the importance of the green corridors of Waterside and land north of Fossey Gardens
- Policy 5 Rural Landscape Character: Waterside Valley and land north of Fossey Gardens
- Policy 6 Important Views
- Policy 7 Preservation of the Historic Environment
- Policy 8 Preserving the Railway Inn and the Second World War Pill Boxes as assets of community value
- Policy 9 Development of Employment
- Policy 10 New business development on land already in commercial use
- Policy 11 The provision of any new or additional retail floor space
- Policy 12 Land Usage Proposals
- Policy 13 Proposals for recreational and tourism activities
- Policy 14 A community facility for Westfield
- Policy 15 Developer Contributions
- Policy 16 Broadband Provision
- Policy 17 Drainage: surface water flooding on the A367
- Policy 18 Road Dangers
- Policy 19 Air Quality
- Policy 20 Parking: Domestic Dwellings

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 have been held by the council to discuss drafts of the plan and identify potential issues at an early stage.

At this stage it is considered that the draft Westfield Neighbourhood Plan (and draft planning policies) broadly conform with higher level policy, including the National Planning Policy Framework, the B&NES Core Strategy, the Placemaking Plan and the emerging Joint Spatial Plan. 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 Core Strategy and Placemaking Plan identifies as Westfield as being part of the Somer Valley policy area. The strategy for the Somer Valley is to make provision for the development of the economic and community facilities needed to increase self-reliance and economic revitalisation.

Once the Joint Spatial Plan has been approved (in around 2018), the Neighbourhood Plan will be reviewed to ensure it is in accordance with the West of England plan and strategy.

4. SEA Screening assessment

B&NES Council, as the 'Responsible Authority', consider that the Westfield 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 Westfield 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 Westfield Neighbourhood Plan and ii) the characteristics of the effects and of the area likely to be affected by the Neighbourhood Plan. 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 Westfield 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 SV1 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	The neighbourhood plan is a land-use plan that promotes sustainable development; it is not specifically a plan for integrating environmental considerations. The plan in the introduction and throughout the Plan acknowledges the presence of protected wildlife species and seeks to protect these species.
(d) environmental problems relevant to the plan	No	The Plan in the introduction, and throughout the Plan, acknowledges the presence of protected wildlife species and seeks to protect these species. 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 and Placemaking Plan which have has been subject to SEA and HRA.
(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.
(b) the cumulative nature of the effects	No	No cumulative effects considered to be significant.
(c) the transboundary nature of the effects	No	No transboundary effects considered likely to be significant.
(d) the risks to human health or the environment (for example, due to	No	No environmental effects considered likely to risk human health or the environment.

Criteria (Schedule 1 SEA Regs.)	Significant environmental effects likely?	Justification and evidence
accidents)		
(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 239ha. A population of approximately 5,855 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	<p>The neighbourhood plan is located partially within the Norton Radstock Southern Farmlands Character Area which is characterised by Limestone plateau surrounded on three sides by river valleys.</p> <p>There are 2 RIGs and SNCIs within the Plan Area and 2 SNCIs in the neighbouring parish (Radstock)</p> <p>The importance of the cultural heritage of the area, including many ancient and listed buildings is acknowledged in the Neighbourhood Plan</p> <p>The Placemaking Plan Key principles include the need for new developments to be mindful of and 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. 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 exceedance of environmental quality standards.</p>
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	No	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 are not considered likely to lead to significant effects on these designations. The B&NES Core Strategy and Placemaking Plan 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.

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 Westfield 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 and Placemaking Plan 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 Core Strategy and Placemaking Plan. Westfield is within the Somer Valley Area in the adopted planning policy. 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 Placemaking Plan.
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 Westfield Plan.

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

Appendix 1: Responses from Natural England and Historic England

George Blanchard

From: Stuart, David <David.Stuart@HistoricEngland.org.uk>
Sent: 13 November 2017 14:09
To: George Blanchard
Subject: Draft SEA Screening Report and Draft HRA for Westfield Neighbourhood Plan

Follow Up Flag: Follow up
Flag Status: Completed

Dear George

Thank you for your consultation on the SEA Screening for the emerging Westfield Neighbourhood Plan.

I can confirm that we have no objection to the view that an SEA will not be required.

I can also confirm that based on the draft Plan made available there are no comments on it which we would wish to make. Should the Plan change materially during its preparation process then obviously this position might in turn change.

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>



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From: George Blanchard [mailto:George_Blanchard@BATHNES.GOV.UK]
Sent: 13 October 2017 11:09
To: Stuart, David; 'Amanda.Grundy@naturalengland.org.uk'; 'enquiries@environment-agency.gov.uk'
Subject: Draft SEA Screening Report and Draft HRA for Westfield Neighbourhood Plan

Dear Consultee,

I have recently been appointed as the Planning Officer to support Neighbourhood Plans in B&NES, taking on the role from Julie O'Rourke.

Please find attached a Draft SEA Screening Report and Draft HRA for the Westfield Neighbourhood Plan Area. This SEA and HRA Report have been prepared on behalf of Westfield Parish Council by Bath and North East Somerset Council. Please note that this is still an emerging plan, the Steering Group a planning on starting the pre-submission draft consultation towards the end of October.

I would greatly appreciate your comments on this Draft SEA and HRA by 5pm on Friday 17th November 2017. If you are unable to make this deadline or if you have no comments please can you let me know by email or on the telephone number below.

Kind regards

George

George Blanchard
Planning Officer - Planning Policy
Bath and North East Somerset Council
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Email: george_blanchard@bathnes.gov.uk



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George Blanchard

From: Howell, Alison (NE) <Alison.Howell@naturalengland.org.uk>
Sent: 14 November 2017 13:31
To: George Blanchard
Cc: Karen Renshaw
Subject: Draft SEA Screening Report and Draft HRA for Westfield Neighbourhood Plan
Attachments: First draft Critical Foraging Areas and Bat Roosts map March 2016.pdf

Dear George

Thank you for your consultation email. I have reviewed both draft documents. I confirm that Natural England supports the Council's conclusions in relation to Strategic Environmental Assessment.

We also support the Council's conclusions in relation to HRA although we have one comment in relation to the HRA: The Westfield HRA Context Map shows Likely Greater Horseshoe Bat Foraging Areas and Flightlines. Important flight lines also run through Radstock and Midsomer Norton. One of these important routes follows the line of the disused railway which borders Westfield to the north west. The attached plan illustrates this and we recommend that these flight lines should be added to the context map both for this, and future plans.

I hope that this is helpful but please do contact me if there is anything you would like to discuss.

Regards
Alison

Alison Howell
Lead Advisor
Sustainable Development (Somerset, Avon, Wiltshire)
(Please note, I work part time Monday to Wednesday)

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In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meeting and attend via audio, video or web conferencing.

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