

Basic Conditions Statement

CHISELDON PARISH NEIGHBOURHOOD
DEVELOPMENT PLAN 2022- 2037

1. This Statement has been prepared by Chiseldon Parish Council (the Parish Council) to accompany its submission to the local planning authority, Swindon Borough Council, of the Chiseldon Parish Neighbourhood Development Plan - CNDP) under Regulation 15 of The Neighbourhood Planning (General) Regulations 2012. The statement has been prepared by Andrea Pellegram MRTPI.

The Regulations

2. The CNDP is being submitted under Regulation 15 of The Neighbourhood Planning (General) Regulations 2012 which requires under Regulation 15 (1):
 - (d) *a statement explaining how the proposed neighbourhood development plan or neighbourhood development plan as proposed to be modified meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act or in the case of a modification proposal, how the neighbourhood development plan as proposed to be modified meets the requirements of paragraph 11 of Schedule A2 to the 2004 Act.*
3. Paragraph 8 of Schedule 4B of the 1990 Act paragraph 2 accordingly requires:

The Neighbourhood Plan must meet the following requirements:

Legal matters

(1) The examiner must consider the following: -

- (a) whether the draft neighbourhood development plan meets the basic conditions (see sub-paragraph (2)),*
- (b) whether the draft neighbourhood development plan complies with the provision made by or under sections 61E(2), 61J and 61L,*
- (c) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates, and*
- (d) such other matters as may be prescribed.*

The Basic Conditions

(2) A draft neighbourhood development plan meets the basic conditions if: -

- (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,*
- (b) the making of the neighbourhood development plan contributes to the achievement of sustainable development,*
- (c) the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),*

(d) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations, and

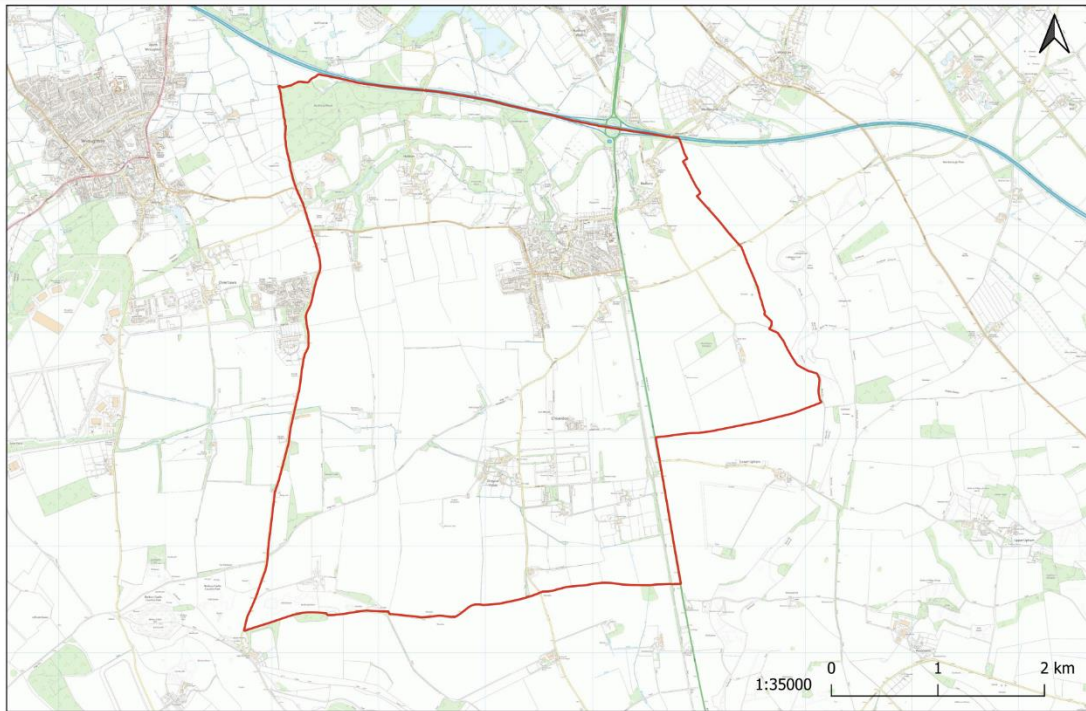
(e) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.

4. This Statement addresses these matters in turn.

Legal Requirements

5. The CNDP is submitted by Chiseldon Parish Council, which, as a qualifying body, is entitled to submit a Neighbourhood Plan for its own parish. The plan has been prepared by the Chiseldon Neighbourhood Development Plan steering group, which is overseen by the Parish Council.
6. The whole parish of Chiseldon has been formally designated as a Neighbourhood Area under the Neighbourhood Planning Regulations 2012 (part2 S6) and was formally approved by Swindon Borough Council on 8th February 2022. The full report can be found on [this link](#).
7. The CNDP contains policies relating to the development and use of land within the neighbourhood area only. Proposals relating to planning matters (the use and development of land) have been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.
8. The CNDP identifies the period to which it relates as 2022 to 2037. The year 2022 was the start year for data gathering for the NDP and is within the adopted Swindon Local Plan period to 2026. The CNDP covers a 15 year period in accordance with NPPF 2021 para. 22, though the CNDP does not contain strategic policies.
9. The CNDP is being prepared against the policy requirements of the adopted Swindon Borough Local Plan 2026. At the time of writing, the Swindon Local Development Scheme anticipates adoptions of a new local plan in 2026 after which time it may be necessary to update the CNDP.
10. The CNDP does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.
11. The CNDP relates only to the parish of Chiseldon. It does not relate to more than one neighbourhood area. There are no other neighbourhood development plans in place within the neighbourhood area.

Figure 1: Map of Plan Area (Chiseldon Parish)



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Neighbourhood Planning Area Application

The Basic Conditions

Having regard to national policies and advice contained in guidance issued by the Secretary of State

12. The Neighbourhood Plan has been prepared having regard to national policies, in particular those set out in the National Planning Policy Framework 2023 (NPPF) and the National Planning Practice Guidance (NPPG) suite. It is contended that the neighbourhood plan accords with the core Planning Principles at the heart of the NPPF.
13. **Table 1** below provides a summary of how CNDP policies have regard to the NPPF. The NPPF paragraphs set out are those considered most relevant. The table is not intended to be an exhaustive list of all NPPF policies.

Table 1		
CNDP Policy Number	NPPF 2023 Reference	Commentary
Policy 1: Housing mix	60,61	This para allows plans to contain policies for a mix of housing types to meet identified need. Swindon BC is not able to provide a housing requirement at the time that the CNDP was submitted under Reg. 15.
	63	The need for the specified housing mix was based on an independent Housing Needs Assessment (HNA) prepared by AECOM. This HNA considered the housing needs of individual groups and made recommendations on how affordable housing should be provided.
	64	The policy specifies the types of affordable housing required, based on the HNA. A local prospective planning applicant for a major housing scheme has agreed that the policy is deliverable (and the wording of the policy was changed to allow greater flexibility on their behalf).
	66	The policy required a 30% affordable housing component in line with local plan policies.
	68	Swindon Borough Council was not able to provide any form of indicative or firm housing requirement figure and the CNDP did not allocate land for housing.

<p>Policy 1 (continued)</p>	<p>Building Regulations M4 (2)</p>	<p><u>Raising accessibility standards for new homes: summary of consultation responses and government response - GOV.UK (www.gov.uk)</u></p> <p>This government webpage states that: <i>Categories M4(2) and M4(3) are optional requirements which local authorities can apply through local planning policies where they have identified a local need and where the viability of development is not compromised.</i></p> <p>The CNDP is not prepared by a local planning authority but it is empowered to contain local planning policies. Therefore, it is considered appropriate for Policy 1 to contain a requirement for Building Reg. M4(2). The local need has been identified by the Parish Council in its consultation with local residents.</p>
<p>Policy 2: Sustainable Transport</p>	<p>108</p> <p>116</p> <p>34</p>	<p>Policy 2 and its supporting evidence sets out clear expectations how sustainable transport can be delivered through development proposals. Applicants can utilise the information to design appropriate mitigation for their schemes drawing on the CNDP evidence.</p> <p>The supporting text and figures will assist applicants and decision-makers to deliver the requirements of 116.</p> <p>Policy 1 in conjunction with local plan policies will enable applicants to understand infrastructure provision costs.</p>

Policy 3: Biodiversity net gain and local nature recovery	180	The supporting text and Appendix 3 identify and contribute to identifying natural features in Chiseldon parish that should be protected and enhanced. The policy, text and evidence provides a robust context for biodiversity net gain in the parish and for local nature recovery which will benefit decision-makers and applicants.
	181	The policy distinguishes between the hierarchy of natural features and habits and plans for the enhancement of natural capital.
	182	The plan overall pays adequate regard to the North Wessex Downs AONB and the cultural heritage of the parish.
	185	The CNDP identifies, maps and safeguards components of wildlife rich habitats, ecological networks etc. and promotes their conservation, restoration and enhancement.
Policy 4: Local Green Spaces	105-107	<p>The policy was prepared in full conformity with paras. 105 to 107 of the NPPF with full information set out in Appendix 4 and Appendix 5.</p> <p>The manner in which landowners were consulted is set out in the Consultation Statement.</p>
Policy 5: Design	132	The CNDP sets out a clear design vision in the design guide (Chiseldon Design Codes and Guidance).
	134	Neighbourhood plans are empowered to prepare design codes. The Chiseldon design code was based on effective community engagement through the work of the clerk, the steering group and contributions from residents.

Policy 6: Non-designated heritage assets	195	Policy 6 and the supporting evidence in Appendix 6 identifies the historic assets that are important to residents.
	209	The evidence in Appendix 6 will assist applicants to consider how non-designated heritage assets should be considered by applicants and decision makers.
Policy 7: Play equipment and play areas	96	Policy 7 sets out how play equipment should be provided to enable children to have safe and healthy lifestyles.
	97	Policy 7 plans positively for the provision of shared spaces for children and families and allows for them to be modernised where necessary.
Policy 8: Community facilities	96	Policy 8 identifies and protects facilities that provide social interaction, healthy lifestyles and meet day to day needs of residents.
Policy 8 (continued)	The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (legislation.gov.uk)	The supporting text for Policy 8 refers to the GDPO and Class MA development and reminds applicants that it does not apply in certain circumstances.

Contributes to the achievement of sustainable development

15. The following sustainability assessment has been carried out to assess how the policies in the neighbourhood plan contribute positively to delivering sustainable development. The plan will serve an economic, social and environmental objective and seeks to balance them. **Table 2** below summarises the various sustainability outcomes of each policy in the neighbourhood plan.

Table 2: How the policies in the BNDP contribute to sustainable development

CNDP policy	Economic Objective	Social Objective	Environ-mental Objective
1: Housing Mix			
2: Sustainable Transport			

3: Biodiversity Net Gain and Nature Recovery			
4: Local Green Spaces			
5: Design			
6: Non-designated Heritage Assets			
7: New Play Equipment			
8: Community Facilities			

General conformity with the strategic policies in the development plan

16. The development plan for the CNDP is the [Swindon Borough Local Plan 2026](#). There are other parts of the local plan that are not relevant to this neighbourhood plan relating to Swindon’s central area and minerals and waste.
17. Swindon Borough Council is currently in the process of developing a new Local Plan. This will build upon work undertaken on the Local Plan review and include an update to plan evidence, site information and other supporting documents. Once adopted, the new Local Plan will propose a number of updated strategies and policies, including site allocations, to provide sufficient housing, employment and town centre sites to meet the Borough’s future needs and guide decisions on planning applications.
18. The most recent timetable for the production of the Local Plan is set out in an updated [Local Development Scheme \(LDS\)](#) which was endorsed by the Council’s Cabinet on 13 December 2023.
19. Conformity with the local plan is set out below in **Table 3** below. Only the main relevant policies will be discussed here.

Table 3: How the policies in the CNDP are in general conformity with the policies in the Swindon Borough Local Plan 2026 (adopted 2015)

CNDP Policy	Commentary why the CNDP is in conformity
<p>Policy 1: Housing mix</p>	<p>The relevant LP policies are HA1 – HA3.</p> <p>HA1 requires housing development to be design led. The CNDP overall provides detailed guidance on how this should be achieved in Chiseldon Parish.</p> <p>HA1 sets out the mix and type of housing required. It requires design to respect the character of the surrounding area with house sizes and types to meet local needs within the Swindon Strategic Housing Market Assessment and Housing Strategy. However, these documents are now out of date and the CNDP has updated its evidence with the housing needs assessment.</p> <p>HA1 is out of date with regard to First Homes national policy and the CNDP goes beyond the existing policy and relies on the national policy. The LPA raised this as a concern in their response to the Reg. 14 draft but the qualifying body consider that it is preferable to rely upon the newer national First Homes policy than on the out of date LP policy.</p> <p>HA2 requires 30% affordable housing which is mirrored in the CNDP policy to provide context for the remaining clauses of Policy 1. Otherwise, policy 1 is subservient to HA1 and HA2.</p> <p>HA3 requires 2% of proposals for 50 or more dwellings to be suitable for wheelchair users. The HNA shows that there would be a higher proportion of older people in future in the parish. The steering group, in consultation with residents, identifies that all new homes in the parish should be wheelchair accessible. Again, HA3 is out of date with regard to current building control regulations and this has been rectified (please see commentary on national policy above).</p>
<p>Policy 2: Sustainable Transport</p>	<p>The policy was written to be subservient to LP policy TR1 and CM2 by providing local evidence of need.</p>

<p>Policy 3: Biodiversity net gain and local nature recovery</p>	<p>The policy anticipates the creation of the Local Nature Recovery Strategy which is currently being produced by Wiltshire Council on behalf of Swindon Borough Council. Again, the local plan approach is out of date because it was prepared before the Environment Act 2021.</p> <p>One of the most relevant LP policies is EN1 and Appendix 4 (which sets out typologies only) and the Green Infrastructure Strategy which predates the LRNS. The Green Infrastructure Strategy became out of date in 2020 and the LRNS will supersede it when it is adopted in 2025.</p> <p>Local Plan policy EN4 is again out of date and does not properly reflect biodiversity net gain requirements in planning legislation, the NPPF 2023 and the Environment Act 2021. It requires development to avoid negative impacts on sites identified in the policies map which is also out of date.</p> <p>Policy 3 updates these policies according to national policy and in the parish should be considered to supersede these out of date local plan policies.</p>
<p>Policy 4: Local Green Spaces</p>	<p>There are no local plan policies on Local Green Space.</p>
<p>Policy 5: Design</p>	<p>The design code supporting Policy 5 was prepared against the requirements of LP policy DE1 and is therefore in conformity with it.</p> <p>Local plan policy DE2 sets out detailed methods to encourage new development to be as carbon neutral as possible and it is suggested that the CNDP does not therefore need to consider this.</p> <p>Local plan policy EN5 is met by the design code which was carefully prepared to reflect local character and historic assets. The plan also is mindful of the important role of the AONB.</p> <p>Local plan policy EN10 also is made more deliverable with the detail in the design code and the other policies in the CNDP.</p>
<p>Policy 6: Non-designated heritage assets</p>	<p>Local plan policy EN10 (b) refers to non-designated heritage assets and Policy 6 identifies those for Chiseldon. Policy 6 is therefore subservient to EN10.</p>
<p>Policy 7: Play equipment and play areas</p>	<p>Local Plan policy EN3 requires new development to make provision for play space and protects them against development unless alternative provision is made. Para. 4.346 allows neighbourhood plans to identify new provision when considering proposals. Policy EN3 therefore anticipates that development may give rise to the need for additional play equipment. Policy 7 is subservient to EN3.</p>
<p>Policy 8: Community facilities</p>	<p>Local Plan policy CM4 supports the creation of new community infrastructure (Class F) and protects against the loss of such facilities except under certain circumstances. Policy 8 is subservient to CM4.</p>

Does not breach and is otherwise compatible with EU Obligations

Strategic Environmental Assessment and Habitats Regulations Assessment

21. The CNDP does not allocate sites or propose any development. A SEA/HRA screening opinion was provided by the Local Planning Authority to the qualifying body in July 2023 which is copied in Appendix 1. It concluded:

6. Conclusions

SEA

- 1.1 On the basis of the SEA screening Assessment set out in Tables 1 and 2 above, it is concluded that the CNP will not have significant effects in relation to any of the criteria set out in schedule 1 of the SEA Regulations, and therefore does not require a SEA.

HRA

- 1.2 It is identified there are internationally designated site within 15km of the Neighbourhood Plan Area, however the plan does not allocate sites and is in general conformity with the Swindon Borough Local Plan 2026, the CNP will not require a HRA.

Other matters

22. The CNDP has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The main issues for planning in the context of human rights are: protection of property, right to respect for private and family life and prohibition of discrimination. The Plan complies with the requirements of the Human Rights Act 1998.

Appendix 1: SEA screening opinion

**Chiseldon Neighbourhood Plan
Strategic Environmental Assessment and
Habitats Regulations Assessment
Screening Opinion**

**Prepared by Swindon Borough Council
on behalf of Chiseldon Parish Council
July 2023**



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1. Introduction

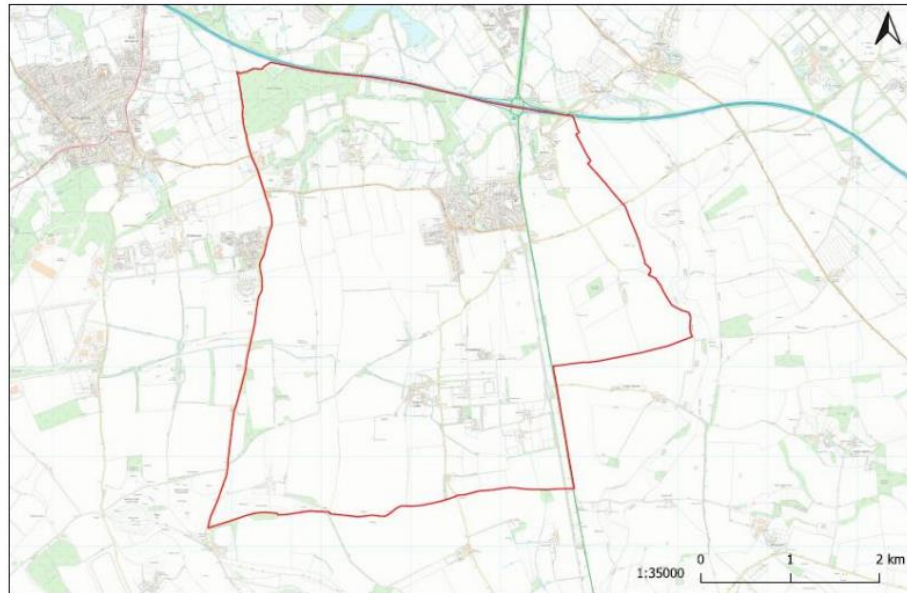
- 1.1 This screening report is designed to determine whether or not the contents of the Chiseldon Neighbourhood Plan (hereafter known as 'CNP') requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plan and Programmes Regulations 2004. The SEA Directive is a European Union requirement that seeks to provide a high level of protection of the environment and to integrate environmental considerations into the preparation and adoptions of certain plan and programmes. The Directive seeks to promote sustainable development by ensuring that a SEA is undertaken where it is identified a plan may have a significant effect on the environment.
- 1.2 The UK left the EU on 31st January 2020. Under the UK-EU withdrawal agreement, a transition period ended on 31st December 2020, during which time all EU law continued to apply to the UK. During the transition period the UK needed to continue following domestic law that implements EU law, or directly applicable EU law that is given effect through the EUWA 2018.
- 1.3 Beyond the transition period, the SEA Regulations, which previously implemented the requirements of the SEA Directive in England, will continue to apply as before unless and until new legislation is introduced.
- 1.4 The Planning Practice Guidance states 'whether a neighbourhood plan proposal requires a strategic environmental assessment, and (if so) the level of detail needed, will depend on what is proposed. A strategic environmental assessment may be required, for example, where:
 - A neighbourhood plan allocates sites for development
 - The neighbourhood area contains sensitive natural heritage assets that may be affected by proposals in the plan
 - The neighbourhood plan is likely to have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.
- 1.5 The need for an SEA will be based on whether is determined that the contents of the CNP has the potential for environmental harm, the screening assessment does not determine the extent if any of this potential. It is for the SEA, if required to provide this detail.
- 1.4 This report will also screen to determine whether or not the CNP requires a Habitats Regulations Assessment (HRA) in accordance with Article 6 (3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). A HRA is required when it is deemed that likely negative significant effects may occur on protected European Sites (Nature 2000 sites) as a result of the implementation of a plan/project. The UK left the EU on 31

January 2020 under the terms set out in the European Union (Withdrawal Agreement) Act 2020 (“the Withdrawal Act”). This established a transition period, which ended on 31 December 2020. The Withdrawal Act (WA) retained the body of existing EU-derived law within our domestic law, meaning that legislation relating to nature conservation (section 4 of the WA) continued to apply to and in the UK post-Brexit. The Retained EU Law (Revocation and Reform) Act received Royal Assent on 29th June 2023 and makes significant changes to the domestic body of ‘retained EU Law’. Section 2(1) of the REUL Act will repeal and thereby remove the effect of section 4 of the WA from the end of 2023. Secondary legislation to preserve the direct effect provisions of the Habitats Directive has not yet been announced by the Government. The Environment Act 2021 acts as the UK’s new framework for environmental protection.

2. Chiseldon Neighbourhood Plan

- 2.1 The Parish of Chiseldon is located in the south of Swindon Borough, and is predominantly rural in character. The parish is bounded by the M4 to the north, and is dissected north to south on the east by the A346 (Marlborough Road). The parish covers the village of Chiseldon, and the hamlets of Badbury, Burderop Park, Hodson, Draycot Foliat. The parish is entirely located within the North Wessex Downs Area of Outstanding Natural Beauty which represents the most significant environmental constraint.
- 2.2 The Chiseldon Neighbourhood Area was designated on the 31 January 2022. The Neighbourhood Plan Area covers the Parish as set out in Figure 1. Chiseldon Parish Council, as the qualifying body for the preparation of the Neighbourhood Plan, has delegated the responsibility for the Plan's production to the Chiseldon Neighbourhood Plan steering group, made up of Parish Councillors and community volunteers.
- 2.3 A draft of the pre-Regulation 14 Neighbourhood Plan has been supplied to the Council for screening purposes. The plan period is to 2037 and is prepared under the strategic policies of the adopted Local Plan for Swindon Borough, which runs to 2026. A new Local Plan for the borough to 2042 is at an early stage of preparation.
- 2.4 The vision, as identified by the community is:
- In 2037, Chiseldon will be a place where people want to live, play and relax. It will be a healthy and thriving village with a diversity of age ranges and all facilities will be up to date. Residents will enjoy a healthy environment and new houses will cater to all sectors of the community. Local job opportunities and businesses will continue to thrive.*
- 2.5 The CNP does not allocate sites for development, rather it sets a local development management policy framework which seeks to manage any subsequent applications which may come forward in accordance with the vision stated above.
- 2.6 The Neighbourhood Plan policy topic areas are set out below:
- Policy 1: Housing Mix
 - Policy 2: Sustainable Transport
 - Policy 3: Biodiversity net gain and local nature recovery
 - Policy 4: Local Green Spaces
 - Policy 5: Design
 - Policy 6: Non-designated Heritage Assets
 - Policy 7: Play equipment and play areas
 - Policy 8: Community Facilities

Figure 1 – Chiseldon Neighbourhood Plan Area



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Neighbourhood Planning Area Application

Sensitive Areas and Potential Environmental Constraints.

Sensitive areas identified through the EIA Regulations, comprising:

Natura 2000 sites	None within the Neighbourhood Plan area. Within 15km: <ul style="list-style-type: none"> • Pewsey Downs SAC • River Lambourn SAC • Kennet and Lambourn Floodplain SAC • North Meadow and Clattinger Farm SAC There are no SPAs or Ramsar sites within 15km.
Sites of Special Scientific Interest (SSSIs)	Burderop Woods SSSI located within the plan area.
National Parks	None

Areas of Outstanding Natural Beauty	The Neighbourhood Area is entirely within the North Wessex Downs AONB.
World Heritage Sites	None
Scheduled monuments	A series of Scheduled Monuments are located at the south western boundary of the Neighbourhood Area: 'Field system and earthwork enclosure on Burderop Down' 1016383 Disc barrow on Burderop Down, 1km north-east of Upper Herdswick Farm 1010457 Bowl barrow 1km west of Sheppard's Farm Dairy 1012439

Potential Environmental Constraints

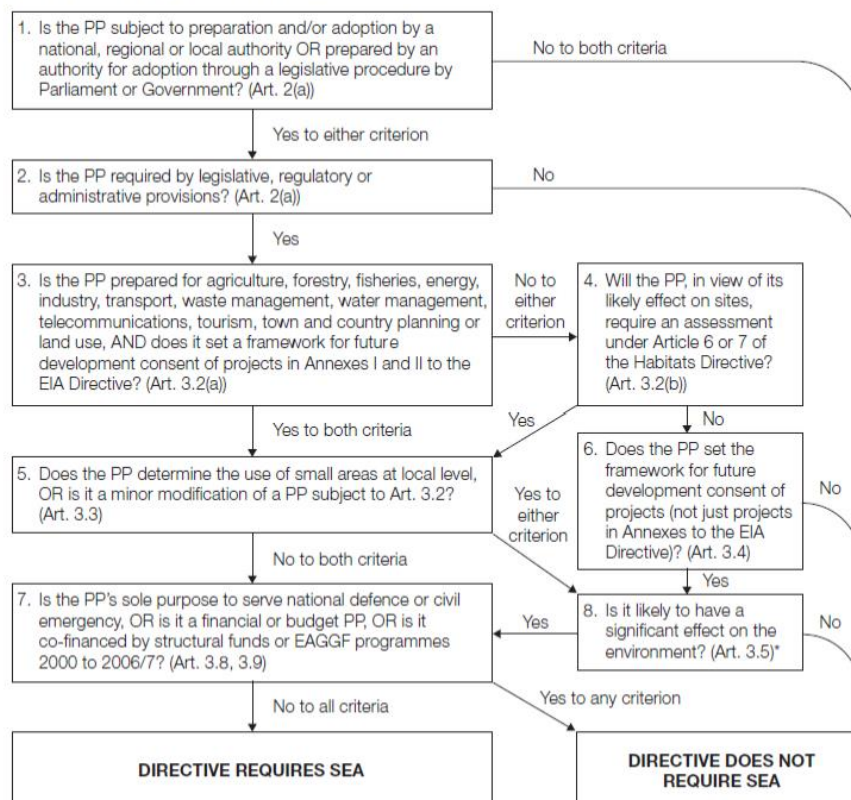
National Nature Reserve	No
Biodiversity Action Plan Priority Habitat	No
Nationally listed building	Yes
Buildings at Risk	No
Conservation Area	Chiseldon, Badbury and Hodson
Flood Zone 3a and 3 b	FZ 3 along the River Og
Air Quality Management Area	No
BMV	Largely ALC 2
Source Protection Zones	No

3. SEA Screening Process

- 3.1 The screening report seeks to determine whether or not a SEA is required for the Chiseldon Neighbourhood Plan in accordance with European and National legislation.
- 3.2 The screening opinion will be undertaken in two parts: the first part will assess whether the plan requires SEA (as per the flow chart, shown in figure 1); the second part of the assessment will consider whether the Neighbourhood Plan is likely to have a significant effect on the environment, using the criteria drawn from Schedule 1 of the EU SEA Directive and the UK Environmental Assessment of Plans and Programme Regulations 2004.
- 3.3 Figure 1 below, from the government guidance 'A practical guide to the Strategic Environmental Assessment Directive' sets out the approach to be taken in determining whether a SEA is required.

Figure 1: Application Criteria of the SEA Directive

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.

4. Screening Assessment

4.1 Assessment 1: Establishing the Need for SEA, based on the flow chart shown in Figure 1.

Table 1: Assessment 1

Stage	Y/N	Reason
1. Is the Neighbourhood Plan (NP) subject to preparation and/or adoption by a national, regional or local authority, or prepared by authority for adoption through a legislative procedure by Parliament or Government? [Art. 2(a)]	Y	<p>The Neighbourhood Plan is being prepared by Chiseldon Parish Council (as the 'qualifying body') under the provisions of the Town and Country Planning Act 1990 as amended by the Localism Act 2011. Once the Plan has been prepared, and subject to examination and referendum, it will be 'made' by Swindon Borough Council as the Local Planning Authority. The preparation of Neighbourhood Plans is subject to the following regulations:</p> <ul style="list-style-type: none"> • The Neighbourhood Planning (General) Regulations 2012 • The Neighbourhood Planning (referendums) Regulations 2012 • The Neighbourhood Planning (General) (Amendment) Regulations 2015 • The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 • The Neighbourhood Planning (Referendums) (Amendment) Regulations 2016
2. Is the NP required by legislative, regulatory or administrative provisions? [Art. 2 (a)]	Y	<p>The Neighbourhood Plan is not a requirement and is optional under the provision of the Town and Country Planning Act 1990 as amended by the Localism Act 2011. However, once 'made' it forms part of the statutory Development Plan for the Borough and will be used when making decisions on planning applications.</p>
3. Is the NP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive?	Y	<p>The Neighbourhood Plan is prepared to set out a framework for town and country planning and sets a framework for future development consent in the neighbourhood area, within which projects in Annexes I and II of the EIA Directive may be brought forward. However there are no projects under Annex 1 and Annex 2 that are proposed through the Neighbourhood Plan.</p>

[Article 3,2(a)]		
4. Will the NP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive [art. 3.2 (b)]	N	The Chiseldon NP is unlikely to have significant effects on Natura 2000 sites. See Habitat Regulations Assessment (HRA) Screening Opinion in Appendix 2
5. Does the NP determine the use of small areas at local level, OR is it a minor modification of a NP subject Art 3.2 [Art 3.3]	Y	The Neighbourhood Plan is not expected to identify small sites at a local level. The NP will however be used to determine the use of sites/small areas at a local level
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? [Art 3.4]	Y	Once 'made', the Neighbourhood Plan will form part of the Development Plan for the Borough and will be used when making decisions on planning applications.
7. Is the NP's sole purpose to serve the national defence or civil emergency, OR is it financial or budget PP, Or is it co-financed by structural funds or EAGDD programmes 200 to 2006/?? [Art 3.8, 3.9]	N	Not Applicable
8. It is likely to have a significant effect on the environment? [Art 3.5]	N	See Assessment 2: Likely significant effects on the environment

4.2 Assessment 2: Likely Significant Effects on the Environment

4.3 Assessment 2 is undertaken in accordance with the criteria for determining likely significance of effects on the environment. Figure 2 below shows the criteria as set out in Article 3.5 of the SEA Directive.

Figure 2: Criteria for determining likely significance of effects on the environment

1. The characteristics of neighbourhood plans, having regard, in particular, to
 - 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 by allocation resources,
 - The degree to which the plan influences other plans and programmes including those in a hierarchy,
 - The relevance of the plan for integration of environmental considerations in particular with a view to promoting sustainable development,
 - Environmental problems relevant to the plan,
 - The relevance of the plan for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or waste protection).
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to
 - The probability, duration, frequency and reversibility of the effects,
 - The cumulative nature of the effects,
 - The trans boundary nature of the effects,
 - The risks to human health of the environment (e.g. due to accidents),
 - The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
 - The value and vulnerability of the area likely to be affected due to:
 - Special natural characteristics or cultural heritage,
 - exceeded environmental quality standards or limit values,
 - intensive land-use,
 - The effects on areas or landscapes which have a recognised national, community or international protections status.

4.4 Approach to allocations

4.5 The CNP does not propose to allocate any sites for development. The draft CNP sets out that the plan is being prepared under the framework of the adopted Local Plan 2026. Within this framework, the Local Plan does not allocate Chiseldon Parish with any site allocations. Policy SD2 sets out that of the identified housing requirement, the 'Other Villages' in the Borough (identified as Broad Blunsdon, Chiseldon,

Wanborough and Bishopstone) to receive around 100 units in total over the plan period. 31 dwellings have been delivered in Chiseldon between the start of the plan period and 2022. Therefore the Parish is considered to have already delivered its policy requirement under the Local Plan 2026.

- 4.6 The Neighbourhood Plan is being prepared in a context where the Borough (at the time of screening) cannot demonstrate a 5 year housing land supply and is greater than 5 years old, and therefore Paragraph 14 of the NPPF is engaged. Planning applications therefore may be brought forward within the parish and an assessment of planning balance will be made by the decision maker. The Neighbourhood Plan policies, if adopted, would form part of that planning consideration.
- 4.7 The policies set out in the draft CNP and provided to the Council and have been used to undertake the second part of the screening assessment. If the conclusion of the screening exercise is that an SEA is not required, any major changes to the existing policies or introduction of new policies should be subject to a further screening assessment.
- 4.8 Table 2 outlines the results of the second part of the screening assessment based upon the criteria detailed in figure 2.

Table 2: Assessment 2

Criteria for determining the likely significant effects on the Environment	Is the CNP Likely to have significant environmental effect?	Justification for Assessment
1. The characteristics of plans and programmes, 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 CNP sets a local policy framework for development proposals but does not specify particular locations for development. The CNP will sit within the wider framework set by the National Planning Policy Framework, the strategic policies of the Local Plan 2026. It supports the implementation of policies in the Swindon Borough Local Plan 2026, which has already been subject to SEA.
b) The degree to which the plan or programme influences other plans and programmes including those in a	No	The CNP must be in general conformity with the Swindon Borough Local Plan 2026 and the National Planning Policy Framework (NPPF). The CNP supports the implementation of higher tier

<p>hierarchy.</p>		<p>policies, alongside local policies at the Neighbourhood Area level. Therefore, it is not considered to have significant influence on other plans or programmes or their effect on the environment.</p> <p>The new Local Plan is currently emerging, and is at an early stage in it's preparation. In line with Planning Practice Guidance, the local planning authority should work with the qualifying body so that complementary neighbourhood and local plan policies are produced. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan. However, it is anticipated that the CNP, if adopted, would be in place prior to the adoption of the new Local Plan. Section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.</p> <p>It does not influence other plans.</p>
<p>c) The relevance of the plan for integration of environmental considerations in particular with a view to promoting sustainable development.</p>	<p>No</p>	<p>The CNP contributes, as required, to the achievement of sustainable development at the Neighbourhood Area Level. The policy framework set out in the CNP is planned to have a positive impact on the local environmental assets and places valued by local people. The likelihood of significant effects on the environment is, therefore, minimised. The CNP does not allocate sites for development but promotes sustainable development through policies within which development can be brought forward.</p>
<p>d) Environmental problems relevant to the plan or programme; and</p>	<p>No</p>	<p>The location of the neighbourhood plan area is entirely within the AONB however the plan does not allocate</p>

		<p>development</p> <p>Open spaces of local wildlife conservation importance, which are likely to be protected by the policies in the plan.</p> <p>The CNP sets a local policy framework for development proposals but does not specify particular locations for development. It is therefore considered that the policy framework will have a minimal environmental impact on the Neighbourhood Area.</p>
e) The relevance of the plan for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or waste protection).	No	The CNP has to be in general conformity with the Swindon Borough Local Plan 2026. The Local Plan has to have regard to European Community legislation on the environment and therefore this legislation will not be relevant for the Neighbourhood Plan.
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to -		
i. The probability, duration, frequency and reversibility of the effects.	No	Although no specific developments are proposed within the CNP some limited development is probable during the duration of the Plan, so an element of environmental change will take place. However, the policy framework, seeks to ensure any future development is in keeping with the character of the village, protects the rural environment and is sustainable in design.
ii. The cumulative nature of the effects.	No	The CNP policy framework seeks to protect the environmental assets of the parish which cumulatively are expected to have a neutral to positive effect on environmental assets
iii. The trans-boundary nature of the effects.	No	The CNP policy framework seeks to the effects of the Plan are small in nature and unlikely to have transboundary impacts to have a significant effect on

		neighbouring areas. Policies around Nature Recovery Network are likely to support a positive effect on transboundary matters regarding ecological networks.
iv. The risk to human health or the environment (e.g. due to accidents).	No	No risks to human health or the environment as a result of the policies proposed have been identified.
v. The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	No	The CNP is only concerned with development within the designated Neighbourhood Area, the potential for environmental impacts are likely to be limited and minimal. The geographical area covers xx and the size of the current population is xxx
vi. The value and vulnerability of the area likely to be affected due to: <ul style="list-style-type: none"> o Special natural characteristic or cultural heritage; o Exceeded environmental quality standards or limit values; o Intensive land-use. o The effects on areas or landscapes which have a recognised national, community or international protection status. 	No	In relation to the Natural Environment, the Neighbourhood Plan Area is located entirely within the North Wessex Downs AONB. The EIA Regulations identifies AONBs as 'sensitive areas' and therefore have highest value. Burderop Wood SSSI is located in the north west of the parish. In relation to the Historic and Cultural Heritage of the area, there are a number of listed buildings, three Conservation Areas (Hodson, Chiseldon, and Badbury) each supported by a Conservation Area Appraisal. The CNP is unlikely to adversely affect the value and vulnerability of the area in relation to its natural or cultural heritage, as it does not allocate any sites for development. It is likely to provide greater support to enhance the natural and cultural assets of the area.

4.9 Conclusion

- 4.10 On the basis of the SEA screening assessment as set out in Tables 1 and 2 above, it is concluded that the CNP will not have significant effects in relation to any of the criteria set out in schedule 1 of the SEA Regulations, and therefore, does not require an SEA.

5. Habitats Regulations Assessment

- 5.1 The Habitats Regulation Assessment (HRA) refers to the assessment required for any plan or project to assess the potential implications for European wildlife sites. Therefore, the HRA, looks at whether the implementation of the plan or project would harm the habitats or species for which European wildlife sites are designated. European wildlife sites are:
- Special Protection Areas (SPA) designated under the Birds Directive (79/409/ECC)
 - Special Areas of Conservation (SAC) designated under the Habitats Directive (92/43/EEC)
- 5.2 In addition to SPA and SAC sites, Ramsar sites are designated under the Ramsar Convention (Iran 1971 as amended by the Paris Protocol 1992). Although they are not covered by the Habitats regulations, as a matter of Government policy, Ramsar sites should be treated in the same way as European wildlife sites. The sites are collectively known as internationally designated wildlife sites.
- 5.3 This Screening Assessment relates to a Neighbourhood Development Plan that will be in general conformity with the strategic policies within the development plan (the higher-level plan for town and country planning and land use). This Screening Assessment uses the Habitats Regulations Assessment of Swindon Borough Council Local Plan 2026 as its basis for assessment. It also draws on the Habitats Regulation Assessment screening undertaken to support the Local Plan Review, which represents a recent screening exercise. From this, the Local Authority will determine whether the Chinnor Neighbourhood Development Plan Review II is likely to result in significant impacts on Natura 2000 sites, either alone or in combination with other plans and policies and, therefore, whether an 'Appropriate Assessment' is required.
- 5.3 The legislation sets out a process to assess the potential implications of a plan on internationally designated sites. The first stage of the process is a 'screening' exercise where the details of nearby internationally designated wildlife sites are assessed to see if there is the potential for the implementation of the Plan to have an impact on the site.
- 5.4 The screening assessment looks at the potential impact of the Plan on sites within 15km of the Neighbourhood Plan area.
- Pewsey Downs SAC
 - River Lambourn SAC
 - Kennet and Lambourn Floodplain SAC
 - North Meadow and Clattinger Farm SAC
- There are no SPAs or Ramsar sites within 15km.

5.5 The Swindon Borough Local Plan 2026 was subject to HRA during its production. This assessment looked at internationally designated sites within 15km of the Borough boundary. The HRA addendum report concluded: *'The policies, [in The Swindon Local Plan] were not likely to have adverse effects on the integrity of European sites, provided that the avoidance and mitigation measures recommended within the HRA Report were incorporated into the Local Plan'*. The HRA addendum goes on to state these recommendations were incorporated into the Submission Local Plan.

5.6 Scoping update

5.7 Since the HRA of the Local Plan 2026 was concluded, further HRA Scoping, Screening and Appropriate Assessment was undertaken to support the Local Plan Review 2036 (December 2019). This provides updated information relevant to protected sites. The Council will be commissioning a new HRA scoping in 2023/2024 to support the production of the new Local Plan. The outputs from the updates are not yet available. Consideration of matters identified through the Local Plan HRA process since the adoption of the Local Plan 2026 are covered below:

North Meadow SAC

- 5.8 The HRA report recognised two main areas of concern relating to the North Meadow Clattinger Farm SAC: Water Resources and Quality; and Atmospheric Pollution.
- 5.9 The HRA report stated: *'At North Meadow Clattinger Farm SAC, the river water levels are important in order to maintain ground water conditions and vegetation thus it was identified that impacts on hydrology from increased levels of abstraction have the potential for likely significant effects. However, the Environment Agency assessment of the site considered the site to be of a favourable condition and indicated the level of development proposed within the Plan period would not have an adverse effect on the water levels that support the sites integrity'*.
- 5.10 With regard to atmospheric (air) pollution the HRA Report stated *'The assessment concluded that air pollution in particular NO_x gases are a key concern if a road carrying a significant proportion of new traffic runs within 200 metres of the North Meadow Clattinger Farm SAC. The extension to the north and west of Swindon could increase traffic on the A419 however, the current conditions assessments for the site indicated that air pollution is not having an adverse effect on the site'*.
- 5.11 Since the adoption of the Local Plan 2026, Natural England have advised the Council that recreational pressures from visitors to the North Meadow site have increased and are now causing considerable damage to the wildlife value of the SAC. Work has been undertaken in 2022 to establish where visitors to the site are originating from. This has resulted in a 'Zone of Influence' of 9.4km from the North Meadow SAC, within which residential or holiday accommodation would be screened in for an appropriate assessment. Exceptions are listed should the plan or programme trigger the requirement of an EIA (based on Annex 1 or 2 of the SEA directive).

- 5.12 The neighbourhood plan area is beyond the 9.4km Zone of Influence and the neighbourhood plan does not proposed any triggering development therefore the neighbourhood Plan is screened out.
- 5.13 The CNP has to be in general conformity with the Swindon Borough Local Plan 2026, the CNP does not allocate sites, rather sets a local policy framework which seeks to ensure any development is in keeping with the rural character of the village. Therefore, the CNP does not allocate development beyond that identified in the Local Plan.
- 5.14 The outcomes from the Swindon Local Plan's HRA Report conclude that the CNP does not require an additional HRA assessment.

River Lambourn SAC

- 5.15 The River Lambourn SAC is currently subject to Nutrient Neutrality requirements. The Neighbourhood Plan area is not within the identified nutrient neutrality catchment for the River Lambourn SAC, and therefore can be screened out.

5.16 Conclusion

- 5.17 Policies would not result directly in development, and many instead set out criteria relating to development proposed under other policies which have been subject to HRA screening separately. As a result, there are no likely significant affects identified.

6. Conclusions

SEA

- 1.1 On the basis of the SEA screening Assessment set out in Tables 1 and 2 above, it is concluded that the CNP will not have significant effects in relation to any of the criteria set out in schedule 1 of the SEA Regulations, and therefore does not require a SEA.

HRA

- 1.2 It is identified there are internationally designated site within 15km of the Neighbourhood Plan Area, however the plan does not allocate sites and is in general conformity with the Swindon Borough Local Plan 2026, the CNP will not require a HRA.