

# Screening neighbourhood plans for strategic environmental assessment

A toolkit for neighbourhood planners

June 2016

## **Disclaimer**

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## Table of Contents

Disclaimer .....	2
Table of Contents.....	3
Introduction .....	5
Purpose of this toolkit .....	5
Do you need an SEA?.....	8
The Habitats Directive .....	8
Stage A: Screening .....	9
Preparing a screening report.....	10
What might a screening report look like? .....	10
What information should be in a screening report?.....	10
Plan characteristics .....	10
Effects and area characteristics .....	10
Determining significance .....	17
Seeking a screening opinion .....	19
When should the plan be screened?.....	19
What are the screening outcomes?.....	20
Who should you speak with?.....	21
What can your Local Planning Authority do to help? .....	22
Determination .....	23
What are the next steps? .....	23
Scoping.....	23
Glossary .....	26
Appendix A: Example screening report structure.....	32
Introduction .....	32
Legislative background.....	32
Screening process.....	32
Assessment.....	32
Conclusions .....	33



# Introduction

## Purpose of this toolkit

To be ‘made’, a neighbourhood plan must meet certain Basic Conditions. These include that the making of the plan “*does not breach, and is otherwise compatible with, EU obligations.*” One of these obligations is Directive 2001/42/EC ‘on the assessment of the effects of certain plans and programmes on the environment’.<sup>1</sup> This is often referred to as the strategic environmental assessment (SEA) Directive. The SEA Directive “*seeks to provide a high level of protection of the environment by integrating environmental considerations into the process of preparing plans and programmes.*” The SEA Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations (the ‘SEA Regulations’) and it is these regulations that the plan will need to be compatible with. A key stage in the neighbourhood planning process is determining whether or not SEA is required.

This toolkit sets out how neighbourhood groups, including Parish and Town Councils and Neighbourhood Forums, can conclude whether an SEA is required for their neighbourhood plan and the next steps it should take having made this determination. The process for deciding whether or not an SEA is necessary is referred to as ‘screening’. This document sets out a step-wise approach to screening a neighbourhood plan for SEA, possible formats to help document the screening process, a glossary of key terms, and resources and contacts to help neighbourhood planners through the screening process.

This toolkit has been drafted by AECOM for Locality. The contents of this toolkit reflect the regulatory requirements and the relevant components of the government’s Planning Practice Guidance (PPG) advice on SEA<sup>2</sup> for neighbourhood plans.

Throughout the document, key tips have been included in boxes like this one.

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<sup>1</sup> Environmental Assessment of Plans and Programmes Regulations 2004 (S.I. 2004/1633) available online at: [http://www.legislation.gov.uk/uksi/2004/1633/pdfs/uksi\\_20041633\\_en.pdf](http://www.legislation.gov.uk/uksi/2004/1633/pdfs/uksi_20041633_en.pdf)

<sup>2</sup> Available online at <http://planningguidance.communities.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/>

The content of a neighbourhood plan will be informed by a wide range of evidence. SEA where required, is a component of the evidence base (other evidence might include a household survey, a housing needs assessment or a flood risk assessment). SEA does not make decisions on plan content but assists neighbourhood planners to understand the environmental impacts of their proposals and tailor a plan's content accordingly. SEA can help to improve and hone the plan's objectives and policies and ensure that the plan promotes sustainable development. If an SEA is required, it should be clear, consistent, defensible, and compliant with the SEA Regulations and the PPG. This will help ensure that the neighbourhood plan meets the Basic Conditions and is considered robust by the independent examiner at the neighbourhood plan examination, thus enabling the plan to proceed to referendum.

SEA is a **process** with specific **outputs**. Failure to adhere to the process and generate the required outputs can put a plan at risk of legal challenge. The SEA Regulations set out a series of sequential steps that must be undertaken as part of any SEA. The PPG sets out a **six** stage process for undertaking SEA for a neighbourhood plan (see **Figure 1**). This toolkit covers Stages A 'screening' and touches on Stage B 'scoping' (highlighted by the purple dashed box in **Figure 1**).

This toolkit will take you through the process of determining whether your neighbourhood plan needs an SEA. It will:

- describe how to determine whether your plan needs SEA
- set out the types and sources of data that should be taken into account in reaching a decision as to whether or not SEA applies
- identify the organisations with which you should liaise to make a decision and the process that should be followed in engaging them
- explain how your Local Planning Authority (LPA) can help you in making a decision
- set out the next steps for SEA should one be required.

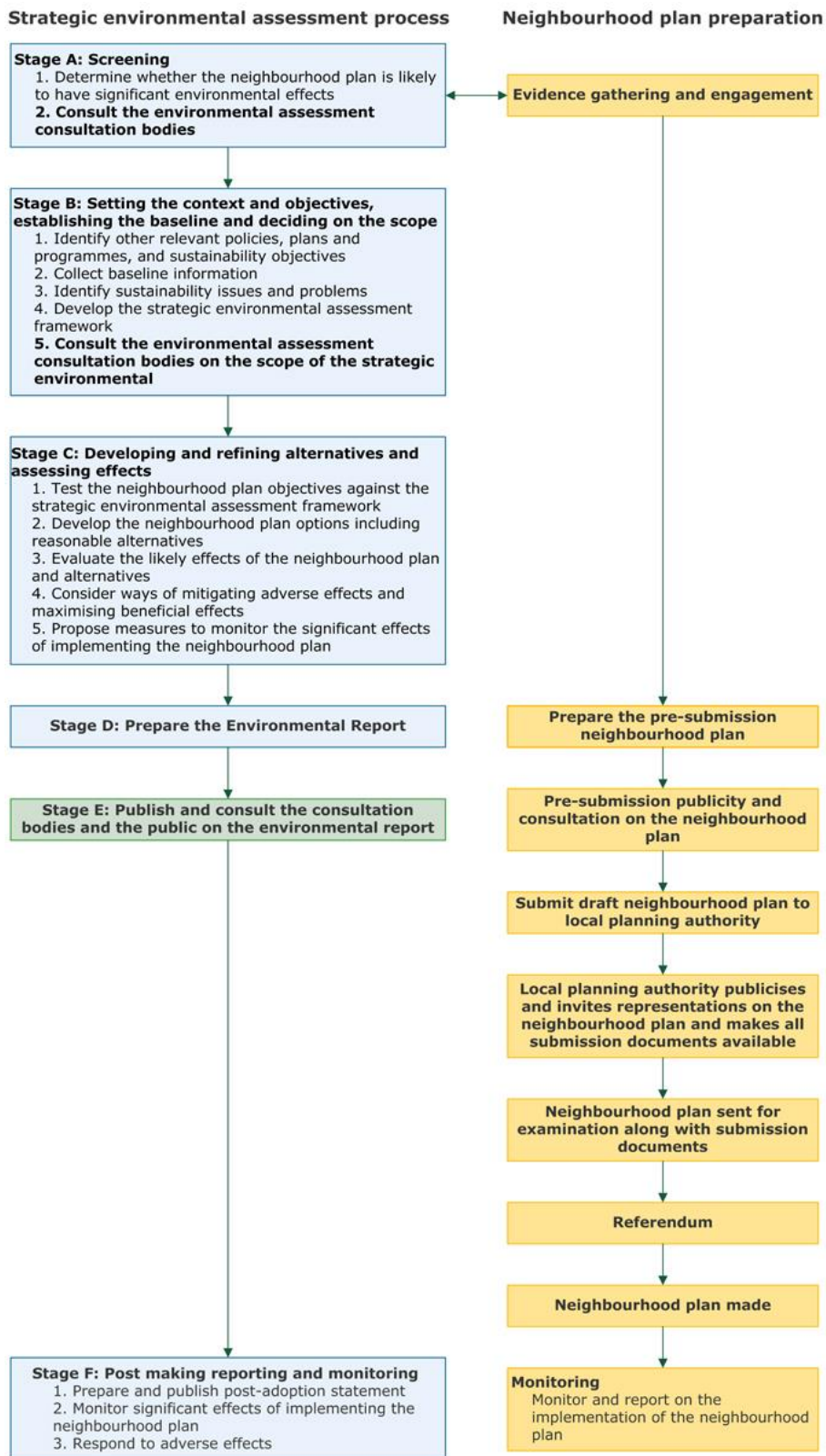


Figure 1: SEA process for neighbourhood plans<sup>3</sup>

## Do you need an SEA?

Not every neighbourhood plan needs SEA, however, it is compulsory to provide when submitting a plan proposal to the local planning authority, either:

- a **statement of reasons as to why SEA was not required**
- an **environmental report (a key output of the SEA process).**

As a general rule of thumb, SEA is more likely to be necessary if:

- a neighbourhood plan allocates sites for development (for housing, employment etc.) that haven't already been appraised through the sustainability appraisal (SA) of the relevant Local Plan)
- the neighbourhood plan area contains sensitive environmental assets that may be affected by the policies and proposals in the neighbourhood plan
- the neighbourhood plan is likely to have significant environmental effects not already addressed through the sustainability appraisal of the relevant Local Plan.

## The Habitats Directive

Another key obligation is Directive 92/43/EEC 'on the conservation of natural habitats and of wild fauna and flora', often referred to as the Habitats Directive. Under the 'Habitats Directive'<sup>4</sup>, an assessment referred to as an Appropriate Assessment must be undertaken if the plan in question is likely to have a significant effect on a European protected wildlife site i.e. if policies and proposals in the plan might impact on one or more European sites. The SEA Directive requires that if a plan or programme requires 'Appropriate Assessment' under the Habitats Directive, then that plan or programme will also require an SEA. However, neighbourhood plans cannot proceed if a risk of significant effects on a European site cannot be excluded on the basis of objective information (i.e. and therefore needs Appropriate

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<sup>3</sup> PPG paragraph 033. See: <http://planningguidance.communities.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/sustainability-appraisal-requirements-for-neighbourhood-plans/>

<sup>4</sup>Directive 92/43/EEC 'on the conservation of natural habitats and of wild fauna and flora' Available online at: [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0043\\_](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0043_)



Assessment). It is therefore advisable to check whether an assessment under the Habitats Directive is required by integrating it at the SEA screening stage.

## Stage A: Screening

Put simply there are three steps:

1. Prepare a screening report
2. Request a screening opinion from the consultation bodies in light of this report
3. In light of their responses, determine whether the plan is likely to have significant effects on the environment (and therefore require SEA).

There is sometimes ambiguity as to which organisation is responsible for ‘screening’, **Box 1** sets out to address this.

### Box 1: Who should screen the plan?

The SEA Regulations require the ‘responsible authority’ to ‘determine’ whether or not a plan is likely to have significant effects, and therefore whether SEA is needed. A screening determination will need to be produced by either the qualifying body (QB) or the Local Planning Authority. In some cases, the LPA may have a system in place under the ‘Duty to Assist’ provisions of the Localism Act, in other cases it might be left to the QB to undertake screening. The important points with regard to ‘who’ screens the plan are that:

1. The arrangements for screening (and responsibilities) are established as early as possible
2. The outcome of the screening determination is agreed by both the LPA and QB after consultation with the consultation bodies. This will avoid any conflicting views at a later stage in plan making.

See also [PPG paragraph 31 \[online\]](#)

## Preparing a screening report

### What might a screening report look like?

Screening information is often presented in a screening report but there is a lot of flexibility (e.g. they can be in the form of letters, emails, memorandums and so on). These can be structured in a number of ways; an example structure has been included in **Appendix A**).

### What information should be in a screening report?

When determining whether a neighbourhood plan requires SEA, the SEA Regulations require that the criteria set out in Schedule 1 of the SEA Regulations be considered. These are the criteria “*for determining the likely significance of effects on the environment*”. These criteria are split into two categories: those relating to the characteristics of the *plan* and those to the characteristics of the *effects* and *area* likely to be affected. These are set out below:

#### Plan characteristics

- 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
- the degree to which the plan or programme influences other plans and programmes including those in a hierarchy
- the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development
- environmental problems relevant to the plan or programme
- the relevance of the plan or programme for the implementation of [European] Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).

#### Effects and area characteristics

- the probability, duration, frequency and reversibility of the effects
- the cumulative nature of the effects
- the transboundary nature of the effects
- the risks to human health or the environment (for example, 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 protection status.

Note that the assessment of effects should be done in a **proportionate way** and it is acknowledged that at this stage there will be gaps in data. That should only be a problem if the gaps or uncertainties are such that it is not possible to reasonably assess the likely significant effects of a plan.

Enough information needs to be included that the consultation bodies can take a view on the likely significant effects of implementing the plan. The SEA Regulations set out a range of issues that **could** be addressed in the environmental report if SEA is required. These can serve as a useful starting point for structuring the assessment of likely significant effects e.g. what are the biodiversity assets in your neighbourhood area? These are:

- Biodiversity
- Population
- Human health
- Fauna
- Flora
- Soil
- Water
- Air
- Climatic factors
- Material assets
- Cultural heritage, including architectural and archaeological heritage

- Landscape
- The inter-relationship between the issues referred to above.

For the purposes of screening, it is worth undertaking a systematic review of these topics. The screening report should include a high level contextual understanding of the environmental issues in and **around** the neighbourhood plan area. This will not only be useful for the screening process, but will also help build knowledge of the local area, and of important data sources, e.g. Census data.

There are a wide range of data sources available - your Local Planning Authority and the consultation bodies can provide a large proportion of this. Links have been included below under the SEA issues as a starting point.

**Key tip: The use of maps, tables and graphs can be powerful in demonstrating a point.**

**Table 1: Sources of useful screening data**

Issue	Source
Biodiversity, fauna, and flora	Multiagency geographic information centre (MAGIC) <a href="http://magic.defra.gov.uk/">http://magic.defra.gov.uk/</a>
	Joint Nature Conservation Committee (JNCC) <a href="http://jncc.defra.gov.uk/page-5281">http://jncc.defra.gov.uk/page-5281</a>
	Local Planning Authority Biodiversity Action Plans
Population	Neighbourhood Statistics <a href="https://www.neighbourhood.statistics.gov.uk/">https://www.neighbourhood.statistics.gov.uk/</a>
	Nomis (Labour market statistics) <a href="https://www.nomisweb.co.uk/">https://www.nomisweb.co.uk/</a>
Human health	Joint Strategic Needs Assessment APHO Health Profiles <a href="http://www.apho.org.uk/default.aspx?QN=P_HEALTH_PROFILES">http://www.apho.org.uk/default.aspx?QN=P_HEALTH_PROFILES</a>
	Neighbourhood Statistics <a href="https://www.neighbourhood.statistics.gov.uk/">https://www.neighbourhood.statistics.gov.uk/</a>
Soil	Agricultural Land Classification (ALC) <a href="http://magic.defra.gov.uk/">http://magic.defra.gov.uk/</a>
Water	Environment Agency ‘water maps’ provides information on flood risk and groundwater. <a href="http://watermaps.environment-agency.gov.uk/wiyby/wiyby.aspx?topic=floodmap#x=357683&amp;y=355134&amp;scale=2">http://watermaps.environment-agency.gov.uk/wiyby/wiyby.aspx?topic=floodmap#x=357683&amp;y=355134&amp;scale=2</a>
	Water Resource Management Plans (WRMP) Catchment Abstraction Management Strategies (CAMS)
Air	Environment Agency (What’s in your backyard) <a href="http://maps.environment-agency.gov.uk/wiyby/wiybyController?x=357683.0&amp;y=355134.0&amp;scale=1&amp;layerGroups=default&amp;ep=map&amp;textonly=off&amp;lang=_e&amp;topic=floodmap">http://maps.environment-agency.gov.uk/wiyby/wiybyController?x=357683.0&amp;y=355134.0&amp;scale=1&amp;layerGroups=default&amp;ep=map&amp;textonly=off&amp;lang=_e&amp;topic=floodmap</a> Local Planning Authority Air Quality Monitoring

	Defra: <a href="http://uk-air.defra.gov.uk/aqma/">http://uk-air.defra.gov.uk/aqma/</a>
<b>Climatic factors</b>	Environment Agency (flooding) Defra (emissions data)
<b>Material assets</b>	What's in your backyard? <a href="http://maps.environment-agency.gov.uk/wiyby/wiybyController?topic=waste&amp;layerGroups=default&amp;lang=e&amp;ep=map&amp;scale=1&amp;x=357682.99999999994&amp;y=355133.99999999994">http://maps.environment-agency.gov.uk/wiyby/wiybyController?topic=waste&amp;layerGroups=default&amp;lang=e&amp;ep=map&amp;scale=1&amp;x=357682.99999999994&amp;y=355133.99999999994</a>
<b>Cultural heritage, including architectural and archaeological heritage</b>	Heritage assets <a href="https://historicengland.org.uk/listing/the-list/">https://historicengland.org.uk/listing/the-list/</a> Heritage at risk register <a href="https://historicengland.org.uk/advice/heritage-at-risk/">https://historicengland.org.uk/advice/heritage-at-risk/</a> <a href="http://historicengland.org.uk/advice/hpg/heritage-assets/">http://historicengland.org.uk/advice/hpg/heritage-assets/</a> <a href="http://www.heritagegateway.org.uk/gateway/">http://www.heritagegateway.org.uk/gateway/</a>
<b>Landscape</b>	Natural Character Areas (NCA) <a href="https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making/national-character-area-profiles">https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making/national-character-area-profiles</a>

### *Sensitive areas*

In developing an understanding of the environment in your area, you should make particular note of those areas that are particularly valuable or sensitive. For example, it is worth considering the sensitive areas identified through the EIA Regulations<sup>5</sup>, comprising:

- Natura 2000 sites
- Sites of Special Scientific Interest (SSSIs)
- National Parks
- Areas of Outstanding Natural Beauty
- World Heritage Sites

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<sup>5</sup> i.e. those sites and areas that should be considered 'sensitive' for the purposes of screening projects for Environmental Impact Assessment.

- Scheduled monuments<sup>6</sup>.

Other designations that should be considered in addition are listed in **Table 2**.

**Table 2: Potential environmental constraints / assets**

Type of area	Comments on sensitivity and establishing the significance of effects
<b>National Nature Reserve</b>	National Nature Reserves were established to protect some of England’s most important habitats, species and geology, and to provide ‘outdoor laboratories’ for research. NNRs are of national importance and represent an area which is among the best examples of a particular habitat. Consideration should be given both to likely effects on the biodiversity value of the National Nature Reserve and opportunities for research and visitor enjoyment.
<b>Biodiversity Action Plan Priority Habitat</b>	The local Biodiversity Action Plan (BAP) identifies a number of ‘priority habitats’ that are characteristic of an area and for which the area makes a significant contribution to the UK aims of the Biodiversity Action Plan. Consideration should be made to the location and extent of BAP Priority Habitats through screening. For example if extensive areas of BAP Priority Habitat are located close to existing settlement boundaries, this increases the risk of important habitats being lost through new development.
<b>Nationally listed buildings</b>	Nationally listed buildings listed are classed as Grade I, Grade II* or Grade II listed. Grade I buildings are of ‘exceptional interest’, Grade II* buildings are ‘particularly important buildings of more than special interest’ and Grade II buildings are of ‘special interest’. Grade I or II* are those of ‘outstanding architectural or historic interest’ and comprise only 8% of listed buildings in England. Whilst consideration of the fabric and setting of all listed buildings is appropriate through screening, likely effects on Grade I and Grade II* listed structures have the potential to be particularly significant.
<b>Buildings at risk</b>	Since 2008, Historic England has released an annual Heritage at Risk Register. The Heritage at Risk Register highlights the Grade I and Grade II* listed buildings, and scheduled monuments, conservation areas, wreck sites and registered parks and gardens in England deemed to be ‘at risk’. In some locations surveys of Grade II listed buildings have also been carried out. The listing of a structure on the ‘at risk’ register highlights a particular sensitivity of a site.

<sup>6</sup> <http://planningguidance.planningportal.gov.uk/blog/guidance/environmental-impact-assessment/screening-schedule-2-projects/interpretation-of-project-categories/>

<b>Conservation area</b>	Whilst conservations areas are locally designated, they typically represent important concentrations of key historic environment features and townscapes.
<b>Flood Zone 3a and 3b</b>	Flood Zone 3 represents land a 1 in 100 or greater annual probability of river flooding or a 1 in 200 or greater annual probability of sea flooding. Significant environmental effects may occur from a neighbourhood plan, particularly where potential development areas are heavily constrained by flood risk zones.
<b>Air Quality Management Area</b>	Air Quality Management Areas are designated because they are not likely to achieve national air quality objectives. Pollutants can include emissions of Particulate Matter or nitrogen dioxide from transport sources or sulphur dioxide from industrial activities. In practice neighbourhood plans have the most potential to affect air quality through effects on road transport.
<b>The best and most versatile agricultural land</b>	The Agricultural Land Classification classifies land into six grades (plus 'non-agricultural' and 'urban'), where Grades 1 to 3a are the 'best and most versatile' land and Grades 3b to 5 are of poorer quality. Consideration should be made to the location of Grade 1 to 3a land in respect to potential development areas. Grade 1 land is the most valuable agricultural land. The likely significance of effects on such land may be influenced in part on the local availability of the best and most versatile agricultural land.
<b>Source Protection Zones</b>	Source Protection Zones for groundwater sources such as wells, boreholes and springs used for public drinking water supply have been designated by the Environment Agency. These zones show the risk of contamination from any activities that might cause pollution in the area. [Generally, the closer the activity, the greater the risk. Three main zones (inner, outer and total catchment) have been applied to groundwater sources with a fourth zone of special interest occasionally applied. An Inner zone (Zone 1) is defined as the 50 day travel time from any point below the water table to the source. This zone has a minimum radius of 50 metres. Through the consideration of the presence of Source Protection Zones, consideration should be made to the likelihood of neighbourhood plan activities contaminating groundwater sources.



Whilst the above locations, features and areas are key ones to consider through SEA screening, the above list is not exhaustive and other locations with sensitivity could be considered. These could include (for example):

- Locally designated nature conservation sites, for example, Local Wildlife Sites, County Wildlife Sites, Sites of Importance for Nature Conservation, Sites of Nature Conservation Importance and others
- Local Nature Reserves
- Areas of high archaeological potential
- Locations where air quality is monitored due to potential exceedances air quality objective
- Areas with surface water flooding issues.

### Determining significance

Once data on the environmental constraints and assets in the area has been gathered, it is then possible to determine whether there would be any likely significant effects (positive and / or negative) on the environment. Generally speaking, significance is an outcome of the characteristics of the impact of the policy or plan, such as its 'scale', and the 'sensitivity' of the area in which the impact is felt. It will be important at this stage to have a sufficient understanding of what the contents of the plan will be. It will generally not be necessary to have a 'draft' plan with policy wording and so on but there must be sufficient information available to anticipate the likely content of the plan or its likely intent (e.g. will it allocate development sites or not?) in order to properly assess the likelihood of significant effects. Examples of information that could be used to help screen a plan could include:

- *Plan vision and objectives* - these set out the overall aim and specific goals the plan will work towards. As such, they may provide a sufficient basis to determine whether or not the plan would be likely to give rise to significant environmental effects
- *the long-list of sites to be considered for inclusion in the plan (this list could be derived from the LPA's Strategic Housing Land Availability Assessment or a 'call for sites')* - the potential impact of new development on these sites for sensitive areas could help

determine whether or not the plan would be likely to give rise to significant environmental effects.

The reality is that the relationship between a plan and sensitive locations is complex. It is not simply a question of whether or not a sensitive location is in or adjacent to the neighbourhood area.

## Box 2: Using the EIA to help screen the plan

The EIA Regulations include some thresholds under which development proposals do not need to be screened to determine whether an EIA should be required. These could be used as a starting point in assessing the significance of effects. In the case of ‘urban development’ projects need to be screened to determine whether EIA is required where:

- (i) The development includes more than 1 hectare of urban development which is not dwelling house development
- (ii) the development includes more than 150 dwellings
- (iii) the overall area of the development exceeds 5 hectares.

Under these thresholds there is no obligation to screen urban development projects for EIA. In terms of neighbourhood plans, these thresholds could be used as a guide to whether the plan is likely to have significant effects. It is, however, advisable to treat these thresholds as totals e.g. the areas / quantum should be considered cumulatively. For example, if a plan were seeking to allocate one, 5ha site then the plan is more likely to have significant effects. Similarly, should a plan propose two, 2.5ha sites then the plan would be more likely to have significant effects. However, it may be that the distances between sites mitigate for any cumulative effects - this would need to be explained in the screening report.

When screening, evidence should be gathered outside the neighbourhood area boundaries as some effects of the plan may not affect just the plan area. For example, the allocation of a site of around 200 dwellings might not have an effect on air quality within the neighbourhood plan area, but if an AQMA 2km distant experienced a significant increase in traffic as a result of the development, this could be a significant effect. Bearing this in mind, we suggest that, as a general rule, the responsible authority establishes a 5km 'area of search' when screening to determine whether the effects of the plan are likely to affect areas outside the plan area. This may need to be altered according to local circumstances.

## Seeking a screening opinion

The screening report should be sent to the consultation bodies<sup>7</sup> for their opinion prior to a determination being made. There is no timescale set out in the SEA Regulations for this consultation period; a period of **five weeks** is generally considered to be a suitable timeframe given other consultation provisions within the SEA Regulations (e.g. the five week consultation period on the scope of the assessment). This timescale will depend on the circumstances; where a shorter period is considered, the duration should be agreed with the consultation bodies in advance.

### When should the plan be screened?

The neighbourhood plan should be screened as soon as there is sufficient information available to consider whether the proposed content of the plan or its likely intent (e.g. will it allocate development sites or not?) are likely to lead to significant effects. This is important as the SEA Regulations set out certain requirements that need to be met which have a bearing on the timetable for plan preparation. Screening a plan relatively early in its development will mean that, should an SEA be required, there is sufficient time to factor in the procedural steps required for SEA prior to the draft plan being consulted on (Neighbourhood Planning Regulation 14). Clearly, there will need to be sufficient information about a plan's proposed content in for screening to be properly carried out.

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<sup>7</sup> Historic England, Natural England and the Environment Agency (see P19 for further information)

At an early stage, the plan-makers are likely to know the content or intent of the plan; whether or not sites will be allocated and or whether housing numbers above those in the local plan will be proposed (these are two important factors to consider in determining whether a plan is likely to have significant effects).

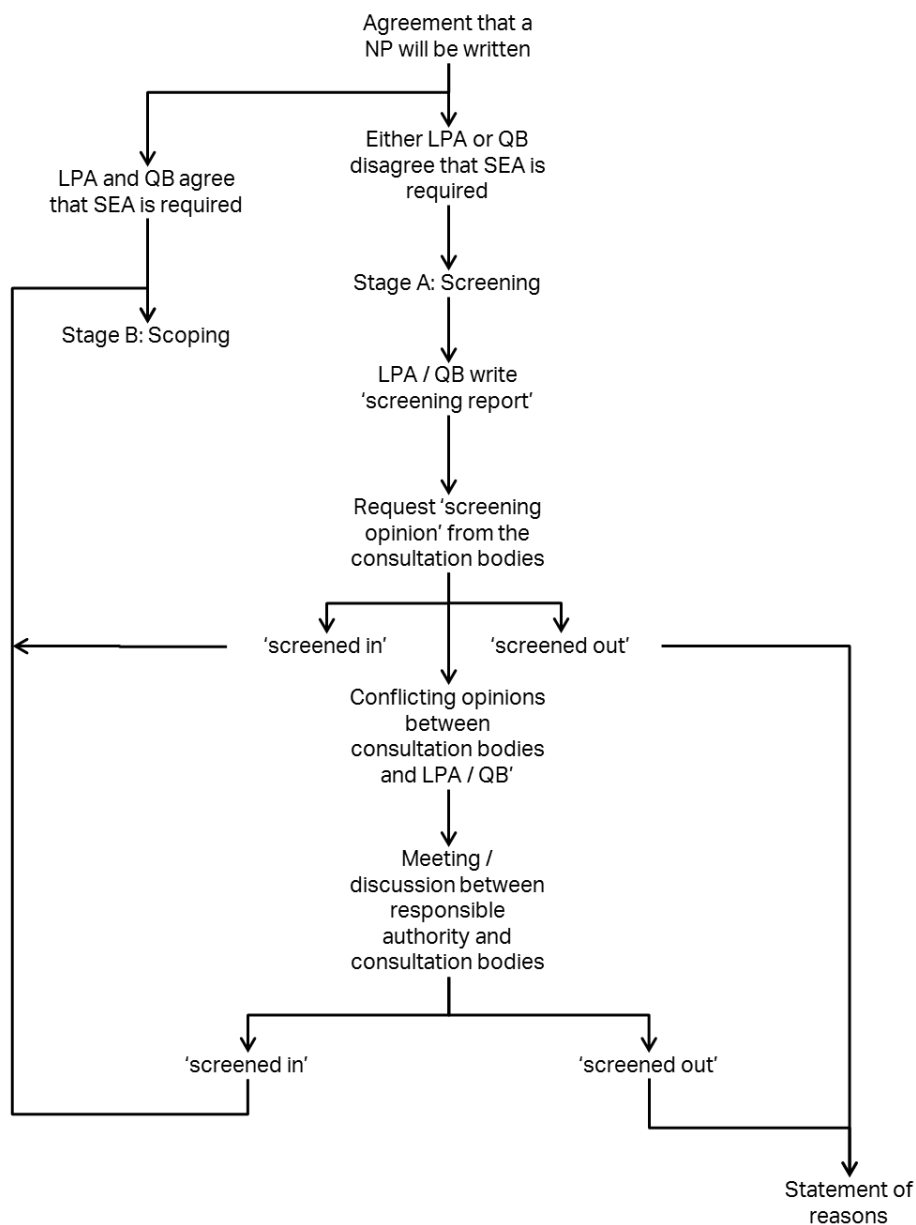
It would, of course, also be acceptable to screen the plan at a later date, e.g. a draft plan, and there may be cases where there is insufficient information to properly screen until then point. However there may be repercussions should SEA be required i.e. a significant delay to publishing the pre-submission plan.

#### **What are the screening outcomes?**

There are a range of scenarios that can be ‘played-out’ in determining whether or not the plan will require an SEA. There are however only two outcomes: screened in (the plan requires an SEA) or screened out (the plan does not require an SEA). **Figure 2** provides an illustration of likely scenarios and outcomes.

**Key tip: Screen your plan prior to pre-submission consultation.**

**Keep the plan under review and screen again should the plan change in scope slightly.**



**Figure 2: Screening scenarios**

### Who should you speak with?

The LPA has a wealth of information about your neighbourhood area. This can include information on statutory designations, local designations (e.g. local wildlife sites) and planning constraints (e.g. Green Belt) pending planning applications and planning permissions. There is also likely to be a planning officer that deals with sustainability appraisal (SA) and SEA who might be a good guide through the process.

The SEA consultation bodies can also provide a wide range of assistance and data:

- *Natural England*<sup>8</sup> - the government's adviser for the natural environment in England, helping to protect England's nature and landscapes for people to enjoy and for the services they provide. Contact them for details on nature conservation designations.
- *Environment Agency*<sup>9</sup> (EA) - the EA works to create better places for people and wildlife, and support sustainable development. Contact them for data related to flood risk, water quality, pollution (air and water), waste and environmental regulation, biodiversity and fisheries
- *Historic England*<sup>10</sup> - the government's statutory adviser on all matters relating to the historic environment in England. They champion and protect historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.

Other bodies that are worth contacting include:

- Water companies
- Local wildlife trusts.

### What can your Local Planning Authority do to help?

LPAs have a statutory duty (the 'duty to support') to *"give such advice or assistance to parish councils and designated Neighbourhood Forums as in all the circumstances, they consider appropriate for the purpose of, or in connection with facilitating the preparation of Neighbourhood Development Plans"*.<sup>11</sup> There is a wide range of ways in which the LPAs can assist qualifying bodies.

It is important that whatever approaches are adopted that they are: **consistent**, **proportionate** and **accessible**, the PPG states that: *"The local planning authority should discuss the steps that the qualifying body needs to take and what needs to be produced in order to comply with*

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<sup>8</sup> See: <https://www.gov.uk/government/organisations/natural-england>

<sup>9</sup> See: <https://www.gov.uk/government/organisations/environment-agency>

<sup>10</sup> See: <https://historicengland.org.uk/>

<sup>11</sup> Schedule 4B of the 1990 Act

*the Environmental Assessment of Plans and Programmes Regulations 2004 as part of meeting its duty to advise or assist the qualifying body with neighbourhood planning.”<sup>12</sup>*

In the first instance, you should contact your LPA link officer to be clear on the process for your area and what assistance is in place to help you with your plan / SEA.

## Determination

Once the consultation period with the consultation bodies is over, a determination can be made. A statement of reasons should be written and made available once the determination has been made. A notice of the determination will need to be available for public access within 28 days of the date of the determination (in line with SEA Regulation 11). Should the determination be ‘negative’ then a statement of reasons will need to be prepared to submit to the LPA alongside the submission plan.

## What are the next steps?

Should SEA be required for your plan you will need to proceed to Stage B ‘Scoping’. If SEA is not required you should review the responses from the consultation bodies to determine whether there are any pieces of work required to support the evidence base for your plan e.g. heritage assessments, landscape impact assessments, strategic flood risk assessments and so on.

## Scoping

Scoping is the process of agreeing the scope and level of detail of the information to go in an environmental report. The outcome of scoping is often an agreed evidence base and SEA ‘framework’ of objectives and, in some cases, sub-objectives that are used as the basis for the assessment of the neighbourhood plan.

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<sup>12</sup> PPG paragraph 31. See: <http://planningguidance.communities.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/sustainability-appraisal-requirements-for-neighbourhood-plans/>

The format of the scoping information is not as important (i.e. it could be a letter or a more formal 'report') as the content. It is important that the relevant information is contained within the scoping report as the successful examination of the neighbourhood plan can depend on it (see Stage B in **Figure 1**).

### Box 3: SEA and sustainability appraisal

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal. However, a qualifying body must demonstrate how its plan or order will contribute to achieving sustainable development. A sustainability appraisal may be a useful approach for doing this and the guidance on sustainability appraisal of Local Plans should be referred to.

The key points to consider when undertaking the scoping stage are:

1. **Is the scope proportionate?** The screening stage (if completed) can provide a useful guide as to the important issues. For example, if flood risk or heritage assets have not been considered significant issues, do they need to be within the scope of the SEA? If issues are 'scoped out, be sure to justify the reasons for this.
2. **Be locally specific:** By all means use objectives from higher level assessments or appraisals (e.g. the sustainability appraisal for the Local Plan) but use them as a basis. These will have been developed for a much larger area and as such may not be detailed enough. Refine them to reflect local circumstances.
3. **Consult for five weeks:** The SEA Regulations require that the consultation bodies be given five weeks to comment on the scope of the assessment. This is a legal requirement and as such you should be sure that it is met.





## Glossary

Term	Explanation
Appropriate Assessment	Legal term used in the Habitats Directive and the Conservation of Habitats and Species Regulations 2010 to indicate what a competent authority must do where a plan or project is screened ‘in’ for further appraisal. It forms one part of the HRA and <u>may</u> follow on from the screening stage. Note that a neighbourhood plan cannot progress to appropriate assessment as demonstration of likely significant effects on European sites would not meet the Basic Conditions.
Area of Outstanding Natural Beauty	An area of high scenic quality which has statutory protection in order to conserve and enhance the natural beauty of its landscape. They have the same planning protection as National Parks but different purposes without a statutory duty to promote outdoor recreation.
Basic conditions	A set of requirements that a neighbourhood plan or Order needs to meet in order for the Plan or Order to proceed to referendum and be made.
SEA consultation body	In England, these are the Environment Agency, Historic England and Natural England for the purposes of SEA. The consultation bodies are statutory consultees at the screening, scoping and environmental report stages of SEA.
Designated heritage asset	A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden or Registered Battlefield
Designated site	In this document, reference to Designated sites should be taken to include European Sites ((i.e. Special Areas of Conservation (SACs) and Special Protection Areas (SPAs)); Wetlands of International Importance (Ramsar sites);

	European Marine Sites (EMSs)) Marine Conservation Zones (MCZs) and Sites of Special Scientific Interest (biological and /or geological SSSIs).
Environmental impact assessment	A procedure to be followed for certain types of project to ensure that decisions on whether to grant development consent (e.g. planning permission) are made in light of an assessment of any likely significant effects on the environment. Evidence is presented in the form of an Environmental Statement (ES)
Environmental report	The report that documents the assessment of the draft Plan and accompanies the draft Plan for pre-submission consultation. The environmental report needs to contain certain information as set out in Schedule 2 to the SEA Regulations 2004.
European site (sometimes known as ‘Natura 2000’ sites / network)	This includes candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation and Special Protection Areas, and is defined in regulation 8 of the Conservation of Habitats and Species Regulations 2010.
Habitats Regulations Assessments (HRA)	This is a general term used for convenience which describes the full step-wise process required in making assessments of the impacts on European sites under the Conservation of Habitats and Species Regulations 2010, including the steps of screening for likely significant effects and making appropriate assessments (AA).
Heritage Asset	A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).

Local Plan	The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. Current core strategies or other planning policies, which under the regulations would be considered to be development plan documents, form part of the Local Plan. The term includes old policies which have been saved under the 2004 Act.
Made	A neighbourhood plan is made by the Local Planning Authority once it has successfully gone through referendum. Once made, the neighbourhood plan becomes part of the statutory development plan.
National Planning Policy Framework (NPPF)	The Framework sets out the government's national planning policies and how they are expected to be applied in plans and planning decisions.
National planning practice guidance (PPG)	Planning practice guidance web-based resource. Important information for any user of the planning system can be found here.
Neighbourhood Development Plan	A plan prepared by a Parish / Town Council or Neighbourhood Forum for a particular neighbourhood area which, when made by the local planning authority, forms part of the statutory Development Plan. This is commonly referred to as the 'neighbourhood plan'
Priority habitat and species	Species and Habitats of Principle Importance included in the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006.
Protected landscapes	Protected landscapes refer to the statutory designations; Areas of Outstanding Natural Beauty (AONBs),the Broads

	Authority and National Parks (NPs), and the non-statutory areas encompassed by the Heritage Coasts
Ramsar sites	Wetland sites of International Importance, which were designated under the Ramsar Convention and are treated in the same way as European sites as a matter of government policy.
Sensitive locations	For the purposes of this toolkit, those locations which have particular environmental sensitivity.
Sequential test	The Sequential Test ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding. The flood zones as defined in a Strategic Flood Risk Assessment for the area provide the basis for applying the Test. The aim is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding), applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.
Setting of heritage asset	The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an

	asset, may affect the ability to appreciate that significance or may be neutral.
Significant effects	Effects that, for the purposes of the SEA Regulations 2004 (Schedule 1) are considered to be significant.
Sites of special scientific interest (SSSI)	A suite of sites, representing some of the best wildlife and geology, designated under the Wildlife and Countryside Act 1981 (as amended), and subject to national level legal protection.
Special Area of conservation (SAC)	An area given special protection under the EU Habitats Directive, providing increased protection for a variety of habitats, animals and plants.
Special protection area (SPA)	An area given special protection under the EU Birds Directive, by virtue of its international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within the European Union
Statement of reasons	Where it is determined that the plan is unlikely to have significant environmental effects (and, accordingly, does not require a strategic environmental assessment), a statement of reasons for the determination should be prepared.
Strategic environmental assessment	A procedure (set out in the SEA Regulations) which requires the environmental assessment of certain plans and programmes which are likely to have a significant effect on the environment.
Strategic Flood Risk assessment	A study carried out by one or more local planning authorities to assess the risk to an area from flooding from all sources, now and in the future, taking account of the impacts of climate change, and to assess the impact that land use changes and development in the area will have on flood risk.
Sustainable development	International and national bodies have set out broad principles of sustainable development. Resolution 42/187 of

	<p>the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The UK Sustainable Development Strategy Securing the Future set out five ‘guiding principles’ of sustainable development: living within the planet’s environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.</p>
Sustainability appraisal	<p>This is a process, integrated with Local Plan preparation, which appraises the social, environmental and economic effects of a plan, and options (alternatives) are appraised from the outset. It should inform decision making by providing information on the effects of options with a view to establishing the most sustainable option and help to demonstrate that the final plan is most appropriate given the reasonable alternatives. It is required that sustainability appraisal for Local Plans integrate the requirements of SEA.</p>

## Appendix A: Example screening report structure

### Introduction

Key information on the emerging neighbourhood plan:

- Vision
- Aims
- Objectives
- Neighbourhood area
- Draft policies (if available)
- Sites being considered (if available).

### Legislative background

A brief description of the requirements of the SEA Regulations and Habitats Regulations in regard to neighbourhood plans.

### Screening process

A description of the responsibilities and methodology of the screening process.

### Assessment

Consideration of likely significant effects, using the criteria from Schedule 1 of the SEA Regulations for each of the SEA issues:

- Biodiversity
- Population
- Human health
- Fauna
- Flora
- Soil
- Water
- Air
- Climatic factors
- Material assets
- Cultural heritage, including architectural and archaeological heritage



- Landscape

## Conclusions

A statement setting out why the plan does / does not require SEA.

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