

Neighbourhood Planning

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Screening Neighbourhood Plans for Strategic Environmental Assessment

A toolkit for neighbourhood
planners

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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 relates to Directive 2001/42/EC 'on the assessment of the effects of certain plans and programmes on the environment'.

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 English law through the Environmental Assessment of Plans and Programmes Regulations (the 'SEA Regulations')¹ and it is these regulations that the plan will need to be compatible with.

Box 1: Brexit and SEA requirements

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.

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.

A key stage in the neighbourhood planning process is determining whether or not SEA is required. This toolkit sets out how Local Planning Authorities (LPAs) in the first instance, and, where appropriate, neighbourhood groups, including Parish and Town Councils and Neighbourhood Forums, can determine whether

¹ Environmental Assessment of Plans and Programmes Regulations 2004 (S.I. 2004/1633) available online at: www.legislation.gov.uk/ukSI/2004/1633/contents/made

an SEA is required for their Neighbourhood Plan. The process for deciding whether or not an SEA is necessary is referred to as ‘screening’.

This document, which applies to Neighbourhood Plans in England, sets out a step by step approach to screening a Neighbourhood Plan for SEA, possible formats to help document the screening process, a glossary of key terms, and resources to help neighbourhood planners through the screening process.

This toolkit has been prepared by AECOM for Locality. The contents of the toolkit reflect the regulatory requirements and the relevant components of the Government’s Planning Practice Guidance advice on SEA² for Neighbourhood Plans as most recently revised, on 15th July 2020.

This document updates the previous SEA screening toolkit produced in 2016 to include:

- updated text to reflect changes in national planning policy and guidance, including the updated [National Planning Policy Framework³ \(NPPF\)](#) and [Planning Practice Guidance⁴](#) (PPG);
- additional information on when and by whom screening should be undertaken; and
- additional guidance on determining when effects may be significant.

If you are new to neighbourhood planning, you are encouraged to read the [Neighbourhood Planning Roadmap](#). This sets out in a step-by-step guide the process of preparing a Neighbourhood Plan.

² Available online at: www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal#strategic-environmental-assessment-requirements-for-neighbourhood-plans

³ The Government’s overarching planning policy document which sets out planning policies for England and how these are expected to be applied.

⁴ A web-based resource which brings together planning guidance on various topics into one place; it adds further context to the NPPF and it is intended that the two documents are read together.

SEA and Neighbourhood Plans

The content of a Neighbourhood Plan will be informed by a wide range of evidence. SEA, where required, can provide a key component of the evidence base (other evidence might include, for example, a household survey, a housing needs assessment or a site assessment).

SEA, where required, can play an important and proactive role in plan making. It 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 play a central role in helping to improve and hone the plan's policies to help ensure that potential environmental effects are avoided or mitigated, and that opportunities for enhancing the environment (and the quality of life of residents) can be fully realised. In this respect an effective SEA process, when a Neighbourhood Plan is screened in as requiring SEA, can be a key means of ensuring that the plan promotes sustainable development.⁵

If SEA is required, it should be carried out in accordance with the SEA Regulations and PPG, which should make it clear, consistent and defensible. 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 documents that are consulted on and considered through the decision-making process. Failure to adhere to the process and generate the required documents may increase the risk of successful legal challenge to the adoption of that plan.

The SEA Regulations set out a series of sequential steps that must be undertaken as part of any SEA. The PPG reflects these in a six-stage process for undertaking SEA for a Neighbourhood Plan (see **Figure 1**). This toolkit covers Stage A 'screening' and touches on Stage B 'scoping'. This toolkit will take you through the process of determining whether your Neighbourhood Plan needs SEA. It:

- sets out how to determine whether the plan needs SEA;
- discusses when screening should be undertaken, and by whom;
- sets out the types and sources of data that should be taken into account in reaching a decision as to whether or not SEA applies;
- highlights the types of neighbourhood plans which are more likely to be screened in as requiring SEA;

⁵ One of the Basic Conditions for a Neighbourhood Plan to meet is that it contributes to the achievement of sustainable development.

- identifies the organisations to be liaised with when making a screening decision and the process for engaging them; and
- sets out the next steps for SEA should one be required.

Figure 1: SEA process for Neighbourhood Plans⁶



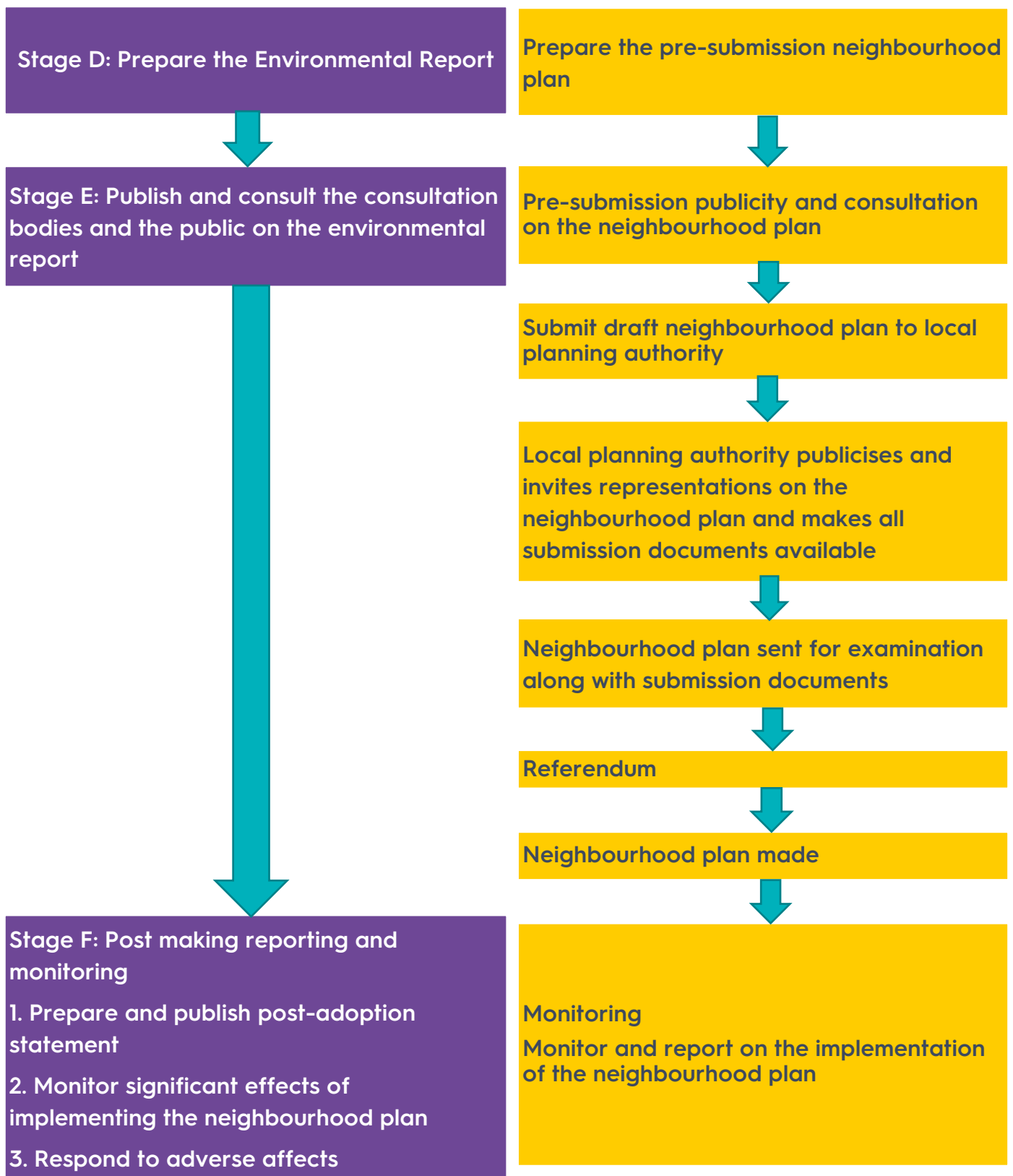


Figure 1: SEA process for Neighbourhood Plans⁶

⁶ PPG paragraph 033. See: <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal#Strategic-environmental-assessment-process>

Does your Neighbourhood Plan need SEA?

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

- a statement of reasons as to why SEA was not required; or
- an Environmental Report (a key output of the SEA process).

As a rule of thumb, SEA is more likely to be necessary if both of the following two elements apply:

- a Neighbourhood Plan allocates sites for development (for housing, employment etc.); **and**
- the neighbourhood area contains sensitive environmental assets (e.g. a Site of Special Scientific Interest (SSSI) or an Area of Outstanding Natural Beauty (AONB)) that may be affected by the policies and proposals in the Neighbourhood Plan.

In light of these two considerations, it is very unlikely that a Neighbourhood Plan would require SEA if the plan is not allocating land for development. This is because allocating land for development is more likely to generate physical changes which lead to significant effects.

The Habitats Regulations

Another element of the Basic Conditions relates to 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 Regulations which implement the Directive, 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.

The SEA Directive requires that if an eligible plan or programme requires an appropriate assessment under the Habitats Directive⁷, then that plan or programme will also require an SEA. It is therefore advisable to check whether an assessment under the Habitats Regulations is required by undertaking HRA screening at the same time as screening for SEA.

⁷ For PPG guidance, see: <https://www.gov.uk/guidance/appropriate-assessment>

Overview of screening steps

There are three recommended steps in the screening process:

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

Who should screen a Neighbourhood 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 required.

In most instances the LPA should undertake SEA screening for a Neighbourhood Plan. This is because the LPA will ultimately be responsible for ensuring that the SEA requirements have been met prior to the Neighbourhood Plan being made.

The LPA will also in most cases be best placed to make a screening determination, given its access to environmental information, its understanding of strategic-level planning issues and access to expertise.

When should a Neighbourhood Plan be screened?

For the SEA to be an effective process which adds significant value to plan making, it is vital that a Neighbourhood Plan is screened at the appropriate time.

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.

If a plan is screened relatively early in its preparation and SEA is determined to be required, this early start will ensure that there is sufficient time for the environmental assessment to properly inform the development of the Neighbourhood Plan. It is also 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 SEA be required, there is sufficient time to factor in the procedural steps required for SEA prior to the draft plan being consulted on (under Neighbourhood Planning Regulation 14). At the independent examination, the examiner will also consider whether plan making has been effectively informed by the SEA process.

Clearly, there will need to be sufficient information about a plan's proposed content or intentions for screening to be properly carried out. However, a full draft plan with policies does not need to be available for a screening determination to be made. If a neighbourhood area has significant environmental constraints, and the Neighbourhood Plan is exploring options for allocating sites in locations with the potential to affect these constraints, then a full draft plan should not be required before screening. Screening should be undertaken as early as feasible, and well in advance of the development of the pre-submission 'Regulation 14' consultation version of the Neighbourhood Plan. If necessary, a plan can be rescreened if the likely effects of the Neighbourhood Plan change significantly.

Screening a Neighbourhood Plan late undermines the effectiveness of any SEA process subsequently undertaken, and can have implications for the timescales for the Neighbourhood Plan itself.

A key message is therefore: SEA screening should be undertaken at the earliest opportunity to enable any subsequent SEA process to effectively inform the development of the Neighbourhood Plan.

Box 2: Can a Neighbourhood Plan be revised to avoid the requirement to undertake SEA?

The Government is keen for Neighbourhood Plans to be positively prepared, such that they are both aspirational and deliverable. To achieve this, the Neighbourhood Plan should be underpinned by a robust evidence base which supports the key choices made and the approach taken.

In light of this, an SEA which is required for a Neighbourhood Plan should not be seen as an unnecessary burden which should be avoided where possible. Instead, a timely and effective SEA process will help ensure that a variety of approaches can be considered for plan making, appropriate avoidance and mitigation measures can be put in place where negative effects may arise, and opportunities for environmental enhancements can be effectively explored.

This will help address potential concerns relating to, for example, the setting and fabric of the historic environment, impacts on landscape character, or impacts on wildlife. In doing so it will provide reassurance to the consultation bodies (the Environment Agency, Historic England and Natural England) that environmental considerations have been appropriately considered through plan making.

In this respect, whilst a Neighbourhood Plan can be revised to avoid the requirement to undertake SEA, it should be recognised that undertaking a timely SEA process can, where required, help ensure that the potentially difficult choices to be made through the Neighbourhood Plan can be supported by a robust and defensible evidence base.

Preparing a screening report

What might a screening report look like?

Screening information is often presented in a screening report but can also be presented in the form of a letter, memorandum 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; and
- the relevance of the plan or programme for the implementation of retained EU law 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 (note, this is very unlikely to be applicable in the context of a Neighbourhood Plan);
- 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; or
 - of intensive land-use; and

- the effects on areas or landscapes which have a recognised national, Community or international protection status.

It should be noted that the assessment of effects and their characteristics should be undertaken in a proportionate way and it is acknowledged that, at this stage, there may be gaps in data. This is unlikely to be a problem as any gaps and uncertainties in the data do not impede the ability to assess whether the plan is likely to have significant environmental effects.

Enough information needs to be included in the screening report to allow the consultation bodies to 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 in the screening report. The issues are:

- | | |
|--|-------------------|
| • Biodiversity, flora and fauna | • Population |
| • Human health | • Landscape |
| • Water | • Soil |
| • Climatic factors | • Air |
| • Cultural heritage, including architectural and archaeological heritage | • Material assets |
| • The inter-relationship between the issues referred to above | |

For the purposes of screening, it is appropriate to undertake a systematic review of these issues. The screening report should include a high-level contextual understanding of the environmental issues in and around the neighbourhood area. This will not only be useful for the screening process but will also help the reader build knowledge of the local area, and of important data sources. Information presented at screening should however be proportionate, and directly relate to the determination of whether an SEA is likely to be required.

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

Sources of data

There are a wide range of data sources available to support effective screening. Links have been included below under each SEA issue as a starting point.⁸

Table 1: Sources of useful screening data

SEA issue	Source
Biodiversity, fauna and flora	Multiagency geographic information centre (MAGIC): to view the location of Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Ramsar sites, SSSIs (and SSSI Impact Risk Zones), National Nature Reserves, Local Nature Reserves, ancient woodland and Priority Habitats. http://magic.defra.gov.uk/
	Joint Nature Conservation Committee (JNCC) http://jncc.defra.gov.uk
	Local planning authority Biodiversity Action Plans
Population	Neighbourhood Statistics www.neighbourhood.statistics.gov.uk
	Nomis (Labour market statistics) www.nomisweb.co.uk/
	Index of Multiple Deprivation statistics (2019) www.gov.uk/guidance/english-indices-of-deprivation-2019-mapping-resources
Human health	Joint Strategic Needs Assessment Public Health England - Health Profiles: to show the key health issues for the area. http://fingertips.phe.org.uk/profile/health-profiles

⁸ Information held by the local authority and used in the preparation of Local Plans is often the starting point for Neighbourhood Plans or Neighbourhood Development Orders, depending on how relevant and up to date the information is, and can be a key information source for screening.

SEA issue	Source
	Neighbourhood Statistics www.neighbourhood.statistics.gov.uk
Soil	Agricultural Land Classification (ALC) to view the Post 1988 ALC Map for England http://magic.defra.gov.uk
	Natural England's Regional Agricultural Land Classification Maps and Likelihood of Best and Most Versatile Land Classification Maps http://publications.naturalengland.org.uk/category/5954148537204736
Water	Environment Agency 'water maps' provides information on flood risk and groundwater https://www.gov.uk/guidance/groundwater-source-protection-zones-spzs https://flood-map-for-planning.service.gov.uk/
	Environment Agency Catchment Data Explorer provides information on the quality of watercourses https://environment.data.gov.uk/catchment-planning/
Air	Air Quality Monitoring – Department for Environment Food & Rural Affairs (Defra) https://uk-air.defra.gov.uk/aqma/
	Defra (emissions data) https://laqm.defra.gov.uk/review-and-assessment/tools/emissions.html
	Local planning authority Air Quality Annual Status Reports and Air Quality Action Plans
Climatic factors	Office for National Statistics: Regional and Local Authority Emissions www.gov.uk/government/statistics/uk-local-authority-and-regional-carbon-dioxide-emissions-national-statistics-2005-2016

SEA issue	Source
	Environment Agency Flood Map for Planning https://flood-map-for-planning.service.gov.uk/
	Local planning authority: Strategic Flood Risk Assessments; Surface Water Management Plans
Material assets	What's in your backyard? Data sources can be found at the following link: http://apps.environment-agency.gov.uk/wiyby/default.aspx
	Local planning authority Minerals and Waste Management Plans
Cultural heritage (including architectural and archaeological heritage)	Heritage assets http://historicengland.org.uk/advice/hpg/heritage-assets/
	Multiagency geographic information centre (MAGIC): to view the location of designated heritage assets including World Heritage Sites, scheduled monuments, listed buildings, and registered parks and gardens. http://magic.defra.gov.uk/
	Local Historic Environment Records accessible via the Heritage Gateway www.heritagegateway.org.uk/gateway/
	Local planning authority Conservation Area Appraisals and Management Plans
Landscape	Multiagency geographic information centre (MAGIC): to view the location of nationally protected landscapes (AONBs and National Parks). http://magic.defra.gov.uk/
	National Character Areas (NCA) www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making

SEA issue	Source
	Local planning authority: Landscape and Historic Character Assessments; Landscape Capacity and Sensitivity Appraisals; Landscape and Visual Impact Assessments

Alongside the sources of useful screening information listed in Table 1, some local authorities have prepared online interactive mapping databases which are publicly accessible. Examples include Cornwall Council's Online Interactive Mapping Tool⁹ and Devon County Council's Environmental Viewer.¹⁰

The mapping layers available in these online databases often contain the location of locally designated assets (e.g. county wildlife sites, local geological sites, conservation areas) and other information which is otherwise difficult to source (e.g. historic environment record points and polygons, important views and vistas, tree preservation orders, and open space).

Key areas of sensitivity to consider

In developing an understanding of the environment in your area, you should take note of those areas that are particularly valuable or sensitive.

For example, it may be helpful to consider the types of sensitive areas which may trigger the need for an Environmental Impact Assessment (EIA) under the Town and Country Planning EIA Regulations¹¹, comprising the following:

Table 2: 'Sensitive areas' identified through the EIA Regulations¹²

⁹ Cornwall Council (2020): 'Interactive Mapping', [online] available to access via: <https://www.cornwall.gov.uk/community-and-living/mapping/>

¹⁰ Devon County Council (2020): 'Environmental Viewer', [online] available to access via: <http://map.devon.gov.uk/DCCViewer/>

¹¹ i.e. those sites and areas that should be considered 'sensitive' for the purposes of screening projects for Environmental Impact Assessment.

¹² www.gov.uk/guidance/environmental-impact-assessment#Sensitive-areas

Sensitive area	Comments on sensitivity and establishing the significance of effects
National Parks	<p>Protected by the National Parks and Access to the Countryside Act 1949, the NPPF identifies these as landscapes of exceptional beauty which are influenced by the nature and communities which live in them. The NPPF highlights that great weight should be given to conserving and enhancing the landscape and scenic beauty in National Parks, and states that they have the highest status of protection in relation to these issues.</p>
Areas of Outstanding Natural Beauty	<p>An AONB is land protected by the Countryside and Rights of Way Act 2000 (CROW Act) to conserve and enhance its natural beauty. They comprise nationally designated landscapes of exceptional quality.</p> <p>With National Parks, the NPPF highlights that great weight should be given to conserving and enhancing the landscape and scenic beauty in AONBs, and states that they have the highest status of protection in relation to these issues.</p>
European sites	<p>European sites refer to the UK network of protected areas covering the most valuable and threatened species and habitats, as listed under the EC Birds Directive (79/409/EEC) and the Habitats Directive (92/43/EEC). These sites constitute the UK's contribution to the Bern Convention Emerald Network of internationally important sites. They include Special Areas of Conservation (SAC) and Special Protection Areas (SPA), as well as Potential or candidate SACs, Possible SPAs and Ramsar sites (wetlands of international importance).</p> <p>The NPPF, which refers to these as habitats sites, highlights that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the site.</p>

Sensitive area	Comments on sensitivity and establishing the significance of effects
Sites of Special Scientific Interest (SSSIs)	<p>Natural England identifies and protects SSSIs in England under the Wildlife and Countryside Act 1981 (as amended). Natural England will select and notify an area as a new SSSI when it believes the land's wildlife, geology or landform is of special interest.</p> <p>SSSI Impact Risk Zones (IRZ) are a GIS tool/dataset which maps zones around each SSSI according to the sensitivities of the features for which it is notified.¹³ They specify the types of development that have the potential to have adverse impacts at a given location. Natural England is a statutory consultee on development proposals that might impact on SSSIs. The NPPF highlights that development on land within or outside of the SSSI (either alone or in combination with other developments) which is likely to have adverse effects should not normally be permitted.</p>
World Heritage Sites	<p>World Heritage Sites are described by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) as exceptional places of 'outstanding universal value' and 'belonging to all the peoples of the world, irrespective of the territory on which they are located'. The NPPF identifies these assets as an irreplaceable resource which should be conserved and enhanced in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.</p>
Scheduled monuments	<p>Scheduled monuments are sites of national archaeological importance protected by the Ancient Monuments and Archaeological Areas Act 1979.</p>

Further key areas of sensitivity to consider include:

¹³ The extent of SSSI IRZs is available via www.magic.gov.uk

Table 3: Further key areas of sensitivity to consider through screening

Type of area	Comments on sensitivity and establishing the significance of effects
National Nature Reserve (NNR)	National Nature Reserves (NNRs) 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.
Nationally listed buildings	Nationally listed buildings 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 8.3% 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.
Buildings at risk	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.
Conservation area	Whilst conservation areas are locally designated, they typically represent important concentrations of key historic environment features and townscapes.

Type of area	Comments on sensitivity and establishing the significance of effects
Flood zone 3a and 3b	<p>Flood zone 3 development needs to submit a flood risk assessment as part of its planning application. Flood zone 3 is split into flood zone 3a and 3b.</p> <p>Flood zone 3a represents land which has been shown to be at a 1% or greater probability of flooding from rivers or 0.5% or greater probability of flooding from the sea. Flood zone 3b represents land which has been shown to be at a 5% or greater probability of flooding from rivers or the sea.</p> <p>Significant environmental effects may result from a Neighbourhood Plan, particularly where potential development areas are heavily constrained by flood risk zones.</p>
Air Quality Management Area	<p>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.</p>
Best and most versatile agricultural land	<p>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.</p> <p>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 local availability of best and most versatile agricultural land.</p>

Type of area	Comments on sensitivity and establishing the significance of effects
Source Protection Zones	<p>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.</p> <p>Through the consideration of the presence of Source Protection Zones, regard should be made to the likelihood of Neighbourhood Plan activities contaminating groundwater sources.</p>

Whilst the locations, features and areas listed above are key ones to consider through SEA screening, this list is not exhaustive and other sensitivities could be considered. These could include:

- 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;
- Irreplaceable habitats (such as ancient woodland, ancient and veteran trees) and priority habitats;
- Non-designated and locally listed historic environment assets;
- Areas of high archaeological potential;
- Locations where air quality is monitored due to potential exceedances to air quality objectives; and
- Areas with surface water flooding issues.
- Areas with significant areas of contaminated land.
- Locations within coastal change management areas.

When screening, evidence should be gathered outside the neighbourhood area boundaries as some plan effects may extend beyond the plan area. For example, the allocation of a site for 200 dwellings might not have an effect on air

quality within the neighbourhood area but, if an AQMA 2km distant experienced a significant increase in traffic as a result of the development, this could constitute a significant effect. Likewise, a potential allocation within a relevant Impact Risk Zone for an SSSI which is located outside of the neighbourhood area may indicate a potential significant effect.

Bearing this in mind, we suggest that, as a general rule, a 5km 'area of search' when screening is applied to help 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.

Determining significance

Once data on the environmental constraints 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 or intentions behind the plan will be. It will generally not be necessary to have a full draft plan with policy wording to assess significance, but there must be sufficient information available to anticipate the likely content of the plan or the intention associated with the plan 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 that 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 scale of development that is likely to be taken forward through the Neighbourhood Plan (e.g. the number of homes required by the LPA to be delivered in the neighbourhood area); and
- 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 Neighbourhood Plan 'call for sites') – the potential impact of new development on these sites with respect to key areas of sensitivity could help determine whether or not the plan would be likely to give rise to significant environmental effects.

Considering potential allocations when determining significance

As discussed above, a Neighbourhood Plan is more likely to have significant environmental effects if it allocates sites for development (for housing, employment etc.).

When undertaking screening, it is worth recognising that a subsequent SEA process would consider alternative approaches for delivering development in the neighbourhood area. This would be undertaken as part of a process which discharges the SEA Regulations' requirement to assess 'reasonable alternatives'.¹⁴

In practice, a central focus of the assessment of 'reasonable alternatives' will be the consideration of different development strategies for the Neighbourhood Plan. This will mean exploring the sustainability implications of alternative approaches to delivering new development in the neighbourhood area, including in terms of scale and location. This will help support neighbourhood planners in determining which locations would potentially be appropriate for taking forward as allocations through the Neighbourhood Plan.

In light of this, the screening process should not only focus on the sites likely to be allocated through the made Neighbourhood Plan. It should also consider the wider range of locations that will be considered for potential allocation in the plan.

Figure 2 sets out how potential allocations should be considered through screening.

Key tip: Screening should consider all locations for potential development; it should not focus only on the sites likely to be allocated through the Neighbourhood Plan, once made.

¹⁴ The SEA Regulations require reasonable alternatives to be assessed through the SEA process. The SEA Regulations are not prescriptive as to what constitutes a reasonable alternative, stating only that the Environmental Report should present an appraisal of the 'plan and reasonable alternatives taking into account the objectives and geographical scope of the plan'. However, this does not include all possible alternatives, and a judgement would need to be made as to which alternatives are 'reasonable' to consider through the SEA process.

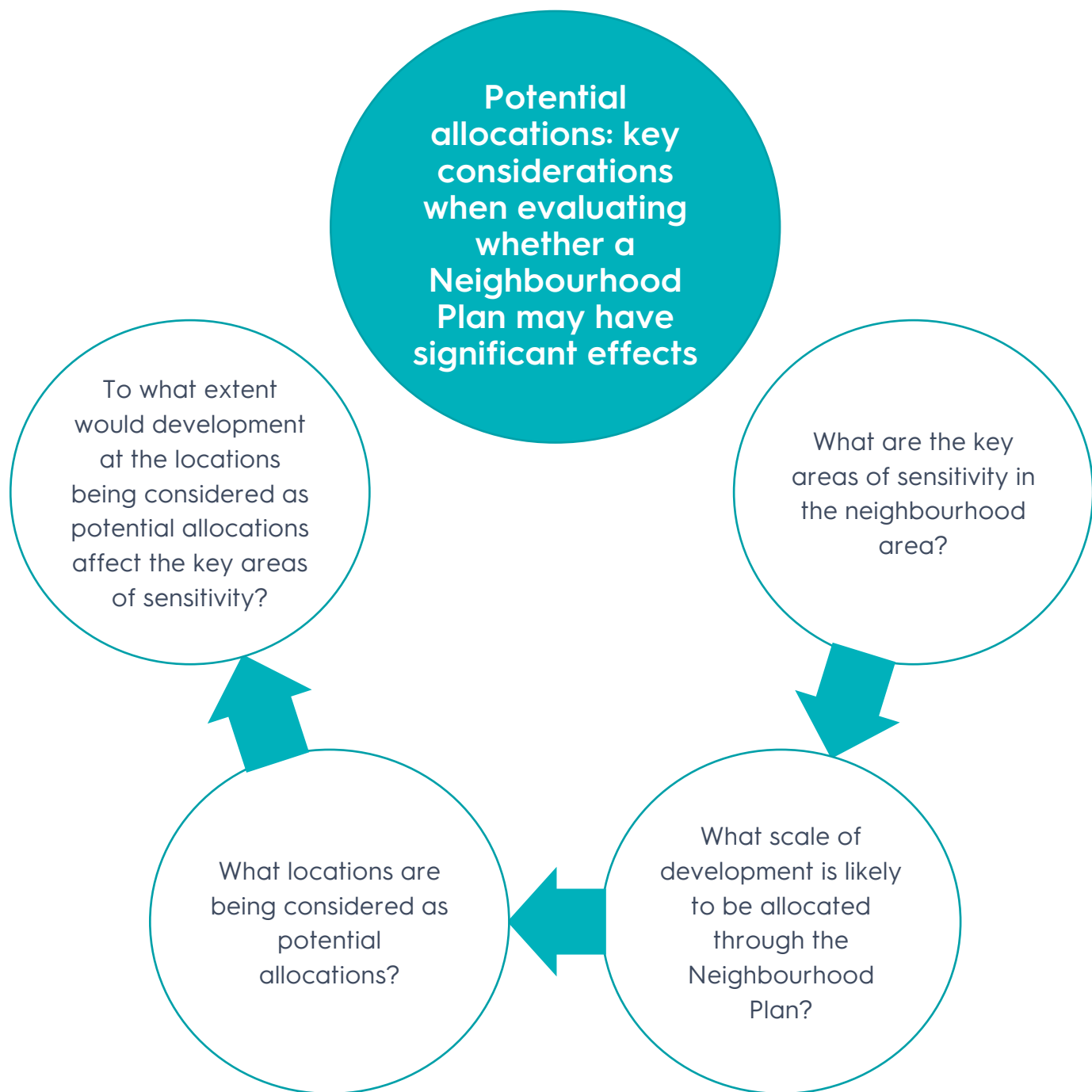


Figure 2: Considering potential Neighbourhood Plan allocations through screening

Engaging with the statutory consultees

The screening report, once prepared, should be sent (where appropriate – see Box 3 below) to the three statutory consultees for SEA: the Environment Agency, Historic England and Natural England.¹⁵ 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 SEA). This timescale will depend on the circumstances; where a shorter period is considered, the duration should be agreed between the parties.

¹⁵ As set out by Regulation 4 of the SEA Regulations. The role of the statutory consultees within SEA is to bring their individual environmental expertise to the assessment process. Note: statutory consultees are not required to respond to screening requests. Limited resources mean they may need to prioritise the plans they engage with in detail based on an assessment of risk.

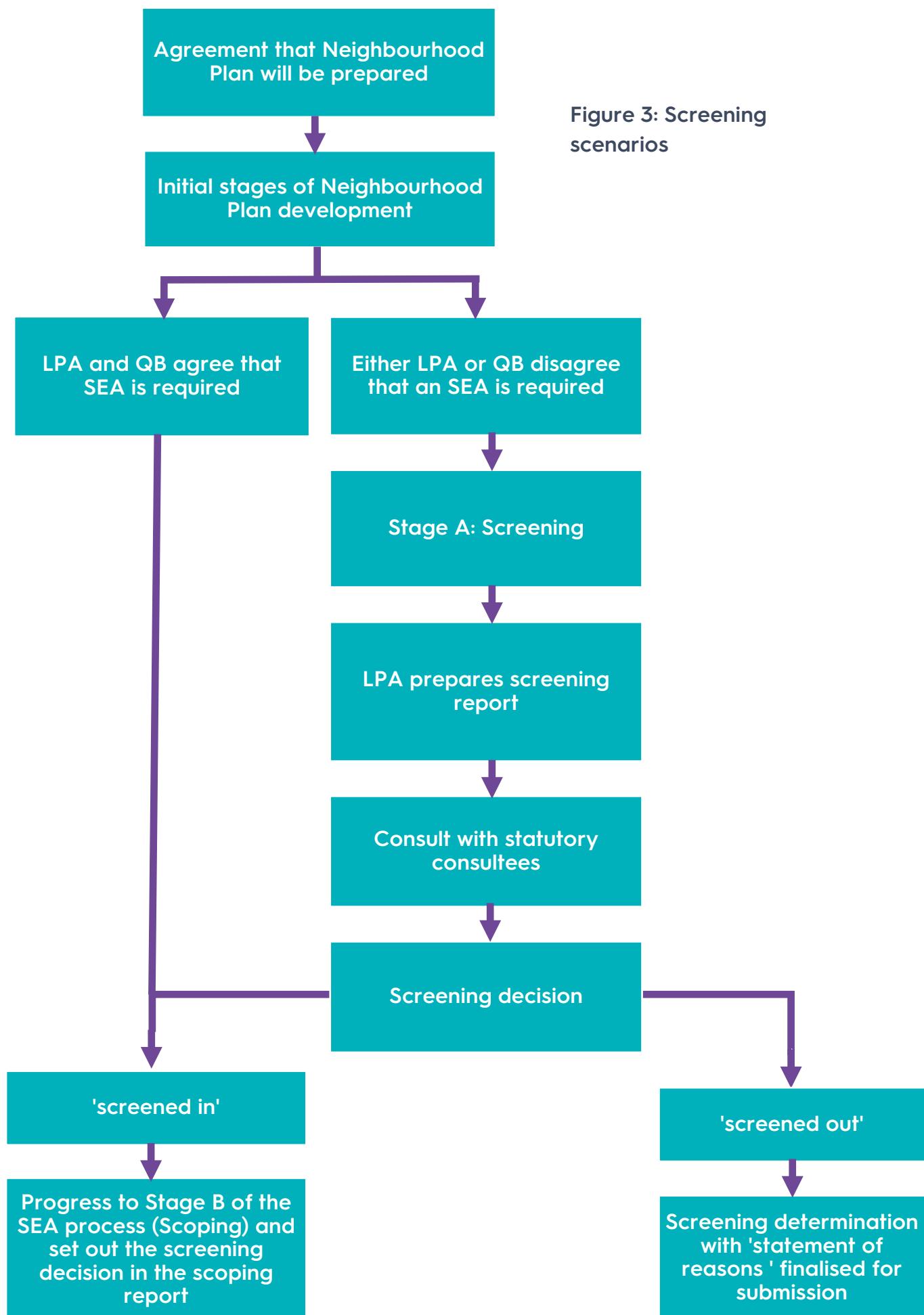
Box 3: Is consultation with the statutory bodies always required when screening?

For some Neighbourhood Plans, due to the scope of plan proposals, and the environmental constraints in the neighbourhood area, there is likely to be an overriding case for SEA to be required. This may be, for example, where the Neighbourhood Plan is likely to be considering allocations in areas with significant environmental constraints, or where the scale of development required to be delivered through the plan makes significant environmental effects very likely. For example, a Neighbourhood Plan located wholly within an AONB, and which is seeking to allocate sites for development, would be very likely to require SEA.

Where it is clear to those undertaking screening that SEA should be required for the Neighbourhood Plan and there is agreement between the LPA and the statutory consultee that the statutory consultee will not be involved until the scoping stage, it may not be appropriate to consult them at the screening stage. Instead, the reasons for the screening determination can be set out in the subsequent SEA Scoping Report, which will be released for consultation at the next stage of the SEA process to the statutory consultees (see 'Next Steps' below). Taking this approach can help reduce consultation burdens on the statutory consultees, and enable the group to progress with the remaining stages of the SEA process in a timely and efficient manner.

What are the screening outcomes?

There are a range of scenarios that can be 'played-out' in determining whether or not the Neighbourhood Plan will require SEA. There are however only two outcomes: *screened in* (the plan requires SEA) or *screened out* (the plan does not require SEA). **Figure 3** illustrates likely scenarios and outcomes.



What are the next steps?

Should SEA be required for your plan you will need to proceed to Stage B in the SEA process - 'Scoping'. If SEA is not required you should review the responses from the consultation bodies to determine whether there are any other pieces of work that are required outside of the SEA process, but which may still be required to support the evidence base for your plan (e.g. heritage assessments, landscape character assessments, strategic flood risk assessments etc.).

Scoping

Scoping is the process of agreeing the scope and level of detail of the information to go in an Environmental Report (the Environmental Report is prepared at Stage D in the SEA process). 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 a Neighbourhood Plan.

The format of the scoping information is not as important 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).

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 environmental issues relevant to the Neighbourhood Plan. For example, if flood risk or heritage assets have not been considered significant issues, do they need to be reflected in 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 (e.g. the sustainability appraisal for the Local Plan) but use them only as a basis for developing a more tailored framework. They 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 statutory requirement.

Appendix A: Example screening report structure

Introduction

- Purpose of screening report
- Overview of requirements of the SEA Regulations¹⁶ in regard to Neighbourhood Plans
- Description of the responsibilities for the screening process
- Overview of the methodology for screening and the structure of the screening report

Key information on the emerging Neighbourhood Plan and neighbourhood area:

- Local Plan context for the Neighbourhood Plan
- Vision, aims and objectives of Neighbourhood Plan
- Overview of key environmental constraints in the neighbourhood area
- Overview of Neighbourhood Plan's approach to allocating land for development
- Draft policies (if available)
- Potential sites being considered (if available)

Assessment

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

- Biodiversity, flora and fauna
- Population
- Human health
- Soil
- Water
- Air
- Climatic factors
- Material assets

¹⁶ And Habitats Regulations Assessment if a joint screening opinion

- Cultural heritage, including architectural and archaeological heritage
- Landscape

Conclusions

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

Glossary

Appropriate Assessment

Legal term used in the Habitats Directive and the Conservation of Habitats and Species Regulations 2017 to indicate what a competent authority must do where a plan or project is ‘screened in’ for further appraisal in accordance with the Habitats Regulations. It forms one part of the Habitats Regulation Assessment (HRA) and may follow on from the screening stage undertaken under the Habitats Regulations.

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. AONBs 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), referred to as habitats sites in the NPPF; 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 alternatives and accompanies the draft Plan for pre-submission 'Regulation 14' consultation. The Environmental Report needs to contain certain information as set out in Schedule 2 to the SEA Regulations 2004.

European sites

These includes candidate Special Areas of Conservation (cSAC), Special Areas of Conservation (SAC), potential Special Protection Areas (pSPA), Special Protection Areas (SPA), Sites of Community Importance (SCI) and is defined in regulation 8 of the Conservation of Habitats and Species Regulations 2017. These are referred to as 'habitats sites' in the NPPF.

Habitats Regulations Assessment (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 2017, including the steps of screening for likely significant effects and making appropriate assessments.

Heritage Asset

A building, monument, site, place, area or landscape identified, because of its heritage interest as having a degree of significance meriting consideration in planning decisions. 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 LPA 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 NPPF 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)

Web-based resource providing guidance on the provisions of the NPPF: 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 LPA, forms part of the statutory Development Plan. This is commonly referred to as the 'Neighbourhood Plan'

Priority habitat and species

Species and Habitats of Principal 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 following statutory designations: Areas of Outstanding Natural Beauty (AONBs), the Broads Authority and National Parks, 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.

Setting of a 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 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 Habitats Regulations, providing increased protection for a variety of habitats, animals and plants.

Special Protection Area (SPA)

An area given special protection under the Habitats Regulations, by virtue of its international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within the EU.

Statement of reasons

Where it is determined that the plan is unlikely to have significant environmental effects (and, accordingly, does not require SEA), 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 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 NPPF provides a further definition of sustainable development in association with the English planning system.

Sustainability appraisal

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 an appropriate plan given the reasonable alternatives. It is required that sustainability appraisal for Local Plans integrate the requirements of the SEA Regulations.

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