



Acton Neighbourhood Plan 2022 - 2037

Strategic Environmental Assessment Screening Determination

Regulation 11 of the Environmental Assessment
of Plans and Programmes Regulations 2004

May 2023

Table of Contents

	Page
1. Introduction	2
2. Legislative Background	2
3. Criteria for determining likely significant effects	3
4. Assessment	4
5. Screening Conclusion	4
6. Determination	4
Appendix 1: Responses from Statutory Consultees	
Response from Historic England	5
Response from Natural England	6

ACTON NEIGHBOURHOOD PLAN 2022 - 2037

STRATEGIC ENVIRONMENTAL ASSESSMENT SCREENING DETERMINATION

1. Introduction

This assessment relates to the Regulation 14 Pre-submission draft version of the 'Acton Neighbourhood Plan 2022 - 2037' [hereafter referred to as the 'Plan']. A copy of this was made available for screening purposes in March 2023.

In some circumstances a neighbourhood plan could have significant environmental effects and may fall within the scope of the Environmental Assessment of Plans and Programmes Regulations 2004 and require a Strategic Environmental Assessment (SEA).

One of the basic conditions that will be tested by the independent examiner is whether the making of the Plan is compatible with European Union obligations, as incorporated into UK law. Whether a neighbourhood plan requires a SEA and the level of detail needed will depend on what is proposed in the draft Neighbourhood Plan and the characteristics of the local area.

This report therefore determines whether a SEA is required for the Acton Neighbourhood Plan. In doing so, it refers to:

- The SEA Screening Opinion (April 2023) prepared by Land Use Consultants, which can be found online at: www.babergh.gov.uk/ActonNP
- The responses to this from the Statutory Consultees (see Appendix 1).

Section 2 below sets out the legislative background. Section 3 sets out the criteria for determining the likely significance of effects. Section 4 summarises the assessment and Section 5 sets out the conclusions based on the screening assessment. The determination is set out in Section 6.

2. Legislative Background

European Union Directive 2001/42/EC (the SEA Directive), transposed into UK law through the SEA Regulations, requires a Strategic Environmental Assessment to be undertaken for certain types of plans or programmes that would have a significant environmental effect. The Environmental Assessment of Plans & Programmes Regulations 2004 (the Regulations) require that this is determined by a screening process, which should use a specified set of criteria (set out in Schedule 1 of the Regulations). The results of this process must be set out in a SEA Screening Statement, which must be publicly available.

In accordance with Regulation 9 of the SEA Regulations 2004, Acton Parish Council (the qualifying body) asked Babergh District Council (BDC), as the responsible authority, to screen their draft Plan to determine whether an environmental report was required due to significant environmental effects. In making this determination, BDC have had regard to Schedule 1 of the Regulations.

In line with the advice contained within the National Planning Policy Framework (NPPF) and Planning Practice Guidance, the Plan's potential scope has been assessed against the criteria set out in Schedule 1 of the 2004 Environmental Assessment Regulations. As

mentioned above, Land Use Consultants (LUC) were commissioned by Babergh District Council to prepare the screening report to assess whether SEA would be required.

SEA can be required in some limited situations where a sustainability appraisal is not needed. Neighbourhood Planning is one of these situations. Sustainability Appraisals (SAs) may incorporate the requirements of the Strategic Environmental Assessment Regulations, which implement the requirements of the 'Strategic Environmental Assessment Directive' on the assessment of the effects of certain plans and programmes on the environment.

A Sustainability Appraisal ensures that potential environmental effects are given full consideration alongside social and economic issues and it is good practice to do one to understand how a plan is to deliver sustainable development. However, NPPF Planning Practice Guidance states that there is no legal requirement for a neighbourhood plan to undertake a Sustainability Appraisal as set out in Section 19 of the Planning and Compulsory Purchase Act 2004. It is down to the qualifying body to demonstrate whether the plan is likely to have significant environmental effects. This is the purpose of the SEA Screening Report.

3. Criteria for determining the likely significance of effects on the environment

The criteria are set out in the following table:

<ol style="list-style-type: none">1. The characteristics of plans and programmes, having regard, in particular, to:<ol style="list-style-type: none">a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchyc) (the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,d) environmental problems relevant to the plan or programme,e) the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:<ol style="list-style-type: none">a) the probability, duration, frequency and reversibility of the effects,b) the cumulative nature of the effects,c) the trans-boundary nature of the effects,d) the risks to human health or the environment (e.g. due to accidents),e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),f) the value and vulnerability of the area likely to be affected due to:<ol style="list-style-type: none">i) special natural characteristics or cultural heritage,ii) exceeded environmental quality standards or limit values,iii) intensive land-use,g) the effects on areas or landscapes which have a recognised national, Community or international protection status.
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[Source: Schedule 1 of Environmental Assessment of Plans & Programmes Regulations 2004]

4. Assessment

The Plan sets out a broad vision for long term future of Acton which then translates into ten objectives covering four key themes: 'Housing', 'Environment', 'Access and Community', and 'Business'. The Plan then sets out 13 policies (ACT1 to ACT13) to help realise and deliver the vision. None of the policies allocate land for new development, although Policy ACT1 does set out the circumstances in which development will be supported, both within and outside of the settlement boundary.

A full assessment of the likely effects of the Plan are set out in the Screening Report. [See link in section 1 above].

5. Screening Conclusion

The LUC Screening Report noted that the Plan “sets out a vision, objectives and 13 planning policies to shape development in the parish up to 2037” and that “decision makers will need to consider the criteria of these policies when determining future applications in the parish.” It also noted that the Plan “does not directly impact on land use through the allocation of sites for housing or other forms of development”. On that basis, it concluded that “the Acton Neighbourhood Plan is unlikely to have significant environmental effects and that full SEA is therefore not required.”

Consultation on the Screening Opinion was carried out with Natural England, Historic England, and the Environment Agency. Written responses were received from Historic England and Natural England. Both agreed with the conclusion that SEA is not required. Their responses are set out in Appendix 1. No formal response was received from the Environment Agency.

6. Determination

In the light of the SEA Screening Opinion (April 2023) prepared by LUC, and the responses from the two statutory bodies, it is determined that the Acton Neighbourhood Plan 2022 - 2037 **does not require** a Strategic Environmental Assessment in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004.

By e-mail dated 23 May 2023

Re: Acton Neighbourhood Plan - SEA



Historic England

Dear Mr Bryant

Thank you for inviting Historic England to comment on this consultation.

As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process. Therefore we welcome this opportunity to review the Screening Report for this plan. For the purposes of this consultation, Historic England will confine its advice to the question, "Is it (the Acton Neighbourhood Plan) likely to have a significant effect on the historic environment?". Our comments are based on the information supplied with the Screening Opinion.

The Screening Report indicates that the Council considers that the plan will not have any significant effects on the historic environment. We note that the plan does not propose to allocate any sites for development.

On the basis of the information supplied, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of 'SEA' Directive], Historic England concurs with the Council that the preparation of a Strategic Environmental Assessment is not required.

The views of the other two statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made.

I should be pleased if you can send a copy of the determination as required by REG 11 of the Environmental Assessment of Plans and Programmes Regulations 2004.

We should like to stress that this opinion is based on the information provided by you with your correspondence. To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the SEA process and, potentially, object to specific proposals which may subsequently arise (either as a result of this consultation or in later versions of the plan) where we consider that, despite the SEA, these would have an adverse effect upon the environment.

Historic England strongly advises that the conservation and archaeological staff of the relevant local authorities are closely involved throughout the preparation of the plan and its assessment. They are best placed to advise on; local historic environment issues and priorities, including access to data held in the Historic Environment Record (HER), how the allocation, policy or proposal can be tailored to minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.

Please do contact me, either via email or the number below, if you have any queries.

Kind regards,

Dr Will Fletcher FSA

Development Advice Team Leader: East Region

Historic England | Brooklands | 24 Brooklands Avenue | Cambridge | CB2 8BU

www.historicengland.org.uk

Date: 23 May 2023
Our ref: 431622
Your ref: N/A



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BY EMAIL ONLY

Dear Mr Bryant

Acton Neighbourhood Plan - SEA & HRA Screening Consultation

Thank you for your consultation on the above dated 03 May 2023 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Where Neighbourhood Plans could have significant environmental effects, they may require a Strategic Environmental Assessment (SEA) under the Environment Assessment of Plans and Programmes Regulations 2004 (as amended). Further guidance on deciding whether the proposals are likely to have significant environmental effects and the requirements for consulting Natural England on SEA are set out in the Planning Practice Guidance.

Planning practice guidance also outlines that if an appropriate assessment is required for your Neighbourhood Plan this will also engage the need for a SEA. One of the basic conditions that will be tested by the independent examiner is whether the neighbourhood plan is compatible with European obligations, including those under the SEA Directive. Where a SEA is required it should be prepared in accordance with Regulation 12 of the SEA Regulations.

Where a neighbourhood plan could potentially affect a 'Habitats Site', it will be necessary to screen the plan in relation to the Conservation of Habitats and Species Regulations (2017), as amended (the 'Habitats Regulations'). Where likely significant effects are identified, it will be necessary to undertake an appropriate assessment of the neighbourhood plan and, if needed, identify and secure appropriate mitigation measures to ensure the plan does not result in an adverse effect on the integrity of the habitats site.

Natural England welcomes the SEA and HRA Screening Assessments (both prepared by LUC, April 2023) which assess the Acton requirement for SEA and Habitats Regulations Assessment (HRA) for the Neighbourhood Plan. It is also acknowledged that the Acton Neighbourhood Plan does not make specific allocations for new housing as local housing requirements for the new plan period are already met through extant planning permissions, but that the Plan does propose a new settlement boundary for the main built up area of the parish based on the existing adopted settlement boundary within the Core Strategy.

Given that the Acton Neighbourhood Plan does not allocate any sites for residential, employment or other forms of development, Natural England agrees with the conclusions of the SEA Screening report that it is not likely there will be significant environmental effects arising from the policies in the plan, which have not already been accounted for within the Adopted Babergh Core Strategy (2014) and emerging Babergh and Mid Suffolk Joint Local Plan (BMSJLP). Therefore, the Acton Neighbourhood Plan does not require an SEA to be undertaken.

Natural England also agrees that the Plan would be unlikely to result in significant effects to European Sites, either alone or in combination, and therefore an appropriate assessment under the Habitats Regulations is not required.

As the Plan sets out the criteria that any proposed residential or business development should adhere to, schemes will need to have individual project-level HRAs carried out where necessary to determine any likely significant effects on protected sites and habitats.

Natural England welcomes in the policies in the Plan which relate to environmental sustainability which aim to help improve the provision of high-quality green infrastructure and to provide biodiversity gains. These include:

ACT 4 Biodiversity (in particular the emphasis on green and blue corridors)
ACT 5 Landscape character
ACT 6 Environmental sustainability
ACT 7 Accessibility & Connectivity

Aside from this, Natural England have no specific comments at this stage, but further guidance is provided within Annex 1 which covers the issues and opportunities that should be considered when preparing a Neighbourhood Plan.

We would be happy to comment further should the need arise. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk

Yours sincerely

Kate Dougan
Norfolk & Suffolk Team

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Annex 1 - Neighbourhood planning and the natural environment: information, issues and opportunities

Natural environment information sources

The [Magic](#)¹ website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: **Agricultural Land Classification, Ancient Woodland, Areas of Outstanding Natural Beauty, Local Nature Reserves, [National Parks \(England\)](#), National Trails, Priority Habitat Inventory, public rights of way (on the Ordnance Survey base map) and Sites of Special Scientific Interest (including their impact risk zones)**. Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available [here](#)².

Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found [here](#)³. Most of these will be mapped either as **Sites of Special Scientific Interest**, on the Magic website or as **Local Wildlife Sites**. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found [here](#)⁴.

There may also be a local **landscape character assessment** covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.

If your neighbourhood planning area is within or adjacent to a **National Park** or **Area of Outstanding Natural Beauty** (AONB), the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. You can access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website.

General mapped information on **soil types** and **Agricultural Land Classification** is available (under 'landscape') on the [Magic](#)⁵ website and also from the [LandIS website](#)⁶, which contains more information about obtaining soil data.

Natural environment issues to consider

The [National Planning Policy Framework](#)⁷ sets out national planning policy on protecting and enhancing the natural environment. [Planning Practice Guidance](#)⁸ sets out supporting guidance.

Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any environmental assessments.

Landscape

Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness. If you are proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, we recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help you to choose the most appropriate sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping.

Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed [here](#)⁹), such as Sites of Special Scientific Interest or [Ancient woodland](#)¹⁰. If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

Priority and protected species

You'll also want to consider whether any proposals might affect priority species (listed [here](#)¹¹) or protected species. To help you do this, Natural England has produced advice [here](#)¹² to help understand the impact of particular developments on protected species.

Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 171. For more information, see our publication [Agricultural Land Classification: protecting the best and most versatile agricultural land](#)¹³.

Improving your natural environment

Your plan or order can offer exciting opportunities to enhance your local environment. If you are setting out policies on new development or proposing sites for development, you may wish to consider identifying what environmental features you want to be retained or enhanced or new features you would like to see created as part of any new development. Examples might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Think about how lighting can be best managed to encourage wildlife.
- Adding a green roof to new buildings.

You may also want to consider enhancing your local area in other ways, for example by:

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.
- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision.
- Identifying green areas of particular importance for special protection through Local Green Space designation (see [Planning Practice Guidance on this](#)¹⁴).
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency).
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).

¹ <http://magic.defra.gov.uk/>

² <http://www.nbn-nfbr.org.uk/nfbr.php>

³ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

- ⁴ <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making>
- ⁵ <http://magic.defra.gov.uk/>
- ⁶ <http://www.landis.org.uk/index.cfm>
- ⁷ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807247/NPPF_Feb_2019_revised.pdf
- ⁸ <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>
- ⁹ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>
- ¹⁰ <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>
- ¹¹ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>
- ¹² <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>
- ¹³ <http://publications.naturalengland.org.uk/publication/35012>
- ¹⁴ <http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/>