

STRATEGIC ENVIRONMENTAL ASSESSMENT

INTRODUCTION

Unlike local plans or development plan documents produced by the council, Neighbourhood Plans are not required to have Sustainability Appraisals undertaken on them. This is because they have a designation all of their own: they are neighbourhood development plans, prepared by a qualifying body (a town/parish council or neighbourhood forum) under the Localism Act 2011. Even once the neighbourhood plan has been through the referendum process and when it is "made" (adopted) by the council its designation does not change. However, this will not affect the fact that they will be used to make decisions on planning applications in the neighbourhood area covered.

What is advisable is a review of the "sustainability" (economic, environmental, and social) impacts of the neighbourhood development plan, which could be necessary and useful for a lot of neighbourhood development plans that are being produced to meet the basic conditions checked at examination. This does not mean that sustainability appraisals as used on local plans are required. It is good planning practice to check what the potential impacts of a planning policy will be on an area, helping to advise which potential options might be best; and doing this against the topics of social, environmental and economic impacts would make a lot of sense.

Although a Sustainability Appraisal is not needed, neighbourhood development plans may require a Strategic Environmental Assessment (SEA) and/or a Habitat Regulations Assessment (HRA). This fact sheet gives you the background to Strategic Environmental Assessment and the process for doing one. A separate fact sheet has been prepared for Habitats Regulations.

STRATEGIC ENVIRONMENTAL ASSESSMENT

What is Strategic Environmental Assessment (SEA)?

The concept of SEA comes from a European Union Directive (Directive 2001/42/EC), issued in 2001 covering the Environmental Assessment of Plans & Programmes. It has been incorporated into UK law and applies to all land use plans, including neighbourhood development plans. The aim of the Directive is "to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development". SEA is more often than not combined with the Sustainability Appraisal process, particularly when it relates to planning. The Directive defines "environmental assessment" as a procedure comprising:

- preparing an Environmental Report on the likely significant effects of the draft plan or programme;
- carrying out consultation on the draft plan or programme and the accompanying Environmental Report;
- taking into account the Environmental Report and the results of consultation in decision making; and
- providing information when the plan or programme is adopted and showing how the results of the environmental assessment have been taken into account.

Does every neighbourhood plan need a Strategic Environmental Assessment?

The need for a Strategic Environment Assessment will depend on the scale and the impact of the proposals in the neighbourhood development plan. The more ambitious and complex the plan is, the more likely

it would be to trigger the need for an SEA. However, many of the policies or proposals will not cause significant impacts, or have any potential impacts that have not already been considered by the council during the preparation of its own planning policies. If an environmental assessment is found to be required, the gathering of evidence for the assessment and its preparation can be integrated into the process of producing the Neighbourhood Plan, and may not require the involvement of external consultants.

At this point, you may also need to consider undertaking a Habitats Regulations Assessment (HRA) – this looks at the potential for significant impacts on a European site and/or its interest features. It is as a matter of UK Government policy for potential Special Protection Areas (pSPA), candidate Special Areas of Conservation (SAC) and listed wetlands of international importance (Ramsar sites). We have prepared a separate fact sheet about this.

How do we find out if our plan needs a Strategic Environmental Assessment?

The best way to find out whether a Strategic Environmental Assessment of your neighbourhood plan will be required is to write to North Lincolnshire Council and ask them to consider whether the policies and proposals you have developed warrant a formal assessment process. In ‘planning-speak’ this is called a request for a ‘screening opinion’. Diagram 1 shows the screening process and key decision points. In order to be able to decide whether an environmental assessment will be required the council will need to know about your policies and proposals and in particular:

- How they might affect the environment, community or economy;
- Whether they propose a higher level of development than is already identified in North Lincolnshire Council’s planning policies;
- Whether any of the proposals are likely to affect a ‘sensitive area’, for example a Site of Special Scientific Interest, or a European Site for nature conservation;
- Whether implementation of policies in the plan might lead to major new development in the future; and

- Whether the cumulative impact of the policies and proposals when assessed together may give rise to a likely significant environmental effect, for example several relatively small housing proposals may cumulatively have a significant effect on a nearby rare wildlife habitat or species.

How does the screening process work?

When the council receives a request for a ‘screening opinion’ the council will assess whether the policies and proposals in your plan are likely to have ‘significant’ environmental effects. You should bear this in mind when developing your ideas. The council will use the criteria set out in Appendix 1 to determine the environmental effects of your plan’s policies and proposals. They are drawn from the European Union SEA Directive and UK Environmental Assessment of Plans & Programmes Regulations 2004.

If the screening exercise reaches the conclusion, that a Strategic Environmental Assessment is not needed, you will need to contact the Environment Agency, English Heritage and Natural England to tell them and also inform the wider public in your community. However, if the screening shows a Strategic Environmental Assessment is needed you need to ensure that you plan properly for its inclusion in the Neighbourhood Plan preparation process. Among things you should consider are:

- Who is going to do it? It is always helpful to have more than one person involved.
- Are all the relevant issues covered in the assessment (including population and human health)?
- Integrate the Neighbourhood Plan and Strategic Environmental Assessment timetables and share it with the community and other key bodies.
- Give yourself enough time for you to consult on the scope of the SEA report and draft SEA report
- Allow enough time to amend the contents of the draft Neighbourhood Plan based on the contents of the SEA report.

Who would prepare a Strategic Environmental Assessment?

This would be the town/parish council or neighbourhood forum preparing the neighbourhood development plan, working closely with the council and other important bodies.

If our plan needs a Strategic Environmental Assessment, what is the process for undertaking one?

If the screening process has identified that your neighbourhood plan needs a Strategic Environmental Assessment, there are two further stages that you will need to go through – scoping the contents of environmental assessment, assessing the policies and proposals in your neighbourhood plan against the sustainability objectives, and preparing and consulting upon the environmental report. Diagram 2 shows how the process of undertaking a Strategic Environmental Assessment and how it is linked to each stage in the Neighbourhood Plan preparation process

What happens at the “Scoping” stage for a Strategic Environmental Assessment?

This stage is one of the first things that you should do when preparing a neighbourhood plan. It essentially involves compiling background information needed before an assessment can be undertaken. In planning speak this is often referred to as the “scoping” stage. It establishes an evidence base that can be used for ongoing appraisal and culminates in a framework of sustainability objectives. The key outcome is the production of a Scoping Report and the information contained within it will be used to assess the extent the emerging neighbourhood plan policies contribute towards sustainable development. It is particularly important at this stage to bring outside bodies such as the Environment Agency, English Heritage, Natural England and others with relevant technical expertise into the process.

The council already hold a lot of information that has been gathered in undertaking Sustainability Appraisal/ Strategic Environment Assessment of their planning documents, in particular the Core Strategy DPD. This may help you in preparing your own Scoping Reports. For example it might be possible for you to use and adapt SEA objections, review existing environmental information as well as existing plans/programmes and key issues. You will need to make your Scoping Report specific to your neighbourhood area, for example are there any key issues you can identify or can information be presented at a lower level than that in the Core Strategy, or is there new information that you need to consider. It is advised that you keep the Scoping Report relevant and succinct, and provide a summary, main report and appendices. It may also be helpful to use photographs, maps or diagrams to set out information. Before the report is published it is a good idea to show it to the council and external

consultation bodies to make sure you have covered all relevant issues.

A draft Scoping Report should be published for consultation with the council bodies mentioned previously. The council assist you by providing suggestions and contact details of all relevant bodies. The consultation period for a Scoping Report is five weeks. It is important that you keep a record of any responses and how you will take them into account in the next stages of the Strategic Environmental Assessment or the Neighbourhood Plan itself.

How do we assess the policies and proposals in our plan?

As you begin to develop your plan and its contents, it should be assessed at each stage against the sustainability criteria identified through the scoping stage. You will need to consider the plan is assessed as a whole or broken down into parts, e.g. individual policies or groups of policies. It is likely that it will partly depend on how big the plan is and how it is structured but it is important to decide on the approach before you start. Ideally your method will have been agreed at the Scoping stage.

As part of drawing up your plan, it is appropriate to identify different options for policies and proposals. These should be reasonable and realistic, and not generated for the sake of it. Assessing against the sustainability criteria will help you to choose the most sustainable. The assessment will help you think about the outcomes and consequences if the policies and proposals in your plan were implemented as proposed. For example, you will be able to see whether their effects are positive or negative, permanent or temporary as well as short, medium or long term and whether there are any cumulative impacts. It is suggested that you use summary tables and matrices to present results of the assessment.

If you go through more than one evolution of your plan and the policies/proposals in it, you will need to undertake an assessment at each stage. Once you have reached your preferred set of policies and proposals for your plan, you will need to prepare and consult on an Environmental Report.

What is an Environmental Report, and how should we prepare and consult on it?

This is final stage in the Strategic Environmental Assessment process. Once you have completed the assessment of your plan, it is a requirement to prepare

an Environmental Report and publish it for consultation alongside your draft neighbourhood plan. It is the major output of the Strategic Environmental Assessment process and sets out the effects of your plan's policies and proposals on the area's environment. The report should be relevant and keep succinct, highlighting significant effects. Ideally you should provide a non-technical summary, a main detailed report and appendices. The summary should show how the report meets its legal obligations. It is an important report on the options considered and any differences in significant effects between the options and the preferred approach. Another key thing for the report to look at is monitoring of significant effects of the plan. It may be the case that this can be linked to any existing monitoring done by the council.

There are also requirements relating to proposals for monitoring your neighbourhood plan – again it will be useful to speak to the council about what monitoring they intend to undertake, and think about what else you might recommend for monitoring significant effects - these should be set out in the Environmental Report.

As mentioned earlier this report must be published with the draft neighbourhood plan for consultation. Should the consultation result in any significant changes to the Environmental Report, you will need to appraise them and potentially produce a revised report or an addendum to go with the previous report. Lastly, you need to produce a statement on how the Strategic Environmental Assessment has influenced the process. This will demonstrate to the examiner how you complied with the Directive.

Where can we get advice about Strategic Environmental Assessment?

The council can provide you with advice about undertaking a Strategic Environmental Assessment. As mentioned we have already done a number of these as part of the process of putting together the Local Development Framework. These provide a lot of information that can help get started with the Strategic Environmental Assessment process. The Government have prepared a detailed guide to the SEA process, whilst there is information available from the Planning Advisory Service and the Commission for Architecture & the Built Environment. This information also relates to Sustainability Appraisal. The links are below.

Can we still do a Sustainability Appraisal?

Yes. Even though there is no legal requirement for one and regardless of whether the council requires any form of formal environmental assessment, you may in any case wish to carry out what is called a 'sustainability appraisal'

of your policies and projects. Whilst this might sound daunting it is really just common sense and involves considering whether your plan has been prepared to:

- Take account of effects on the environment;
- Take into account effects on the economy;
- Improves your area for the community.

If you have followed the correct procedures and guidance your plan should do all of these things well. A sustainability appraisal will help you demonstrate your neighbourhood plan is sustainable and make it more likely that it will be supported by the council and the Examiner who will check it for compliance. If you carry out a sustainability appraisal of your plan it is likely to address any requirements for formal environmental impact assessment that Cornwall Council might identify.

This fact sheet does not provide details on how to prepare a sustainability appraisal as this can be found elsewhere by following the links below.

Is there any useful information to assist Sustainability Appraisal process?

Yes. The following guides provide advice on undertaking sustainability appraisals:

- Department of Communities and Local Government – Frequently Asked Questions on Neighbourhood Planning. This has a section on Strategic Environmental Assessments (the requirements of which can be incorporated into an SA).
- Planning Advisory Service – Sustainability Appraisal Advice Note. This has good advice that can be applied to all levels of plans.

CABE's Neighbourhood Planning Toolkits – 'DIYSA': Sustainability Appraisal (including strategic environmental assessment) of Neighbourhood Plans. Probably the most applicable guidance in this instance and one of the easiest to follow and understand.

APPENDIX 1: CRITERIA FOR DETERMINING THE LIKELY SIGNIFICANCE OF EFFECTS ON THE ENVIRONMENT (SEA SCREENING)

Characteristics of the Plan, having regard to:

- The degree to which the Plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.
- The degree to which the Plan influences other plans and programmes including those in a hierarchy.
- The relevance of the Plan for the integration of environmental considerations in particular with a view to promoting sustainable development.
- Environmental problems relevant to the Plan.
- The relevance of the Plan for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).

Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:

- The probability, duration, frequency and reversibility of the effects.
- The cumulative nature of the effects of the Plan.
- The trans-boundary nature of the effects of the Plan.
- The risks to human health or the environment (e.g. due to accidents).
- The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected) by the Plan.
- The value and vulnerability of the area likely to be affected by the Plan due to:
 - a) Special natural characteristics or cultural heritage
 - b) Exceeded environmental quality standards or limit values or
 - c) Intensive land use and

- The effects of the Plan on areas or landscapes which have recognised national, community or international protection status.

DIAGRAM 1: KEY STEPS OF THE NEIGHBOURHOOD PLAN SEA SCREENING PROCESS

DIAGRAM 2: NEIGHBOURHOOD PLANS & STRATEGIC ENVIRONMENTAL ASSESSMENT

