

Strategic environmental assessment and sustainability appraisal

Sustainability appraisal requirements for neighbourhood plans

Paragraph: 026 Reference ID: 11-026-20140306

Does a neighbourhood plan require a sustainability appraisal?

There is no legal requirement for a [neighbourhood plan](#) to have a sustainability appraisal as set out in section 19 of the Planning and Compulsory Purchase Act 2004. However, a qualifying body must demonstrate how its plan or order will contribute to [achieving sustainable development](#). A sustainability appraisal may be a useful approach for doing this and the [guidance on sustainability appraisal of Local Plans](#) should be referred to.

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Paragraph: 027 Reference ID: 11-027-20140306

Does a neighbourhood plan require a strategic environmental assessment?

In some limited circumstances, where a [neighbourhood plan](#) could have significant environmental effects, it may fall within the scope of the [Environmental Assessment of Plans and Programmes Regulations 2004](#) and so require a strategic environmental assessment. One of the basic conditions that will be tested by the [independent examiner](#) is whether the making of the neighbourhood plan is [compatible with European Union obligations](#) (including under the Strategic Environmental Assessment Directive).

Whether a neighbourhood plan requires a strategic environmental assessment, and (if so) the level of detail needed, will depend on what is proposed in the draft neighbourhood plan. A strategic environmental assessment may be required, for example, where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the [Local Plan](#).

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How do you know if a draft neighbourhood plan might have significant environmental effects?

To decide whether a draft [neighbourhood plan](#) might have significant environmental effects, its potential scope should be assessed at an early stage against the criteria set out in Schedule 1 to the [Environmental Assessment of Plans and Programmes Regulations 2004](#).

The local planning authority should put in place a process to provide a screening opinion to the qualifying body on whether the proposed neighbourhood plan will require a strategic environmental assessment. The qualifying body should work with the local planning authority to be sure that the authority has the information it needs in order to provide a screening opinion.

When deciding on whether the proposals are likely to have significant environmental effects, the local planning authority should consult the statutory consultation bodies. Where the local planning authority determines that the plan is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), it should prepare a statement of its reasons for the determination. Where a statement of reasons is provided in respect of a neighbourhood plan a copy of the statement should be provided to the qualifying body in order that the statement can be made available to the independent examiner. For example by including it in the [basic conditions statement](#).

Where a [neighbourhood plan](#) is likely to have a significant effect on the environment a strategic environmental assessment must be carried out.

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Paragraph: 029 Reference ID: 11-029-20140306

When should a plan-maker start producing a strategic environmental assessment?

Where a [neighbourhood plan](#) requires a strategic environmental assessment, work on this should start at the same time that work starts on developing the neighbourhood plan. This is so that the processes for gathering evidence for the environmental report and for producing the draft neighbourhood plan can be integrated, and to allow the assessment process to inform the choices being made in the plan.

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What level of detail is required in a strategic environmental assessment?

The strategic environmental assessment should only focus on what is needed to assess the likely significant effects of the [neighbourhood plan](#). It should focus on the environmental impacts which are likely to be significant. It does not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the neighbourhood plan.

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Who is responsible for ensuring that the strategic environmental assessment requirements have been met?

It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft [neighbourhood plan](#) submitted to it have been met in order for the draft neighbourhood plan to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive):

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and

- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).

A qualifying body should make every effort to ensure that the draft neighbourhood plan that it submits to the local planning authority:

- meets each of the basic conditions;
- has been prepared in accordance with the correct process and all those required to be consulted have been; and
- is accompanied by all the required documents.

The local planning authority should discuss the steps that the qualifying body needs to take and what needs to be produced in order to comply with the [Environmental Assessment of Plans and Programmes Regulations 2004](#) as part of meeting its duty to advise or assist the qualifying body with neighbourhood planning.

The local planning authority should consider what further assistance it can provide to help a qualifying body comply with the regulations, for example making available information and evidence that may help a qualifying body that is preparing the report.

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How should the strategic environmental assessment process be applied to neighbourhood plan preparation?

The key stages of [neighbourhood plan](#) preparation and their relationship with the strategic environmental assessment process are shown [here](#)

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Strategic environmental assessment process

Strategic environmental assessment process

Stage A: Setting the context and objectives, establishing the baseline and deciding on the scope

1. Identify other relevant policies, plans and programmes, and sustainability objectives
2. Collect baseline information
3. Identify sustainability issues and problems
4. Develop the strategic environmental assessment framework
5. Consult the consultation bodies on the scope of the strategic environmental assessment

Stage B: Developing and refining alternatives and assessing effects

1. Test the neighbourhood plan objectives against the strategic environmental assessment framework
2. Develop the neighbourhood plan options including reasonable alternatives
3. Evaluate the likely effects of the neighbourhood plan and alternatives
4. Consider ways of mitigating adverse effects and maximising beneficial effects
5. Propose measures to monitor the significant effects of implementing the neighbourhood plan

Stage C: Prepare the Environmental Report

Stage D: Publish and consult the consultation bodies and the public on the environmental report

Stage E: Post making reporting and monitoring

1. Prepare and publish post-adoption statement

Neighbourhood plan preparation

Following Local planning authority screening determination

Evidence gathering and engagement

Stage C: Prepare the pre-submission neighbourhood plan

Pre-submission publicity and consultation on the neighbourhood plan

Submit draft neighbourhood plan to local planning authority

Local planning authority publicises and invites representations on the neighbourhood plan and makes all submission documents available

Neighbourhood plan sent for examination along with submission documents

Referendum

Neighbourhood plan made

Monitoring



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What is required at the scoping stage?

The scoping stage ([Stage A](#)) must identify the scope and level of detail of the information to be included in the environmental report. It should set out the context, objectives and approach of the assessment; establish the baseline; and identify relevant environmental issues and objectives.

Although the scoping stage is a requirement of the process, a formal scoping report is not required by law but is a useful way of presenting information at the scoping stage. A key aim of the scoping procedure is to help ensure the strategic environmental assessment is proportionate and relevant to the [neighbourhood plan](#) being assessed.

The [consultation bodies](#) must be consulted on the scope and level of detail of the information that must be included within the report.

Where a consultation body decides to respond, it should do so within five weeks of receipt of the request. (See [regulation 12\(5\) and 12\(6\) of the Environmental Assessment of Plans and Programmes Regulations 2004](#).)

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Who are the consultation bodies?

[Regulation 4 of the Environmental Assessment of Plans and Programmes Regulations 2004](#) defines certain organisations with environmental responsibilities as consultation bodies. In England the consultation bodies are English Heritage, Natural England and the Environment Agency.

Although this guidance covers England, the relevant consultation bodies in the Devolved Administrations may need to be consulted to help determine whether the plan is likely to have significant environmental effects.

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What is baseline information?

The term 'baseline information' refers to the existing environmental characteristics of the area likely to be affected by the [neighbourhood plan](#), and its likely evolution without implementation of the neighbourhood plan.

The area likely to be affected may lie outside the designated neighbourhood area and the local planning authority boundary and plan makers may need to obtain information from other local planning authorities.

Baseline information provides the basis against which to assess the likely effects of alternative proposals in the draft plan.

Wherever possible data should be included on historic and likely future trends, including a 'no neighbourhood plan' or 'business as usual' scenario (i.e. anticipated trends in the absence of the neighbourhood plan being introduced). This information will enable the potential environmental effects of the implementation of the neighbourhood plan to be assessed in the context of existing and potential environmental trends. The local planning authority may be able to provide this 'baseline information'.

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How should plan-makers develop and refine options and assess effects?

Proposals in a draft [neighbourhood plan](#), and the reasonable alternatives should be assessed to identify the likely significant effects of the available options ([Stage B](#)). Forecasting and evaluation of the significant effects should help to develop and refine the proposals in the neighbourhood plan.

Reasonable alternatives should be identified and considered at an early stage in the plan making process as the assessment of these should inform the preferred approach.

This stage should also involve considering ways of mitigating any adverse effects, maximising beneficial effects and ways of monitoring likely significant effects.

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Paragraph: 038 Reference ID: 11-038-20140306

How should the strategic environmental assessment assess alternatives and identify likely significant effects?

The strategic environmental assessment needs to compare the alternatives including the preferred approach, and assess these against the [baseline environmental characteristics](#) of the area and the likely situation if the [neighbourhood plan](#) were not to be made. The strategic environmental assessment should predict and evaluate the effects of the preferred approach and reasonable alternatives and should clearly identify the significant positive and negative effects of each alternative.

The strategic environmental assessment should identify, describe and evaluate the likely significant effects on environmental factors using the evidence base. Criteria for determining the likely significance of effects on the environment are set out in [Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004](#).

The environmental assessment should identify any likely significant adverse effects and measures envisaged to prevent, reduce, and, as fully as possible, offset them. Reasonable alternatives must be considered and assessed in the same level of detail as the preferred approach intended to be taken forward in the neighbourhood plan (the preferred approach). Reasonable alternatives are the different realistic options considered while developing the policies in the draft plan. They must be sufficiently distinct to highlight the different environmental implications of each so that meaningful comparisons can be made. The alternatives must be realistic and deliverable.

The strategic environmental assessment should outline the reasons the alternatives were selected, the reasons the rejected options were not taken forward and the reasons for selecting the preferred approach in light of the alternatives. It should provide conclusions on the overall environmental impact of the different alternatives, including those selected as the preferred approach in the [neighbourhood plan](#). Any assumptions used in assessing the significance of effects of the neighbourhood plan should be documented.

The development and appraisal of proposals in the neighbourhood plan should be an iterative process, with the proposals being revised to take account of the appraisal findings. This should inform the selection, refinement and publication of the preferred approach for consultation.

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What should the environmental report accompanying the draft neighbourhood plan cover?

Regulation 12 of the Environmental Assessment of Plans and Programmes

[Regulations 2004](#) sets out the requirements of an environmental report, which is a core output of any strategic environmental assessment. An environmental report for the purpose of the regulations must identify, describe and evaluate the likely significant effects on the environment of implementing the [neighbourhood plan](#) policies and of the reasonable alternatives taking into account the objectives and geographical scope of the neighbourhood plan. The environmental report must clearly show how these requirements have been met.

The environmental report must include a non-technical summary of the information within the main report. The summary should be prepared with a range of readers in mind, and provide a clear, accessible overview of the process and findings.

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Who should be consulted on the environmental report?

The environmental report, including the non-technical summary, must be made available alongside the draft neighbourhood plan. The [consultation bodies](#) should be sent a copy of these documents and the documents publicised in order to bring them to the attention of those members of the public likely to be affected by, or have an interest in the decisions involved in the assessment and development of the [neighbourhood plan](#). The consultation bodies and the interested parties should have an opportunity to express their opinion and be given sufficient time to do so. These

procedures can be incorporated into the pre-submission publicity and consultation process for the [neighbourhood plan](#).

Full details are set out in [Regulation 13 of the Environmental Assessment of Plans and Programmes Regulations 2004](#).

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Should the environmental report be updated if the draft neighbourhood plan is modified following responses to consultations?

The environmental report will not necessarily have to be amended if the [neighbourhood plan](#) is modified following responses to consultation. Modifications to the environmental report should be considered only where appropriate and proportionate to the level of change being made to the neighbourhood plan. A change is likely to be significant if it substantially alters the draft plan and or is likely to give rise to significant environmental effects. Further assessment may be required if the changes have not previously been assessed and are likely to give rise to significant effects.

Changes that are not significant will not require further environmental assessment work.

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What is the role of the environmental report at the independent examination of the neighbourhood plan?

One of the basic conditions that will be tested by the [independent examiner](#) is whether the [neighbourhood plan](#) is compatible with European Union obligations, as transposed into UK law. The basic condition statement submitted to the local planning authority with the draft plan should set out how the plan meets this basic condition. Where a plan requires a strategic environmental assessment a copy of

the environmental report and any scoping report should also be submitted with the draft plan in order that they can be made available to the independent examiner.

When submitted to the local planning authority, the neighbourhood plan must be accompanied by a consultation statement. This statement should set out:

- who has been consulted during the preparation of the plan, including the preparation of the environmental report;
- how they were consulted;
- a summary of the main issues and concerns raised by those consulted; and
- how these issues and concerns have been considered and, where relevant, addressed in the neighbourhood plan.

This statement will also be submitted to the independent examiner.

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Will the environmental report have to be amended if modifications to the neighbourhood plan are proposed at examination?

The independent examiner of a [neighbourhood plan](#) is testing whether the plan meets (or can be modified to meet) the basic conditions and will make recommendations to the local planning authority. The local planning authority will then reach its own view, informed by the examiner's report.

If the local planning authority assesses that the proposed changes are likely to have significant environmental effects which were not previously assessed then the strategic environmental assessment should be continued and the environment report amended accordingly in consultation with the qualifying body.

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What information should be provided following the making of a neighbourhood plan?

[Regulation 16 of the Environmental Assessment of Plans and Programmes Regulations 2004](#) sets out the requirements of the local planning authority once the [neighbourhood plan](#) has been made.

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Does the local planning authority have to monitor the significant effects of implementing the neighbourhood plan once it has been made?

Monitoring the significant effects of the implementation of a neighbourhood plan that was subject to a strategic environmental assessment should be undertaken (see [Regulation 17 of the Environmental Assessment of Plans and Programmes Regulations 2004](#)). This will enable unforeseen adverse effects to be identified at an early stage and to enable appropriate remedial actions. The local planning authority should consider arrangements to monitor the significant effects of implementing the [neighbourhood plan](#) and reporting this issue in its Monitoring Report.