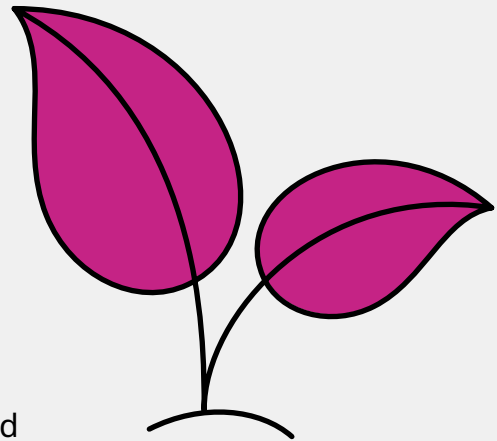




02

Environmental Assessment

Environmental Assessment



The two Environmental Assessments which are relevant to neighbourhood plans are:

- Strategic Environmental Assessment (SEA); and
- Habitats Regulations Assessment (HRA).

SEA and HRA screening will be undertaken on the draft plan to ascertain whether further assessment under one or both Environmental Assessments is required. If an Appropriate Assessment (AA), Stage 2 of the HRA process, is required then normally a SEA will also be required.

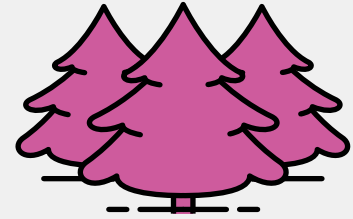
Within the basic conditions that will be tested by the independent examiner are whether the making of the neighbourhood plan is compatible with relevant legal obligations including SEA and HRA.

As a result of the above, every draft neighbourhood plan should be assessed (screened) by Wiltshire Council at an early stage in its preparation to determine whether it is likely to have significant environmental effects.

As soon as there is sufficient information/detail about your draft neighbourhood plan's proposed content or intentions (e.g., whether it will allocate sites) we advise that you request for us (neighbourhoodplanning@wiltshire.gov.uk) to undertake an SEA and HRA screening, before you carry out your Regulation 14 (pre submission) consultation. The purpose of the SEA and HRA Screening is to ascertain whether further stages of the SEA and/or HRA process should be carried out.

National guidance establishes that the ultimate responsibility for determining whether a plan meets SEA and HRA legal obligations lies with the local planning authority.

Strategic Environmental Assessment (SEA)



SEA focuses on the likely significant environmental effects that your neighbourhood plan might have on your local environmental assets, together with possible mitigation measures. The more environmentally sensitive the location the more likely the effects of your plan will be significant, and SEA will be required.

To ascertain if SEA is required, a 'screening' exercise is undertaken which looks at the early draft proposals and policies in a neighbourhood plan to see if a significant effect on the environment is likely.

If a SEA is required, it should form a key part of the evidence base for your plan and play an important and iterative role in the plan making process. It will not make decisions on the actual content of your plan, but it will help you understand the environmental impacts of your proposals, and tailor your neighbourhood plan accordingly.

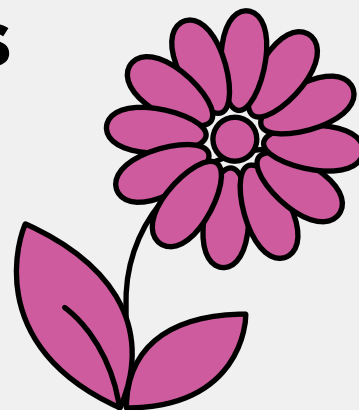
Not every neighbourhood plan needs a SEA but when you submit your draft plan to us for independent examination, you will need to provide, either:

- 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:

- Your plan allocates sites for development.
- Your Neighbourhood Area contains sensitive natural or heritage assets that may be affected by the proposals in your plan (e.g., a Site of Special Scientific Interest (SSSI), Area of Outstanding Natural Beauty (AONB), World Heritage Site, Conservation Area, Listed Buildings, Scheduled Monument).

Habitats Regulations Assessment (HRA)



An HRA is a separate process which is required for all plans to test if it could significantly harm the designated features of a European site¹. A plan sets out the future activities or developments that should take place within an area. This can include any changes proposed to an existing plan.

The screening involves checking your neighbourhood plans objectives, options, policies, proposals, and allocations to see if they are likely to lead to significant effects on a European site(s) alone or in combination with other plans and projects. If it is considered through the screening that the plan is likely to have significant effects on a European site, an Appropriate Assessment (AA) will be required.

If the HRA screening of the draft neighbourhood plan proposals concludes that it will not give rise to 'Likely Significant Effects' (LSE) on any European sites, then an appropriate assessment will not be required at that stage.

The HRA process can have up to three stages:

1. Stage 1 Screening – To check if the neighbourhood plan proposals are likely to have a significant effect on a European site, either alone or in combination with other plans or projects [If not, you do not need to go through the next two stages].
2. Stage 2 Appropriate Assessment – To assess the likely significant effects in more detail and identify ways to minimise any effects.
3. Stage 3 Derogation – To consider if proposals that would have an adverse effect on a European site qualify for an exemption.

The Strategic Environmental Assessment Directive requires that if a neighbourhood plan requires an AA, then the plan will normally also require a SEA. It is therefore a good idea to undertake HRA screening at the **same time** as screening for SEA.

It should be noted that a draft neighbourhood plan can only proceed to examination where HRA screening has established that there will be no likely significant effects on any European sites, either alone or in combination; OR where AA (where necessary) has been able to conclude beyond reasonable scientific doubt that the NP would not have an adverse effect on the integrity of any European sites.

¹This toolkit is in the process of being produced. It will be on the Wiltshire Council (neighbourhood planning) website as soon as it is available.

SEA and HRA screening



You should ask us for a SEA and HRA screening opinion on your draft neighbourhood plan as soon as there is sufficient information available to consider whether its proposed content or intentions are likely to lead to significant effects – e.g., whether it will allocate development sites or not?

If you are proposing to allocate sites for development, you will need to undertake a robust site assessment to consider the likely impacts of developing each site on the natural and built environment. This information will need to be supplied to us at the earliest opportunity so it can inform our screening opinions.

Other information which you should provide us with, includes:

- Details of emerging draft policies and development sites shown on a map within the neighbourhood plan area.
- Details of any natural or heritage assets and their settings, that may be affected by policies or development sites².
- Details of how any such assets, and their settings, would be impacted by any policies or development sites, how this has been assessed and what the consequences of these impacts would be on those assets.
- Details of any measures which could be included either within policy or at site level, that could reduce (mitigate) and adverse impacts.

With regards to our SEA screening opinion, we will consult with Natural England, Historic England and the Environment Agency who have **up to a period of five weeks** in which to respond. We will take their comments into account when making our final decision. With regards to HRA, we will consult with Natural England when an AA assessment is required and has been undertaken.

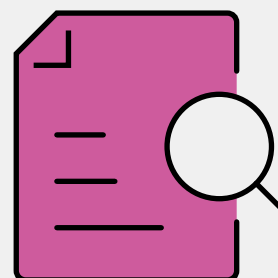
The screening process will establish whether a SEA and/or AA should be carried out on your neighbourhood plan. Where it is determined that SEA and/or AA is not required, we will provide a statement of reasons for the determination. This statement will form part of your formal submission when you come to submit your draft plan for independent examination.

Remember, even if the initial screening indicates that SEA and/or AA is not necessary, amendments to your neighbourhood plan **at any stage** can trigger the need for it. This is particularly relevant if you start adding, amending or removing site allocations or policies, or start making other changes which may give rise to significant environmental effects. It is worth bearing this in mind whenever you advance the plan or change it following a round of consultation etc.

²This should include details of each asset and its significance. Please note, natural assets include biodiversity, water and flood risk; heritage assets include undesignated heritage assets, and their settings.

What if a Strategic Environmental Assessment is required?

If the SEA screening process concludes that SEA is required for your plan, there is a prescribed process to follow. You must assess the environmental qualities of your area, test the possible impacts of your neighbourhood plan on the environment, consider and assess reasonable alternatives (i.e., look at different ways to deliver what you want) and prepare and consult on an Environmental Report.



There are five stages in the SEA process:

- Stage A: Scoping the issues.
- Stage B: Assessing the effects of your plan and alternative options.
- Stage C: Preparing an Environmental Report.
- Stage D: Consulting on your draft plan and Environmental Report (can run parallel with the regulation 14 pre-submission consultation).
- Stage E: Monitoring the significant effects of your plan (after your neighbourhood plan is 'made' (adopted)).

If you meet the eligibility criteria (e.g., your plan allocates sites for housing) you may qualify for one of Locality's Technical Support Packages. This is awarded in addition to the basic grant funding and is delivered free of charge. Where it has been confirmed by the local planning authority that a SEA is required, a support package may be offered which will provide evidence to integrate environmental considerations into the plan-making process through a formal SEA and associated environmental report (that reports the outcomes of the SEA process).

Further information on how to access the technical support package is available in our guidance note '**Getting funding and support**'.

What if Appropriate Assessment (AA) is required?

If the HRA screening process indicates that AA is required, it is the responsibility of the local planning authority (Wiltshire Council) as 'competent authority' under the Habitats Regulations, to undertake the AA. When an AA is conducted there is a requirement to consult with Natural England (NE) and seek their views who have **21 days to respond**.



