



Neighbourhood Planning Toolkit Guidance Note 8

Neighbourhood Planning: Strategic Environmental Assessments (SEA)

South Cambridgeshire District Council

Adopted February 2018

This document has been produced by South Cambridgeshire District Council, with assistance from consultants Place Services. It includes hyperlinks to a range of websites, and the hyperlinks can be accessed using the published version of this document, which is available to view via: www.scams.gov.uk/npguidance. Every effort has been made to ensure that these hyperlinks are up-to-date, however as websites change these hyperlinks can become invalid.

Herefordshire Council has kindly given permission for us to provide links to their guidance on neighbourhood planning. These can be found here:

Herefordshire Council guidance note 9: Habitat Regulation

https://www.herefordshire.gov.uk/downloads/file/3700/guidance_note_9_habitat_regulations_assessment

Herefordshire Council guidance note 9a:

https://www.herefordshire.gov.uk/downloads/file/5229/guidance_note_9a_strategic_environmental_assessment

Huntingdonshire District Council has kindly allowed us to take inspiration and wording from their Neighbourhood Planning Guidance.

If you have any queries relating to this document, please contact us via

neighbourhood.planning@scams.gov.uk or 01954 713183.

Introduction

A number of 'Basic Conditions' must be met in order for a neighbourhood plan to be finalised, or 'made'. One of these Basic Conditions includes that the making of the plan "*does not breach, and is otherwise compatible with, EU Obligations*".

This includes Strategic Environmental Assessment (SEA), which emanates from one such EU Obligation. SEA is an important tool for integrating environmental considerations into the preparation of plans. This guidance document has been produced to assist neighbourhood planning groups in understanding the requirements of and processes behind SEA.

What is the legislative background to SEA?

Directive 2001/42/EC 'on the assessment of the effects of certain plans and programmes on the environment' is an EU obligation which requires SEA to be undertaken for plans and programmes which are likely to have '*significant effects on the environment*'. Guidance on the identification of whether a neighbourhood plan will have any significant effects on the environment is included later in this guidance note.

This Directive, otherwise referred to as 'The SEA Directive', is brought into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004. These regulations are also known as 'The SEA Regulations'. It is these regulations that Plan's will need to be compatible with, placing a legal duty on those preparing them to assess their Plans for their potential effect on the environment and whether a 'full' SEA Environmental Report is required.

Guidance and Regulations – Useful Links

National Guidance on neighbourhood planning

National Planning Practice Guidance - [Basic Conditions](#)

National Directive and Regulations

Directive 2001/42/EC: [SEA Directive](#)

Environmental Assessment of Plans and Programmes Regulations 2004: [SEA Regulations](#)

Other Resources

[SCDC Neighbourhood Planning Toolkit](#)

What are the Basic Conditions and How to Meet Them

What is SEA and when is it required?

SEA is a process that helps to understand how Plans will affect the environment of the area that they cover.

An SEA Environmental Report is required if your neighbourhood plan is likely to have a significant effect on the environment, particularly where it affects a sensitive area and the features for which it was designated. The Environmental Impact Regulations (2011) define sensitive areas as:

- Sites of Special Scientific Interest and European sites (Special Areas of Conservation and Special Protection Areas);
- Areas of Outstanding Natural Beauty; and
- World Heritage Sites and Scheduled Monuments.

In addition proposals may also have the potential to give rise to significant effects if they affect other designations or features (such as Conservation Areas or Listed Buildings). The more environmentally sensitive the location, the greater possibility that effects might be significant and will require an assessment.

In addition to the consideration of any sensitivities within neighbourhood plan areas, much also depends on the content of the neighbourhood plan and what is being proposed. National Guidance states that, 'whether a neighbourhood plan proposal requires a SEA, and (if so) the level of detail needed, will depend on what is proposed. A SEA may be required, for example, where:

- a neighbourhood plan allocates sites for development;
- the neighbourhood plan area contains sensitive natural or heritage assets that may be affected by the proposals in the Plan; and/or
- the neighbourhood plan is likely to have significant environmental effects that have not already been considered and dealt with through a Sustainability Appraisal of the Local Plan.'

Therefore, a key stage in the neighbourhood planning process is determining whether or not a 'full' SEA Environmental Report is required. It is recommended that this is identified as early as possible in the formulation of the neighbourhood plan.

Guidance and Regulations – Useful Links

National Guidance on Neighbourhood Planning

National Planning Practice Guidance - [Strategic environmental assessment requirements for neighbourhood plans](#)

National Regulations

[The Environmental Impact Regulations \(2011\)](#)

Step One – The SEA Screening Report

How to check whether you will need to undertake a ‘full’ SEA Environmental Report?

To identify whether a neighbourhood plan might have ‘significant environmental effects’ and a consequential need to undertake a SEA Environmental Report, the neighbourhood plan must be ‘screened’. The requirements of the ‘screening’ process are set out in Regulation 9 of The SEA Regulations.

Neighbourhood plan proposals should be screened at an early stage of the Plan’s preparation. As soon as the plan boundary, plan objectives / emerging policies and approximate housing numbers have been identified, alongside whether or not any sites will be allocated for development, there will be a need for an ‘SEA Screening Report’ to be carried out to see whether a full SEA Environmental Report is required. Early screening will help any ‘full’ SEA to be built into the project plan so that it can be carried out alongside Plan development. This will allow the environmental considerations to shape the Plan and will avoid delays later in the process.

SCDC’s Local Plan includes a number of sites for development and policies that seek to prevent significant effects from occurring at the District level. Such significant effects have been identified within the Local Plan’s ‘Sustainability Appraisal’, which is a process that also derives from The SEA Regulations and satisfies the EU Obligation that is the SEA Directive.

If the neighbourhood plan’s content does not broadly differ from the content of SCDC’s Local Plan (i.e. in policy approaches, housing numbers or allocated sites for development purposes), then this should be identified within the SEA Screening Report and a ‘full’ SEA Environmental Report will **NOT** be required to accompany the neighbourhood plan.

Should neighbourhood plans change throughout the plan-making process (for instance if any sites are allocated in addition to those of previous plan drafts) and a ‘full’ SEA has been ‘screened out’ through the Screening Report earlier in the process, then the SEA Screening Report should be similarly revised to reflect the Plan as submitted. It is not unusual for SEA Screening Reports to be revised several times to reflect a Plan’s changing content.

Other Resources

Locality has a toolkit, which offers a guide on the SEA screening process:
[Locality Toolkit for SEA](#)

How can SCDC help?

As part of our Support Offer to parish councils, SCDC will arrange to have the initial SEA Screening Report to be carried out for all neighbourhood plans in the District.

The SEA Screening Report

Appendix 1 of this guidance note outlines the process for undertaking SEA Screening of neighbourhood plans.

SEA screening includes answering a series of questions about the nature of the neighbourhood plan and how it might affect the environment. These questions are derived from Annex II of The SEA Directive, which identifies what constitutes a ‘significant effect’. This Annex is replicated in

Appendix 3 of this guidance note.

The SEA Directive includes a number of ‘factors’ or ‘themes’ that must be considered when identifying ‘significant effects’. These factors are:

- Biodiversity
- Population
- Human Health
- Fauna
- Flora
- Soil
- Water
- Air
- Climatic Factors
- Material assets
- Cultural heritage
- Landscape
- And the inter-relationship between these above factors.

A level of information gathering is required in relation to these above factors in order to make sure that, like the neighbourhood plan itself, the SEA Screening Report is based on relevant evidence. Evidence should be as ‘quantitative’ as possible (as opposed to ‘qualitative’) and in any areas of doubt, or where impacts are difficult to identify, a precautionary approach should be taken that may lead to a ‘full’ SEA Environmental Report being required.

The SEA Screening Report should be published on the websites of the parish council / neighbourhood plan group and SCDC. As the Local Planning Authority (LPA), SCDC will need to determine whether the SEA Screening Report is accurate in its conclusions and whether it has followed the process of screening properly.

What is a Habitat Regulation Assessment (HRA)?

One of the most significant environmental effects that a neighbourhood plan could have is on certain sites for wildlife conservation that are identified and designated at the European level. These sites, known as ‘Natura 2000’ sites, include designations such as Special Protection Areas (SPAs) and Special Areas of Conservation (SACs).

The SEA Directive requires special consideration of these designated sites. These designations are also established through further EU Directives which neighbourhood plans need to comply with to meet the ‘basic conditions’. SPAs are designated under the ‘Birds Directive’ (Council Directive 2009/147/EC on the conservation of wild birds) and SACs are designated under the ‘Habitats Directive’ (Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora).

Similar to The SEA Directive possibly resulting in the need to undertake an SEA Environmental Report, The Habitats Directive and Birds Directive can possibly lead to the need to undertake another form of environmental assessment: a Habitats Regulations Assessment (HRA).

The SEA Screening Report will also assess and give an opinion as to whether the contents of emerging neighbourhood plans require a HRA. This is an important part of the screening test that must be undertaken to see if a neighbourhood plan is likely to have a significant effect on any of the wildlife sites that have protection at a European level. Within South Cambridgeshire District there is only one such site – Wimpole and Eversden Woods (a SAC). Despite this, due to the sensitivities of

SPAs and SACs, impacts from development can be felt from wider afield. Other sites are just outside of the South Cambs local authority boundary and need to be considered in SEA Screening Reports throughout the District.

Should the SEA Screening Report identify that a HRA will be required, then it is strongly advised that specialist ecological consultants are commissioned, due to the technical nature and requirements of such assessments.

Guidance and Regulations – Useful Links

National Directives

[Birds Directive](#)

[Habitats Directive](#)

What consultation is required on the SEA Screening Report?

The SEA Regulations require consultation with a number of identified relevant bodies. These are:

- Historic England;
- Natural England; and
- Environment Agency.

Each consultation body will be able to advise on particular topics relevant to its specific area of expertise and responsibility, and the specific information that it holds. It is recommended that consultation with these bodies on the SEA Screening Report is undertaken as early as possible and for a period of 5 weeks.

It should be noted that this consultation must take place prior to the consultation on the Draft Neighbourhood Plan (Regulation 14). The responses from this consultation need to be included in the final SEA Screening Report.

How can SCDC help?

As part of our Support Offer to parish councils, we will arrange to have the initial SEA Screening Report carried out for all neighbourhood plans in the District. The SEA Screening Report will also include screening regarding Habitats Regulation Assessment, another EU obligation.

SCDC will, as part of our Support Offer, also carry out the necessary consultation on the SEA Screening Report with the relevant bodies.

What happens after the Screening Report is consulted on?

As previously set out, the SEA Screening Report will be consulted on by the statutory consultees. These consultees will either agree or disagree with the screening opinion of the report; i.e. whether a 'full' SEA Environmental Report should be undertaken. This is an important step towards demonstrating that a Plan has met the 'basic conditions'.

In the majority of instances to date, neighbourhood plans have not included proposals which have triggered a full SEA Environmental Report to be undertaken. If the SEA screening process 'screens out' the need to undertake a 'full' SEA Environmental Report, then an up-to-date SEA Screening Report will satisfy the 'basic condition' regarding this EU obligation.

However, numerous neighbourhood plans have undertaken full SEA Environmental Reports across the country, either as a requirement or through choice in order to maximise the integration of environmental considerations into the preparation of their Plan.

Step Two – A full SEA Environment Report

What happens if a neighbourhood plan does need a ‘full’ SEA Environmental Report?

If a SEA Screening Report identifies that the neighbourhood plan could have significant effects on the environment, then the parish council / neighbourhood plan group will be required, by law, to undertake a SEA Environmental Report.

The process of undertaking a SEA Environmental Report requires a substantial amount of work in order to address any issues. It should be noted that carrying a SEA Environmental Report is recognised as a complex task which is likely to need expert help.

Who carries out a full SEA Report?

SCDC will not carry out a full SEA Environmental Report if one is required.

There are however a **number of options for undertaking the work:**

- The parish council can undertake the SEA Environmental Report;
- Planning consultants can be commissioned by the parish council / neighbourhood plan group to undertake the work.

Top tip

Grants are available to parish councils / neighbourhood plan groups in order to pay consultants to undertake this work. Grants can be applied for up to 2018 from Locality – [Neighbourhood Planning grants](#) but a Plan requiring a full SEA could also qualify for the [Locality Technical Support package](#) whereby they would appoint consultants to complete the SEA report.

What work has to be done if a ‘full’ SEA Environmental Report is required?

If a ‘full’ SEA Environmental Report is required, there is a prescribed process to follow. A SEA Environmental Report is required to identify, describe and evaluate the likely significant effects on the environment of implementing the neighbourhood plan as it is presented, and also ‘reasonable alternative’ approaches to elements of the Plan.

What are ‘Reasonable Alternatives?’

Reasonable alternatives are the different realistic options considered by the plan-maker in developing the policies in its plan. They must be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made. The alternatives must be realistic and deliverable.

The SEA process consists of five different stages (A-F in the following table) which **MUST** be followed to ensure that the SEA Environmental Report is ‘sound’ and legally compliant with The SEA Regulations. Stages A-D represent the work that must be done and included within the SEA Environmental Report.

Stage	Task
Stage A - Screening	<ol style="list-style-type: none"> 1. <i>Determine whether the neighbourhood plan is likely to have significant environmental effects, including consulting the environmental assessment consultation bodies.</i>
Stage B - Setting the context and objectives, establishing the baseline and deciding on the scope	<ol style="list-style-type: none"> 1. <i>Identify other relevant policies, plans and programmes, and sustainability objectives.</i> 2. <i>Collect baseline information.¹</i> 3. <i>Identify sustainability issues and problems.</i> 4. <i>Develop the strategic environmental assessment framework.</i> 5. <i>Consult the environmental assessment consultation bodies on the scope of the strategic environmental assessment.</i>
Stage C - Developing and refining alternatives and assessing effects	<ol style="list-style-type: none"> 1. <i>Test the neighbourhood plan objectives against the strategic environmental assessment framework.</i> 2. <i>Develop the neighbourhood plan options including reasonable alternatives.</i> 3. <i>Evaluate the likely effects of the neighbourhood plan and alternatives.</i> 4. <i>Consider ways of mitigating adverse effects and maximising beneficial effects.</i> 5. <i>Propose measures to monitor the significant effects of implementing the neighbourhood plan.</i>
Stage D - Prepare the Environmental Report	<i>In accordance with Regulation 14 of the Neighbourhood Planning Regulations, an Environmental Report will need to be prepared to accompany your draft neighbourhood plan.</i>
Stage E - Publish and consult on the	<i>Publish and consult the consultation bodies and the public on the environmental report.</i>

¹ 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. 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.

Stage	Task
environmental report	
Stage F - Post making reporting and monitoring	<ol style="list-style-type: none"> 1. <i>Prepare and publish post-adoption statement.</i> 2. <i>Monitor significant effects of implementing the neighbourhood plan.</i>

Appendix 2 of this guidance note outlines the SEA process alongside the plan-making process.

What does a ‘full’ SEA Environmental Report contain?

As already mentioned, SEA Environmental Reports represent the content of Stages A-D of the above SEA process.

Schedule 2 of The SEA Directive specifies strict requirements for SEA Environmental Reports. These requirements are outlined below, with some hints and tips as how to undertake each element:

SEA Directive Requirement for Environmental Reports	What does this mean?
1. An outline of the contents and main objectives of the plan or programme, and of its relationship with other relevant plans and programmes.	<i>Quite simply, this involves setting out what the neighbourhood plan is trying to achieve and its relationship with other relevant Plans, such as those prepared by SCDC, Cambridgeshire County Council, nationally and also those of any relevant neighbouring Councils.</i>
2. The relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme.	<i>This Section of the SEA will require collecting data and information relevant to the neighbourhood plan area (on those topics set out in SEA Directive requirement 6 below) and setting out how the characteristics of the neighbourhood plan could be expected to change if the neighbourhood plan wasn't ‘made’.</i>
3. The environmental characteristics of areas likely to be significantly affected.	<i>Similar to SEA Directive requirement 2 above, this requires the SEA to identify the broad potential impacts of implementing the neighbourhood plan, such as the principle of allocation land for development, or the effects certain policies might have.</i>

SEA Directive Requirement for Environmental Reports	What does this mean?
<p>4. Any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Council Directive 79/409/EEC on the conservation of wild birds(a) and the Habitats Directive.</p>	<p><i>Similar to SEA Directive requirement 2 above, this requires the SEA to identify the key or 'headline' issues facing the neighbourhood plan area.</i></p> <p><i>Of key importance is the consideration of internationally and nationally important sites for wildlife conservation. These can be impacted by development or planning decisions over a wide area.</i></p>
<p>5. The environmental protection objectives, established at international, Community or Member State level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation.</p>	<p><i>This involves reading a lot of other 'higher level' plans and documents that could limit what the neighbourhood plan might be trying to achieve.</i></p> <p><i>This work sets out overarching environmental objectives internationally, nationally and more locally, with commentary as to how these will have to be considered in the Plan. This 'contextual review' will also inform the SEA of a lot of wider environmental issues and aspirations related to planning.</i></p>
<p>6. The likely significant effects on the environment, including short, medium and long-term effects, permanent and temporary effects, positive and negative effects, and secondary, cumulative and synergistic effects, on issues such as— (a) biodiversity; (b) population; (c) human health; (d) fauna; (e) flora; (f) soil; (g) water; (h) air; (i) climatic factors; (j) material assets; (k) cultural heritage, including architectural and archaeological heritage; (l) landscape; and (m) the inter-relationship between the issues referred to in subparagraphs (a) to (l).</p>	<p><i>This requirement involves assessing or 'appraising' the Plan to see if there will be any effects resulting from its policies and site allocations if they are included. Evidence will have been collected through requirements 2-5 on the topics listed and judgements should be based primarily on the evidence collected.</i></p> <p><i>If there are any gaps in knowledge on any of these topics, then the plan-makers might need to undertake or commission evidence base documents, such as identifying specific effects on biodiversity or cultural heritage (Listed Buildings etc.) This can then inform the SEA process.</i></p> <p><i>Commissioning specialist consultants to undertake the SEA can ensure that effects are correctly identified and offsetting measures (see below in requirement 7) are realistic.</i></p> <p><i>Of key importance in the SEA process is to appraise the Plan and 'reasonable alternatives' to the same level against the topics listed in this requirement.</i></p>

SEA Directive Requirement for Environmental Reports	What does this mean?
<p>7. The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme.</p>	<p><i>This requirement follows on from requirement 6 above, and involves identifying mitigation measures or recommendations to ensure that any effects identified in the SEA can be minimised or eradicated.</i></p> <p><i>Recommendations might include changing policy wording or including new policies to ensure that planning applications for any allocated sites in the Plan would not be granted that give rise to any negative effects on the environment.</i></p>
<p>8. An outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information.</p>	<p><i>It is essential that the SEA and Plan considers alternatives and assesses them ‘on a level playing field’. The SEA Environmental Report is required to outline all of the ‘reasonable alternatives’ provide commentary as to how and why they have been identified, and also state why they have not been selected.</i></p>
<p>9. A description of the measures envisaged concerning monitoring in accordance with regulation</p>	<p><i>The SEA Environmental Report will be required to include a list of possible indicators against those topics in requirement 6 (if they are relevant to the Plan area) and how they could be monitored in the future.</i></p> <p><i>Where effects are identified in the SEA Environmental Report, it is important to set out what these specific impacts are in real terms. For instance, if a site allocation in the Plan is next to a river, then a possible impact could be flood risk. An indicator and measure for monitoring this could be ‘incidents of flooding over the plan period.’</i></p>
<p>10. A non-technical summary of the information provided under paragraphs 1 to 9.</p>	<p><i>Town and country planning often involves a lot of jargon and technical terms. As public consultation on the Plan and the SEA Environmental Report will be required, it is important to ensure that everybody in the community understands what is being proposed and what the effects might be. For this reason, a Non-Technical Summary of the SEA Environmental Report is required.</i></p>

Whilst it may appear to be a lot of extra work, if it is started early on in the process, undertaking a SEA Environmental Report can really help to maximise the environmental value of neighbourhood plans assist plan-makers in choosing the right solutions for the area.

Other Resources

Historic England - [Guidance on SEA](#)

Step Three: Monitoring the policies in the neighbourhood plan and the effects identified in the SEA Environmental Report

This process will enable you to see whether the adopted neighbourhood plan policies are working and whether they are achieving the main plan objectives for the future. This review of plan policy implementation provides the opportunity to decide if the neighbourhood plan requires a review. This will ensure the protection of the environment, as The SEA Regulations intend. Monitoring is usually done on an annual basis, but this is dependent on the indicator that is being monitored.

How can SCDC help?

SCDC will be responsible for monitoring the strategic elements of your adopted plan, such as housing numbers, employment land and retail provision. However, where the plan has very local specific policies, the monitoring of these is required to be done by the parish council undertaking the neighbourhood plan in accordance with the SEA Regulations.

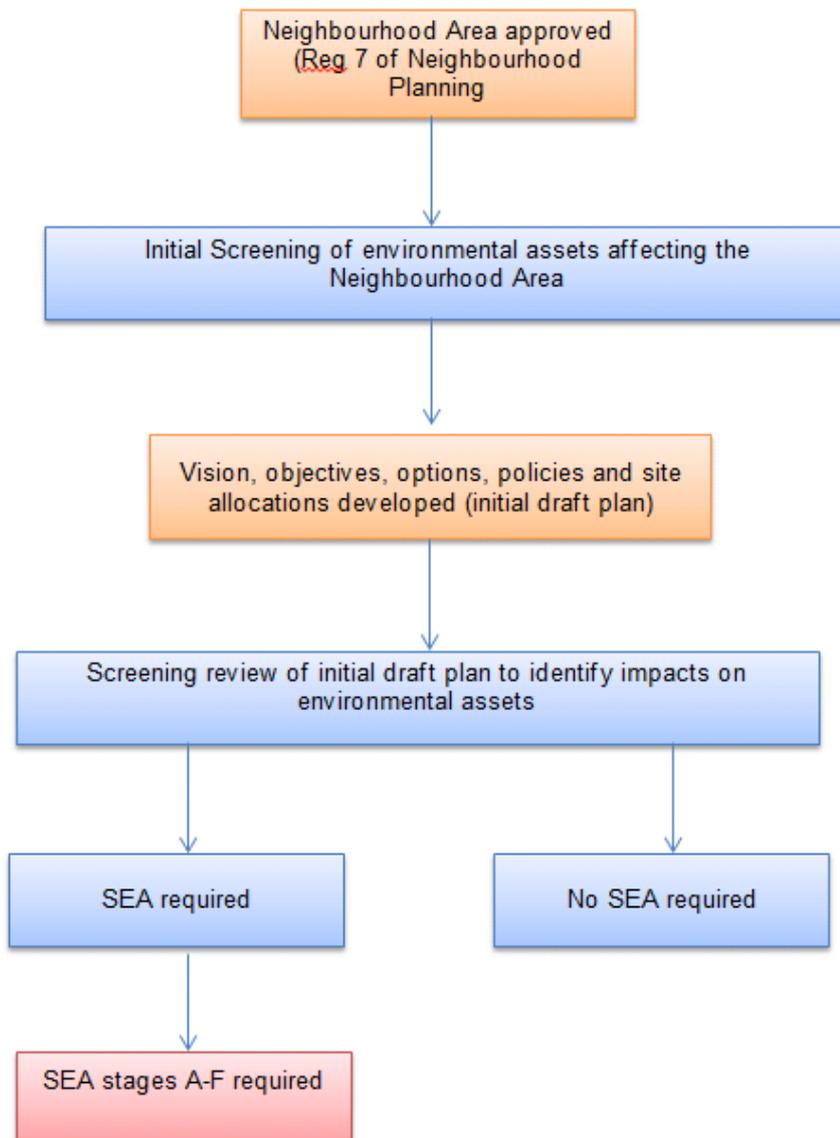
SCDC will monitor your plan as part of our annual monitoring report but we will need your assistance in providing local information on policies that are very local.

Other Resources

South Cambs Annual Monitoring Reports represent monitoring at the district level, and also provide evidence that can be used throughout the SEA process. The [Annual Monitoring Reports](#) can be found on the South Cambridgeshire website.

Appendix 1

Process for undertaking SEA Screening of Neighbourhood Plans



SEA Screening process
(neighbourhood Planning
team)



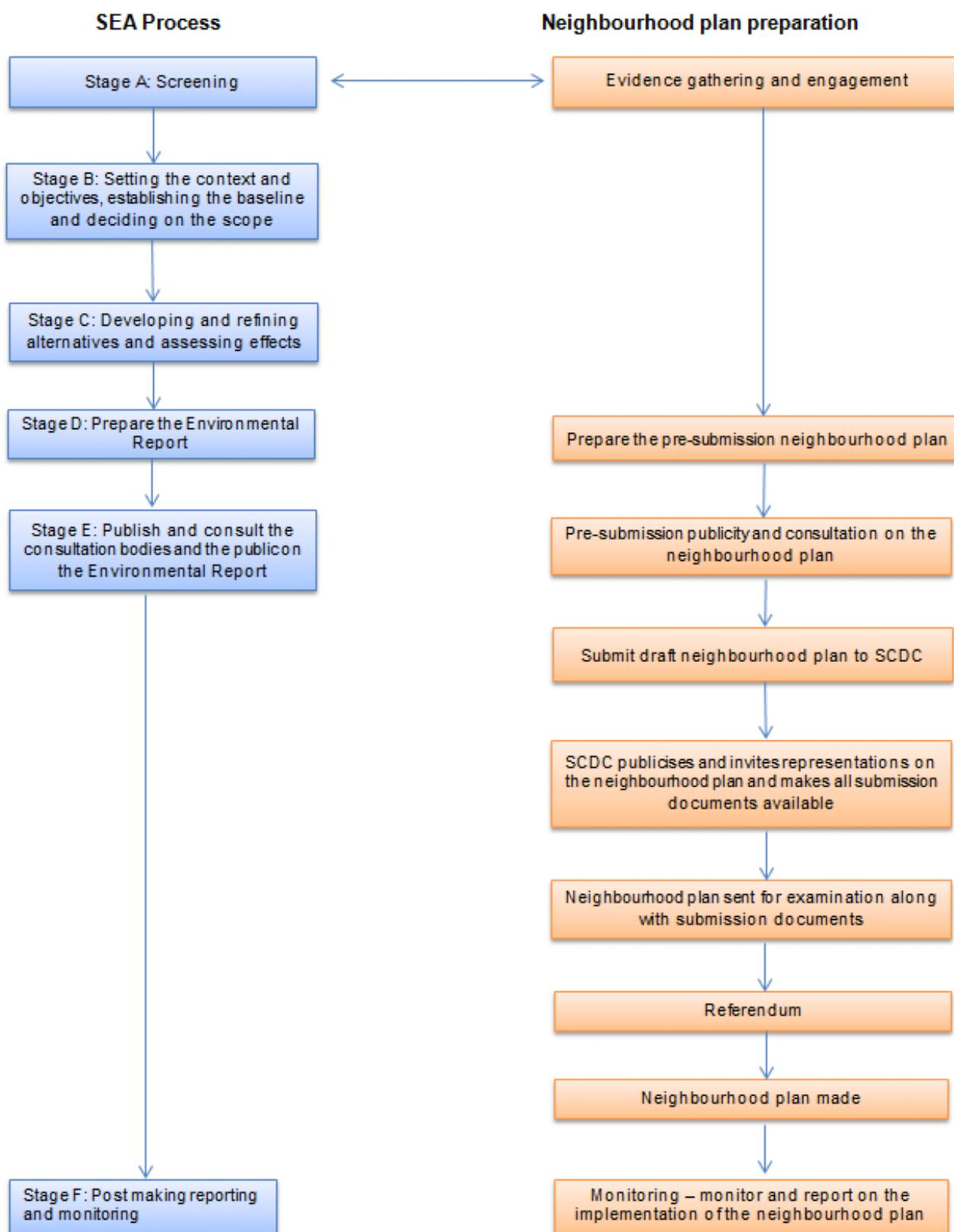
Plan making
process (Parish
Council)



Both Parish Council
and Neighbourhood
Planning team

Appendix 2

'Full' SEA Environmental Report process alongside plan making process



Appendix 3

Criteria for determining the likely significant effects on the environment, referred to in Article 3(5) of Directive 2001/42/EC

Annex II of SEA Directive 2001/42/EC – Significant Effects

1. The characteristics of plans and programmes, having regard, in particular, to
 - 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,
 - 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
 - the probability, duration, frequency and reversibility of the effects,
 - the cumulative nature of the effects,
 - the transboundary nature of the effects,
 - 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),
 - 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,
 - * intensive land-use,
 - * the effects on areas or landscapes which have a recognised national, Community or international protection status.