

Sustainability Environmental Assessment (SEA), Sustainability Appraisal (SA), and Habitat Regulations Assessment (HRA)

1. What is Strategic Environmental Assessment (SEA)?

- 1.1. Strategic Environmental Assessment (SEA) is a process that helps to understand how plans (including the choice of sites and policies) will affect the environment of the area that it covers.
- 1.2. It is required by the SEA Directive, which places a legal duty on people preparing some development plans to assess those plans for their potential effect on the environment.
- 1.3. A SEA Environmental Report is legally required if your 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.
- 1.4. 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.
- 1.5. This information can be found using the Council's online map:
<https://gis1.westberks.gov.uk/applicationtemplates/onlinemap/>.
- 1.6. In addition, proposals may also be significant if they affect other designations or features (such as Conservation Areas or Listed buildings). These can also be found on the Council's online map.
- 1.7. The more environmentally sensitive the location, the more likely it is that the effects will be significant and will require an assessment.
- 1.8. 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.'
- 1.9. The process of carrying out a SEA will form part of the evidence base for your plan, and it can be an important tool in the plan-making process.

2. What is sustainability appraisal (SA)?

- 2.1. The achievement of sustainable development is the core principle underpinning the planning system. Whilst this note focuses specifically on the need to consider undertaking a SEA environmental report / HRA as part of your neighbourhood plan, it is worth noting the concept of Sustainability Appraisal (SA), which is a tool for demonstrating how your plan contributes to the achievement of sustainable development.
- 2.2. SA differs from SEA in that it considers not only the environmental effects of a plan, but the wider social and economic effects also. There is no legal requirement for a neighbourhood plan to have an SA, however, a qualifying body (Town / Parish Council) must demonstrate how its plan will contribute to achieving sustainable development. This is one of the basic conditions. SA is a useful approach for demonstrating this and it can be undertaken as part of an SEA Report.
- 2.3. Considering the wider sustainability effects (including social and economic) of your neighbourhood plan is also likely to lead to a more balanced and sustainable plan and one which is more likely to meet the needs of a wider cross-section of the local community.

3. What is habitat regulations assessment (HRA)?

- 3.1. 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).
- 3.2. 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).
- 3.3. Similar to the SEA Directive possibly resulting in the need to undertake a 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).
- 3.4. There are no SPAs within West Berkshire district, however there are SACs. These can be found on the Council's online map:
<https://gis1.westberks.gov.uk/applicationtemplates/onlinemap/>.

4. How to check whether SEA / HRA will be required

- 4.1. Once you have a draft of your neighbourhood plan, we advise that you submit it to West Berkshire's Planning Policy Team (planningpolicy@westberks.gov.uk) with a request for a SEA/HRA screening opinion.

- 4.2. The purpose of the screening opinion is to ascertain whether a SEA should be carried out. The SEA Screening Opinion 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.
- 4.3. The SEA Regulations require consultation with a number of identified relevant bodies. These are:
 - Historic England;
 - Natural England; and
 - Environment Agency.
- 4.4. 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.
- 4.5. 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.
- 4.6. When we carry out the SEA Screening Opinion we need to interrogate the evidence behind the policies, in particular where they relate to policies which permit development in particular locations (eg. a site allocation boundary, a large site within a development boundary or direction for future growth). This aspect is being particularly picked up by the statutory consultees at the SEA Screening Stage (Historic England and Natural England) and, where there is insufficient evidence, the draft neighbourhood plan will be returned to groups for the gaps to be filled. In truth the SEA Screening Stage requires some preparation from groups to get through, but in doing so you will find that you are getting everything in order and then the remainder of the process is easier as a result.
- 4.7. When you submit the informal draft neighbourhood plan and the SEA/HRA Screening Opinion request can you please ensure that you submit the following:
 - An unprotected Microsoft Word version of your neighbourhood plan, ensuring that;
 - this has paragraph numbers throughout;
 - this has page numbers throughout; and,
 - all contents of figures are clearly visible and understandable to the document user; also considering when this is printed at A4 scale and in black and white.
 - Details of the supporting evidence that will be used to inform the plan. A document presenting an index to your evidence base.
 - A link to your online evidence base, where all of your neighbourhood plan supporting evidence to date should be readily accessible.
- 4.8. West Berkshire Council will provide you with an opinion (the 'Screening Opinion') as to whether your plan is likely to have a significant effect and whether or not you need to undertake SEA / HRA.

- 4.9. Whilst you will know your way easily around your evidence base, it is often difficult and time consuming for others to navigate and so, to assist both us and the statutory consultees, please could you present an index of your evidence base, presented in tabular format as shown in the example below, taking care to signpost specific section(s) of documents where this is appropriate:

Policy	Evidence source
Policy 1: Housing	<ul style="list-style-type: none"> • Main Evidence Overview Summary – Chapter 2, Section 5-9. • Consultation Response Report – Section 7 • West Berkshire Core Strategy policy ADPP1 • Etc.
Policy 2: The Field (Anytown) Site Allocation	<ul style="list-style-type: none"> • Site selection paper • Etc.

- 4.10. Early screening will help any assessment to be built into your project plan so that it can be carried out alongside plan development. This will allow the environmental considerations to shape your plan and will avoid delays later in the process.
- 4.11. 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'.
- 4.12. In the majority of instances to date, neighbourhood plans have not included proposals which have triggered a full SEA Environmental Report to be undertaken, eg. the Stratfield Mortimer Neighbourhood Development Plan. 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.
- 4.13. 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.

(a) Should a SEA screening decision be reviewed by West Berkshire Council if modifications are made to a draft plan or other changes occur?

- 4.14. Yes. This is because a SEA screening decision is made based upon knowledge of an emerging plans proposals at a point in time. If plan proposals are subsequently amended significantly (in other words, changes that substantially alter the draft plan such as adding, amending or removing site allocations or policies, or other changes that are likely to give rise to significant environmental effects) the SEA screening must be reviewed. In this instance, the Parish / Town Council should request a revised SEA screening assessment from West Berkshire Council.
- 4.15. It is not unusual for SEA Screening Reports to be revised several times to reflect a Plan's changing content.

5. SEA Environment Report / HRA

- (a) *What happens if a neighbourhood plan does need a 'full' SEA Environmental Report / HRA?*
- 5.1. If a SEA / HRA Screening Opinion identifies that the neighbourhood plan could have significant effects on the environment and / or wildlife sites that have protection at a European level European, then the parish council / neighbourhood plan group will be required, by law, to undertake a SEA Environmental Report / HRA.
- (b) *Who is responsible for producing these?*
- 5.2. West Berkshire Council will not carry out a full SEA Environmental Report or HRA. It is instead the responsibility of the neighbourhood planning group to carry it out themselves, or planning consultants can be commissioned by the neighbourhood planning group to undertake the work.
- 5.3. You may be able to carry out your own SEA using the guidance and links below, especially if you have the right skills in the community. Alternatively, Locality now offer a free SEA/HRA support package for groups that meet certain criteria (eg. allocating sites for housing or including design codes). The outcomes of this package are a SEA Scoping Report, a SEA Environmental Report and a HRA Technical Report. Further details can be found at:
<https://neighbourhoodplanning.org/about/technical-support/>.
- 5.4. Should the SEA Screening Report identify that a HRA will be required, then the neighbourhood planning group may wish to commission specialist ecological consultants, due to the technical nature and requirements of such assessments.
- 5.5. All neighbourhood planning groups are eligible for grant funding from the Government, and you may want to employ someone to carry out the assessment for you. Eligible groups can also apply for additional grant funding subject to certain criteria being met. More information is available at:
<https://neighbourhoodplanning.org/about/technical-support/>.
- 5.6. Locality have produced guidance on how to commission consultants:
<https://neighbourhoodplanning.org/toolkits-and-guidance/commission-consultants-work-neighbourhood-plan/>.
- (c) *What work has to be done if a 'full' SEA Environmental Report is required?*
- 5.7. If the SEA Screening Opinion 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 full SEA Environmental Report.
- 5.8. There is a prescribed process to follow; you must assess the environmental qualities of your area, test the possible impacts of your plan on the environment, consider reasonable alternatives (that is, explore different approaches to deliver what you want to) and prepare a report showing how you have taken the special qualities of your area into account and made choices in your plan accordingly. You must consult for five weeks on a SEA Scoping Report (your initial

assessment of the qualities of the area and how you intend to assess the impacts of your plan) and then for a further six weeks on the Environmental Report.

- 5.9. Whilst it may sound like a lot of extra work, if it is started early on in the process, it can really help to maximise the environmental value of your plan and help you to choose the right solutions for your area. You will need to demonstrate this to meet the 'Basic Conditions' that your plan will be tested on at Examination.
- 5.10. The SEA process consists of five different stages 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	Determine whether the neighbourhood plan is likely to have significant environmental effects, including consulting the environmental assessment consultation bodies.
Stage B – Setting the context and objectives, establishing the baseline and deciding on the scope	<ol style="list-style-type: none"> 1. Identify other relevant policies, plans and programmes, and sustainability objectives. 2. Collect baseline information. The term 'baseline information' refers to 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. 3. Identify sustainability issues and problems. 4. Develop the strategic environmental assessment framework. 5. Consult the environmental assessment consultation bodies on the scope of the strategic environmental assessment.
Stage C – Developing and refining alternatives and assessing effects	<ol style="list-style-type: none"> 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
Stage D – Prepare the Environmental Report	In accordance with Regulation 14 of the Neighbourhood Planning Regulations, an Environmental Report will need to be prepared to accompany your draft neighbourhood plan.
Stage E – Publish and consult on the Environmental Report	Publish and consult the consultation bodies and the public on the environmental report.

Stage	Task
Stage F – Post adoption of the neighbourhood plan reporting and monitoring	1. Prepare and publish post-adoption statement. 2. Monitor significant effects of implementing the neighbourhood plan.

(d) *What does a full SEA Environmental Report need to contain?*

5.11. As set out above, SEA Environmental Reports represent the content of Stages A-D of the above SEA process.

5.12. 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.	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 West Berkshire Council, nationally and also those of any relevant neighbouring Councils.
2. The relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme.	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 of the neighbourhood plan wasn't 'made'.
3. The environmental characteristics of areas likely to be significantly affected.	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.
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.	Similar to SEA Directive requirement 2 above, this requires the SEA to identify the key or 'headline' issues facing the neighbourhood plan area. 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.
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	This involves reading a lot of other 'higher level' plans and documents that could limit what the neighbourhood plan might be trying to achieve. This work sets out overarching environmental objectives internationally, nationally and more locally, with

SEA Directive Requirement for Environmental Reports	What does this mean?
<p>have been taken into account during its preparation.</p>	<p>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.</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 sub-paragraphs (a) to (l).</p>	<p>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.</p> <p>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.</p> <p>Commissioning specialist consultants to undertake the SEA can ensure that effects are correctly identified and offsetting measures (see below in requirement 7) are realistic.</p> <p>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.</p>
<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>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.</p> <p>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.</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>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.</p>
<p>9. A description of the measures envisaged concerning monitoring in accordance with regulation</p>	<p>The SEA Environmental Report will be required to include a list of possible indicators against those topics in</p>

SEA Directive Requirement for Environmental Reports	What does this mean?
	<p>requirement 6 (if they are relevant to the Plan area) and how they could be monitored in the future.</p> <p>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.'</p>
<p>10. A non-technical summary of the information provided under paragraphs 1 to 9.</p>	<p>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.</p>

- 5.13. You may find it helpful to refer to SEA Environmental Reports that have been produced by other neighbourhood planning groups.

6. Monitoring the policies contained in the neighbourhood plan and effects identified in the SEA Environmental Report

- 6.1. 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.