

Neighbourhood *Planning*



Appendix A – Recommendations to support the Neighbourhood Plan

Introduction

One of the basic conditions a Neighbourhood Development Plan must meet is that it must not breach and otherwise be compatible with EU obligations.

This means that some Neighbourhood Development Plan will need environmental assessments to support the plan. These assessments include:

- Strategic Environmental Assessment
- Habitats Regulation Assessment

This note sets out the requirements for these and advice on how this applies to Neighbourhood Development Plans.

Strategic Environmental Assessment

Strategic Environmental Assessment is an assessment legally required for any plan that is likely to have a significant environmental effect on the environment. The process is defined by legislation and guidance.

Neighbourhood Development Plans fall within the scope of this legislation as they have the potential to have a significant effect on the environment. However, not all will require a full Strategic Environmental Assessment; only those neighbourhood plans that are likely to have significant environmental effects.

All Neighbourhood Plans will need to be screened. This determines whether the proposals in the Neighbourhood Plan will have a significant effect on the environment or not and whether a Strategic Environmental Assessment is needed. This exercise must be built into the plan's preparation and timetable.

Whether a significant environmental effect is likely will be a balanced judgement based on the plan's complete strategy, its purpose and the characteristics of a neighbourhood in question. The outcomes of appraising the neighbourhood plan will be recorded in a report.

The results of screening the neighbourhood plan against the assessment criteria will highlight where likely significant effects are predicted. If any significant effects are likely then a Strategic Environmental Assessment will be required. If the outcome of the screening exercise determines that there are not likely to be significant environmental effects then no further action is required.

The screening determination will be published and consulted on with the Environment Agency, English Heritage and Natural England and in some cases the equivalent bodies in Wales to determine whether they agree with the conclusion. They will be given at least five weeks to respond.

Who carries out the screening exercise?

The Spatial Planning team at the Council will carry out the screening exercise in consultation with the Neighbourhood Plan group.

When and what must be submitted to the Council in order to carry out the screening exercise?

The Neighbourhood Plan Steering Group will need to submit the following to the Spatial Planning team:

- Copy of the vision and objectives for the Plan
- A set of draft policies
- Baseline information report in support of the plan

This must be submitted at least 6 weeks before the first statutory 6 week consultation exercise on the Neighbourhood Plan is planned.

The Council will prepare a draft screening report to be consulted on alongside the draft plan.

What happens if significant environmental effects are not predicated?

Where a determination considers that significant environmental effects are unlikely it is reasonable to conclude that a Strategic Environmental Assessment will not be required.

What happens if significant environmental effects are predicated?

If significant environmental effects are predicted then a Strategic Environmental Assessment will be required. The Neighbourhood Plan group will need to begin the process of this assessment and build into the project timetable. This needs to be done before the first consultation on the draft Neighbourhood Plan. The Council can advise on an approach but will not carry out the assessment for you.

Strategic Environmental Assessment will help you document your plan making process, ensure your plan accords with the principles of sustainable development and will make the Plan more robust under scrutiny. If your plan requires a Strategic Environmental Assessment but one is not been carried out this would may mean that the Neighbourhood Plan may not meet the basic conditions it is required to meet or could be used as a way to legally challenge the plan. A recent example of this is the Slaugham Parish Neighbourhood Plan where Strategic Environmental Assessment was an issue raised by the Examiner (<http://www.slaughampc.co.uk/Examination.html>).

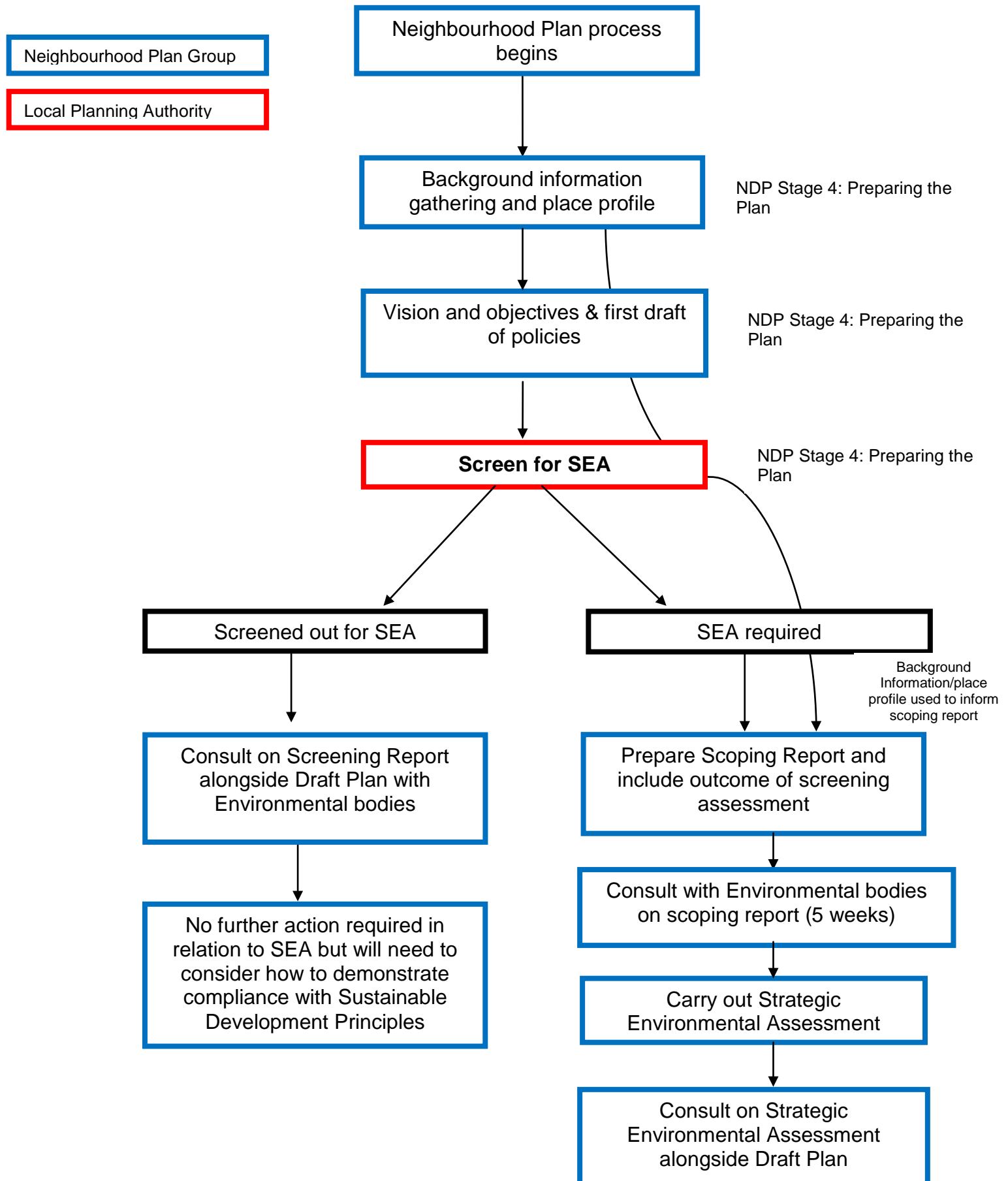
The main stages of the process are:

- Scoping (this will draw upon the baseline information report prepared in support of the Neighbourhood plan and sets out the methodology for the Strategic Environmental Assessment)
- Assessment of proposals and their alternatives against a set of strategic environmental objectives
- Preparation and consultation on the Environmental Report alongside the draft plan

An example of a Strategic Environmental Assessment is the Tattenhall and District Neighbourhood Plan scoping report and strategic environmental assessment, available to view via:

http://consult.cheshirewestandchester.gov.uk/portal/cwc_ldf/np/tattenhall_np?tab=files

SEA Process for Neighbourhood Plans



Habitats Regulation Assessment

Habitats Regulations Assessment is an assessment of whether a plan or programme will have significant effect on designated European wildlife sites (Natura 2000 sites). It is a requirement of the Habitats Directive. The overall aim of the Habitats Directive is “maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of community interest”.

Natura 2000 sites are Special Areas of Conservation (SACs); Special Protection Area (SPAs) and Ramsar sites. The locations of these can be found under the designations information available via Magic Map: <http://magic.defra.gov.uk/MagicMap.aspx>

Depending on the nature of the proposals in the Neighbourhood Development Plan and proximity of the neighbourhood area to a Natura 2000 site a Habitats Regulations Assessment may be required. The Habitats Regulation Assessment work done for the borough Local Plan work will be a key document in shaping the work required on a Habitats Regulations Assessment of a proposed Neighbourhood Development Plan.

A Neighbourhood Development Plan will need to be ‘screened’ for the need for a Habitats Regulations Assessment in the early stages of the production of the plan. The Spatial Planning team will carry this out at the same time as the Strategic Environmental Assessment screening. A statement will be produced by the Spatial Planning team stating whether a Habitats Regulation Assessment will be required or not. This will be consulted on with Natural England (who are the national body with responsibility for Habitats Regulations Assessment) to confirm the initial screening assessment.

If a full Habitats Regulations Assessment Screening assessment is required then the Spatial Planning team will need to work with the Neighbourhood Plan group to carry this out. This will need to be submitted to the Local Authority alongside the final draft plan for Examination.

The Neighbourhood Planning Regulations state that at the examination into a Neighbourhood development plan the Examiner will have to be satisfied that the plan will not have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or projects.

Further information

For additional information or advice, please contact the Spatial Planning team

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