

Preparing a Sustainability Appraisal and/or a Strategic Environmental Assessment.

Sustainability Appraisal (SA)

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal. However, a parish council or neighbourhood forum must demonstrate how its plan will contribute to achieving sustainable development. A sustainability appraisal may be a useful approach for doing this (reference should be made to the guidance on sustainability appraisal of local plans).

Strategic Environmental Assessment (SEA)

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 Directive 2001/42/EC - often referred to as the Strategic Environmental Assessment (SEA) Directive).

Under this directive, neighbourhood plans may require an SEA – but this will depend on the content of each neighbourhood plan.

In some 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.

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:

- the 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

The main determining factor as to whether an SEA is required on a neighbourhood plan is if it is likely to have a significant effect on the environment.

Maidstone Borough Council is legally required to determine whether a neighbourhood plan will require SEA. Parish councils and neighbourhood forums are advised to seek this opinion at an early stage, once the potential scope of the neighbourhood plan is known.

In assessing whether an SEA is likely to be required, the council will consult statutory consultees Historic England, Natural England and the Environment Agency. The borough council will feed back the conclusions of its SEA screening exercise to the parish council or neighbourhood forum.

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. Those preparing the plan are responsible for its production and it must form part of the material that is consulted on once the formal consultation stage is reached.