

- 1.1 National Planning Practice Guidance (NPPG) was updated in February 2015 clarifying instances where a SEA may be required for a neighbourhood plan. A neighbourhood plan may require an environmental assessment if it is likely to have a significant effect on the environment. Where this is the case the draft neighbourhood plan may fall within the scope of the Environmental Assessment of Plans and Programmes Regulations 2004. This may be the case, for example, where a neighbourhood plan allocates sites for development.
- 1.2 A qualifying body is strongly encouraged to consider the environmental implications of its proposals at an early stage, and to seek the advice of the local planning authority on whether the Environmental Assessment of Plans and Programmes Regulations 2004 are likely to apply.
- 1.3 In order to demonstrate that a draft neighbourhood plan or Order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or Order guides development to sustainable solutions. There is no legal requirement for a neighbourhood plan to have a sustainability appraisal. However, qualifying bodies may find this a useful approach for demonstrating how their draft plan or order meets the basic condition. Material produced as part of the Sustainability Appraisal of the Local Plan may be relevant to a neighbourhood plan.
- 1.4 The SEA Directive and NPPG guidance is clear in that a SEA Environmental Report need only be as detailed as appropriate to the content and level of detail of the neighbourhood plan¹. An environmental report must identify, describe and evaluate the likely significant effects on the environment of implementing the neighbourhood plan policies and of the reasonable alternatives taking into account the objectives and geographical scope of the neighbourhood plan². NPPG guidance goes on to state that reasonable alternatives must also be sufficiently distinct, realistic and deliverable³.
- 1.5 At no point does the SEA legislation or guidance state that reasonable alternatives are a requirement for each and every policy area in a plan and it is considered that a proportionate approach, taking into account legislation and guidance above, should be satisfactorily undertaken.
- 1.6 Regulations state that the Environmental Report should consider whether certain matters are more appropriately assessed at different levels of the planning system to avoid duplication⁴.

¹ Para 030 of <http://planningguidance.communities.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/sustainability-appraisal-requirements-for-neighbourhood-plans/>

² Para 039 - http://planningguidance.communities.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/sustainability-appraisal-requirements-for-neighbourhood-plans/#paragraph_033

³Para 038 - http://planningguidance.communities.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/sustainability-appraisal-requirements-for-neighbourhood-plans/#paragraph_033

⁴ Regulation 12(3)(d) - http://www.legislation.gov.uk/uksi/2004/1633/pdfs/uksi_20041633_en.pdf

1.7 The Fleckney screening report is used to determine whether or not the Fleckney Neighbourhood Plan (HBNP) Submission Version requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.

1.8 The Fleckney Plan has been assessed for its effects on Habitat Regulations (and other environmental effects) and it is determined that these are not significant. The Statutory Consultees agree with this decision. The HRA for the Local Plan 2011 to 2031 have determined that no European sites lie within Harborough District. Outside the district, the nearest European site is Rutland Water SPA and Ramsar site, which is located 7km to the north-east of the district boundary but 22km from the main population centres (Market Harborough and Thurnby/Scraftoft) as the district is largely rural with a fairly sparsely distributed population.

1.9 The HRA for the Local Plan concluded in 2017 that:

It is possible to conclude that development in the Harborough Local Plan will not have a likely significant effect on any internationally important wildlife sites either alone or in combination with other plans and projects. These conclusions are based on the findings of this screening which conclude that no Natura 2000 sites are located within the district and no impact pathways have been identified linking Natura 2000 sites outside of the district e.g. Rutland Water SPA/Ramsar to development within Harborough District. Therefore an Appropriate Assessment is not required.

1.10 The recent CJEU ruling (*People Over Wind and Sweetman v Coillte Teoranta (C-323/17)* (April 2018)) states that:

“In the light of all the foregoing considerations, the answer to the question referred is that Article 6(3) of the Habitats Directive must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site” (paragraph 40).

1.11 The SEA Screening Report of February 2019 and determination of May 2019 for the Fleckney Neighbourhood Plan do not take account of measures intended to avoid or reduce the harmful effects of the Plan. The harmful effects, if any, have been considered in the preparation of the Screening Report of May 2019 and the LPA believes they have been demonstrated to be nil or very minor to the natural and historic environment, Natura 2000 sites and Habitat Regulations.