



Hinckley & Bosworth  
Borough Council

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## Guidance note

# A guide to Strategic Environmental Assessment (SEA) procedure during neighbourhood plan preparation

March 2025

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### Introduction and Background

To be 'made', a Neighbourhood Plan must meet certain Basic Conditions. These include that the making of the plan "does not breach, and is otherwise compatible with, EU obligations." One of these obligations relates to Directive 2001/42/EC 'on the assessment of the effects of certain plans and programmes on the environment'.

This is often referred to as the Strategic Environmental Assessment (SEA) Directive. The SEA Directive seeks to provide a high level of protection of the environment by integrating environmental considerations into the process of preparing plans and programmes. The SEA Directive is transposed into English law through the [Environmental Assessment of Plans and Programmes Regulations](#) (the 'SEA Regulations') and it is these regulations that the plan will need to be compatible with.

The UK left the EU on 31st January 2020. Under the UK-EU withdrawal agreement, a transition period ended on 31st December 2020, during which time all EU law continued to apply to the UK. During the transition period the UK needed to continue following domestic law that implements EU law, or directly applicable EU law that is given effect through the [EUWA 2018](#). Beyond the transition period, the SEA Regulations, which previously implemented the requirements of the SEA Directive in England, will continue to apply as before unless and until new legislation is introduced.

The SEA Regulations set out a series of sequential steps that must be undertaken as part of any SEA. The national Planning Practice Guidance (PPG) reflects these in a six-stage process for undertaking SEA for a neighbourhood plan (see Appendix A).

### Screening, Scoping & Statutory Body Consultation

Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects. To decide whether a draft neighbourhood plan might have significant environmental effects, it needs to be assessed at an early stage of the plan's preparation according to the requirements set out in [regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004](#).

The initial assessment process (Stage A) is commonly referred to as a 'screening'. The Neighbourhood Plan should be screened as soon as there is sufficient information available to consider whether the proposed content of the plan or its likely intent (e.g. will it allocate development sites or not?) are likely to lead to significant effects. It is recommended that the plan be screened just before the Regulation 14 Pre-Submission consultation, as the plan will be fully formed with a clear intention of all policies and allocations. If undertaken in a timely manner, the process can add real value to the plan-making process, however, late screening

can put a plan at risk, both in terms of delaying the plan-making process and for meeting relevant requirements at Examination.

The scoping stage (Stage B) needs to identify the scope and level of detail of the information to be included in the Environmental Report. It should set out the context, objectives and approach of the assessment; establish the baseline; and identify relevant environmental issues and objectives. A key aim of the scoping procedure is to help ensure the strategic environmental assessment is proportionate and relevant to the neighbourhood plan being assessed.

In most instances the Borough Council will undertake the SEA screening and scoping for a neighbourhood plan, wherever capacity and resources allow. This is because the LPA will ultimately be responsible for ensuring that the SEA requirements have been met prior to the neighbourhood plan being made.

The regulations include a requirement to consult the environmental assessment consultation bodies. 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. The environmental assessment consultation bodies are:

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

Where a consultation body decides to respond, it should do so within 5 weeks of receipt of the request<sup>1</sup>.

After this stage, most neighbourhood plans will be 'screened out', which means it is determined that the plan is unlikely to have significant environmental effects (and, accordingly, does not require a full environmental assessment). For example, it is very unlikely that a neighbourhood plan would require a full SEA if the plan is not allocating land for development.

In this case, a copy of the screening report and a Determination Notice (i.e., a statement of reasons for the determination) should be prepared and will be published on the Borough Council's website. If necessary, a plan can be re-screened if the likely effects of the neighbourhood plan change significantly. A copy of the Determination Notice should also be submitted with the neighbourhood plan proposal at Examination and made available to the independent examiner.

Whereas, if it is concluded that a full strategic environmental assessment is required, an Environmental Report must be prepared.

## **Habitats Assessment**

Another element of the Basic Conditions relates to Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, often referred to as the Habitats Directive. Under the Habitats Regulations which implement the Directive, an assessment referred to as an [appropriate assessment](#) must be undertaken if the neighbourhood plan in question is likely to have a significant effect on a European protected wildlife site.

The SEA Directive requires that if a neighbourhood plan requires an appropriate assessment under the Habitats Directive, then that plan will also require a full SEA. It is therefore advised to check whether an assessment under the Habitats Regulations is required by undertaking HRA screening at the same time as SEA screening.

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<sup>1</sup> [See regulation 12\(5\) and 12\(6\) of the Environmental Assessment of Plans and Programmes Regulations 2004](#)

## Full SEA (including Environmental Report)

Where a neighbourhood plan is likely to have a significant effect on the environment a strategic environmental assessment needs to be carried out and an Environmental Report prepared<sup>2</sup>.

Whether a neighbourhood plan proposal requires a strategic environmental assessment, and (if so) the level of detail needed, will depend on what is proposed. A strategic environmental assessment may be required, for example, where:

- a 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; 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 or other strategic policies for the area.

Where it is determined that a neighbourhood plan is likely to have significant effects on the environment and that a full SEA is necessary, work on this should start at the earliest opportunity. This is so that the processes for gathering evidence for the Environmental Report and for producing the draft neighbourhood plan can be integrated, and to allow the assessment process to inform any amendments necessary and the choices being made in the plan. Key to note is that it does not make decisions on plan content but assists neighbourhood planners to understand the environmental impacts of their proposals and tailor a plan's content accordingly.

The process will include development and refinement of alternatives and assessing effects (Stage C) and preparation of the Environmental Report (Stage D). [Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004](#) sets out the requirements of an Environmental Report, which is the core output of any strategic environmental assessment. The Environmental Report will need to include a non-technical summary of the information within the main report. These stages are usually done via Locality's [Technical Support scheme](#), and is written by AECOM.

The full SEA should only focus on the environmental impacts which are likely to be significant. It does not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the neighbourhood plan. It will often be possible to make use of information and analysis that has been used in assessing the environmental impact of local plans or spatial development strategies covering the area.

The Qualifying Body should then ensure that there is sufficient time for the recommendations of the Environmental Report to properly inform the development of the neighbourhood plan, prior to proceeding to the draft plan being consulted on (under Neighbourhood Planning Regulation 14). The Environmental Report, including the non-technical summary, must be made publicly available alongside the draft neighbourhood plan at Regulation 14 consultation stage to ensure the consultation bodies and the public are notified and consulted.

The Environmental Report will not necessarily have to be amended if the neighbourhood plan is modified following responses to consultation. Modifications to the Environmental Report should be considered only where appropriate and proportionate to the level of change being made to the neighbourhood plan. A change is likely to be significant if it substantially alters the draft plan and or is likely to give rise to significant environmental effects. Further assessment may be required if the changes have not previously been assessed and are likely to give rise to significant effects. Changes that are not significant will not require further environmental assessment work.

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<sup>2</sup> [In accordance with paragraphs \(2\) and \(3\) of regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004.](#)

## Next Steps

Not every Neighbourhood Plan needs a full SEA, however, when submitting a plan proposal to the Borough Council as the local planning authority (LPA) under the Regulation 15 Submission stage, it is mandatory to provide either:

- a statement of reasons as to why SEA was not required ('Screening Determination Notice'); or
- a full Environmental Report (a key output of the SEA process).

The Borough Council will decide whether the neighbourhood plan proposal is compatible with relevant legal obligations including Strategic Environmental Assessment Directive:

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).

To support this process, it is helpful for the Qualifying Body to make its own assessment of whether the draft neighbourhood plan that it intends to submit to the Borough Council:

- meets each of the basic conditions
- has been prepared in accordance with the correct process and all those required to be consulted have been
- is accompanied by all the required documents

The above can be demonstrated in the submitted documents at Regulation 15 stage, for example the Basic Conditions Statement, and in the letter from the Qualifying Body to the Local Planning Authority submitting the plan under Regulation 15.

At the independent examination of the neighbourhood plan, the examiner will consider whether plan-making has been effectively informed by the SEA process. The Basic Conditions Statement submitted to the Borough Council with the draft plan should set out how the plan meets the related basic conditions.

If the Borough Council assesses that any proposed changes recommended by the examiner are likely to have significant environmental effects which were not previously assessed, then the SEA should be updated and the Environment Report amended accordingly in consultation with the Qualifying Body.

## Further Resources

- [Locality Guidance Document – Understand if plan requires a SEA](#)
- [Ministry of Housing, Communities and Local Government, Ministry of Housing, Communities & Local Government \(2018 to 2021\) and Department for Levelling Up, Housing and Communities – Guidance on Strategic environmental assessment and sustainability appraisal](#)

# Appendix A – Strategic Environmental Assessment Flow Chart

