

NOTE ON THE APPROACH TO THE SUSTAINABILITY APPRAISAL OF THE HART LOCAL PLAN

- 1 The Environmental Assessment of Plans and Programmes Regulations 2004 require an environmental report to be prepared in accordance with regulation 12 and Schedule 2 of the Regulations. Regulation 13 further requires that the LPA must consult with consultation bodies and the public on the development plan document and the accompanying “environmental report”, which it designates as the “relevant documents”. More particularly, regulation 13(2)(d) provides that the LPA shall:-

“invite the consultation bodies and the public consultees to express their opinion on the relevant documents, specifying the address to which, and the period within which, opinions must be sent.”
- 2 Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 secure compliance with the requirements of regulation 13 of the 2004 Regulations at a particular point in the plan making process. Specifically, they require that the before a local plan is submitted to the Secretary of State for examination the “proposed submission documents” (which include the plan itself and the sustainability appraisal report) shall be subject to consultation with various “consultation bodies” and the public for a period of 6 weeks.
- 3 In short, what the law requires is that a local plan is accompanied by an environmental report aka sustainability appraisal and that consultation on each takes place before they are submitted to the Secretary of State.
- 4 The Council discharged that duty. The Proposed Submission Version of the Hart Local Plan and an accompanying sustainability appraisal report dated February 2018 (CD5a) were the subject of a 6 week period of consultation that ended on 26 March 2018.
- 5 The Plan was subsequently submitted for examination on 18 June 2018.
- 6 A Post Submission Interim SA Report was published in August 2018 (CD5c). Its purpose is to elucidate and support the sustainability appraisal “...to supplement the justification for identifying a new settlement area of search (AoS) within the Murrell Green/ Winchfield area...” (p.1, para 1.1.3). Para 1.2.4 further states: “This report does not seek to replace the

Hart Local Plan SA Report, which was published alongside the Proposed Submission Plan in 2018, but instead provides supplementary information”.

- 7 Thus the Post Submission Interim SA Report is not part of the Sustainability Appraisal that was consulted on under regulations 19 and 35 of the 2012 Regulations. Nor does it replace them. Consequently, the LPA was not obliged to consult on the document.
- 8 Notwithstanding the above position, following the present hearing the Plan as modified will need to be subject to and accompanied by a SA. The analysis and conclusions expressed in the post-submission interim SA will be incorporated in the post-modification SA and consulted on through that process.