

## **Sustainability Appraisal / Strategic Environmental Assessment**

### **Adoption Statement**

#### **Mid Devon Local Plan Part 3 Development Management Policies**

##### **Introduction**

The Mid Devon Local Plan Part 3 Development Management Policies (LP3) was adopted at a meeting of the Mid Devon District Council's Cabinet on 30 October 2013. This Sustainability Appraisal / Strategic Environmental Assessment - Adoption Statement of the LP3 has been prepared in accordance with the following requirements:

- Regulation 16 of the Environmental Assessment of Plans & Programmes Regulations 2004
- Regulation 26 of the Town & Country Planning (Local Planning) (England) Regulations 2012

It explains how sustainability considerations have been incorporated into the LP3; how the SA has been taken into account; how the results of consultation have been taken into account; the reasons for choosing the adopted LP3, in the light of other alternatives considered; and how the significant sustainability effects of implementing the LP3 will be monitored. Full details of the SA process are set out in the final Sustainability Appraisal report submitted with the LP3.

##### **Background**

Sustainability Appraisals (SA) are a requirement of the Planning and Compulsory Purchase Act (2004) and Strategic Environmental Assessments (SEA) are required by European Directive EC/2001/42 (SEA Directive), which was transposed into UK law by the Environmental Assessment Regulations for Plans and Programmes (July 2004). Those regulations and Government guidance have merged these processes to allow for a single joint Sustainability Appraisal to be carried out. Throughout the remainder of this statement, reference to SA encompasses the requirements of a merged SA / SEA.

The National Planning Policy Framework (March 2012) paragraph 165 for plan-making states *"A sustainability appraisal which meets the requirements of the European Directive on strategic environmental assessment should be an integral part of the plan preparation process, and should consider all the likely significant effects on the environment, economic and social factors."*

The SEA Directive requires local planning authorities to carry out formal strategic environmental assessment of certain plans and programmes which are likely to have significant effects on the environment. The SEA process ensures that opportunities for public involvement are provided and the significant environmental effects arising from policies, plans and programmes are predicted, evaluated, mitigated and monitored.

The purpose of Sustainability Appraisal is to systematically appraise the social, environmental and economic effects of the strategies and policies in a local development document from the outset of the preparation process. This will ensure that decisions are made that accord with sustainable development principles.

## **How has sustainability been integrated into the plan and how have the results of consultation been taken into account?**

Mid Devon District Council is required by law to produce a development plan for the district. Government guidance has stated this document should be referred to as the 'Local Plan'. The Mid Devon Local Plan is made up of three parts, the first two of which are already adopted and in operation:

- Part 1: Core Strategy (adopted 2007)
- Part 2: Allocations and Infrastructure Development Plan Document (AIDPD, adopted 2010)

The Core Strategy includes strategic policies such as targets for housing, employment and retail development. The AIDPD allocates land for development and sets strategic policy on affordable housing and infrastructure provision.

The document that is subject to this SA Adoption Statement forms part three of the Local Plan and provides detailed policies to manage individual development proposals in a way that meets local needs, both economic and social, while protecting the environment. It does not allocate land for development. The Mid Devon Local Plan Part 3 Development Management Policies (LP3) was adopted at a meeting of the Mid Devon District Council's Cabinet on 30 October 2013. The policies in this document replace those that remain in the district's existing Adopted Local Plan (2006).

The integrated SA of the LP3 was a multi-stage process, as set out in the following sections.

### **Scoping Stage**

The Scoping Report for LP3 (or DMDPD as it was referred to when written) was published in December 2010.

A scoping stage is required to propose and agree the appraisal methodology and collate the information needed to carry this out. The appraisal needed to be set within the context of existing plans and policies and an understanding of the current baseline situation was essential to predict effects and identify key sustainability issues and problems.

The first part of the scoping report consisted of an examination of other relevant plans and programmes so that relevant sustainability objectives could be brought into the sustainability appraisal framework. This ensured that the appraisal took those objectives into account when assessing the sustainability of policies and proposals in the LP3.

The SA Scoping Report listed the plans or programmes that were identified as being relevant to the Mid Devon area. This included international, European, national, county and local plans and strategies. The title of each plan or programme is set out and is accompanied by a statement detailing the implications for the LP3. Where these documents have been superseded, or other circumstances have changed, additional commentary has been added to the original table stating any new or additional sustainability considerations that have been taken into account reflecting an iterative approach.

The next part of the scoping report collated baseline information about Mid Devon. This provided the baseline for assessing any effects of a policy or proposal on the district. The baseline assessment contains comparisons to other areas so that issues or problems can be identified. The baseline assessment also contains predictions of how the various factors will progress into the future based on current expected development. The effects of any policies or proposals on these expectations can then be assessed as part of the SA.

Where more up-to-date data has been made available since the scoping report was produced, particularly as a result of the 2011 census, the text has been amended.

The scoping report identified a number of sustainability issues and problems, many of which are already known from work on the Core Strategy and the AIDPD. Others were identified from the baseline information and from relevant plans and programmes. These have been

taken into account in the sustainability appraisal objectives when assessing the LP3. Following a review of relevant plans and programmes and the Sustainable Community Strategy (2010-2015) a number of key issues for the district were also identified.

The scoping report set out the indicators to be used in the sustainability appraisal framework. These were developed by identifying sustainability issues and were based on those used for appraisal of previous plans including the Core Strategy and AIDPD.

The SA Scoping Report was made available for consultation in December 2010. Three national organisations are statutory consultees - the Environment Agency, English Heritage and Natural England. All three were invited to comment on the scope of the report.

The Environment Agency responded with a number of recommendations that have been factored into the methodology for this Sustainability Appraisal. These include:

- Taking into account all sources of flooding including that from surface water runoff
- Referencing the UK law interpretation of EU Directive on the Conservation of Habitats *et al* as the 'Conservation of Habitats and Species Regulations 2010' within National Plans and Programmes
- An assessment of the effect of the proposed policies on Water Framework Directive ecological status, which collectively covers pollution and physical modification.
- Reference to the Countryside and Rights of Way Act 2000 in the context of Sites of Specific Scientific Interest (SSSI).
- Specific consideration should be given to Green Infrastructure. A proposed policy, DM/29 (integrating green infrastructure in major development) has been included within the LP3

At the appropriate location within the Plan and SA Report, suggested changes have been made. No responses were received at the Scoping Stage consultation from English Heritage or Natural England.

### **Options Stage**

The process for writing the LP3 was amended during the time of its development. Initially, it had been proposed to produce an Issues and Options stage, a Preferred Options, and then produce the submission version. Mid Devon's Statement of Community Involvement was revised during 2012 and now sets out two stages of consultation, an initial options stage, and a submission stage.

An Issues and Options Report was developed and consulted on in 2011, and the responses received in that document have been used to inform the submission version. 81 letters or emails were received in response to the Issues and Options consultation. The main issues raised by the representations, and how these issues have been addressed in the Plan are outlined in the full SA.

To ensure sustainability considerations were taken into account during the development of policy options, the SA was undertaken whilst the policies were being written. The policy development process involved a number of stages during which a proposal was subject to scrutiny. This included critical appraisal meetings with Development Management staff, and later scrutiny from a Planning Policy Advisory Group, a panel of Elected Members that considered proposals before a draft document was submitted to Cabinet. SA findings were fed into these stages, creating a feedback loop that allowed policies to be amended in line with sustainability considerations, and then again be subjected to internal discussions with officers and Elected Members.

In addition, proposed versions of the policies were also submitted to a number of consultation bodies for comment. These bodies would have been consulted at Preferred Options stage, however instead their feedback was sought throughout policy development

as part of the district's 'Duty to cooperate', whereby cross-boundary strategic matters are discussed.

### **Proposed Submission Stage**

The Proposed Submission version of the Local Plan Part 3: Development management policies, was made available for consultation in September 2012.

The policies of the plan were subject to SA/SEA in accordance with EU and UK regulations. The main body of the document then undertook an analysis of the sustainability implications of the proposed policies, describing how those policies had been developed, the alternative options considered and the potential effects of implementing them.

The appraisal was undertaken for 32 proposed policies, for two policies to be retained from the existing Adopted Local Plan (2006) and also for proposed changes to the Adopted Policies Maps. Each policy/proposed change was awarded an overall sustainability score.

Only two policies were noted as having an outright negative sustainability impact when scored against the framework of indicators. Another 14 policies/changes were noted as having some positive and negative impacts, but all things considered these were felt to balance each other out. The two policies that were noted as having a negative impact at this time were:

- DM/16 (dwelling sizes)
- DM/21 (employment development outside settlement limits)

Policy DM/16 scored an overall negative result because of the implications the policy has on the number of dwellings to be built per hectare, and for potential increases in carbon emissions. However negative implications have been considered in light of the positive impacts such a policy would have.

Policy DM/21 (employment development outside settlement limits) scored negatively against the framework of indicators. In particular the analysis highlighted that the policy was likely to result in a reduction in the number of people walking or cycling to work; that new development would not necessarily be in close proximity to housing; that it may result in a reduction in retail floorspace in villages; and that it may result in developing greenfield sites, over existing brownfield. However despite these findings, the precedent for this policy is already established by the NPPF.

On balance the SA notes that the LP3 policies will have a positive effect on development across the district. They will work in tandem with the existing Core Strategy and AIDPD policies, which have already been subject to sustainability appraisal, and will work to support the delivery of the strategic policies and allocations set out in those documents.

### **Sustainability Appraisal of Policy Amendments**

In response to representations received during the consultation period, a number of amendments were proposed to the policies of the plan and the Submission Policies Map set out within the Schedule of Minor Modifications.

A supplementary paper 'Sustainability Appraisal of Policy Amendments' was prepared in order to continue to meet the requirements of the SA/SEA. The re-examination resulted in an alteration to the scoring of one policy and one map alteration. These are:

- DM/2: High quality design
- Sampford Peverell policies map

Following the re-examination of the policies, none of the changes proposed were considered to have a negative impact on the sustainability scoring. The proposed changes are minor modifications, and do not substantially change the emphasis of any policy. No changes were made to the original SA document.

## **Hearing & Policy DM/8 (parking)**

The hearings for the LP3 took place on 13<sup>th</sup>-14<sup>th</sup> March 2013.

At the hearings, Policy DM/8 (parking) was discussed, which includes criteria for the consideration of an appropriate level of parking and sets minimum standards for electric vehicle infrastructure. The Inspector also noted that the Council is separately preparing a supplementary planning document on the level of parking provision in new development, which sets a minimum standard for parking provision. The Inspector asked the Council to prepare a paper setting out the implications of including the parking standards within LP3. This supplementary paper re-appraises Policy DM/8 (parking), based on the proposed wording as set out in the 'Note to Inspector'. No changes have been made to the original SA.

## **Main Modifications**

The Planning Inspectors Report was received on the 17 July 2013.

The Inspector noted that a number of 'main modifications' will need to be made to the plan for it to be found sound, and that these changes should be subject to consultation. The LP3 Main Modifications were consulted upon between 26 April 2013 – 7 June 2013. In total 15 Representations to the Main Modifications were received including two from Natural England and the Environment Agency.

## **Public involvement**

A key component of the SA / SEA process is consultation of stakeholders. The consultation throughout the sustainability appraisal process has been in accordance with:

- Article 6 of the European Union Directive 2001/42/EC
- Regulations set out in the Environmental Assessments of Plans and Programmes Regulations 2004
- Regulations set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 and earlier versions.
- The Mid Devon Statement of Community Involvement

There have been three main stages of consultation at Scoping, Options and Proposed Submission, alongside three supplementary stages minor modification, DM/8 (parking) and Major Modifications, although comments and input have been accepted throughout the appraisal due to the iterative nature of the process.

## **Reasons for choosing the document as adopted in light of other reasonable alternatives**

The LP3 provides detailed policies to manage individual development proposals in a way that meets local needs, both economic and social, while protecting the environment. Following the examination the Inspectors concluded that with the recommended Main Modifications, LP3 satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the NPPF. These tests included the test that the document must be the most appropriate strategy when considered against the reasonable alternatives.

## **Measures that are to be taken to monitor the significant environmental effects of the implementation of the plan**

The LP3 was adopted at a meeting of the Mid Devon District Council's Cabinet on 30 October 2013. Mid Devon District Council will monitor the effectiveness of the LP3 in delivering its objectives by assessing its performance against a series of indicators. These indicators will be set out in the Annual Monitoring Report (AMR), which is made available on the Council website every December.

The AMR already contains a wide range of indicators to monitor existing policy. These indicators are currently monitoring performance against policy from the existing Adopted Local Plan (2006), the Core Strategy (2007) and the AIDPD. Many of the policies of the LP3 would be monitored by use of those same indicators, particularly given that the LP3 replaces the existing Adopted Local Plan (2006) which also contains development management policies.

The table below sets out which indicators will be used to monitor the policies of the LP3. Some new indicators have been added to cover elements of the LP3 not monitored within the existing AMR.

<b>LP3 Policy</b>	<b>Monitoring indicator</b>	<b>Existing or new indicator</b>
DM/2 High quality design	Building for Life Assessments Design	Existing
DM/3 Sustainable design	Number of dwellings reaching levels 4 and 5 of the Code for Sustainable Homes  Square metres of commercial development achieving BREEAM 'Very Good' or 'Excellent' standard	New
DM/4 Waste management in major development	Percentage of household waste recycled	Existing
DM/5 Renewable and low carbon energy	Renewable energy capacity installed by type	Existing
DM/15 Design of housing	Number of dwellings built to Lifetime homes standard	New
DM/17 Town centre development	Amount of completed retail (A1 and A2) development  Amount of completed retail (A1 and A2) development in town centres  Retail indicators (pedestrian counts)	Existing
DM/18 Development outside town centres	Amount of out of centre retail (A1 and A2) development	Existing

### **Further information**

Monitoring information will be included within the Annual Monitoring Report, which may be downloaded from the council's website. A full copy of the LP3 Sustainability Appraisal Report can be downloaded from the Council website: [www.middevon.gov.uk/forwardplanning](http://www.middevon.gov.uk/forwardplanning)