

Tonbridge and Malling Local Development Framework Managing Development and the Environment Development Plan Document (April 2010)

Sustainability Appraisal/Strategic Environmental Assessment Adoption Statement

Introduction

Tonbridge and Malling Borough Council adopted the Local Development Framework (LDF) Managing Development and the Environment (MDE) Development Plan Document (DPD) on 20 April 2010.

This statement has been prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 (16) (3) and (4), which require a statement to be produced on adoption of a plan or programme, to detail:

1. How environmental considerations have been integrated into the plan or programme;
2. How the Environmental Report has been taken into account;
3. How opinions expressed and results of public consultation have been taken into account;
4. The reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with;
5. The measures that are taken to monitor the significant environmental effects of the implementation of the plan or programme.

Planning Policy Statement 12 widens these considerations from environmental, to broader sustainability issues, so that this statement provides information on the wider sustainability appraisal process.

This statement examines each of these points in turn.

Overview

The principal sources of information in this statement are:

Sustainability Appraisal of the MDE DPD, Final Report (January 2009);
Sustainability Appraisal of the MDE DPD, Interim Report (March 2008);
Sustainability Appraisal of the MDE DPD, Scoping Report (September 2007);
Habitat Regulations Assessment – Screening Report (January 2009);
MDE DPD (Adopted, April 2010);
MDE DPD Soundness & Legal Compliance Self-Assessment Toolkit (July 2009);
MDE DPD Regulation 30(1)(d) Pre-Submission Statement (March 2009); and
Core Strategy Sustainability Appraisal/Strategic Environmental Assessment Adoption Statement (September 2007)

1. How environmental/sustainability considerations have been integrated into the DPD

Throughout the preparation process for the MDE DPD, from inception to publication, the Plan was subject to Sustainability Appraisal (SA).

The SA of the MDE DPD began with a Scoping Report in September 2007. This Report identified the environmental, as well as social and economic issues facing Tonbridge and Malling that need action and provided the context for the MDE DPD. In light of these issues, the 25 objectives for sustainable development set out in the South East Regional Framework (IRF) were refined to a set of 22 Sustainability Objectives for use in appraising the MDE DPD.

The Scoping Report was followed by the Interim SA Report which documented the appraisal of the MDE DPD Objectives and Options as set out in the MDE DPD Issues and Options Report (March 2008). The Interim SA Report considered the potential economic, social and environmental implications of the various options. This Report was prepared to help demonstrate that sustainability considerations have been incorporated into the development of the MDE DPD from an early stage and to provide information for stakeholders as well as an audit trail of the appraisal process. This Interim SA Report was consulted on alongside the Issues and Options Report for the MDE DPD.

In light of the Interim SA Report and the results of the public consultation on the Issues and Options Report, the Council produced a Preliminary Officer-Level draft of the MDE DPD in September 2008. This was subject to informal targeted consultation with interested parties and the draft policies contained within it were subject to Sustainability Appraisal. The proposed policies were then amended to take account of the mitigation proposals identified in the SA of these draft policies. These amendments were incorporated into the Publication Version of the MDE DPD. The Publication Version contains policies addressing several sustainability issues including:

- Mitigating the impact of new development on the climate;
- Ensuring new developments are designed so that they can adapt to the unavoidable consequences of climate change;
- Protecting and enhancing the biodiversity of the Borough
- Protecting and enhancing the quality of life of residents; and
- Protecting and enhancing existing open spaces, including their biodiversity value.

To determine what was realistically achievable in addressing the sustainability issues, evidence was developed. This included an evidence base for carbon emissions reduction policies (Creative Environmental Networks, December 2008) and the Green Infrastructure Report (developed following a workshop of local stakeholders and interested parties, January 2009).

To aid decision-making on the Publication Version, the Final Sustainability Appraisal Report of the MDE DPD was produced in January 2009. The Final SA Report provided an assessment of the sustainability of the Objectives and policies in the MDE DPD and was reported to Members in January and February 2009 alongside the Publication Version of the Plan.

In addition to the Sustainability Appraisal, a Habitat Regulations Assessment required under Article 6(3) and (4) of the Habitats Directive 92/43/EEC was carried out. This involved an Appropriate Assessment to determine whether the Publication Version of the MDE DPD is likely to have significant effects on European Sites (there are two European Sites in the Borough – Peters Pit and North Downs Woodland). The Appropriate Assessment Screening Report published in January 2009 alongside the Final SA Report concluded that the MDE DPD has mainly beneficial impacts on biodiversity and habitats and is not considered likely to have significant effects on the integrity of the European sites.

As well as the processes highlighted above, the MDE DPD was prepared in the context of the Council's Core Strategy (CS) (Adopted September 2007) which is the over-arching document that sets out the way in which social, economic and environmental needs of the Borough for the period up to 2021 can be met in the most sustainable way. The CS itself was prepared in the context of national and regional planning guidance and policies, which themselves are underpinned by the principles of sustainability and the need to pursue sustainable patterns and forms of development. The MDE DPD - incorporating the changes recommended in the Inspector's binding Report - is consistent with the adopted CS.

2. How the Environmental Report has been taken into account

The Sustainability Appraisal (SA) has contributed to the development of the MDE DPD by providing an independent assessment of the sustainability of the Council's proposed options and policies as they were developed. The SA process includes the Strategic Environmental Assessment (SEA). The Final SA Report (January 2009) clearly demonstrates that sustainability considerations have been incorporated into the development of the MDE DPD from the initial stages (Issues and Options Report, March 2008) and provides a formal statement and audit trail of the assessment.

The SA was prepared alongside and in support of the MDE DPD and was a key output of the DPD preparation process. It informed and supported the Issues and Options Report (March 2008), the Preliminary Officer-Level draft of the MDE DPD (September 2008) and the Publication Version (March 2009) on which formal public consultation and participation was carried out.

The process began with the preparation and consultation on a draft Scoping Report in September 2007. The Scoping Report built upon and updated SA work undertaken for the first tranche of DPDs (Core Strategy (September 2007), Development Land Allocations (April 2008) and the Tonbridge Central Area Action Plan (April 2008)). The 2007 Scoping Report documented the initial findings from the context review and baseline data gathering. In the light of this exercise, the Report also identified the key sustainability issues facing the Borough as well as a draft set of sustainability Objectives. A set of baseline indicators was also developed. These indicators were developed to enable the identification of sustainability problems in the Borough that the MDE DPD may need to respond to. The Borough Council consulted the three statutory SEA consultation bodies, at that time - Natural England, the Environment Agency and English Heritage.

To inform the decision-making on the Preliminary Officer-Level draft of the MDE DPD, an Interim SA Report was produced in March 2008. This Interim Report documented the appraisal of the Issues and Options Report. The Report found that, in general, the options generated by the Council perform well in sustainability terms.

Following detailed consideration of the Interim SA of the options and having regard to the results of the public consultation on the MDE Issues and Options Report, the Council prepared a Preliminary Officer-Level draft of the MDE DPD (September 2008) for informal targeted consultation with stakeholders and interested parties. To help inform the refinement of these draft policies for the Publication Version of the Plan, the Officer-Level draft MDE DPD was subject to SA. The mitigation measures proposed in this particular SA were responded to and the policies were amended, where appropriate. This process is documented in Appendix 1 to the Final SA Report (March 2009).

To inform the final decision-making on the Publication Version of the Plan, a Final SA Report was produced in January 2009. This provided an assessment of the sustainability of the Objectives and policies that had evolved and been refined following consultations on earlier version of the MDE DPD and in light of the findings of the SA of these documents. The Final SA Report found that, in general terms, the policies that feature in the MDE DPD perform well in sustainability terms. The appraisal of the compatibility between the MDE DPD Objectives and the SA Objectives revealed no contradictions – the MDE DPD Objectives generally directly or indirectly promote the SA Objectives or have no impact on them. The Final SA Report also concluded that the amendments to the MDE DPD Objectives following consultation on the Issues and Options Report and informal consultation on the Preliminary Officer-Level draft DPD increased the direct compatibility with SA Objectives. Volume II to the Final SA Report sets out the matrices which provide a detailed assessment of the sustainability of the policies. The Final SA Report was published alongside the MDE DPD Publication Version in March 2009 for public consultation.

The changes identified by the Inspector in his binding report did not significantly alter the policies or proposals of the MDE DPD and, therefore, did not give rise to any need for any further sustainability appraisal or public consultation. As a result, there was no need to amend the Final SA Report.

3. How opinions expressed and results of public consultation have been taken into account

Consultations throughout the SA process have been undertaken in accordance with Article 6(3) of the SEA Directive, the SEA Regulations and the Tonbridge and Malling Statement of Community Involvement (July 2005). The Strategic Environmental Assessment Directive requires that authorities referred to in Article 6(3) shall be consulted when deciding on the scope and level of detail of the information which must be included in the Environmental Report. In England the key bodies are the Environment Agency, English Heritage and Natural England.

It should be noted that the key bodies were consulted during the SA of the first tranche of DPDs (Core Strategy, Development Land Allocations and the Tonbridge Central Area Action Plan). The SA of the MDE DPD built upon and updated this earlier work.

In total there were **three** main stages of consultation on the SA, although comments and input have been accepted throughout the appraisal due to the iterative nature of the process. The stages were:

- Scoping Report (September 2007)
- Interim SA Report (March 2008)

- Final SA Report (March 2009)

Consultation with these key bodies was initially undertaken in September 2007 on the draft SA Scoping Report. The consultation enabled these bodies to comment on the appropriateness and completeness of the sustainability issues, contextual review, baseline information and the SA Objectives. Comments were only received from Natural England and these related to the key message on protecting key environmental resources and also the draft SA Objectives. These views were considered during the finalisation of the SA Objectives for the assessment of the options in the MDE DPD.

The key environmental bodies were also given the opportunity to comment on the Interim SA Report (March 2008) and the Final SA Report (March 2009). No comments were received from the key bodies on these particular documents, although representations were made by Natural England and the Environment Agency on the Plans that were subject of the SA. Where appropriate, the DPD was amended in light of these comments. The Regulation 30 (1)(d) Pre-Submission Consultation Statement (March 2009) documents when the key bodies were consulted and the feedback received on the Issues and Options Report and on the Preliminary Officer-Level Draft DPD.

The Strategic Environmental Assessment Directive requires early and effective opportunity within appropriate time frames for consultees to express their opinion on the draft plan or programme and the accompanying Environmental Report before the adoption of the plan or programme or its submission to the legislative procedure. The Council undertook a programme of public participation on the MDE DPD and its SA/SEA prior to submission to the Secretary of State.

Comments were invited from members of the public on the MDE DPD Issues and Options Report (March 2008), the Publication Version of the Plan (March 2009) and the accompanying SA Reports (Interim SA Report and Final SA Report respectively). In addition, targeted consultation took place on the Preliminary Officer-Level draft DPD (September 2008) with the principal stakeholders (see Annex G in the Regulation 30 (1)(d) Pre-Submission Consultation Statement (March 2009)). No feedback was received during these consultation periods specifically on the SA.

4. Reasons for choosing the Plan as adopted in light of other reasonable alternatives

The Environmental Assessment of Plans and Programmes Regulations 2004 (12) (2) requires environmental reports to examine reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme. This statement is required to set out the reasons for choosing the plan or programme as adopted in the light of the other reasonable alternatives dealt with.

The scope of the policies in the MDE DPD was shaped by the Core Strategy and the Local Development Scheme. Significant locational options were matters for the Development Land Allocations DPD and the Core Strategy. The focus of the MDE DPD, as the title suggests, is on development management.

The Issues and Options Report represented the first stage in the plan preparation process when potential options were identified. The majority of the issues included at least two policy options to address them. The options largely fell into two broad categories: 'Business-as-Usual' (i.e. rely upon existing national and regional policy and, where

applicable, current Saved Policies) and 'Locally Distinctive' policies (i.e. policies responding specifically to local circumstances in light of the current evidence base).

The options carried forward to the Preliminary Officer-Level draft and the Publication Version of the MDE DPD performed well in sustainability terms (in general). In most cases the option that evolved into the Policy in the Publication Version of the MDE DPD scored equally, and in some cases, better against the SA Objectives.

The SA of the Preliminary Officer-Level draft identified a number of mitigation proposals to increase the beneficial impacts of the policies on the SA Objectives. The Council amended the draft policies, where appropriate, in response to these proposals and these changes were incorporated in the Publication Version of the MDE DPD.

The Final SA Report concluded that the appraisal of the compatibility between the MDE DPD Objectives and the SA Objectives revealed no contradictions. The MDE DPD Objectives generally directly or indirectly promote the SA Objectives or have no impact on them. None of the MDE DPD policies that feature in the Publication Version are predicted to have a likely minor/significant adverse impact on the SA Objectives.

5. Monitoring

The Indicators identified through the SA/SEA process for both the first tranche DPDs and the MDE DPD have been incorporated into the Annual Monitoring Report (AMR) for the LDF, alongside Core Output and Local Indicators. These indicators will be monitored annually for the period from 1st April to 31st March and the results will be published in the AMR in December. The results will feed into subsequent reviews of the MDE DPD and will also help to ensure that any unforeseen effects can be acted upon quickly. The current and future Tonbridge and Malling Borough Annual Monitoring Reports are and will be available to view on the Council's website: www.tmbc.gov.uk.