

Tonbridge and Malling Local Development Framework Development Land Allocations Development Plan Document (April 2008)

Sustainability Appraisal/Strategic Environmental Assessment Adoption Statement

Introduction

Tonbridge and Malling Borough Council adopted the Local Development Framework (LDF) Development Land Allocations (DLA) Development Plan Document (DPD) on 22 April 2008.

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 through 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 to be 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.

1. How sustainability considerations have been integrated into the DPD

Policy Context

The DLA 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 DLA DPD - incorporating the changes recommended in the Inspector's binding Report - is consistent with the adopted CS.

Vision, Aims and Objectives

The Vision, Aims and Objectives for the DLA DPD are those that are set out in the Council's adopted CS. The SA/SEA Adoption Statement for the CS clearly demonstrates how sustainability considerations were integrated into the preparation of these.

Policies and Development Strategy

The pattern of development sites in the DLA DPD was determined by the policies in the adopted CS. The SA/SEA Adoption Statement for the CS clearly demonstrates how these policies seek to ensure that new development in the Borough will be as sustainable as possible and how the development strategy identified in the CS is in accordance with the principles of sustainability.

Monitoring

The DLA DPD includes a set of Indicators to measure the performance of the policies within it. These indicators will enable the environmental, economic and social impacts of the DLA DPD to be monitored on a regular basis and will determine the need for the DPD to be reviewed.

2. How the Sustainability Appraisal has been taken into account

The Sustainability Appraisal (SA) has contributed to the development of the DLA 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 SA/SEA clearly demonstrates that sustainability considerations have been incorporated into the development of the DLA DPD from the initial stages and provides a formal statement and audit trail of the assessment.

The SA/SEA was prepared in support of the DLA DPD, the CS and the Tonbridge Central Area Action Plan (TCAAP) and was a key output of the DPD preparation process. It reflected and supported the draft DPD on which formal public consultation and participation was carried out.

The process began with the preparation and consultation on a draft Scoping Report in April 2005. This 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 LDF may need to respond to. The Borough Council consulted the four statutory SEA consultation bodies, at that time - the Countryside Agency, English Heritage, English Nature and the Environment Agency. In addition, Kent County Council, neighbouring local authorities, the Strategic Health Authority and the South East England Development Agency (SEEDA) were also consulted.

To inform the decision-making on the preferred options, an Interim SA/SEA Report was produced in June 2005. The SA/SEA Adoption Statement for the CS details the initial SA process and demonstrates that the strategic spatial policy options in the Core Strategy performed well, in general, in sustainability terms and the choices between them were unlikely to generate significant sustainability effects.

The Final SA Report was published for public comment alongside the Preferred Options Report (October 2005). This SA Report assessed the potential economic, social and environmental implications of the draft policies and proposals contained in the DLA DPD as well as those contained in the CS and the TCAAP. The assessment found that the Preferred Options for the DLA DPD are broadly sustainable in that they meet the Borough's housing allocation and contribute towards the provision of affordable housing, are likely to assist in the growth of the local and rural economy, indirectly providing jobs, possibly reducing the need to travel outside of the Borough for work and making good use of previously developed land for future development. The assessment matrices are set out in Volume II of the Final SA Report for the DLA DPD.

Having analysed the impact of the proposed DLA DPD, where a possible impact was identified mitigation measures were indicated to improve the sustainability of the document. The measures envisaged to prevent, reduce and as fully as possible offset any significant effects on the environment, as well as social and economic objectives are set out in Appendix 4 of the Final SA Report for the DLA DPD. No changes were made to the draft policies in the DLA DPD as a result of the SA/SEA of the preferred options because the issues raised, eg flood risk, are either addressed in the detailed criteria of the policy or are addressed by policies in the CS.

The changes identified by the Inspector in her binding report did not significantly alter the policies or proposals of the DLA 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 or the Sustainability Appraisal of Significant Changes Report.

3. How consultations entered into have been taken into account

Key Environmental Bodies

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 (formerly English Nature and the Countryside Agency).

Consultation with these key bodies was initially undertaken in April and May 2005 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. The consultation led to some changes to the Scoping

Report that was finally published in July 2005. These changes included additions to the context review, for example the inclusion of the Medway Catchment Flood Management Plan and the UK Sustainable Development Strategy, and additional key sustainable issues that the LDF should seek to address, for example the protection and enhancement of biodiversity and the promotion of the sustainable use of water.

Public Participation

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 DLA DPD and its SA/SEA prior to submission to the Secretary of State. Full details can be found in the Statement of Compliance available to view on the Council's website on the Submission Stage page for the first tranche of DPDs.

Consultation under Regulation 25

Statutory Bodies Consultation

The Council carried out an initial consultation with statutory bodies on all matters which would be covered by the DPDs, as required under the new system of plan making, to ensure that it was aware, at an early stage of any programmes and plans that would affect the LDF. The pre-production stage consultation was undertaken at two separate times: 1) in the autumn of 2003, and 2) during the summer of 2005. In the Autumn of 2003, the Council consulted the statutory bodies on the Issues Report, under the transitional arrangements. This took the form of a publication that was also made available to the wider public for comment. In addition to this, during the summer of 2005, the Council consulted the specific and general consultation bodies under Regulation 25. This consultation took the form of requesting comments from these bodies on an early draft of the Preferred Options Report on the DLA DPD, inviting dialogue on the main issues affecting the Borough and how the Council could respond. The responses received were taken into account in preparing the final version of the Preferred Options Report. The responses to the consultation with the statutory bodies at these two stages are set out in the 'Response to Issues Report Consultation' (November 2004) and the 'Response to Consultations - Under Regulations 25 & 26' (September 2006) documents.

Issues Report

In late autumn 2003, the Council's Issues Report was available for public consultation during an eight week period. This stage provided the public the opportunity to participate on the issues before the decision was made on the preferred approach.

Over 500 comments were received from over 131 individuals, agencies and organisations setting out a range of general and area specific issues. This stage pre-dated the Regulations requiring the preparation of an SA/SEA Report so no SA/SEA documentation was made available.

Consultation under Regulation 26

The Preferred Options for the DLA DPD together with the SA/SEA Final Report allowed the public to consider the Council's reasons for selecting their preferred options in the context of the SA/SEA process. The SA/SEA Final Report appraised the set of preferred options and assessed the cumulative and synergistic effects. The Report also included a set of mitigation measures to prevent, reduce and as fully possible offset any significant adverse effects on the environment of implementing the preferred options. The formal consultation took place for six weeks from 7 October to 18 November 2005. In response to consultation, representations were received from 118 individuals, organisations and agencies raising a total of 236 issues under Regulation 27(2). Of these, 2 were submitted on the DLA DPD SA/SEA Final Report. The separate publication entitled 'Response to Consultations under Regulations 25 & 26' contains a complete summary of every representation that was received and the Council's response. The Council's response to the proposed mitigation measures identified in the Final SA Report was set out in the 'Sustainability Appraisal of Significant Changes Report' (June 2006).

Submission

The DLA DPD, accompanied by the Sustainability Appraisal of Significant Changes Report, was submitted on 1 September 2006. The Council received 178 representations from 53 individuals or organisations either supporting or questioning the soundness of the document which were considered by an independent Inspector through the Examination process.

4. Reasons for choosing the document 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 pattern of development sites in the DLA DPD was shaped by the Core Strategy. The SA/SEA Adoption Statement for the CS explains the reasons for choosing the spatial strategy to determine the most sustainable pattern of development in the Borough, in the light of other reasonable alternatives.

5. Monitoring

The full set of monitoring indicators is set out in Appendix 5 of the Final SA Report for the DLA DPD. These indicators will be monitored annually and the results will be included in the Annual Monitoring Report on the Local Development Framework. The results will feed into subsequent reviews of the DLA 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.