

# **SOUTH LAKELAND DISTRICT COUNCIL**

## **LOCAL PLAN - LAND ALLOCATIONS**

### **DEVELOPMENT PLAN DOCUMENT**

#### **Sustainability Appraisal and Habitats Regulations Assessment Post-Adoption Statement December 2013**

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**January 2019 note:** Over time the links in this document have become broken to due various changes to our website. Many of the documents remain available on our website [www.southlakeland.gov.uk](http://www.southlakeland.gov.uk). If you are looking for a document not available on the website, contact us at [development.plans@southlakeland.gov.uk](mailto:development.plans@southlakeland.gov.uk) or 01539 793388.

## **1. Introduction**

1. South Lakeland District Council adopted its Local Plan - Land Allocations with effect from 17th December 2013.
2. Sustainability Appraisal (SA) of development plan documents is a requirement of the European Strategic Environmental Assessment (SEA) Directive 2001/42/EC which requires that the environmental effects of particular plans and programmes, including Local Plan documents, are fully assessed and taken into account. This Directive has been adopted into UK law as Environmental Assessment of Plans and Programmes Regulations 2004. SA incorporates the SEA requirements, assessing social and economic as well as environmental effects.
3. Additionally, the Conservation of Habitats and Species Regulations 2010 transpose the EC Habitats Directive 92/43/EEC into English national law. They require competent authorities to decide whether or not a plan or project can proceed having determined whether a plan or project may have a significant effect on a European site; if required, undertaken an appropriate assessment of the plan or project; decided whether there may be an adverse effect on the integrity of the European site in light of the appropriate assessment.

4. This statement has been prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 (16) (3) and (4), which require that a statement be produced on adoption of a plan or programme to show:
  - How environmental considerations have been integrated into the plan or programme;
  - How the environmental report has been taken into account;
  - How opinions expressed and results of public consultation have been taken into account;
  - The reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with;
  - The measures that are taken to monitor the significant environmental effects of the implementation of the plan or programme.
5. At the time that SLDC began the SA process, guidance issued by the Office of the Deputy Prime Minister (Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents, November 2005) and the Department of Communities and Local Government (Sustainability appraisal guidance for DPDs in the CLG Plan Making Manual launched in September 2009) was current and it was this guidance that was used to steer the process of SA undertaken for the Land Allocations DPD.
6. This guidance specified that the five stages listed below should be undertaken to ensure compliance with the SEA Directive.
  - **STAGE A:** SET THE CONTEXT AND OBJECTIVES, ESTABLISH THE BASELINE AND DECIDE ON THE SCOPE (PRODUCE SCOPING REPORT)
  - **STAGE B:** DEVELOPING AND REFINING OPTIONS AND ASSESSING EFFECTS
  - **STAGE C:** PREPARING THE SUSTAINABILITY APPRAISAL REPORT (TO DOCUMENT THE APPRAISAL PROCESS)
  - **STAGE D:** CONSULTING ON THE DPD AND SA REPORT
  - **STAGE E:** MONITORING IMPLEMENTATION OF THE DPD
7. The final [SA report](#) (paragraphs 1.5-1.11) sets out how each of these stages and the requirements of the SEA Directive have been met by SLDC in the process of undertaking the SA of the Local Plan - Land Allocations. The full process undertaken is set out in a diagram at [Appendix 1](#) to this document.
8. An [Appropriate Assessment Screening Report, supplement and Appropriate Assessment Report](#) detail the assessment of sites undertaken to fulfil the requirements of the Habitats Directive.

## **2. How environmental considerations have been integrated into the plan or programme and how the environmental report has been taken into account**

9. An [initial draft of the SA Scoping](#) report was produced in October 2008. The SA methodology set out was based on the agreed Cumbria-wide SA approach and the approach taken to SA for the Core Strategy, amended accordingly to suit the fact that sites were being assessed rather than policies.
10. The statutory bodies Environment Agency, English Heritage and Natural England were consulted on the initial draft of the SA Scoping Report and their comments were incorporated into the document and SA approach (see further details of consultation undertaken on the scoping report in [para. 23](#))
11. Utilising the agreed SA framework, SA was undertaken on all alternative sites put forward and considered through the Land Allocations process, except those that were discounted in accordance with the exclusion criteria set out in the Local Plan - Land Allocations (para. 2.19). The methodology used to undertake the SA was considered by the Inspector during the examination and found to be satisfactory (see [Inspector's report](#) paras. 26-29). The result of the SA can be found in the [appendices to the final SA report](#).
12. As set out in the [final SA Scoping Report](#), Council officers undertook the appraisal but the results were then consulted upon at each consultation stage, including with the Statutory Bodies (see [Section 3](#)).
13. The sustainability criteria (each of which reflects one or more sustainability objectives, including environmental objectives) and scoring mechanism set out in the [Scoping Report](#) were used to assess each of the sites.
14. The SA results for each site, as set out in the [SA Report appendix](#), were taken into account throughout the process of preparing the Local Plan – Land Allocations together with a range of other factors, in informing the overall assessment made of each site. This is set out in detail in the [settlement Fact Files](#). In turn, this informed the selection of sites for allocation. This is set out in the site selection methodology statement set out in the [Council's response to Inspectors' Matter 1.6](#). The SA results for all the sites in each settlement were compared in detail by looking at the number of green, orange and neutral scores each site had received in order to come to a judgement on how each site had performed in relation to other sites. This judgement informed the overall SA score indicated in the individual settlement site selection [spreadsheets in the Matter 1.6 response](#). Although criteria were not formally weighted, the particular criteria against which sites had scored well or less well were taken into account. For example, particularly poor scores on flood risk could mean that a site would not be allocated even if it scored well on most or all other criteria.
15. The findings of the SA also informed the site-specific requirements set out for allocated sites in the Local plan – Land Allocations document. They will also be used to guide the Development Briefs that the Council is preparing for the largest and most complex allocations.

16. Following Submission but prior to the Land Allocations hearings beginning, an [SA addendum](#) was produced to take into account two sites for which the SA scores had been omitted in error from the SA report. Neither site was a proposed allocation.
17. The only changes to the plan made in between the publication of the final SA report and the adoption of the plan were the main modifications resulting from the Inspector's recommendations during the Examination hearings (see appendix to [Inspector's report](#)). Following the initial publication of the Main Modifications, a [Main Modifications Sustainability Appraisal Statement](#) was produced setting out the assessment carried out as to whether further SA of the sites was needed as a result of the main modifications. The assessment concluded that there was no requirement for further SA to be undertaken as a result of the proposed modifications.
18. During the second round of hearings, a further change was proposed that did require some further SA work ([Further SA Addendum](#)) to assess the effects of a site being proposed for an alternative use and its size having being altered. No significant differences occurred in the results of the assessment of the site.
19. A [SA Process Note](#) was produced for the Examination at the request of the Inspector to demonstrate the whole SA process in detail and as such this provides further detail that supports both the SA documentation and this statement.
20. Environmental information on a wide range of factors was taken into account as part of the SEA/SA process. Alongside the SEA/SA process, other environmental information that helped to inform the site assessment and selection process included detailed information taken from the [Council's local air quality monitoring](#), information provided in discussion with the Environment Agency related to flooding events that took place during plan preparation and site-specific wildlife and habitats advice from [Cumbria Wildlife Trust](#) and the [Woodland Trust](#). This additional information was incorporated into the considerations of the site assessment and is evidenced in the settlement fact files.
21. The screening of sites under the Habitats Regulations was initially undertaken on all sites considered up to emerging options stage and the results detailed in a [report](#). As further sites were put forward through Emerging Options Stage consultation, a [supplement to the report](#) detailing the assessment of these further sites was produced. An [addendum](#) later had to be produced when it was discovered that three sites had been missed out of the initial assessment. None of these missed sites were considered to be suitable for allocation for other reasons and had not been put forward as emerging options.
22. Some sites thought likely to have effects on European sites were ruled out from allocation, although there tended to be other factors that contributed to them being considered unsuitable for allocation. A small number of sites considered

likely to become allocations were found through the screening process to be likely to have significant effects on one or more European sites and thus had to be subject to a full Appropriate Assessment. Some such sites are identified as allocations in the adopted plan but the plan has incorporated the mitigation measures identified in the [Appropriate Assessment report](#) as necessary to avoid the potential effects on the European sites, thus avoiding any significant impacts. Further details can be found in the screening report (and its supplement and addendum) and the Appropriate Assessment report (links provided above).

### **3. How opinions expressed and results of public (including transboundary) consultation have been taken into account**

23. Article 5.4 of the Strategic Environmental Assessment Directive requires consultation with authorities with environmental responsibilities when deciding on the scope and level of detail of the information to be included in the environmental report (SA report).
24. The statutory bodies Environment Agency, English Heritage and Natural England were consulted on the initial draft of the SA Scoping Report and [their comments](#) were incorporated into the document. The amended document was issued for public consultation alongside the Land Allocations Discussion Paper in December 2008. Very few comments were received, but where possible, comments received resulted in amendments to the document.
25. Following the SA of the original sites proposed through call-for-sites and Discussion Paper consultation, work on the Land Allocations was put to one side whilst the Core Strategy was progressed to adoption in October 2010. In the Spring of 2011 an [updated Draft Scoping Report and a Draft SA Report and appendix](#) setting out the results of the appraisal and incorporating comments received, were published alongside the evolving Land Allocations document for Emerging Options Consultation. At this stage, the [Habitats Regulations Screening report](#) was also issued for consultation but no comments were received.
26. Following the Emerging Options Consultation, additional SA and Habitats Regulations screening was undertaken on new sites that were proposed for consideration through or since the consultation (i.e. those that were consulted on during further options consultation). Only a small number of comments were received (on SA only) but these did result in some minor changes to the Scoping report and SA Report. The comments are set out in the SA consultation reports ([Scoping Report Consultation Report](#) – [SA Report Consultation Report](#)).
27. In January 2012, [Final Scoping and SA Reports](#) were produced. These were updated from Emerging Options Consultation stage to include the results of the SA for all new sites proposed since that stage. This included an assessment of all sites considered during the process against new data on surface water flood risk. The surface water assessment did not result in any sites previously proposed as potential allocations being discounted, but additional mitigation measures relating to surface water were incorporated into the Local plan – Land Allocations document as a result.

28. The final documents, setting out the final site selection and policies were published alongside the Publication Local plan - Land Allocations document and consultees invited to make representations. Several people made representations to the Inspector based wholly or in part on their belief that SA had not been carried out or had not been taken into account in the process and these assertions were considered in detail during the examination. Representations relating to SA can be found on the [consultations page](#) by searching 'sustainability appraisal' and clicking 'Filter'. The [Inspector's report](#) concluded however that the SA process and the Land Allocations document were sound.
29. The statutory bodies provided limited comments on the SA beyond consultation on the early draft but provided confirmation of their approval of the approach and findings during the examination of the Local Plan – Land Allocations.
30. In addition to the few comments made specifically on the SA, many comments were made on environmental issues of relevance to the SA, such as wildlife and air quality concerns. All comments received and the Council's response to them can be found in the [appendices to the Consultation Report](#). These issues have all been taken into account as part of the site assessment and selection process, as evidenced in the settlement fact files and thus played a key role in the decision made regarding sites' allocation or otherwise. Where sites were selected as allocations, this information was used alongside the SA results to inform the site-specific mitigation measures set out in the final document.
31. The Council and Treweek Environmental Consultants, who undertook the Habitats Regulations Screening and Appropriate Assessment on the Council's behalf, worked closely with natural England and the Environment Agency in particular in undertaking the work required under the Habitats Regulations. Their comments influenced the methodology used and the [final Screening and Appropriate Assessment reports](#) as well as the wording of the mitigation measures required and identified for relevant sites in the Local Plan – Land Allocations.
32. Outside of these bodies, only a very small number of comments received referred to the Appropriate Assessment. Only the comments made by Natural England requested any changes and these involved the wording of mitigation measures for inclusion in the Local Plan – Land Allocations for relevant sites.
33. It was established early in the SA process that the Local Plan – Land Allocations would not have any significant effects on any other Member States and thus there are no trans-boundary issues.

#### **4. The reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with**

34. The overall approach taken to the allocation of sites set out in the Land Allocations document, for example the overall amount of development and distribution of development between settlements, was determined by the adopted Core Strategy. The role of the Land Allocations was to determine which sites would deliver this strategy in the most sustainable way.
35. Over 1000 sites (alternatives) were put forward for consideration during the process of preparing the Land Allocations document. Some of these were ruled out using the exclusion criteria set out in the Local Plan - Land Allocations DPD (para. 2.19), but the remaining sites (reasonable alternatives) were subject to a full assessment including sustainability appraisal and Habitats Regulations Assessment and, where necessary, Appropriate Assessment.
36. Taking into account the full range of site selection criteria set out on pages 20-21 of the Land Allocations document and the resulting site assessment undertaken along with Sustainability Appraisal, Habitats Regulations Assessment, Appropriate Assessment where applicable and comments received, the allocated sites set out in the adopted plan amount to the most appropriate and most sustainable way to deliver the requirements of the Core Strategy. The selection of other, alternative sites would have resulted in a less appropriate and less sustainable approach. Further details can be found in the [Council's Report to Inspector's Matter 1.6](#).

#### **5. The measures that are taken to monitor the significant environmental effects of the implementation of the plan or programme**

37. Appendix 1 of the [Core Strategy](#) contains a series of performance objectives, indicators and targets that form the basis for monitoring the policies in the Core Strategy and Land Allocations documents. It also includes an implementation plan, setting out by policy the implementation mechanism and responsible agencies. Additionally, each policy in the Local Plan - Land Allocations sets out how that policy will be monitored.
38. The [Annual Monitoring Report](#) (AMR) will be the main mechanism for assessing the performance of both the Core Strategy and the Local Plan – Land Allocations, including any significant environmental effects. This will help to ensure that objectives are being met and that policies are being implemented. Where, as a result of monitoring, indicators show that a policy is not working effectively or key targets and objectives are not being met, remedial action may be taken.
39. The AMR will be amended and updated to reflect changes in monitoring needs resulting from trends or other effects highlighted through monitoring.
40. The first amended and updated AMR to include the monitoring of the Local Plan – Land Allocations is expected to be produced in spring 2014. Further details of the monitoring approach can be found in the [SA Report](#).



## Appendix 1: Sustainability Appraisal Process

