

# **North Lincolnshire Local Development Framework**

## **Lincolnshire Lakes Area Action Plan (Adoption)**



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**The Environmental Assessment of Plans & Programmes  
Regulations 2004**

**Environmental Statement**

**May 2016**

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Planning & Regeneration  
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## 1 INTRODUCTION

- 1.1 After a five year development period, the North Local Development Framework – Lincolnshire Lakes Area Action Plan (LLAAP) was found to be sound by the Planning Inspectorate in April 2016, and was formally adopted by the Full Council on 10<sup>th</sup> May 2016. This statement has been prepared under regulations 26 and 35 of the Town & Country Planning (Local Planning) (England) Regulations 2012.
- 1.2 As part of the development of the LLAAP, its effects were assessed through a Sustainability Appraisal (SA) and a Habitats Regulations Assessment (HRA). This statement explains how the SA and HRA processes affected the development of the LLAAP: it is the 'SA statement' for the LLAAP.
- 1.3 The SA identifies the social, environmental and economic impacts of a strategy and suggests ways to avoid or minimise negative impacts and maximise positive impacts. It is required by the Planning and Compulsory Purchase Act 2004, and also incorporates the strategic environmental assessment (SEA) requirements of the European Strategic Environmental Assessment Directive<sup>1</sup>, transposed into UK legislation through the Environmental Assessment of Plans and Programmes Regulations 2004. SA/SEA has five main stages (stages A to E). This report fulfils one of the requirements of Stage E, namely documentation of the decision-making process.
- 1.4 HRA assesses the impacts on the Natura 2000 network of internationally important nature conservation sites. It is required by the European Habitats Directive, transposed into UK legislation through the Conservation of Habitats and Species Regulations 2010 (and previous similar legislation). The Habitats Directive applies the precautionary principle to designated sites: plans can only be permitted if it has been shown that they will not adversely affect the designated sites, or else can go ahead only under limited and stringent requirements regarding findings of no alternatives, imperative reasons of overriding public interest and provision of compensatory measures.
- 1.5 Regulation 16 of the Environmental Assessment of Plans and Programmes Regulations 2004 requires that, as soon as reasonably practicable after the adoption of a plan (in this case the LLAAP) for which an SA/SEA has been carried out, the planning authority must make a copy of the plan publicly available alongside a copy of the SA report and an SA statement; and inform the public and consultation bodies about the availability of these documents. The consultation bodies are English Heritage (now Historic England), Natural England and the Environment Agency. The SA statement must explain:
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. Why the plan or programme has been adopted rather than the other options considered;
  5. How the significant environmental effects of implementing the plan or programme will be monitored.

## 2 HOW ENVIRONMENTAL CONSIDERATIONS HAVE BEEN INTEGRATED INTO THE PLAN

- 2.1 The LLAAP has gone through a number of stages since its inception in 2011, starting with evidence gathering and early stakeholder engagement (2011/2012), followed by an Options consultation stage (May to June 2013), Submission Draft stage (October to December 2014), independent examination (October 2015) and Proposed Main Modifications (December 2015 to February 2016).
- 2.2 The SA was carried out on behalf of the council by URS Infrastructure & Environment UK Ltd<sup>2</sup>. At all stages, the findings of the SA have been fully integrated into the preparation of the LLAAP. An SA/SEA scoping report was prepared as part of the evidence gathering stage, and the sustainability impacts of the evolving LLAAP were subsequently assessed at each stage of plan-making. Table 1 (below), shows how this process has taken place.

Table 1 – Links between Lincolnshire Lakes Area Action Plan & Sustainability Appraisal		
Date	AAP Stage	SA/SEA Stage
2011/2012	Evidence gathering, early stakeholder involvement and identification of key planning issues to be addressed in the Lincolnshire Lakes AAP.	Preparation of SA Scoping Report
30 <sup>th</sup> August to 4 <sup>th</sup> October 2012	See above	Consultation on SA Scoping Report with relevant bodies including statutory bodies (English Heritage, Environment Agency &

<sup>1</sup> Article 13.3 of the European Directive 2001/42/EC (SEA Directive)

<sup>2</sup> URS merged with AECOM in 2014

		Natural England)
October 2012 to March 2013	Ongoing stakeholder involvement, evidence base refinement, development of AAP options, and preparation of AAP Options Report	Preparation of SA report for AAP Options report.
8 <sup>th</sup> April to 20 <sup>th</sup> May 2013	Consultation on AAP Options Report	Publication of Sustainability Appraisal of the AAP Options.
June 2013 to September 2014	Appraisal of consultation responses, evidence base refinement and preparation of Submission Draft AAP.	-
30 <sup>th</sup> October to 11 <sup>th</sup> December 2014	Publication of Submission Draft AAP to allow representations to be made on "soundness".	Publication of final Sustainability Appraisal Report.
19 <sup>th</sup> March 2015	Submission of the AAP, supporting documents, evidence base and representations to the Secretary of State	Final Sustainability Appraisal submitted to the Secretary of State as part of submission documentation.
13 <sup>th</sup> to 20 <sup>th</sup> October 2015	Independent Examination	-
October/November 2015	Preparation of the Proposed Main Modifications to the AAP	Preparation of SA Report on Proposed Main Modifications
18 <sup>th</sup> December 2015 to 12 <sup>th</sup> February 2016	Consultation on Proposed Main Modifications to the AAP	Publication of SA Report on Proposed Main Modifications
20 <sup>th</sup> April 2016	Receipt of Inspector's Report	-
10 <sup>th</sup> May 2016	Lincolnshire Lakes Area Action Plan adopted	-

### 3 HOW THE ENVIRONMENTAL REPORT HAS BEEN TAKEN INTO ACCOUNT.

- 3.1 The SA Report has contributed to the development of the LLAAP by providing an independent assessment of the sustainability of the council's proposed options and policies through the LLAAP production process. The SA Report demonstrates how the sustainability objectives have been taken into account, and integrated into the development of the LLAAP. This provides an audit trail and formal statement on the assessment of options, alongside the main document at each stage of the process.
- 3.2 The SA was prepared alongside, and in support of the LLAAP and is a key output of the policy development process. The process began with the production of the SA Scoping Report (August 2012). This involved identifying the sustainability issues and topics for the LLAAP, as well as identifying relevant baseline information and indicators. This document was then sent out to stakeholders for comment. The comments received on the SA Scoping Report helped to create a final list of sustainability issues, which were then used to test the options identified in the LLAAP Options.

**Table 2: Sustainability Issues**

- Economy and Employment;
- Housing and Population;
- Community and Wellbeing;
- Transport;
- Land Use, Landscape and Visual;
- Archaeology and Historic Environment;
- Biodiversity and Green Infrastructure;
- Climate Change Adaptation (Flood Risk and Water Quality);
- Climate Change Mitigation (Energy, Utilities and Waste); and
- Air Quality.

- 3.3 At the Options stage, each of the four development options were assessed against the sustainability issues, set out in Table 2 (above), and a report published as part of the Options consultation period. The assessment is set out in section 5 of this report. It also included suggestions for possible mitigation measures which could be included in future policies should certain options be chosen. This assessment, alongside other policy considerations and public consultation, assisted the council in drawing up final development option and supporting policies.
- 3.4 Based on the findings of the SA of the four options, technical work and public consultation a final development option and policies were prepared. These were the subject of an assessment against the ten sustainability topics,

outlined Table 2 (above). It also included a framework against which the significant sustainability effects of the future development of Lincolnshire Lakes could be monitored. The Final SA Report was published alongside the Submission Draft version of the LLAAP, which was issued for a statutory six week consultation period.

#### **4 HOW THE OPINIONS EXPRESSED AND RESULTS OF PUBLIC CONSULTATION HAVE BEEN TAKEN INTO ACCOUNT.**

- 4.1 The LLAAP has been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, as well as previous regulations issued in 2004 and 2008, which require that a AAP be accompanied by a statement regarding consultation. LLAAP also complies with the council's Statement of Community Involvement.
- 4.2 Consultations throughout the SA process have been undertaken in accordance with Article 6(3) of the SEA Directive, the SA/SEA regulations and the Council's Statement of Community Involvement. The SA/SEA regulations require three key bodies to be consulted - the Environment Agency, English Heritage and Natural England.
- 4.3 Formal consultation on the SA, with the statutory consultees and other organisations with an environmental, economic or social interest, was carried out at the following stages of the LLAAP:
- SA Scoping Report - 30<sup>th</sup> August to 12<sup>th</sup> October 2012
  - Publication of LLAAP Options Report – 8th April to 20th May 2013
  - Publication of LLAAP Submission Draft – 30th October to 11th December 2014
  - Publication of Proposed Main Modifications – 18th December 2015 to 12th February 2016
- 4.4 Comments were received on the SA Scoping Report from:
- English Heritage
  - Environment Agency
  - Highways Agency
  - Hull City Council
  - Central Lincolnshire Joint Planning Unit
  - Lincolnshire Wildlife Trust
  - Natural England
  - NHS North Lincolnshire
  - Nottinghamshire County Council
  - Severn Trent Water.
- 4.5 The consultation comments largely concerned updates to the planning policy context, baseline conditions and sustainability framework set out in the SA Scoping Report. As part of the process, the comments were considered and fed into the subsequent versions of the SA and the sustainability framework. Details of these comments and how they were taken on board can be found in of the Appendix B of the Final SA Report.
- 4.6 As part of the Options stage (April 2013), an SA/SEA appraisal of each of the four development options was published as part of the consultation exercise. A summary of this can be found in section 5 of the Final SA Report. A single comment was received from Natural England which stated that *"The SA methodology complies with the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations)"* and *"Natural England concur with the SA's conclusion that Options B, C and D would result in fewer disturbances to nesting and feeding birds within the northern part of the site, due to a lack of development in this area and a larger buffer between human activities within the villages and areas used by SSSI/SPA/Ramsar birds."*
- 4.7 The Draft SA Report was issued alongside the LLAAP: Submission Draft (October 2014). Comments were received from Natural England, which stated that *"The Sustainability Appraisal's assessment of the AAPs likely environmental effects complies with the requirements of the Strategic Environmental Assessment Directive, the Planning and Compulsory Purchase Act 2004 and national regulations"* and that *"Natural England concur with its conclusions regarding the likely environmental effects of the AAP"*.
- 4.8 During the LLAAP Examination hearing the council requested the Inspector to suggest main modifications under Section 20 (7)(2c) of the Planning & Compulsory Purchase Act 2004. The Proposed Main Modifications were the subject of an SA which was published alongside them as part of the consultation process. No representations were received.

## **5 WHY THE PLAN OR PROGRAMME HAS BEEN ADOPTED RATHER THAN THE OTHER OPTIONS CONSIDERED.**

- 5.1 The Environmental Assessment of Plans and Programmes Regulations 2004 (12) (2) requires SA/SEAs to consider any reasonable alternatives to the plan or programme, taking into account the objectives and scope of the document. The requirement to conform to national planning guidance as well as the overall spatial strategy/priorities set out in the adopted Core Strategy DPD (June 2011) resulted in the restriction of the number of reasonable alternative policy options that could be considered. The council did not consider alternatives that were in conflict with planning guidance or sustainable development principles or which were inappropriate for dealing with local conditions or priorities.
- 5.2 This process is set out clearly within the LLAAP and in the council's statements put forward at the independent examination.

## **6 HOW THE SIGNIFICANT ENVIRONMENTAL EFFECTS OF IMPLEMENTING THE PLAN OR PROGRAMME WILL BE MONITORED.**

- 6.1 The North Lincolnshire Local Development Framework will be kept under continuous review through an Annual Monitoring Report (AMR). The AMR sets out the extent to which the policies and objectives of the DPDs and the SPDs making up the LDF are being achieved. The AMR will monitor whether a policy is delivering sustainable development and achieving the sustainability objectives and contains indicators that monitor the significant environmental, social and economic effects of the LLAAP.
- 6.2 The SA provides a framework for monitoring the key effects of the LLAAP and includes a wide range of baseline information and a number of indicators for each Sustainability Objective. This is set out in section 8.2 and Table 6 of the final SA Report (issued with the Submission Draft version of the LLAAP)

## **7 HABITATS REGULATION ASSESSMENT**

- 7.1 Following a 2006 European Court of Justice ruling which found that the United Kingdom had not fully interpreted the European Habitats Directive (Directive 92/43/EEC) into UK Law, the then Office of the Deputy Prime Minister (ODPM) announced that Habitats Regulation Assessment (HRA) must be undertaken for any land use plan affecting a European nature conservation site.
- 7.2 In North Lincolnshire there are several areas which fall within this definition - Humber Estuary Special Protection Area (SPA); Humber Estuary Special Area of Conservation (SAC); Humber Estuary Ramsar site; Thorne Moor SAC; Hatfield Moor SAC; and Thorne and Hatfield Moors SPA. The Humber Estuary Ramsar site also falls within this designation for the purposes of the HRA.
- 7.3 The HRA process involves up to four consecutive stages, with the conclusions of each stage determining whether the next stage is required:
1. Screening: Determining whether the plan - 'in combination' with other plans and projects - is likely to have an adverse effect on a European site
  2. Appropriate Assessment: Determining whether, in view of the site's conservation objectives, the plan - 'in combination' with other plans and projects - would have an adverse effect (or risk of this) on the integrity of the site (s). If it doesn't, the plan can proceed
  3. Assessment of Alternative Solutions: Where the plan is assessed as having an adverse effect (or risk of this) on the integrity of a site(s), there should be an examination of alternatives.
  4. Assessment where no alternative solutions remain and where adverse impacts remain.
- 7.4 URS<sup>3</sup> was appointed by the council to undertake the HRA for the LLAAP at each stage during its preparation. HRA reports were published alongside the LLAAP as part of each consultation exercise (Options; Submission Draft, and Proposed Main Modifications). These were also submitted to the Secretary of State as part of supporting documentation for the LLAAP.

<sup>3</sup> URS merged with AECOM in 2014.

- 7.5 The first stage in HRA process involved undertaking a Likely Significant Effects (HRA screening) assessment of the four proposed spatial options that were published consultation. Its purpose was to determine whether Likely Significant Effects on European sites can be screened out with regard to any/all of the spatial options and to identify whether any of the four options was less likely to lead to an effect on European sites than any other option. Comments were received from Natural England. The findings of the HRA screening were then used in determining the final option for development.
- 7.6 As part of preparing the Submission Draft version of the LLAAP, a further HRA screening was carried out of the final development option and the policies within the LLAAP to identify any Likely Significant Effects on nearby European sites. It stated that it had been possible to conclude that the Final Option of the Lincolnshire Lakes AAP would not lead to likely significant effects on the Humber Estuary SAC, SPA or Ramsar site, either alone or in combination with other plans and projects.
- 7.7 In relation to the policies that support the Final Option AAP it was also considered that they would not lead to likely significant effects on the Humber Estuary SAC, SPA or Ramsar site, either alone or in combination with other plans and projects, subject to several caveats. The results of assessment have been included with AAP policies, as appropriate. The HRA assessment was published alongside the Submission Draft AAP for public consultation. Comments were received from Natural England.
- 7.8 During the LLAAP Examination Hearings, the Council requested the Inspector to suggest main modifications under section 20 (7)(2c) of the Planning & Compulsory Purchase Act 2004. The Proposed Main Modifications were the subject of an assessment of any Likely Significant Effects (HRA screening). It stated that it was possible to conclude that the Main Modifications to the LLAAP would not lead to likely significant effects on the Humber Estuary SAC, SPA or Ramsar site, either alone or in combination with other plans and projects. The assessment was published as part of the consultation on the Proposed Main Modifications.

## **8 PUBLIC EXAMINATION OF THE SUSTAINABILITY APPRAISAL.**

- 8.1 The Planning Inspector who undertook the independent examination of the LLAAP noted in the Assessment of Legal Compliance section of her Final Report (page 24) that it was legally compliant. In respect of the Sustainability Appraisal it was highlighted that the *“SA has been carried out is adequate”*. The Inspector also stated that *“The Habitats Regulations Assessment Report (October 2014) details the screening and confirms that an Appropriate Assessment is not required”*.

## **9.0 FURTHER INFORMATION**

- 9.1 Full copies of the Sustainability Appraisal Report, the Habitat Regulations Assessment and the LLAAP and other related documents can be downloaded from the council's website [www.northlincs.gov.uk](http://www.northlincs.gov.uk). For further information please contact Spatial Planning on 01724 297573 or e-mail: [spatial.planning@northlincs.gov.uk](mailto:spatial.planning@northlincs.gov.uk)