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North Lincolnshire Local Development Framework – Core Strategy Development Plan Document (Adoption)

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

**Spatial Planning
Regeneration & Planning
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June 2011

1 Introduction

- 1.1 After a five year development period, the North Local Development Framework - Core Strategy Development Plan Document was found to be sound by the Planning Inspectorate in May 2011, and was formally adopted by the Full Council on 28th June 2011. This statement has been prepared under regulations 24(4), 35(2) and 36 of the Town & Country Planning (Local Development) (England) Regulations 2004 (as amended 2008).
- 1.2 As part of the development of the Core Strategy DPD, 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 Core Strategy DPD: it is the 'SA statement' for the Core Strategy DPD.
- 1.3 The Sustainability Appraisal 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 Directive¹, 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 Core Strategy DPD) 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, 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

- 7.1 The Core Strategy DPD has gone through a series of stages since its inception in 2005/2006, starting with evidence gathering, then issues and options, revised issues and options, preferred options, an informal stakeholder involvement and the proposed submission Core Strategy DPD. The Sustainability Appraisal (SA) was carried out on behalf of the council by Atkins Global PLC. At all stages, the findings of the SA have been fully integrated into the preparation of the Core Strategy DPD. An SA/SEA scoping report was prepared as part of the evidence gathering stage, and the sustainability impacts of the evolving Core Strategy DPD were subsequently assessed at each stage of plan-making. Table 1 (below), shows how this process has taken place.

Table 1 - Links between Core Strategy DPD development and SA/SEA		
Date	DPD Stage	SA/SEA Stage
Mid/Late 2005	Evidence gathering and early community involvement. Identification of key planning issues.	SA Scoping Report.
23 rd December 2005 to 3 rd February 2006		Consultation on SA Scoping Report with key consultees including statutory consultees (Countryside Agency, Environment Agency, English Nature & English Heritage).
December 2005 to March 2006	Preparation of issues and options document.	

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

13 th March to 26 th April 2006	Consultation on issues and options document.	Summary of Consultation responses on SA Scoping Report and appraisal of initial options
3 rd and 25 th August 2006	Consultation revised issues and options document.	Appraisal of revised initial options and preparation of Draft SA Report
August to October 2006	Preparation of Preferred Options document.	Appraisal of preferred options and preparation of Draft SA report:
30 th October and 11 th December 2006.	Consultation of Preferred Options document.	Consultation on Draft SA Report.
2008	Preparation of informal stakeholder involvement document	Appraisal of updated policies.
24 th November until 19 th December 2008	Informal consultation with stakeholders, in particular statutory bodies and infrastructure providers	Consultation on updated Draft SA Report.
2009/Early 2010	Preparation of submission draft document	Preparation of final SA Report.
24 th May to 5 th July 2010	Publication for representations to be made on soundness of Core Strategy DPD	Publication of final SA Report
25 th August 2010	Core Strategy DPD, Statement of Representations Received and Consultation Statement submitted to Secretary of State.	Final SA Report submitted to Secretary of State alongside submission draft DPD.
18 th to 20 th January 2011	Examination hearings	
17 th May 2011	Receipt of final Inspector's Report	
29 th June 2011	Core Strategy DPD adopted.	

- 2.2 An SA/SEA framework was used to structure each of the assessment stages. The framework covers all of the environmental topics listed in the SEA Directive, namely biodiversity, population, human health, fauna, flora, soil, water, air climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors. This is shown in Table 2.

Table 2 - SA/SEA Framework for the Core Strategy	
SA Objective	SEA Topic
1. To promote healthier communities	Population and human health
2. To tackle poverty, social exclusion and inequality geographically as well as demographically	Population and human health
3. To enhance skills, qualifications and the overall employability of the population	Population
4. To reduce crime, the fear of crime and to promote safer neighbourhoods	Population and human health
5. To improve accessibility to education, employment, recreation, health, community services and cultural facilities for all sectors of the community	Population
6. To provide a sufficient and appropriate mix of housing that is affordable, decent and designed to a high standard	Population
7. To encourage the participation in culture, leisure and recreational activities including in the countryside	Population, human health and landscape
8. To minimise the risk of flooding	Water, soil, climatic factors, population and human health
9. To adapt to the impacts of climate change for the built and natural environment	Climatic factors
10. To make the best use of previously developed land and existing buildings	Soil
11. To improve air quality	Air quality, human health, biodiversity, fauna and flora
12. To reduce greenhouse gases emissions particularly from transport	Climatic factors
13. To protect and enhance biodiversity and important wildlife habitats within and outside designated sites.	Biodiversity, flora and fauna
14. To ensure the protection and enhancement of	Landscape and fauna

designated sites including Sites of Special Scientific Interest (SSSI) and Special Protection Areas (SPAs)	
15. To maintain and enhance the quality of countryside and wider landscape	Landscape
16. To reduce congestion, particularly around the South Humber Bank Ports	Population, human health, air and climatic factors
17. To improve public transport provision and promote sustainable modes of transport	Population, human health, air and climatic factors
18. To protect and enhance heritage assets including archaeological sites and monuments, historic landscapes, and local townscapes and their settings.	Cultural heritage and landscape
19. To increase energy efficiency and increase the use of renewable energy particularly from wind energy	Climatic factors
20. To reduce generation of waste, the proportion sent to landfill and to increase re-cycling	Material assets, water and soil
21. To protect local water resources, soil quality and quantity	Water
22. To promote the use of sustainably sourced products and resources and reusing and recycling products	Population, human health and climatic factors
23. To minimise noise and light pollution	Population, human health and climatic factors
24. To maintain and strengthen the local economy to promote future economic prosperity for North Lincolnshire in rural and urban areas	Population
25. To create vibrant towns and village centres in both rural and urban areas	Population
26. To increase diversity of employment	Population
27. To improve the economic activity for rural areas through the promotion of tourism and the retention of local facilities	Population and material assets
28. To promote and enhance opportunities for tourism, particularly in rural areas	Population

3 HOW THE ENVIRONMENTAL REPORT HAS BEEN TAKEN INTO ACCOUNT.

- 3.1 The SA Report has contributed to the development of the Core Strategy DPD by providing an independent assessment of the sustainability of the council's proposed options and policies through the Core Strategy DPD production process. The SA Report demonstrates how the sustainability objectives have been taken into account, and integrated into the development of the Core Strategy DPD. 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 Core Strategy DPD and is a key output of the policy development process. The process began with the production of the SA Scoping Report. This involved identifying the sustainability issues and objectives for the Core Strategy DPD, as well as identifying relevant baseline information and indicators. This document was then sent out to stakeholders for comment.
- 3.3 The comments received on the SA Scoping Report helped to create a final set of sustainability objectives, which were then used to test the options identified in the Issues & Options paper. A summary and detailed assessment of the options can be viewed in section 5 and Appendix D of the final SA Report respectively. The summary assessment also included suggestions for possible mitigation measures which could be included in future policies should certain options be chosen. This initial assessment, alongside policy considerations and public consultation, assisted the council in drawing up preferred policy options.
- 3.4 The preferred policy options were also assessed against the sustainability objectives. This assessment is set out in Chapter 6 (paragraphs 6.5 to 6.93; Table 6.2) and Appendix E of the final SA Report. It identified effects of the preferred policies, as well as mitigation measures and suggestions for amendments to the policy options to make them more sustainable. The assessment and its recommendations helped to shape a further stage of policy options which was published as part of informal consultation with key stakeholders such as government agencies and infrastructure providers.
- 3.5 This further stage of policy options was also subject to sustainability appraisal. This assessment is set out in Chapter 6 (paragraphs 6.94 & 6.95; Table 6.3) and Appendix G of the final SA Report. It identified effects of the policy

options, as well as mitigation measures and suggestions for amendments to the policy options to make them more sustainable. The assessment and its recommendations help to shape the policies and proposals of the Submission Draft Core Strategy DPD.

- 3.6 The initial policies of the Core Strategy DPD: Submission Draft, drawn up in 2009, were the subject of a Sustainability Appraisal. This assessment is set out in Chapter 6 (paragraphs 6.96 to 6.115; Table 6.4). As in previous stages the assessment identified the effects of the policies and suggested mitigation measures and changes. These were taken on board for the final submission draft. For details see Chapter 6 (paragraphs 6.96 to 6.115 and 6.117 & 6.118; Table 6.5) and Appendix I of the final SA Report.

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

- 4.1 The Core Strategy DPD has been prepared in accordance with the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended 2008), which require that a DPD be accompanied by a statement regarding consultation. The Core Strategy DPD 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 (previously four) key bodies to be consulted. These are statutory consultees and consist of the Environment Agency, English Heritage and Natural England (formerly English Nature and the Countryside Agency).

- 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 Core Strategy DPD:

- SA Scoping Report - December 2005 – January 2006
- Core Strategy Issues and Options – March 2006;
- Preferred Options and Draft Sustainability Appraisal – October to December 2006.
- Informal Stakeholder consultation and Revised Draft Sustainability Appraisal – November to December 2008
- Publication of Submission Draft and Sustainability Appraisal Report – May to July 2010.

- 4.4 Comments were received on the SA Scoping Report from English Nature, English Heritage, Environment Agency, Government Office for Yorkshire and Humber, North Lincolnshire Primary Care Trust, Humber Forum, the Highways Agency and the Countryside Agency. Internal comments were received from Adult Social Care Services, Environment Team, Strategic Housing, Transport and the Waste Management Team. As part of the process, the comments were considered by Atkins and fed into the sustainability framework. Details of these comments and how they were taken on board can be found in Chapter 3 (paragraphs 3.1 to 3.39) and Appendix A of the final SA Report.

- 4.5 The Draft SA Report was issued alongside the Core Strategy DPD: Preferred Options in October 2006. A range of comments were received from CPRE, RSPB, Environment Agency, Lincolnshire Wildlife Trust, Energiekontor UK Ltd, English Heritage and Sport England. Details of the responses received and the action taken are set out in Appendix F of the final SA Report.

- 4.6 A Revised Draft SA Report was also published in November 2008 as part of an informal consultation with key stakeholders such as government agencies and infrastructure providers. The SA reflected comments received previously. Comments were received from English Heritage, Natural England and the Environment Agency. Details of the responses received and the action taken are set out in Appendix H of the final SA Report.

- 4.7 The SA was revised based on the previous responses and a final version issued alongside the Core Strategy DPD: Submission Draft. A number of representations were received and forwarded to the Inspector for consideration.

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 with national and regional planning guidance 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. This process is set out clearly within the Core Strategy DPD (chapter 5) and in the council's statements put forward at the examination.

- 5.2 Within the SA/SEA process, the alternative options for the Core Strategy DPD were tested against the sustainability objectives. The Preferred Options were selected based on the outcomes of the SA as well as policy considerations and public consultation. As the Core Strategy DPD developed the SA process has been used to strengthen policies in order to ensure that negative sustainability impacts are minimised or mitigated.

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 Core Strategy DPD.
- 6.2 The Sustainability Appraisal provides a framework for monitoring the key effects of the Core Strategy DPD and includes a wide range of baseline information and a number of indicators for each Sustainability Objective. Appendix 5 of the LDF Sustainability Appraisal Scoping Report sets out these indicators and targets for all of the headline sustainability objectives used in the SA.

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. 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.
- 7.2 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.
- 7.3 Accordingly, a HRA Stage 1 (Screening) of the Preferred Options version of the Core Strategy DPD was undertaken in January 2007 and issued for consultation between January and March 2007. It assessed the impacts of the Core Strategy DPD upon sites designated as of European importance for their nature conservation value and within or around the North Lincolnshire boundary. Further HRAs Stage 1 (Screening) were undertaken for the informal stakeholder involvement stage (2009) and publication of the Submission Draft in May 2010. Following the Core Strategy DPD Submission Draft public consultation a further HRA was carried out which incorporated a Stage 2 assessment (Appropriate Assessment) and this was completed in December 2010 for the Core Strategy DPD examination. The findings of the HRAs were included, where appropriate as the policies in the Core Strategy DPD have developed.

8 PUBLIC EXAMINATION OF THE SUSTAINABILITY APPRAISAL.

- 8.1 The Planning Inspector who undertook a public examination of the Core Strategy DPD noted in section 62 of her Final Report that the "SA has been carried out and is adequate". She was also satisfied that the Habitats Regulation Assessment (December 2010) had been carried and was adequate.

9.0 FURTHER INFORMATION

- 9.1 Full copies of the Sustainability Appraisal Report, the Habitat Regulations Assessment and the Core Strategy Development Plan Document and other related documents can be downloaded from the council's website www.northlincs.gov.uk . For further information please contact Spatial Planning on 01724 297573/297577 or e-mail: spatial.planning@northlincs.gov.uk