

## **Development Policies Sustainability Statement**

This Sustainability Statement is prepared in accordance with Regulation 16 of the Environmental Assessment of Plans and Programmes Regulations 2004. It effectively tells the story of the Sustainability Appraisal and its relationship with the Development Policies DPD.

### **Background**

A Sustainability Appraisal (SA) is required to be carried out for all Development Plan Documents (DPDs). SA is a continuous process which assesses DPDs against a series of sustainability objectives, these sustainability objectives are wider than the plan objectives and collectively define what the Council and relevant stakeholders would ideally like to achieve in terms of sustainable development. SA helps Local Planning Authorities (LPAs) identify the relevant economic, social and environmental performance of possible options and policies and evaluate which are the most sustainable. It essentially involves asking at key intervals in plan preparation “how sustainable is my plan?” The Environmental Assessment of Plans and Programmes Regulations 2004 gives effect to EU Directive 2001/42/EC on the ‘assessment of the effects of certain plans and programmes on the environment’ [the Strategic Environmental Assessment (SEA) Directive] and places an obligation on LPAs to carry out a SEA on land use and spatial plans. Clearly there is some overlap with the requirement for an environmental assessment under these Regulations and the requirement to carry out a SA. It is therefore best practice to incorporate the requirements of the SEA Directive into the SA process, which Colchester Borough Council has done.

This statement complies with the requirement in paragraph (1)(b)(iii) of Regulation 16 of the Environmental Assessment of Plans and Programmes Regulations 2004 to produce a statement when a plan, which was subject to environmental assessment, is adopted.

### **Development Policies DPD**

The Development Policies DPD follows on from the Core Strategy and sets out criteria based policies, which will be used in the determination of planning applications. The preparation of the Development Policies involved 4 broad stages:

- Issues and Options;
- Regulation 25;
- Regulation 27; and
- Submission.

SA is an iterative process and involved numerous stages; a SA report was prepared to accompany the first three broad stages listed above. A SA scoping report accompanied the Development Policies Issues and Options document in December 2007, a SA revised scoping report was prepared to accompany the Regulation 25 consultation document in January 2009, a draft

SA report was prepared to accompany the Regulation 27 consultation in September 2009 and an annex to the SA report was published at submission stage.

Since the time of the Core Strategy Amended Preferred Option all SA work is carried out in-house by the spatial policy team. National guidance makes it clear that this is an acceptable, even desirable, arrangement. The decision was taken to carry out SA work in-house principally as a result of representations from the Government Office for the East of England and Natural England regarding a lack of integration between the Core Strategy Preferred Options and the SA, which was prepared externally.

### **SA Task D2(ii)**

Where a Planning Inspector makes significant changes to a DPD in their binding report they must be satisfied that sufficient SA material is available to demonstrate what significant effects are likely. Where significant changes have been made by the Inspector the LPA must incorporate these changes and amend the SA report.

The Inspector did not recommend any changes to the Development Policies DPD.

### **Purpose of the Sustainability Statement**

Regulation 16(4) of the Environmental Assessment of Plans and Programmes Regulations specifies the particulars that must be included in the adoption statement required under Regulation 16(i)(b)(iii).

Accordingly this statement sets out:

- a) how environmental considerations have been integrated into the plan or programme;
- (b) how the environmental report has been taken into account;
- (c) how opinions expressed in response to -
  - (i) the invitation referred to in regulation 13(2)(d);
  - (ii) action taken by the responsible authority in accordance with regulation 13(4) have been taken into account;
- (e) the reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with; and
- (f) the measures that are to be taken to monitor the significant environmental effects of the implementation of the plan or programme.

Please note that criterion (d) of the regulations is not relevant to the Core Strategy as it refers to transboundary issues with other member states.

- (a) How environmental considerations have been integrated into the plan and**  
**(b) How the environmental report has been taken into account**

Carrying out the SA has ensured that sustainability (environmental, economic and social) considerations have been integrated into the Development Policies DPD from the beginning of the plan preparation process. As part of the first scoping exercise the SA framework was slightly amended from the Core Strategy SA framework to ensure that the sub-objectives are the most relevant to the Development Policies DPD. The outcomes of consultation on the Issues and Options document and the SA scoping report informed the next stages of the plan-making process and the SA process.

Following on from SA scoping and the Development Policies Issues and Options consultation the spatial policy team began to consider various policy options. As part of the SA options were appraised and further alternatives were considered to provide a comprehensive comparison. Generally the options appraised were the draft policy (in some cases policies were drafted and in other cases the likely content of the draft policy was appraised), continuing with the relevant Local Plan policies and the no plan option; but other options were also appraised such as a more restrictive or permissive policy. This appraisal recommended the most sustainable option to be taken forward and included recommended policy wording to help mitigate and enhance the likely effects of the option. The results of this appraisal were published in the SA revised scoping report, which accompanied the Regulation 25 consultation document that set out draft policies. Only one comment was received in response to the SA revised scoping report and this related to the Habitat Regulations Assessment screening opinion and not to the SA.

Following on from this work the spatial policy team considered representations received to the Regulation 25 consultation document. Where the spatial policy team considered that they would amend a draft policy in the Regulation 25 consultation document further SA work was undertaken to help identify the most sustainable policy option and suggest policy wording to maximise the sustainability benefits and reduce the potential for adverse effects. Once the Development Policies DPD was drafted each of the themes (sustainable development, centres and employment, housing, urban renaissance, public realm, transport and accessibility, environment and rural communities and energy, resources, waste, water and recycling) was appraised to predict and evaluate the effects of the DPD. A lot of this appraisal work was taken from the appraisal of options, but it was useful to consider the cumulative impacts of each theme. Further mitigation and enhancement measures were also recommended. A cumulative appraisal of the whole DPD was then carried out, which looked at the likelihood, permanence, geographical area and timing of impacts as a result of the entire DPD. A SA report was prepared and issued for consultation alongside the Regulation 27 Development Policies DPD between September 2009 and October 2009.

**(c) How opinions expressed in response to -**

- (i) the invitation referred to in regulation 13(2)(d);**
- (ii) action taken by the responsible authority in accordance with regulation 13(4) have been taken into account**

A key component of the SA process is consultation with stakeholders and the public. The consultation throughout the SA process has been in accordance with:

- Regulations set out in the Environmental Assessments of Plans and Programmes Regulations 2004.
- The Colchester Borough Statement of Community Involvement.

The SA scoping report, SA revised scoping report and SA report were sent to all statutory consultees on Colchester's LDF consultation list, as detailed in the Council's Statement of Community Involvement. All documents were also made available at Council offices, public libraries, the Council's website ([www.colchester.gov.uk](http://www.colchester.gov.uk)) and on request. Representations made during the consultation periods were recorded and are publicly available on the Council's website.

The table, below, sets out the representations received to the various SA reports and the spatial policy team's response.

<b>SA Scoping Report (accompanied Issues and Options Paper)</b>		
<b>Stakeholder</b>	<b>Comment</b>	<b>Response</b>
No representations		
<b>SA Revised Report (accompanied Regulation 25 consultation document)</b>		
Environment Agency	We are satisfied, on the whole, that there will not be any significant adverse effects on the integrity of any European designated sites.	Comment noted.
<b>SA Report (accompanied Regulation 27 document)</b>		
No representations		

**(e) The reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with**

PPS12 sets out a chain of conformity, which requires DPDs and SPDs to be in conformity with the Core Strategy. The Core Strategy was adopted in December 2008 and through the Examination process it was demonstrated that this DPD is in conformity with national guidance and the now revoked Regional Spatial Strategy.

The Core Strategy was subject to a SA, which therefore ensures that the policy direction is the most sustainable compared with other options. This therefore limits the options that can be assessed as reasonable alternatives as part of the Development Policies DPD. However, for each policy theme at least two reasonable options were considered. The identification and review of options (alternatives) formed a key part in the plan making process.

Section 6 of the SA Report outlines the options considered for each policy theme and provides a comparative assessment of their likely effects. In all cases the option that scored most positively was taken forward and included in the Development Policies DPD. Set out below is a summary of the reasons for choosing the policy in light of the reasonable alternatives.

### **Design and Amenity**

The policy will ensure that development is of high quality design. Development will be compatible with the character of the site and surrounding area, protect the landscape setting, ensure the creation of a safe and secure environment and ensure that the necessary infrastructure is provided. Under the alternatives the impact of development on amenity is unlikely to be properly considered and few positive impacts have been identified. Additionally, the alternatives include a lot of detail that repeats national guidance and do not refer to crime and security, the need to protect existing amenity space and sustainable design and construction measures.

### **Health Assessments**

Whilst no adverse effects are likely under the alternative it will not bring as many positive effects as the policy. Without a policy requiring Health Assessments the Council would find it difficult to require every development of more than 50 dwellings or in excess of 1,000 sq m for commercial development to carry out an assessment as part of the design and feasibility stage.

### **Planning Obligations and the Community Infrastructure Levy**

The policy provides greater certainty to the developer as it makes clear that the Council will be implementing the CIL; under the alternative there may be some uncertainty.

### **Community Facilities**

The policy will help to sustain rural communities, ensure equitable access to community facilities and reduce the increased use of the private car through the retention of community facilities. The policy includes stricter criteria than the alternatives and so under the alternatives community facilities could be lost to other uses.

### **Appropriate Employment Uses and Protection of Employment Land and Existing Businesses**

The policy will ensure that employment land is retained unless there are exceptional circumstances to justify the loss, ensuring that employment land remains in accessible locations. It will also protect the vitality and viability of the town centre by directing office development to the town centre, protect the character of rural areas by stating that not all employment uses will be

appropriate on all sites, and will protect maritime character. The alternatives will not be strict enough to justify the retention of employment land. The loss of employment land will result in significant harm to the local economy and the loss of sites within existing communities will result in workers having to travel further for work.

### **Colchester Town Centre Uses**

The policy will promote the vitality and viability of the town centre, promote regeneration and provide equitable access to a wide range of uses. The alternatives would not result in as many positive impacts; one alternative would amend the established town centre boundaries and another would reduce the mix of uses available in the town centre.

### **Local Centres and Individual Shops**

The policy will result in a more positive impact than the alternative as it sets out a requirement for 50% of units to remain retail, requires new uses to meet the needs of residents within the local neighbourhood and requires retail development proposals outside of retail centres to demonstrate that it will not harm the vitality and viability of retail centres.

### **Agriculture Development and Diversification**

The policy will help to sustain the rural economy and will ensure that existing agricultural enterprises are retained as part of any diversification scheme. The alternative will fail to support the rural economy and without guidance at local level proposals could either be refused as part of the presumption against development or a proposal could be approved, which would harm the existing agricultural enterprise and lead to residential development in the countryside.

### **Employment Uses in the Countryside**

The policy will improve the delivery of employment in rural areas by allowing the re-use, extension and replacement of rural buildings for employment purposes and exceptionally new build. One alternative is likely to result in the development of inaccessible sites and affect listed buildings and landscape character as design may be compromised in preference to economic benefits. Another alternative would be unlikely to promote regeneration and help to sustain the rural economy as it is likely to result in a refusal of applications that are not well related to an existing settlement and accessible by a good choice of means of transport.

### **Tourism Development**

The policy will improve the tourist facilities in the Borough, which will bring economic benefits. One of the alternatives would resist tourist development in the countryside and another would result in many negative impacts on the SA

objectives, particularly as it fails to reduce the need to travel and increase the use of sustainable transport.

### **Flat Conversions**

The policy will result in more positive impacts than the alternative as it will ensure that smaller family homes remain available within the Borough and that very small flats are less likely to be provided. The policy will also ensure that issues such as the effect of on-street car parking on the amenity of the street frontage are considered as part of the consideration of the character of the area.

### **Dwelling Standards**

The policy will ensure that Lifetime Homes are provided, which will increase the range of housing delivered and provide more equitable access, and will ensure that development makes the most efficient use of land whilst achieving good design. The alternatives are less likely to result in the provision of Lifetime Homes where they are needed. One of the alternatives offers no flexibility in terms of density, which may reduce the amount of open space and affect the character and attractiveness of an area in some cases. Another alternative will not result in as much certainty as the policy as it leaves guidance to SPD.

### **Dwelling Alterations, Extensions and Replacement Dwellings**

The policy will ensure that the character of the area and landscape will not be affected by requiring extensions and replacement dwellings to be compatible with the existing dwelling, landscape and rural setting. Under the alternatives development could lead to significant extension to smaller dwellings if maximum standards are included in a policy, development incompatible with the size of a plot if a percentage is included or uncertainty under the no plan option.

### **Historic Environment Assets**

The policy will ensure the preservation and enhancement of the historic environment. Colchester's town centre is a historic area and its preservation will support the vitality of the town centre, which in turn will support the economy. Alternatives could be very strict and stifle development proposals that affect historic assets and are unlikely to lead to enhancement of the historic environment.

### **Retention of Open Space and Indoor Sports Facilities**

The policy will ensure that existing open space and indoor recreation facilities are retained and that if development is acceptable alternative and improved provision must be created. Under the alternative existing open space and recreational facilities will be unlikely to be retained or new ones provided, and

facilities will come under pressure from different land uses to the detriment of the community.

### **Private Amenity Space and Open Space provision for New Residential Development**

The policy will ensure that appropriate levels of private amenity space and local/ strategic open space are created, which will provide people with good access to their needs for informal recreation. It will also help to facilitate high density development in accessible locations by accepting a lower private amenity space provision in areas where high density development is expected. Under one of the alternatives lower levels of private amenity space and open space will be provided to the detriment of the aim of securing sustainable and inclusive communities. Another alternative appraised would be inflexible.

### **Accessibility and Access**

The policy supports the objective to promote sustainable travel behaviour and reduce the need to travel by ensuring that development makes provision for pedestrians, cyclists, public transport users and includes measures that reduce private vehicle dependency. Under the alternative Travel Plans and/or Transport Assessments may not be provided, which will make it less likely that the benefits of the policy will be secured.

### **Transport Infrastructure Proposals**

The policy will ensure that the LDF includes a policy to judge applications for transport infrastructure proposals, which will make it quicker and more transparent for schemes to secure planning permission. The alternative will not.

### **Parking Standards**

The policy will improve the quality of the public realm by reducing the amount of on-street parking by specifying minimum standards. Under the alternative, without a policy specifying minimum standards the Essex Planning Officers Association standards may not be implemented and so the minimum standards may not be achieved, which will have implications for the public realm and quality of the local environment.

### **Flood Risk and Management of Surface Water Drainage**

Whilst the alternatives will reduce the risk of flooding the policy will be more positive as it requires flood defence and mitigation measures and so will result in a greater reduction in flood risk. The policy also requires SuDS as part of all development, which is particularly important given the greenfield allocations in the Site Allocations DPD and requires water conservation measures to be incorporated into development.



## **Nature Conservation and Protected Lanes**

Whilst the alternative will enhance landscape character by protecting and enhancing nature conservation sites and will ensure the protection of designated areas of the countryside and coastal environment the policy refers to the Essex Biodiversity Action Plan, which will ensure that the most important species and habitats are protected and enhanced, resulting in a more positive impact than the alternative.

## **Dedham Vale Area of Outstanding Natural Beauty**

Whilst the alternative will protect the Dedham Vale Area of Outstanding Natural Beauty the policy will result in greater protection as it requires existing development to mitigate adverse impacts as part of new development proposals, which will further enhance landscape and environmental quality and will also help to sustain the rural economy through the recognition of the social and economic objectives of the area.

## **Coastal Areas**

The policy will ensure that development is not permitted that will affect maritime users, which will help to sustain the rural economy and requires the enhancement of the yachting, fishing and boating centre of Coast Road, West Mersea (which is a conservation area). The alternatives will have a less positive impact as the unique landscape character of the coast and maritime heritage may not be fully protected. Protecting the undeveloped coast from development will protect biodiversity and improve environmental quality.

## **Equestrian Activities**

The policy will ensure that planning permission is not granted for equestrian activities if it would result in intensification of buildings in the countryside, particularly in an urban fringe location, which will protect the unique character and pattern of the Borough's settlements. Under the alternative equestrian facilities that involve built development in the countryside may not be supported, which will fail to sustain the rural economy.

## **Renewable Energy**

The policy will result in an increase in renewable energy production, which will reduce greenhouse gas emissions as it sets out the criteria that will be used in the determination of planning applications for renewable energy schemes. The alternatives could result in uncertainty or unnecessary repetition, which could hinder the development of renewable energy technologies.

## **(f) The measures that are to be taken to monitor the significant environmental effects of the implementation of the plan or programme.**

Regulation 17 of the Environmental Assessment of Plans and Programmes Regulations requires the responsible authority to monitor the significant

environmental effects of the implementation of the DPD. Adverse effects should be identified with a view to carrying out appropriate remedial action.

The spatial policy team produces an Annual Monitoring Report (AMR), which is submitted to the government office every December. The AMR monitors the effects of numerous indicators, which are set out in the Core Strategy, and therefore allows the LPA to monitor the effects of the DPD.

The SA framework includes indicators for each of the SA assessment criteria and all of these indicators are included within the AMR. In order to ensure that the SA is expressly considered the AMR will include specific comments and a summary section on the SA. This summary section will also outline any remedial measures that will be undertaken as a response to adverse effects.

### **Habitat Regulations Assessment**

A Habitat Regulations Assessment screening opinion was carried out as part of the SA revised scoping report and it was concluded that there will not be any significant adverse effects on the integrity of an international site as a result of the Development Policies DPD. Therefore, an appropriate assessment is not necessary for this DPD.