

## **Colchester Local Plan Focused Review 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 Focused Review.

### **Background**

A Sustainability Appraisal (SA) is required to be carried out for all Local Plans. SA is a continuous process which assesses Local Plans 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.

### **Colchester Local Plan Focused Review**

Colchester Borough Council is undertaking a two-stage review of its Local Plan. The first stage is this Focused Review, which is an initial limited review of policies which can be readily amended without the need to prepare further extensive evidence in respect of those specific policies. Only those policies that clearly require updating as they do not comply with the advice in the NPPF form part of this stage. The second stage is the Full Review, which will include amendments to the spatial strategy, housing and employment targets, and site allocations as these issues require the support of updated evidence base work.

The aim of the Focused Review has been to revise those policies that can be readily amended to be consistent with the provisions of the NPPF without the need to prepare further extensive evidence in respect of those specific

policies. Revisions do not include any amendments to the spatial strategy or housing and employment targets and allocations.

SA is an iterative process and involved numerous stages. An SA Scoping Report was prepared to accompany the Issues and Options consultation and a draft SA Report was prepared to accompany the Preferred Options consultation. The Council considered whether the Main Modifications should be subject to SA and prepared an Appendix to the SA Report at the time of Submission.

### **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 significant changes to the Focused Review which necessitated changes to the SA Report.

### **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**

The Focused Review by its nature has a limited scope, which involves the review of policies that have already been subject to SA. However, carrying out SA has ensured that sustainability (environmental, economic and social) considerations have been considered from the beginning of the Focused Review process.

As part of the SA new options were compared to the adopted policy to draw out the sustainability differences. In some cases a third option was also appraised. Generally, the options that performed most sustainably were taken forward. However, in some instances the option that performed most sustainably was rejected in favour of an option that was more inline with the National Planning Policy Framework (NPPF).

**(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 and SA Report were sent to all statutory consultees on Colchester's consultation database, 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 SA Report and the spatial policy team's response.

<b>SA Scoping Report</b>		
<b>Stakeholder</b>	<b>Comment</b>	<b>Response</b>
No representations		
<b>SA Report (accompanied draft Focused Review)</b>		
<b>Stakeholder</b>	<b>Comment</b>	<b>Response</b>
Martin Robeson on behalf of Churchmanor Estates	It is a concern that the Sustainability Appraisal has not considered the option of using the present opportunity to incorporate a CIL charging schedule into the plan making process.	It is not considered to be the role of the Sustainability Appraisal to assess the merits of incorporating a CIL charging schedule into the plan making process at the present time. It is for the Council to decide if and when to introduce a Community Infrastructure Levy. CBC does not

		consider the implementation of a CIL charging schedule to be an appropriate course of action at this time and this decision is outside the scope of Focused Review process. It therefore does not constitute a genuine option for appraisal.
Natural England	The Sustainability Appraisal notes that if the evidence indicates that there is a link between more rural development and increased impact on Natura 2000 sites, then appropriate management measures can be implemented. Natural England do not consider this sufficient to address the issue. The HRA should provide justification as to why changes to increase rural housing and employment will not have a significant impact on Natura 2000 sites. It is not clear what management measures will be implemented or how these issues will be addressed when proposals for development come forward. Any areas of uncertainty should be addressed in the HRA of the Plan.	Sufficient information was provided in the form of an Appendix to the Sustainability Appraisal, which was published at the time of Submission, to resolve Natural England's concern.
Myland Community Council	The Sustainability Appraisal should be re-done using the 13 NPPF sustainability factors rather than the old 9 criteria which are now out of date. The scoring of Policy SD1 is incorrect and should be amended as a good score is registered against SA criteria 8 – To conserve and enhance the natural environment, natural resources and the biodiversity of the Borough – which is untrue when development occurs, particularly on greenfield sites. Referenced documents concerning Colchester's character, landscape, parks and green spaces, open space, and sport and leisure are all dated 2006/07 whereas other documents are much more recent. This implies a disproportionate focus on urban development and imbalance in documentation update.	As this is a Focused Review of the Council's adopted Core Strategy and Development Policies it is entirely appropriate for the Sustainability Appraisal (SA) to use the same sustainability criteria as the SAs of these documents as this provides consistency with previous SA work. It would not be appropriate to use the core planning principles in the NPPF as the sustainability framework is locally distinctive. It is derived from a collection of data about Colchester, a review of relevant policies, plans and programmes, and identification of sustainability issues relevant to Colchester.  The SA appraisal for policy SD1 gives all three options a mixed scoring for objective 8. The general evaluation recognises that all three options promote development, so there is a risk of a negative impact against the objective of conserving and enhancing the natural environment, natural resources and the biodiversity of the Borough. However, the policy options direct development to the most sustainable locations, which will minimise the negative impacts of

		development on this objective. New development also provides an opportunity to impact positively against the objective, and all three policy options require new development to minimise and/or mitigate pressure on the natural environment and to seek to sustain the character of the countryside.
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**(e) The reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with**

As explained above this is a Focused Review and so the number of options considered was limited. The SA Report outlines the options considered for each policy theme and provides a comparative assessment of their likely effects. Set out below is a summary of the reasons for choosing each policy in light of the reasonable alternatives.

**SD1 – Sustainable Development Locations**

The preferred option performs best against the sustainability objectives, with more positive impacts against objectives 3, 4 and 5, when compared against the other options.

**SD2 - Delivering Facilities and Infrastructure**

There is no recommendation for this policy, resulting from the appraisal of the sustainability. Both options perform equally, meaning, in sustainability terms, both would be suitable options to be carried forward into the plan.

**Policy H2 – Housing Density**

It is recommended that option 2 is taken forward as the preferred policy. Option 2 is considered to be the most sustainable in terms of meeting peoples housing needs and making the most efficient use of land therefore it meets social and economic objectives better than Options 1. Option 2 is also the most flexible policy option for delivering the most appropriate housing density schemes relative to accessibility, location and need.

**Policy H3 – Housing Diversity**

It is recommended that option 2 is taken forward as the preferred policy option. Option 2 scores well against social and economic objectives as it is flexible and will ensure that a range of housing types can be delivered across different locations. It will help create mixed communities and deliver a range of housing that will meet the housing needs of local communities in Colchester. This approach also accords with paragraphs 47 and 50 of the NPPF.

#### **Policy H4 – Affordable Housing**

Option 2 is the preferred policy option principally because it is more likely to support the delivery of affordable housing in the Borough in both urban and rural areas without compromising the viability of future housing developments. This option meets the social and economics objective better than Option 1. It will also meet peoples needs for access to a range of housing at accessible locations close to key services and facilities in both urban and rural areas. It will help create more sustainable mixed communities who will have a range of skills that will benefit local businesses. Option 2 is more likely to deliver balanced developments supported with good infrastructure due the lower 20% affordable housing target. Option 2 allows for some market housing on rural exceptions sites which will could increase the delivery of affordable housing schemes in rural areas and support rural regeneration. As an approach Options 2 accords with paragraphs 50 and 55 of the NPPF.

#### **Policy H5 – Gypsies, Travellers and Travelling Showpeople**

There is no recommendation for this policy, as both options perform equally in sustainability terms.

#### **Policy H6 – Rural Workers Dwellings**

It is recommended that Option 1 is taken forward as the preferred policy. It scored well against social and economic objectives whilst ensuring that rural accommodation workers needs can be properly considered and met in Colchester Borough. Option 1 also complies with paragraph 55 of the NPPF.

#### **Policy ENV2 – Rural Communities**

It is recommended that Option 2 is taken forward as the preferred policy. It meets all 3 social economic and economic objectives and it is more flexible in terms of housing and employment provision in rural areas. This policy approach also accords with paragraphs 28, 54 and 183 in the NPPF regarding rural regeneration, Rural Exception Sites and Neighbourhood Planning.

#### **Policy DP24 - Equestrian Activities**

It is recommended that Policy DP24 is deleted subject to the amendment of policy DP9 to include commercial equestrian businesses and the introduction of a new Rural Workers Dwellings policy (H6). These policy changes are needed to provide a robust policy framework for assessing commercial equestrian businesses and to ensure that the needs of those employed in rural land based businesses who need to live at or close to where they work can be properly met. This approach accords with paragraph 55 of the NPPF.

#### **DP1 - Design and Amenity**

There is little difference between policy option 1 and option 2, so either option would be beneficial in sustainability terms. Option 2 performs slightly better

overall, so it is recommended that, for sustainability purposes, option 2 is carried forward into the plan as the preferred policy.

**(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 Local Plan. Adverse effects should be identified with a view to carrying out appropriate remedial action.

The spatial policy team produces an Annual Monitoring Report (AMR) every December. The AMR monitors the effects of numerous indicators, which are set out in the Local Plan, and therefore allows the LPA to monitor the effects of the Local Plan.

The SA framework includes indicators for each of the SA assessment criteria and all of these indicators are included within the AMR. Since 2007/8 a section on SA monitoring has been included in the AMR. This will ensure that the effects of the Focused Review are monitored and remedial action can be put in place if adverse effects are encountered.

**Habitat Regulations Assessment**

A Habitat Regulations Assessment screening opinion was carried out and it was concluded that there will not be any significant adverse effects on the integrity of any Natura 2000 sites or Ramsar sites as a result of the Focused Review. Therefore, an appropriate assessment is not required.