

AGENDA ITEM 3C

EXTRAORDINARY MEETING OF THE FULL COUNCIL

20TH OCTOBER 2016

REPORT OF THE HEAD OF REGULATORY SERVICES

PRE-SUBMISSION DRAFT MELTON LOCAL PLAN: SUSTAINABILITY ASSESSMENT REPORT (OCTOBER 2016)

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to report the findings of the Sustainability Appraisal (SA) of the 'Pre- Submission Draft Melton Local Plan' and to consider whether it is appropriate to publish this SA, as statutorily required, alongside the Pre-Submission Draft Melton Local Plan.
- 1.2 Members will recall that Melton Borough Council produced a SA for the 'Melton Local Plan Issues and Options Stage' (the first iteration of the Local Plan) between October 2014 and January 2015 and consultants employed by Melton Borough Council produced a SA and SEA on behalf of the Council for the 'Melton Local Plan: Emerging Options (Draft Plan)' in November 2015. This latter document was presented with the Emerging Options in January 2016 for consultation. Further changes have been made to the Emerging Options document as a result of the twelve weeks public consultation stage (which finished in April 2016) and on continuous work on site allocations (including additional sites) and further evidence being produced after this date, culminating in the current 'Pre-Submission Draft 'Melton Local Plan'. The SA of the 'Pre-Submission Draft Melton Local Plan' has been prepared to take account of these changes.

2.0 RECOMMENDATION

2.1 That Council :

- (i) **Approves the Sustainability Appraisal for publication as part of the evidence base alongside the Pre-Submission Draft Melton Local Plan.**

3.0 KEY ISSUES

Reason for SA of the Melton Local Plan

- 3.1 The SA of the Melton Local Plan is designed to ensure that the plan preparation process maximises the contribution that a plan makes to sustainable development and minimises any potential impacts. The SA process involves appraising the likely social, environmental and economic effects of the policies and proposals within a plan from the outset of its development.
- 3.2 Strategic Environmental Assessment (SEA) is also a statutory assessment process, required by a European Directive. It involves the formal assessment of plans and programmes which are likely to have significant effects on the environment and which set the framework for future consent of projects requiring Environmental Impact Assessment.

- 3.3 SEA and SA are separate processes but have similar aims and objectives; the SEA focuses on the likely environmental effects of a plan whilst SA includes a wider range of considerations, extending to social and economic impacts. In accordance with National Planning Practice Guidance, a joint SA/SEA has been undertaken and to the SA report incorporates the requirements of the SEA Regulations. Throughout this report (as in the SA & SEA of the Melton Local Plan), the abbreviation 'SA' should therefore be taken to refer to SA incorporating the requirements of SEA.
- 3.4 Despite there no longer being a requirement to undertake formal Equalities Impact Assessment (EIA), authorities are still required to have regard to the provisions of the Equality Act. Several SA objectives address equalities issues, for example the objective relating to health, and a separate EIA has also been undertaken, in accordance with the Council's own policy on this matter (Agenda Item 3A refers).
- 3.5 Under Article 6 (3) and (4) of the Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats Directive), land-use plans are also subject to Habitats Regulations Assessments (HRA). The purpose of HRA is to assess the impacts of a land-use plan against the conservation objectives of a European designated site and to ascertain whether it would adversely affect the integrity of that site. The HRA process for the Melton Local Plan has been undertaken and is reported on separately to the SA within item 3A of this agenda, but the findings have been taken into account in this SA where relevant.
- 3.6 Further updates of the SA will be required at the final stages of plan preparation (Examination of the Plan, Modifications (if required after the Examination) and Adoption).

SA Methodology Background

- 3.7 The SA has been carried out in accordance with current best practice. It is set out as nine chapters and 11 appendices which have been continually updated throughout the process. The SA process has involved the following stages:
- Scoping to understand the social, economic and environmental baseline for the plan area as well as the sustainability policy context and key sustainability issues.
 - Developing and refining policies, development site options and chapters, and assessing their effects.
 - Setting out the findings of the appraisal, including making recommendations for improvements and clarifications that may help to mitigate negative effects and maximise the benefits of the plan.
- 3.8 The SA has appraised the policy options and large-scale and small-scale development site options for the Melton Local Plan: Submission Plan. These have been considered against the SA objectives in the SA framework with scores being attributed to each option or policy to indicate its likely sustainability effects on each objective. The approach is the same as that used at the Emerging Options stage. SA inevitably relies on an element of subjective judgement. The scoring system for sites applied used a scale varying from significantly positive down to significantly negative and where less data was available, particularly on small scale site options, a detailed set of assumptions was developed and applied.

Sustainability Context for Development in Melton

- 3.9 The Melton Local Plan has been greatly influenced by other plans, policies and programmes and by broader sustainability objectives. Schedule 2 of the SEA Regulations requires that such plans, policies and programmes should be appraised in outline in terms of their relevance to the Melton Local Plan. The SA summarises the relationship between the Melton Local Plan and these outside influences and it describes the social, economic and environmental characteristics of Melton Borough and identifies the key sustainability issues. The iterative process of the SA means that each stage of assessment has been appropriately updated.

The Melton Local Plan must be consistent with the requirements of the NPPF and the guidance of the NPPG. The requirement of NPPF is that:

“Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. To this end, they should be consistent with the principles and policies set out in this Framework, including the presumption in favour of sustainable development”

- 3.10 At the sub-regional and local levels there are a wide range of plans and programmes that are specific to Leicestershire and Melton Borough and which provide further context for the Pre- Submission Local Plan. These plans and programmes relate to issues such as housing, transport, renewable energy and green infrastructure, and have also been reviewed in Appendix 2 of the SA. This baseline information provides the context for assessing the sustainability of proposals in the Melton Local Plan and it provides the basis for identifying trends, predicting the likely effects of the plan and monitoring its outcomes. As an integrated SA and SEA has been carried out, baseline information relating to other ‘sustainability’ topics has also been included; for example, information about housing, social inclusiveness, transport, energy, waste and economic growth. Certain parts of this baseline evidence have been updated since the Emerging Options stage of the Melton Local Plan and the updated baseline evidence is included in SA Appendix 3. The key sustainability issues have also been reviewed to ensure that they link clearly to the baseline information and some of the issues have been reworded for clarity. SA chapter 3 describes the likely evolution of each key sustainability issue

Summary of Key Findings and Implications of SA work

- 3.11 The SA is a substantial document of over 1200 pages and includes much technical detailed assessment of the whole process of the Melton Local Plan. The SA findings for the Pre-Submission Draft Melton Local Plan are summarised in SA chapter 7 with a full detailed assessment in the SA appendices. The SA concludes with no particular individual issue in relation to the reasonable alternative site and policy options, as well as the policies and site allocations in the Pre-Submission Draft Melton Local Plan, which have been subject to a detailed appraisal against the SA objectives. The key points made in the SA are as follows:
- Generally the policy approaches and site options taken forward in the Pre-Submission Draft Melton Local Plan are those that perform more positively or at least as well against the SA objectives than the rejected options.
 - In a small number of cases other planning considerations have determined that other options should be taken forward, but the SA acknowledges that the Melton Local Plan includes a number of policies that should help to mitigate the potential

negative effects of the proposals included in the Melton Local Plan.

- The SA acknowledges that the Melton Local Plan has to promote development by proposing a substantial amount of housing, employment and other development across Melton to meet the future needs of the Borough but that the SA has inevitably identified the potential for significant negative effects on many of the SA environmental objectives including biodiversity, cultural heritage and the landscape.
- To address the previous bullet point the SA recognises that the Melton Local Plan also includes a wide range of development management style policies that aim to protect and enhance the economic, social and environmental conditions of the Borough and these policies should go a long way towards mitigating the potential negative effects of the overall scale of the development proposed, although some significant effects are likely to remain.
- In directing most new development to Melton Mowbray the Melton Local Plan the SA acknowledges that there will be a range of benefits with the town having the greatest range of jobs and service provision in the Borough, and co-locating the majority of new residential and employment development, particularly through the delivery of two new sustainable neighbourhoods on the northern and southern edge of Melton Mowbray.
- Whilst the approach of directing most development to Melton Mowbray will limit opportunities to stimulate service provision in the rural areas of the Borough the SA states that it should mean that there are good opportunities for people to make use of sustainable modes of transport, travelling over shorter distances, and will enable more people to access the jobs created.

Future Monitoring of SA - Summary

- 3.12 Chapter 8 of the SA sets out monitoring guidelines and measures against the policies and proposals in the Melton Local Plan. It confirms that it is not necessary to monitor everything laid down in the SA. Instead, monitoring is to be focussed on the significant sustainability effects that may give rise to irreversible damage, preferably identifying trends before such damage is caused, and the significant effects where there is uncertainty in the SA and where monitoring would enable preventative or mitigation measures to be taken. The monitoring framework for the Melton Local Plan in relation to the SA will be the 17 objectives and associated indicators set out in table 8.1 of the SA. This draws from the proposed monitoring framework for the Melton Local Plan that was previously presented in the SA Report for the Emerging Options but now also draws from the monitoring framework that has been prepared by the Council and presented in the Pre-Submission Draft Melton Local Plan.
- 3.13 The data used for monitoring in many cases will be provided by outside bodies. Information collected by other organisations (for example Environment Agency) can also be used as a source of indicators. The SA therefore recommends that the Council continues the dialogue with statutory environmental consultees and other stakeholders that has already commenced, and works with them to agree the relevant sustainability effects to be monitored and to obtain information that is appropriate, up to date and reliable.

4.0 POLICY AND CORPORATE IMPLICATIONS

- 4.1 The Sustainability Assessment and Strategic Environmental Assessment is a

statutory requirement to the plan preparation process of the Melton Local Plan. In this case it applies to the Pre-Submission Draft Melton Local Plan. It maximises the contribution that a plan makes to sustainable development and minimises any potential impacts. The SA process is a vehicle for appraising the likely social, environmental and economic effects of the policies and proposals within a plan from the outset of its development.

5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

5.1 There are no significant unknown financial or resource implications arising from this report. The Local Plan is an intensive exercise and a Sustainability Assessment and Strategic Environmental Assessment is an essential part of the Local Plan process which has a significant resource implication. However this will be met through the existing budget provisions within the normal course of future monitoring requirements of the Local Plan.

6.0 LEGAL IMPLICATIONS/POWERS

6.1 Sustainability Appraisal (SA) is a statutory requirement of the Planning and Compulsory Purchase Act 2004. The SA is an essential supporting document to plan making and in this case supports the 'Pre-Submission Draft Melton Local Plan', which is also required under the Planning and Compulsory Purchase Act 2004. Strategic Environmental Assessment (SEA) is also a statutory assessment process, required under the SEA Directive (2001/42/EC), transposed in the UK by the SEA Regulations (Statutory Instrument 2004 No. 1633). SEA and SA are separate processes but have similar aims and objectives. National Planning Practice

6.2 Guidance shows how it is possible to satisfy both requirements by undertaking a joint SA/SEA, and to present a SA report that incorporates the requirements of the SEA Regulations. Article 6 (3) and (4) of the Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats Directive) land-use plans are also subject to Habitats Regulations Assessments (HRA). The purpose of HRA is to assess the impacts of a land-use plan against the conservation objectives of a European designated site and to ascertain whether it would adversely affect the integrity of that site. The HRA process for the Melton Local Plan has been undertaken by LUC and reported on separately to the SA, and the findings have been taken into account in the SA where relevant.

6.3 Under the Equalities Act 2010, authorities are still required to have regard to the provisions of the Equality Act, namely the Public Sector Duty which requires public authorities to have due regard for equalities considerations when exercising their functions. The Council has incorporated an EIA within the SA process with several of the SA objectives addressing equalities issues.

6.4 The SA and SEA process (in addition to it being a statutory requirement) will help demonstrate to a Planning Inspector how the Council has in the development of the plan addressed sustainability issues appropriately at different stages of the Melton Local Plan in compliance with the legislation and will reduce the risk of the plan being challenged at a later date. The SA and SEA is a statutory and iterative process and any further changes to the 'Pre-Submission Draft Melton Local Plan' during the Examination stage and after the Inspector recommends Modifications (if any) must be sustainably assessed (as relevant) and included in the final SA and SEA which will accompany the eventual adoption (by the Council) of the Melton

Local Plan.

7.0 COMMUNITY SAFETY

7.1 There are no direct community safety implications as a direct result of this report. However, issues of safety and safe communities are required for new development in policies of the 'Pre-Submission Draft Melton Local Plan'. Examples of this can be found at Policy C9 (Healthy Communities) Policy D1(Development Standards). The SA and SEA has positively assessed these policies against the requirement of new development together with assessing all chapters and policies of the Submission Plan. The result being that community safety issues have been addressed appropriately in planning policy terms which will guide future sustainable development proposals.

8.0 EQUALITIES

8.1 The Local Plan is being subject to a detailed equalities impact assessment through each stage of preparation.

9.0 RISKS

9.1

L I K E L I H O O D	A	Very High				
	B	High				
	C	Significant				
	D	Low		1		
	E	Very Low				
	F	Almost Impossible				
			Negligible 1	Marginal 2	Critical 3	Catastrophic 4

IMPACT

Risk No	Risk Description
1	The SA is a long and detailed technical document, including certain assumptions and facts, and therefore there is a low risk that some detailed content may not match exactly the material in the Melton Local Plan itself. This may hinder understanding of the policy development process, and result in representations critical of that.

10.0 CLIMATE CHANGE

- 10.1 The Environment Chapter of the Pre-Submission Draft Melton Local Plan includes Policy (EN8) setting out how new development proposals should be designed to mitigate and adapt to climate change. This includes Sustainable Design and Construction – ensuring energy efficient and low carbon development (linked to Policy EN9); Green Infrastructure Provision (linked to Policy EN3); Renewable and/or Low Carbon Energy and/or Heat Networks (linked to Policy EN10); Flood Risk – minimising the risk of flooding in new development proposals (linked to Policy EN11); Sustainable Drainage Systems (SuDs) in relation to providing new development (linked to Policy EN12).
- 10.2 The SA and SEA has positively assessed these environmental policies against the requirement of new development together with assessing all chapters and policies of the Submission Plan. The result being that climate change issues have been addressed appropriately in planning policy terms which will guide future sustainable development proposals.

11.0 CONSULTATION

- 11.1 The Draft SA Report will be published alongside the Pre-Submission Draft Melton Local Plan, as a proposed submission document, providing part of the justification for the policies and proposals of the local plan. At this stage, respondents to the consultation will not be able to object to the Draft SA Report per se, but may make representations in respect of the local plan that make reference to the Draft SA Report in as much as they feel it justifies (or otherwise) the local plan content.

12.0 WARDS AFFECTED

- 12.1 All Wards are affected

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Date: 12th October 2016

Appendices : A Sustainability Non Technical Summary **(To follow)**

Background Papers: PRE-SUBMISSION DRAFT MELTON LOCAL PLAN
MELTON LOCAL PLAN: SUBMISSION PLAN – SUSTAINABILITY APPRAISAL REPORT
(copy available in the Members Room)