

Three Rivers District Council

Development Management Policies LDD

Sustainability Appraisal Adoption Statement

July 2013

**Halcrow Group Limited *in* association with
Centre for Sustainability at TRL**

Three Rivers District Council
Development Management Policies LDD
Sustainability Appraisal Adoption Statement
July 2013

**Halcrow Group Limited *in* association with
Centre for Sustainability at TRL**

Halcrow Group Limited
Elms House 43 Brook Green London W6 7EF
Tel +44 (0)20 7602 7282 Fax +44 (0)20 7603 0095
www.halcrow.com

Halcrow Group Limited has prepared this report in accordance with the instructions of their client, Three Rivers District Council, for their sole and specific use. Any other persons who use any information contained herein do so at their own risk.

© Halcrow Group Limited 2013

Halcrow Group Limited

Elms House 43 Brook Green London W6 7EF
Tel +44 (0)20 7602 7282 Fax +44 (0)20 7603 0095
www.halcrow.com

Three Rivers District Council
Development Management Policies LDD
Sustainability Appraisal Adoption Statement
July 2013
Contents Amendment Record

This report has been issued and amended as follows:

Issue	Revision	Description	Date	Signed	Verified
01	00	SA Adoption Statement	08.07.13	RG	CH

Contents

1	INTRODUCTION	1
2	HOW THE SUSTAINABILITY CONSIDERATIONS HAVE BEEN INTEGRATED INTO THE LDD	2
3	HOW THE SA REPORT HAS BEEN TAKEN INTO ACCOUNT	4
4	WHY OPTIONS WERE TAKEN FORWARD IN THE LIGHT OF OTHER ALTERNATIVES CONSIDERED	6
5	HOW CONSULTATION RESPONSES HAVE BEEN TAKEN INTO ACCOUNT	6
6	MONITORING ARRANGEMENTS	8
7	HABITATS REGULATIONS ASSESSMENT	10

1 Introduction

This document has been prepared for the adoption stage of the Three Rivers Development Management Policies Local Development Document (DMP LDD). During the LDD preparation process a Sustainability Appraisal and Strategic Environment Assessment (SA/SEA) have been undertaken in parallel.

SA/SEA identifies the social, environmental and economic impacts of a plan and suggests ways to avoid or minimise negative impacts and maximise positive effects. It is required by the 'Town and Country Planning (Local Planning) (England) Regulations 2012', and in addition it incorporates the requirements of the European 'Strategic Environmental Assessment' Directive, transposed into UK legislation through the Environmental Assessment of Plans and Programmes Regulations 2004.

Regulation 16 of the Environmental Assessment of Plans and Programmes Regulations 2004 (the 'SEA Regulations') requires that, as soon as reasonably practicable after the adoption of a plan 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/SEA statement must provide information on:

- a. How the SA/environmental report has been taken into account;
- b. How sustainability/environmental considerations have been integrated into the plan;
- c. The reasons for choosing the plan as adopted, in the light of the other reasonable alternatives dealt with;
- d. How consultation opinions on the SA/environmental report of the public, consultation bodies and where appropriate other European Member States have been taken into account; and
- e. The measures that are to be taken to monitor the significant sustainability/environmental effects of the implementation of the plan or programme.

A Habitat Regulations Assessment (HRA) was also undertaken to assess the potential impacts of the plan on internationally important conservation sites such as Natura 2000 sites. 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. Information on the HRA is provided in Section 7.

2 How the sustainability considerations have been integrated into the LDD

The combined SA/SEA process has been designed to ensure sustainability considerations are integrated into planning and decision making processes. SA is an iterative process, thereby influencing and informing each stage of plan development.

Interaction between the planning and SA teams at several key stages during the development of the Development Management Policies LDD (and earlier the Core Strategy) has helped to incorporate sustainability and environmental considerations into the plan. Throughout its development the SA process has improved the robustness of the plan by focussing attention early on the environment and sustainability and specific issues raised in the scoping phase.

The SA process aimed to ensure the integration of environmental considerations into the Development Management Policies preparation by:

- Undertaking the SA process in parallel with development of the Development Management Policies and by providing information on sustainability implications to influence the content of the Development Management Policies;
- Issuing the Scoping Report to the statutory consultees and local stakeholders for comments on the key sustainability issues and proposed scope of the SA;
- Recording an assessment of the sustainability effects of the Development Management Policies in SA Reports written as the policies were developed. SA Reports were produced alongside the Initial Issues and Options; Supplementary Issues and Options Report; Preferred Options; Pre-Submission Stage; Submission Stage and Final LDD; and
- Making recommendations for how the Development Management Policies could be amended to reduce or offset adverse environmental effects and enhance positive effects.

The key stages of the SA/SEA and plan making processes are summarised in Table 1.

Table 1: Stages in the SA/SEA and Three Rivers Development Management Policies LDD

Three Rivers Development Management Policies LDD	SA/SEA Stages	Dates
Begin Document Preparation	Stage A: Setting the context, establishing the baseline and deciding on the scope <ul style="list-style-type: none"> • A1: identify other relevant policies, plans and document programmes, and sustainability objectives. • A2: collecting baseline information. • A3: Identifying sustainability issues and problems. • A4: Developing the SA framework. • A5: Consulting on the scope of the SA (Scoping Report). 	Core Strategy SA Scoping Report (wholly applicable to the DMP LDD SA), prepared February 2006 Consultation on Scoping Report February 2006
Preparation of Issues and Options (I&O) paper and consultation Preparation of preferred options, including consultation on possible preferred option	Stage B: Developing and refining options and assessing of effects <ul style="list-style-type: none"> • B1: Testing the DPD objectives against the SA framework. • B2: Developing the DPD options. • B3: Predicting the effects of the DPD. • B4: Evaluating the effects of the DPD. • B5: Considering ways of mitigating adverse effects preferred and maximising beneficial effects. • B6: Proposing measures to monitor the significant effects of implementing the DPDs. 	Consultation on Core Strategy Issues & Options (I&O) paper (which contains the DM Policies, named as DC Policies), June 2006 Preparation of SA Working Note on I&O June 2006 Core Strategy Supplemental Issues and Options (I&O) paper, including preparation of SA Working Note on Supplemental I&O in July 2007
Public consultation on Preferred options	Stage C: Preparing the Sustainability Appraisal Report. <ul style="list-style-type: none"> • C1 Preparing the SA Report. Stage D: Consulting on the preferred options of the DPD and SA Report. <ul style="list-style-type: none"> • D1: Public participation on the preferred options of the DPD and the SA Report. • D2 (i) Appraising significant changes. • D2 (ii) Appraising significant changes resulting from representations. • D3: Making decisions and providing Information. 	Preparation of the Core Strategy Preferred Options (containing the DC policies) and the SA Report and formal consultation, February 2009 Revisions and additions to the DC policies, and incorporating these into a new LDD-Development Management Policies, Pre-Submission Version, January 2012; Consultation on the DMP LDD and the SA Report, Pre-Submission Version, January 2012. Publication of the Proposed Submission DMP LDD and SA Report, July 2012
Submission of DPD to Secretary of State	Stage E: Monitoring the significant effects of implementing the DPD <ul style="list-style-type: none"> • E1: Finalising aims and methods for monitoring. • E2: Responding to adverse effects. 	Submission of the DMP LDD: September 2012
Adoption of the Development Management Policies LDD	<ul style="list-style-type: none"> • Preparing the SA/SEA Statement. 	SA Statement: July 2013 (this document)

3 How the SA report has been taken into account

Further to the Scoping Stage, the sustainability impacts of the Development Management Policies were subsequently assessed during each stage of plan making i.e. Initial Issues and Options; Supplementary Issues and Options Report; Preferred Options; Pre-Submission Stage; Submission Stage and Final DPD.

The SA/SEA predicted the implications of each policy on the environmental, social and economic components of the District (and where possible, the region) by undertaking an assessment of each policy against the SA Objectives. The SA/SEA made recommendations on how to improve the sustainability of the policies for identified positive effects, and how to mitigate negative effects.

The advantage of running the SA process in parallel with the plan making process is that it ensures sustainability and environmental considerations are incorporated in the plan. At each stage of planning, the sustainability appraisal team made recommendations regarding measures to include in the plan, such as suggestions to mitigate any negative effects predicted, or to revise policies, options or objectives of the plan to improve its sustainability quotient. Table 2 indicates how the SA process influenced the Core Strategy development in relation to the Development Control (now Development Management) policies that were originally included in the Core Strategy – and which now form part of the Development Management Policies Local Development Document.

Table 2: SA influence in the DMP LDD development

Stage	Recommendations	Changes to Policies
1) Initial Issues and Options SA of the Core Strategy	<ul style="list-style-type: none"> • Encouraging water efficiency in future buildings should address potential water issues in the future • Policy can set up energy efficiency targets like EcoHomes and consider BREEAM/CEEQUAL 	<ul style="list-style-type: none"> • DC9 (now DM8) supports design and technical intervention to address the issue, including rain water harvesting • DC10 (now DM4) sets Code for Sustainable Homes Level for future development, from 2016
2) Core Strategy Preferred Options	<ul style="list-style-type: none"> • Policy can set up energy efficiency targets like EcoHomes and consider BREEAM/CEEQUAL • Consider improving quality of existing water resources, in addition to prevention of deterioration from future development • Consider including commercial and public buildings as well as residential in policy on carbon dioxide emissions 	<ul style="list-style-type: none"> • DM4 sets requirements for future residential and non-residential development to encourage renewable energy generation and to work towards a Zero carbon target • DM8 supports development where the quantity and quality of surface and ground water resources are protected and where possible enhanced • DM4 applies to residential and commercial development
3) Development Management Policies Pre-Submission	<ul style="list-style-type: none"> • DM1: Residential Design and Layout: Consider addressing aspects relating to Crime through design • DM2: Green Belt: Elaborate on what constitutes Special circumstance under which developments on the Green Belt may be allowed • DM5: Renewable Energy Developments: Recommended for explicit reference to impact on biodiversity in the criteria list the Council will consider while evaluating future Renewable Developments application • DM6: Biodiversity, Trees, Woodland, Watercourses and Landscaping: Consider ways to restrict activities that could lead to habitat fragmentation. • DM8: Flood Risk and Water Resources: Consider discussion of flooding related to surface water run-off 	<ul style="list-style-type: none"> • Policy wording has been altered to include designing against crime and to use the Secured by Design Standards for new developments • Policy wording clearly indicates that sites included in the Sites Allocation Document will form part of the Very Special Circumstance consideration • Biodiversity added to the criteria list • Policy wording requires development proposals not to contribute to habitat fragmentation and instead encourages restoration of broken chains in the biodiversity features • In addition to designing to protect from fluvial flooding the policy requires developments to reduce the risk of flooding from surface run-off and to plan for this risk

4 Why options were taken forward in the light of other alternatives considered

The SA appraised the plan at each stage of development. It is not the purpose of the SA to choose the alternatives, instead to aid in the decision making process.

The policies contained in the Adopted DMP LDD have evolved since the production of the Core Strategy and have been refined over time. However, no realistic strategic options for DM policies were available to policy-makers and therefore other than a Do-nothing option, no significant alternatives have been assessed by the SA.

5 How consultation responses have been taken into account

Consultation Responses on the SA

The SEA Directive requires consultation of documents at various stages of the SA process to inform the plan preparation process. This includes consulting with Statutory Consultees, key stakeholders and with the members of the public at different stages.

Prior to a separate Development Management Policies LDD being developed most DM policies formed part of Development Control policies that were included in the Core Strategy. As a result the Core Strategy consultation process is also applicable to the initial stages of the development of the DMP LDD.

The Core Strategy consultation was held at the end of the scoping stage in 2006; at the end of the Core Strategy Preferred Options DPD in February 2009; and again to consult on the changes to the Preferred Options DPD in November 2009.

Scoping Stage

The SEA Regulations and SA Guidance requires that the Scoping Report consultation be carried out with the statutory environmental consultees i.e., Natural England, English Heritage and the Environment Agency. In addition, the Council expanded also consulted with a range of other key stakeholders. The aim of the scoping consultation was to ensure that all the relevant issues were identified and discussed at an early stage of the process so that they could be addressed during the SA and plan making. The list of those who were consulted, those who responded, along with a summary of the comments received and how they have been addressed are included in Appendix 3 of the SA Report (July 2012).

Consultation on the Core Strategy (including Development Control Policies) SA

No significant comments were received during the second and third round of consultation on the Core Strategy DPD. The consultees included statutory environmental consultees and a wide

range of other stakeholders. The public were also invited to consult via inclusion of the documents on the Three Rivers District Council website, at the council offices and in libraries.

Consultation on Development Management Policies LDD SA

The Pre-Submission Version of the DM LDD, accompanied by the Pre-submission SA Report was put forward for consultation in January 2012. No comments on the SA Report were received at the time of preparation of the Proposed Submission Version in July 2012.

The Proposed Submission Version SA Report, along with the Development Management Policies LDD was presented for consultation between July 23rd 2012 and September 3rd, 2012. No comments on the Proposed Submission SA Report were received.

Consultation Responses on the DMP LDD

Consultation on the DMP LDD was undertaken at several stages during plan preparation. A Consultation Statement has been prepared by the Council that outlines who was consulted and how they were consulted and provides a summary of the main issues raised and explains how they have been addressed by the Council. This Consultation Statement is available on the Development Management Policies DPD page of the TRDC website:

<http://www.threerivers.gov.uk/Default.aspx/Web/Development-Management-Policies-Dpd>

6 Monitoring Arrangements

Monitoring of significant environmental effects

The SEA Directive requires SA Reports to identify monitoring measures for significant (adverse and positive) environmental effects of the plan.

The SA of the Three Rivers Development Management Policies LDD has identified 11 significant positive effects on seven of the SA objectives, as follows:

SA1 Biodiversity – in relation to Policy DM6: ‘Biodiversity, Trees, Woodlands, Watercourses and Landscaping’;

SA2 Water Quality – in relation to Policy DM8: ‘Flood Risk and Water Resources’;

SA10 Historic & cultural assets – in relation to Policy DM3: ‘The Historic Built Environment’;

SA11 Landscape and townscape - in relation to Policies DM3: ‘The Historic Built Environment’, DM6: ‘Biodiversity, Trees, Woodlands, Watercourses and Landscaping’, DM7: ‘Landscape Character’, and DM11: ‘Open Space, Sport, Recreation Facilities and Children’s Play Space’;

SA12 Health – in relation to Policies DM11: ‘Open Space, Sport, Recreation Facilities and Children’s Play Space’ and DM12: ‘Community, Leisure and Cultural Facilities’;

SA13 Sustainable development patterns & accessibility – in relation to Policy DM11: ‘Open Space, Sport, Recreation Facilities and Children’s Play Space’; and

SA16 Community identity & participation – in relation to Policy DM12: ‘Community, Leisure and Cultural Facilities’.

Monitoring has been considered to cover these effects. Monitoring has also been proposed in relation to the minor negative effects and uncertain effects that have been forecast in the assessment. There are likely to be several benefits in monitoring any environmental effects arising from the implementation of the Development Management policies, including:

- Identifying when action should be taken to reduce or offset any potential environmental effects of the plan;
- Enhancing understanding of how the environment is changing in the District;
- Tracking whether the plan has any unforeseen environmental effects; and
- Providing baseline data for future SA/SEAs.

Monitoring Measures

The monitoring measures recommended in this report are aligned with the measures developed for the Adopted Core Strategy. Table 3 presents the monitoring framework.

Table 3: DM Policies LDD Monitoring Framework

Effect or indicator to be monitored	Information required / Indicator	Information source
Biodiversity	Change in areas of biodiversity significance	Herts Biological Records Centre / TRDC
	Change in quality condition status of designated sites, e.g. from air pollutant deposition	Natural England, Air Pollution Information System (www.apis.ac.uk)
	Number of planning permissions affecting designated wildlife sites	TRDC
	Percentage of planning applications with provision or funding of green infrastructure, wildlife areas or alternative green space (Natural England ANGSt standard)	TRDC
Maintain/Enhance Water Quality	Number of planning permissions granted contrary to the advice of the Environment Agency on water quality or water abstraction grounds	Environment Agency
	River samples graded C and above for chemistry and biology	Environment Agency
Flood Risk	Number of planning permissions granted contrary to the advice of the Environment Agency on flood risk grounds	Environment Agency
Air Quality	Number of air quality problem 'hotspots'	TRDC
	Number of days per year where air pollution is moderate or high	TRDC Air Quality Reviews
Greenhouse Gas Emissions/ Resource Efficiency	On site renewable energy generation	TRDC
	Carbon dioxide emissions from new development	TRDC
Historic & Cultural Assets	Conservation areas with an up to date appraisal	TRDC Local Indicator
	Number of historic assets in district on English Heritage's 'at risk' register	English Heritage
Landscape and Townscape	New development in the Chilterns landscape region, the Central River Valleys landscape region and the South Hertfordshire Plateau	TRDC
	New development in the Chilterns AONB	TRDC
Sustainable Locational Development	Walking to work levels (proportion of all journey to work trips) (local output indicator)	Hertfordshire Traffic & Transport Data Report
Health	Residential development for 25 or more dwellings or 0.6 hectares providing open space and play space	TRDC
	Residential development for 1 – 24 dwellings providing open space and play space	TRDC
	Loss/increase of public open space, sport and recreation facilities	TRDC
Equality and Social Exclusion	Affordable Housing Completions	TRDC
Community identity and participation	Loss/increase of facilities	TRDC

7 Habitats Regulations Assessment

A Habitat Regulations Assessment was conducted as an independent study alongside the SA/SEA for TRDC, sharing information with the SA/SEA where applicable. In November 2007, a Habitat Regulations Assessment (HRA) Screening Report was prepared to comply with the UK's Habitats Regulations. Screening is required where a plan, alone or 'in combination' with other plans, could affect Natura 2000 Sites (Special Protection Areas for birds – SPAs, Special Areas of Conservation for habitats - SACs) following Article 6(3) of the European Habitats Directive.

The first phase of this screening involved an analysis of the Three Rivers Issues and Options to ascertain any likely significant effects that may compromise the conservation objectives of nearby Natura 2000 sites. At this stage it was concluded that on its own the Issues and Options may not pose a threat to any SACs themselves, but may do in combination with other plans and programmes that are relevant to the wider region and this needed investigation. Burnham Beeches SAC was the relevant site to this screening as it is the closest Natura 2000 site to Three Rivers, lying approximately 9.5km from the district boundary.

After identifying the relevant Natura 2000 site for Three Rivers the next phase of the HRA involved examining all other plans, programmes and projects that may affect the Burnham Beeches SAC in conjunction with Three Rivers Issues and Options. This included the Issues and Options papers of St Albans District Council, Dacorum Borough Council and Watford Borough Council. The principle possible impacts on Burnham Beeches SAC were deemed to be water shortage and recreation disturbance due to increased housing in the district.

The HRA screening report, in agreement with Natural England, concluded that the Three Rivers Issues and Options are not likely to cause any significant effects on any Natura 2000 sites, either alone or in combination with other plans and programmes. It was therefore considered, in consultation with Natural England, the statutory consultee, that a full Appropriate Assessment was not necessary.

Reviews were carried out at the Core Strategy Proposed Submission Document (June 2010) and the Core Strategy Further Proposed Changes (October 2010) stages, to examine whether the detailed policies (not available at the Initial Issues and Options Stage) altered the position of the HRA conclusion. It was concluded that there were no significant changes to the Core Strategy that were likely to impact on Burnham Beeches SAC and the housing allocation for the district has decreased since the Core Strategy Issues and Options stage. There was therefore no need to conduct an Appropriate Assessment.