

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

7 JUNE 2007

REPORT OF CORPORATE MANAGEMENT TEAM

CABINET DECISION/COUNCIL DECISION

Regeneration and Transport – Lead Cabinet Member – Councillor Cook

Sustainability Appraisal of the Draft Planning Obligations Supplementary Planning Document.

Summary

1. This report informs Cabinet on the preparation of the Sustainability Appraisal (SA) of the draft Planning Obligations Supplementary Planning Document (SPD), which forms part of the Local Development Framework. The SA (attached as Appendix A) aims to ensure the draft SPD contributes to the sustainable development of the Borough, from an environmental, social, and economic point of view. The preparation of the SA is a mandatory requirement following the Planning and Compulsory Purchase Act (2004).

Recommendations

2. Members are recommended to: -
 - i) Note the contents of this report.
 - ii) Agree the Sustainability Appraisal of the draft Planning Obligations SPD for public consultation, subject to any amendments from internal consultees.
 - iii) Delegate to Officers minor amendments to the contents of the document prior to the public consultation period.

Reasons for the Recommendations/Decision(s)

3. The Planning and Compulsory Purchase Act (2004) places a mandatory requirement on Local Planning Authorities (LPA) to carry out a Sustainability Appraisal (SA) when preparing new or revised Development Plan Documents (DPD) or Supplementary Planning Documents (SPD), such as the Planning Obligations SPD. The SA must be subject to public consultation at the same time as the draft Planning Obligations SPD. The SA assesses whether the objectives, options or policies contained in the draft SPD will contribute to achieving sustainable development, a concept at the heart of new planning policy through an appraisal of the likely social, economic, and environmental impacts of the plan.

The Council's Local Development Scheme (LDS) requires the adoption of the Planning Obligations SPD by September 2007, which means that public consultation on the draft Planning obligations SPD and the accompanying SA is required to take place in July and

August this year, to allow the consideration of representations to be fed into the final document.

Members Interests

4. Members (including co-opted members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (paragraph 8) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (paragraph 10 of the code of conduct).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting is being held, whilst the matter is being considered; not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (paragraph 12 of the Code).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc.; whether or not they are a member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting, and if their interest is prejudicial, they must also leave the meeting room during consideration of the relevant item.

AGENDA ITEM

REPORT TO CABINET

7 JUNE 2007

**REPORT OF CORPORATE
MANAGEMENT TEAM**

CABINET DECISION/COUNCIL DECISION

Sustainability Appraisal of the Draft Planning Obligations Supplementary Planning Document (SPD)

SUMMARY

This report informs Cabinet on the preparation of the Sustainability Appraisal (SA) of the draft Planning Obligations Supplementary Planning Document (SPD). SA are a mandatory requirement following the Planning and Compulsory Purchase Act (2004), and apply to any new or revised Development Plan Documents (DPD) or Supplementary Planning Documents (SPD). The purpose of the SA is to appraise the relevant DPD or SPD (in this instance the planning obligations SPD) in terms of its likely social, economic and environmental impacts, ensuring it makes a contribution to the sustainable development of the Borough. The SA is subject to a six-week public consultation alongside the draft planning obligations SPD; any comments received will be considered, and the content of the SPD or SA amended where necessary.

RECOMMENDATIONS

Members are recommended to: -

- i) Note the contents of this report.
- ii) Agree the draft Sustainability Appraisal of the draft Planning Obligations SPD for public consultation, subject to any amendments from internal consultees.
- iii) Delegate to Officers minor amendments to the contents of the document prior to the public consultation period.

DETAIL

1. The purpose of the Sustainability Appraisal (SA) is to assess whether the objectives, options or policies contained in the DPD or SPD (in this instance the Planning Obligations SPD) will contribute to achieving sustainable development. The preparation of a SA is a mandatory requirement following the Planning and Compulsory Purchase Act (2004).
2. In addition to national legislation, European Directive EC/2001/42 requires that a Strategic Environmental Assessment (SEA) of the environmental effects of certain plans and programmes (which include DPD and SPD) be undertaken.
3. However, since there is a large amount of overlap between the two processes, Government guidance suggests that it is possible to satisfy the requirements of both in a single appraisal process, which is the approach adopted in this case. For ease of reference therefore, the term 'Sustainability Appraisal' (SA) incorporates both the Strategic Environmental Assessment and the Sustainability Appraisal requirements.
4. There are four principle stages to the SA process. These are:

- Scoping – identifying other relevant plans and policies, establishing the baseline (current situation), sustainability issues, sustainability objectives and indicators;
 - Appraising the plan’s objectives, options and policies, and informing the refinement of them;
 - Producing a sustainability appraisal report for consultation alongside the draft Planning Obligations SPD; and
 - Monitoring the effects of the implemented plan.
5. In terms of the first stage, in order to reduce duplication, the SA of the draft Planning Obligations SPD draws on scoping work previously carried out for the Core Strategy Issues and Options, together with a generic scoping report concerning the Core Strategy DPD, the Regeneration DPD, the Residential Design Guide SPD and Open Space and Landscaping SPD.
 6. The scoping stage enabled a SA Framework to be developed, which consists of a set of sustainability objectives, indicators and targets. The sustainability objectives have been used to test the draft SPD for its likely environmental, social and economic impacts, which form the second stage of the process.
 7. The attached SA (Appendix A) reports on the first two stages of the process, and presents the results of the appraisal of the draft SPD in a set of tables. Each of the options of the draft SPD (Affordable Housing, Open Space, Biodiversity, Highways and Transport etc.) were assessed against the sustainability objectives to ensure any likely detrimental effects were noted, and to inform any amendments to the draft SPD as necessary.
 8. The majority of the options within the draft SPD either have a positive impact, an uncertain impact, or no relationship with the sustainability objectives. Where likely negative impacts occur, they would generally involve a physical development as opposed to a financial obligation. In this instance, the sustainability objectives that are affected are those concerned with reducing waste (SA15), biodiversity and geodiversity (SA16), and making better use of resources such as land and soil (SA 17). The full list of the sustainability objectives can be viewed in section 8 of the attached SA.
 9. A ‘do nothing’ option was also considered, which allowed the option of not producing a SPD to be appraised. The majority of the effects of this option on the sustainability objectives were negative.
 10. The SA is subject to a formal six-week public consultation accompanying the draft SPD, due to take place in July and August this year. Any comments received will be considered, and the draft SPD or SA will be amended where necessary to reflect these. If, as a result of the consultation, significant changes to the draft SPD are made, these will also need to be appraised through the SA. On adoption of the SPD, a consultation statement should set out how changes were made to the SPD as a result of the SA process and consultation. Alternatively, the consultation statement may document why no changes were made, or why other options were rejected.
 11. The final stage is concerned with monitoring the impact of the adopted SPD. The Council will monitor planning obligations through a database that will ensure agreements are complied with, and also provide a transparent approach concerning the Council’s approach in dealing with the application of planning obligations. The Council also have a statutory duty to publish an Annual Monitoring Report (AMR), which reports on how successful the policies within the Council’s Local Development Framework are, and for the purpose of the SPD, will seek to monitor the levels of investment and resulting benefits to the community achieved through the use of planning obligations.

FINANCIAL AND LEGAL IMPLICATIONS

Financial

12. The production of the document can be made within existing budgetary provisions.

Legal

13. Section 39 (2) of the Planning and Compulsory Purchase Act (2004) places a mandatory requirement on Local Planning Authorities to prepare SA for new or revised DPD and SPD.

RISK ASSESSMENT

14. "This (subject matter of report) is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk."

COMMUNITY STRATEGY IMPLICATIONS

Environment

15. The purpose of the SA is to ensure development makes a positive contribution to sustainable development within the Borough of Stockton-on-Tees.

Community Safety and Well-Being

16. The SA contains objectives that seek to ensure policies within the Local Development Framework make a positive impact on the safety and well being of the Borough's residents.

Health

17. Again, the SA contains objectives that are concerned with providing opportunities for physical activity and improving the health of the Borough's residents.

Economic Regeneration

18. As well as objectives concerned with the environment and social well-being of the Borough, the SA also has objectives that attempt to support the economic regeneration of the Borough.

Education and Lifelong Learning

19. Objectives within the SA are concerned with the likely effects of policies on education and lifelong learning opportunities, and like the other SA objectives, seek to ensure development makes a positive contribution towards this topic.

Arts and Culture

20. Although there are no specific SA objectives on Arts and Culture, the SA aims to encourage development that reinforces local distinctiveness, something which public art schemes can support.

CONSULTATION INCLUDING WARD/COUNCILLORS

21. As this is a Borough wide document, it is not possible to identify specific wards or ward councillors for consultation. The document will be subject to a full public consultation over a period of six weeks.

Name of Contact Officer: Paul Copeland

Post Title: Planning Officer, Spatial Planning Section

Telephone No. 01642 526050

Email Address: Paul.Copeland@Stockton.gov.uk

Background Papers:

Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 12: Local Development Frameworks

Draft Planning Obligations Supplementary Planning Document

A Practical Guide to the Strategic Environmental Assessment.

Ward(s) and Ward Councillors: **N/A**

Property: **N/A**