

**STOCKTON-ON-TEES BOROUGH COUNCIL**

**CABINET RECOMMENDATIONS**

**PROFORMA**

Cabinet Meeting .....30th August 2007

1. Title of Item/Report

Appropriate Assessment of the Core Strategy DPD Preferred Options -  
Local Development Framework

2. Record of the Decision

1. Members were informed that an Appropriate Assessment (AA) was an assessment of the potential effects of a proposed plan – “in combination” with other plans – on sites which were of European importance for their nature conservation value, broadly speaking Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). The ‘assessment’ proper was a statement which indicated whether the plan did, or did not, affect the integrity of a European site. However, the process of determining whether or not the plan affected the site(s) was commonly referred to as ‘appropriate assessment’.

It was explained that undertaking an AA involved:

- collecting information on European sites within and outside the plan area potentially affected, including the characteristics of the sites, their conservation objectives and other relevant plan or projects
- identifying the effects of the plan (options/policies) on the habitats and species of international importance and how those effects were likely to affect the site’s conservation objectives,
- deciding whether the plan proposed would adversely affect the integrity of the site in the light of conservation objectives
- if significant effects were identified, considering whether the plan could be modified so as to avoid adverse effects on the integrity of the sites.

Where a plan had been found to have adverse effects on the integrity of a European site, those effects should be mitigated, with the aim of fully cancelling out any adverse effects.

After mitigation measures had been exhausted on an emerging option/policy, and it was still shown to have a potentially negative effect on the integrity of a European site, and in the absence of any other alternative solution, as a rule the option/policy should be dropped. In the

exceptional circumstance and as an exception to the rule, if the pursuit of the option/policy was justified by 'imperative reasons of overriding public interest', consideration could be given to proceeding in the absence of alternative solutions.

Preparing an Appropriate Assessment of the effects of a Development Plan Document on the integrity of European sites was a technical process involving Natural England and possibly other nature conservation bodies. A report was being prepared, and a working draft of the document was provided to Members.

In addition to working closely with Natural England, the AA findings should be made available and consulted on at the Preferred Options stage of plan preparation. This meant that the AA findings were published at the same time as the Sustainability Appraisal report.

Following receipt of consultation responses, the LPA would refine the Preferred Options and prepare for the submission DPD. It may be necessary to revisit the AA at this point if the changes made for submission were such as to affect the validity of the AA report.

RECOMMENDED to Council that:-

1. the report be noted..
2. the finalised Appropriate Assessment be agreed and published for consultation in conjunction with the Core Strategy DPD Preferred Options and the accompanying Sustainability Appraisal.

3. Reasons for the Decision

There was a statutory duty for all local planning authorities to adopt and keep under review the development plan for their respective areas. Under the Planning and Compulsory Purchase Act 2004, the Core Strategy is a development plan document that will set out the Council's vision and spatial strategy for meeting known and anticipated development requirements to 2021.

Planning Policy Statement 12: Local Development Frameworks states the "Local planning authorities should prepare development plan documents taking into consideration the process of continuous community involvement.....and should front load the preparation of development plan documents by facilitating early involvement and securing inputs from the community and all stakeholders".

Carrying out an Appropriate Assessment of the Core Strategy is a statutory requirement under the Conservation (Natural Habitats, &C) (Amendment) (England and Wales) Regulations 2006.

4. Alternative Options Considered and Rejected

None

5. Declared (Cabinet Member) Conflicts of Interest

None

6. Details of any Dispensations

Not Applicable

7. Date and Time by which Call In must be executed

Not Applicable

Proper Officer  
03 April 2007