

## CABINET ITEM COVERING SHEET PROFORMA

**AGENDA ITEM**

**REPORT TO CABINET**

**8 JULY 2010**

**REPORT OF CORPORATE  
MANAGEMENT TEAM**

### **CABINET DECISION/COUNCIL DECISION/ KEY DECISION**

**Regeneration and Transport – Lead Cabinet Member – Councillor Cook**

#### **LOCAL DEVELOPMENT FRAMEWORK: SUSTAINABILITY APPRAISAL AND STRATEGIC ENVIRONMENTAL ASSESSMENT SCOPING REPORT**

1. Summary

This report seeks Member agreement on changes made to the updated Sustainability Appraisal and Strategic Environmental Assessment Scoping Report as a result of consultation with key stakeholders. The Sustainability Appraisal Scoping Report records the process of deciding on the scope and level of detail for the Sustainability Appraisal of emerging Development Plan Documents that will make up the Local Development Framework. This will be a tool to be used to appraise the emerging Local Development Framework proposals and policies using the ten Sustainability Appraisal objectives that reflect the key sustainability issues within the Borough.

2. Recommendations

Members are recommended to: -

- i) Note the contents of this report;
- ii) Agree the content of the Sustainability Appraisal and Strategic Environmental Assessment Scoping Report.

3. Reasons for the Recommendations/Decision(s)

Under the 2004 Planning and Compulsory Purchase Act, Sustainability Appraisals were required for all Development Plan Documents and Supplementary Plan Documents. The Planning Act 2008 removed the requirement for appraisals to be carried out on all Supplementary Plan Documents, but the requirement remains for Development Plan Documents. The purpose of sustainability appraisals is to ensure local planning authorities fulfil their obligations to the contribution of sustainable development in the preparation of their plans.

The Sustainability Appraisal Scoping report has been produced in accordance with the "Sustainability Appraisal of Regional Spatial Strategies and Local Development Frameworks" document which was published by the Government to satisfy the requirements of the European Directive EC/2001/42 for Strategic Environmental Assessments and Sustainability Appraisals through a single appraisal process that considers economic and social as well as environmental effects. Stage A5 of the process is to consult with key stakeholders to give them the opportunity to comment on the scope and level of detail. This consultation exercise was carried out in April 2009 and the report has been revised as a result.

#### 4. Members Interests

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 (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must 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 (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.**

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**LOCAL DEVELOPMENT FRAMEWORK: SUSTAINABILITY APPRAISAL AND STRATEGIC  
ENVIRONMENTAL ASSESSMENT SCOPING REPORT**

**SUMMARY**

This report seeks Member agreement on changes made to the updated Sustainability Appraisal and Strategic Environmental Assessment Scoping Report as a result of consultation with key stakeholders. The Sustainability Appraisal Scoping Report records the process of deciding on the scope and level of detail for the Sustainability Appraisal of emerging Development Plan Documents that will make up the Local Development Framework. This will be a tool to be used to appraise the emerging Local Development Framework proposals and policies using the ten Sustainability Appraisal objectives that reflect the key sustainability issues within the Borough.

**RECOMMENDATIONS**

Members are recommended to: -

- i) Note the contents of this report;
- ii) Agree the content of the Sustainability Appraisal and Strategic Environmental Assessment Scoping Report.

**DETAIL**

1. Under the 2004 Planning and Compulsory Purchase Act, Sustainability Appraisals were required for all Development Plan Documents (DPDs) and Supplementary Plan Documents (SPDs). The Planning Act 2008 removed the requirement for an appraisal of all SPDs but this remains for the DPDs. The purpose of Sustainability Appraisals is to ensure local planning authorities fulfil their obligations to the contribution of sustainable development in the preparation of their plans.
2. The Sustainability Appraisal Scoping report records the process of deciding on the scope and level of detail for the Sustainability Appraisal, including the Sustainability Objectives and issues which need to be considered.
3. In 2005 the document "Sustainability Appraisal of Regional Spatial Strategies and Local Development Frameworks" was published by the Government to satisfy the requirements of

the European Directive EC/2001/42 for Strategic Environmental Assessments and Sustainability Appraisals through a single appraisal process that considers economic and social as well as environmental effects. The document sets out five stages for the production of the sustainability appraisal scoping report.

4. The first is Stage A1 to identify other relevant policies, plans and programmes and sustainability objectives. Stage A2 involves collecting baseline information; Stage A3 identifies sustainability issues and problems and Stage A4 develops the scope of the Sustainability Appraisal Framework. Finally, Stage A5 is to consult with key stakeholders on the scope of the Sustainability Appraisal.
5. A Sustainability Appraisal Scoping Report was produced in 2005 before significant progress has been made on the transition to the Local Development Framework. This informed the development of sustainability objectives for the Core Strategy and earlier Supplementary Planning Documents. Following changes to the Local Development Framework regulations; national policy guidance; the Stockton-on-Tees Local Development Scheme and the social, economic and environmental composition of the Borough; the document has been updated to inform the other emerging Development Plan Documents that will make up the Local Development Framework. The original sustainability objectives were derived from the 2004 Integrated Regional Framework (IRF). Following a number of national and regional policy developments the IRF has been reviewed, refreshed and strengthened, and the updated version was published by Sustaine in April 2008, with a reduced number of overarching sustainability objectives. The revised SA Scoping Report uses these updated sustainability objectives to underpin the sustainability framework.
6. In April 2009, the Council consulted the three statutory bodies, English Heritage, Natural England and the Environment Agency, and selected organisations with social, economic or environmental responsibilities, on the updated Scoping Report. The stakeholders were asked to consider whether the report considered all relevant plans and programmes, whether there were any other significant sustainability issues affecting the Borough, if the Sustainability Objectives covered all the necessary issues and if there were any further baseline indicators that might provide useful information.
7. Comments were received from the following sources and a summary of these consultation responses is provided as Appendix 1:
  - Natural England
  - Environment Agency
  - English Heritage
  - Sport England
  - One North East
  - Northumbrian Water
8. The majority of changes made to the document provided additional baseline information, revised DPD objectives and additional plans, programmes and indicators. The changes made and responses to the consultation comments are also summarised within Appendix 1 and the updated Scoping Report document is attached as Appendix 2.
9. In the next stage of the process the Scoping Report will be used to inform the Sustainability Appraisals of the emerging DPDs.

## **FINANCIAL AND LEGAL IMPLICATIONS**

### **Financial**

10. The cost of the study has been met from existing resources. However, this document will provide an evidence base for the emerging documents as part of the Local Development

Framework with Planning Delivery Grant being based on meeting the timetable set out in the Local Development Scheme for these documents. Missing the target dates could result in the council being penalised.

## **Legal**

11. The contents of this report will form part of the evidence base for the development of planning policies to be incorporated into the Local Development Framework, which is being prepared under the 2004 Planning and Compulsory Purchase Act.
12. Local Development Framework documents must be subject to Sustainability Appraisal (SA) and Strategic Environment Assessment (SEA) legal processes in line with the European SEA Directive and UK legislation.

## **RISK ASSESSMENT**

13. “This exercise is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.”

## **SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS**

### **Economic Regeneration and Transport**

14. The economic performance of the Borough and the regeneration of the urban core are identified as key sustainability issues in stage A3. Sustainability Appraisal Objective 1 and 4 are both to develop a more sustainable employment market in the Borough. Objective 5 seeks to establish a strong learning and skills base which have an impact on the economic regeneration of the Borough. All emerging LDF policies will be assessed against these objectives.
15. Transport is identified as a key sustainability issue in stage A3. Sustainability Appraisal Objective 9 sets out to deliver sustainable transport and communications. All emerging LDF policies will be assessed against these objectives.

### **Safer Communities**

16. Sustainability Appraisal Objective 8 is for building sustainable communities in the Stockton Borough, which incorporates the safer communities agenda. All emerging LDF policies will be assessed against this objective.

### **Children and Young People**

17. Sustainability Appraisal Objective 5 is to establish a strong learning and skills basis for the Borough which includes the education of children and young people. Sustainability Appraisal Objective 8 for building sustainable communities within the Stockton Borough includes all groups within the community. Objectives to adapt to and mitigate against climate change will help to ensure that the environment is preserved for future generations. All emerging LDF policies will be assessed against these objectives.

### **Health and Wellbeing**

18. Sustainability Appraisal Objective 6 is to improve health and wellbeing while reducing inequalities in health. All emerging LDF policies will be assessed against this objective.

### **Environment and Housing**

18. Housing provision, climate change and the protection of the natural environment are identified as key sustainability issues in stage A3. Sustainability Appraisal Objective 2 and 3 are concerned with climate change and living within environmental limits. SA Objective 7 is concerned with safeguarding and enhancing the Borough's environmental infrastructure. SA Objective 8 is concerned with building sustainable communities which will encompass sustainable housing. All emerging LDF policies will be assessed against these objectives.

### **Stronger Communities**

19. Sustainability Appraisal Objective 8 is for building sustainable communities in the Stockton Borough, which incorporates the stronger communities agenda. All emerging LDF policies will be assessed against this objective.

### **Older Adults**

20. Sustainability Appraisal Objective 8 for building sustainable communities within the Stockton Borough includes all groups within the community.

### **Arts Leisure and Culture**

21. The protection of the built environment is identified as a key sustainability issue in Stage A3. Sustainability Appraisal Objective 10 is for promoting, enhancing and respecting the Borough's heritage. All emerging LDF policies will be assessed against this objective.

### **CONSULTATION INCLUDING WARD/COUNCILLORS**

22. None.

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### **Background Papers:**

2004 Planning and Compulsory Purchase Act, available to view at: [www.opsi.gov.uk](http://www.opsi.gov.uk).

The Planning Act 2008.

ODPM (2005) "Sustainability Appraisal of Regional Spatial Strategies and Local Development Frameworks," available to view at: [www.communities.gov.uk](http://www.communities.gov.uk).

The Environmental Assessment Regulations 2004 for Plans and programmes which incorporate European Directive 2001/ 42, available to view at: [www.opsi.gov.uk](http://www.opsi.gov.uk).

Sustaine (2008) "Integrated Regional Framework for the North East of England," available to view at [www.northeastassembly.gov.uk](http://www.northeastassembly.gov.uk)

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

**Property: N/A**