

LDF71

**St.Helens Local Plan
Core Strategy Development Plan Document**

Post-adoption Environmental Statement

**A Statement relating to the Sustainability Appraisal /
Strategic Environmental Assessment of the St.Helens
Local Plan Core Strategy Development Plan
Document, as required by the Environmental
Assessment of Plans and Programmes Regulations
2004: Regulation 16(4)**

Published: 1 November 2012

Introduction

This statement explains how the various Strategic Environmental Assessment (SEA) reports and Core Strategy documents undertaken at different stages of the Local Plan Core Strategy Development Plan Document (DPD) preparation process meet the requirements of Environmental Assessment of Plans and Programmes Regulations 2004 (“the 2004 EA Regulations”). This statement briefly summarises and refers back to the various reports as they contain more detail on the assessment process.

The specific part of the 2004 EA Regulations that requires this statement to be produced and sets out what information should be included in the SEA reports is Regulation 16, subsection (4), and this is set out in appendix A. A list of the SEA reports undertaken at each stage is set out in appendix B.

The SEA reports are available online at a dedicated web page:

<http://www.sthelens.gov.uk/what-we-do/planning-and-building-control/planning-policy/sustainability-appraisal/>

and also in the LDF Evidence base:

<http://www.sthelens.gov.uk/what-we-do/planning-and-building-control/planning-policy/information-and-monitoring/>

They are also available to view online and digitally on CD at St.Helens Borough Libraries and in paper format at the St.Helens Council Regeneration Reception, Victoria Square, St.Helens at normal office opening hours, free of charge.

Legislative background

When preparing the Core Strategy, regard has been given to the United Kingdom Government’s Environmental Assessment of Plans and Programmes Regulations 2004. The Regulations implement Directive 2001/42/EC of the European Parliament and Council on the assessment of the effects of certain plans and programmes on the environment as regards plans and programmes¹ relating solely to any part of England. The Directive is commonly referred to as “the SEA Directive”, where “SEA” stands for Strategic Environmental Assessment, and was adopted in 2001.

The SEA Directive requires that “an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment” (Article 1). Where an assessment is required, an environmental report must be prepared, “identifying, describing and evaluating the likely significant environmental effects of implementing the plan or programme, and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme”. This Report must be consulted on and taken into account in decision-making, and this together makes up the process of SEA. The SEA Directive was incorporated into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004 (SI 2004/1633) (the ‘SEA Regulations’).

¹ EU Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment

The requirement for environmental assessment applies to any plan or programme prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, which sets the framework for future development consent of projects listed in Annex I or II to the Environmental Impact Assessment (EIA) Directive. EIA I undertaken for individual projects rather than plans or projects which may comprise several projects. Plans for town and country planning are specifically named in paragraph 2 of Article 3 of the SEA Directive as one of the types of plans and programmes which must be subject to SEA, subject to several exceptions. A Development Plan Document will always require “Environmental Assessment“, the most significant element of which is the “Environmental Report” (which in planning is also known as the “SA/SEA report” – see below) which accompanies the draft DPD at public consultation.

Sustainability Appraisal and its relationship with SEA

In the UK, Sustainability Appraisal (SA) was introduced through the Planning and Compulsory Purchase Act 2004 (PCPA). SA expands on SEA’s focus on assessing the environmental impact of plans and programmes to also considering economic and social impacts. The PCPA requires Local Planning Authorities (LPAs) to undertake SA for each of their Development Plan Documents, and in some circumstances for SPDs.

SA has been designed to meet the requirements for SEA, so a SA conducted in accordance with Government guidance is effectively also a SEA, and certain outputs and stages of SA process have an equivalent in the SEA process. For example, the DCLG’s online “Plan Making Manual”² explains that the “Environmental report” required by the SEA process is addressed by the “Sustainability Appraisal report” in the SA process. Therefore, SA meets the requirements for SEA and any reference to a “SA report” or “SA/SEA report” is also a report meeting the requirements of the SEA Regulations and Directive.

Guidance in the Plan Making Manual, together with the retained guidance on SEA in “A Practical Guide to the Strategic Environmental Assessment Directive (2006), has been followed by the Council and their SA/SEA and HRA consultants URS (formerly Scott Wilson) in the production of the SA/SEA documents during the production of the Core Strategy.

Overview of the SA/SEA process for the Core Strategy

The SA/SEA reports were prepared by the planning consultants URS Scott Wilson for the Council. Good communication between them and the Council ensured that discussion about improvements to the draft documents were possible on an interactive basis, with numerous improvements to Core Strategy wording possible even before a formal draft or final SA report was published.

² <http://www.pas.gov.uk/pas/core/page.do?pagelid=152497>

Scoping for the Core Strategy SA occurred in August 200, with an SA of the broad issues and options in August 2005. A SA Context Review was published in 2007, and the Core Strategy Preferred Options and the accompanying SA were consulted on in October 2007. The Council published a submission draft Core Strategy and SA Report for representations to be made on them in May 2009.

Amendments were made to the Core Strategy document, and a revised Core Strategy and the SA were made available again for comment in March 2010. An addendum to the SA was prepared in November 2011 and was consulted on with the Re-publication Core Strategy document in January 2011. Following submission of the Core Strategy and SA report on 27 May 2011, an addendum to the SA Report was published with the consultation on the November 2011 Changes, and then another addendum was published alongside the consultation on the April 2012 Modifications. At each stage the results of previous consultations on the Core Strategy document and SA reports were taken into account, and the SA reports have built upon the findings of the previous SA reports, concentrating on changes since the last report, and so should be considered as a whole and not read in isolation.

The overall process is summarised in paragraphs 4.3.3 – 4.3.9 of the Core Strategy SA and SEA, Main Report, October 2011 (LDF12H) and in paragraphs 1.5.9 to 1.5.13 of the Proposed Modifications to the Core Strategy SA Main Report, April 2012 (LDF12M).

The issues raised by Regulation 16, subsection (4)

These will be addressed in turn in the following sections.

(a) How environmental considerations have been integrated into the Core Strategy

The Core Strategy has been tested at each stage of development against set sustainability objectives. If the Core Strategy was found wanting in respect to these objectives, the policies could have been redrafted and submitted for further assessment or not altered, if justified. The SA is undertaken in parallel to the drafting of the plan, allowing early drafts to be assessed and amended if necessary. There was considerable front-loading of the SA process in the lead up to the original publication of the Core Strategy in May 2009. The number of additional modifications since then and opportunities for stakeholder involvement have given extra opportunities for the Core Strategy to be improved and informed through the SA process.

Scoping Report – August 2005

The SA framework along with the SA evidence base was set out in a Scoping Report (LDF10) which set the context and objectives, established the baseline and decided on the scope. A number of policies, plans, programmes, strategies and initiatives were reviewed and considered against the following issues:

- Why is it relevant to St Helens LDF?

- Opportunities / synergies
- Constraints / challenges
- How could the LDF respond?
- Implications for the SEA / SA
- Internet link
- Useful cross-references

Consultation with the environmental authorities and a wide range of stakeholders was undertaken through a workshop on 22 February 2005. The report was made available for 5 weeks consultation in line with SEA Regulations.

Issues & Options – August 2005

A report detailing the initial appraisal of the broad options for the St Helens LDF and summarising their anticipated sustainability effects was produced (LDF 11). The report was made available for consultation commencing on 8 August 2005 for a period of six weeks ending on 19 September 2005.

Preferred Options – November 2007

The Preferred options SA/SEA report (LDF06) made recommendations to improve the DPD so that negative effects would be lessened or eliminated altogether, and positive effects created or enhanced. It also proposed monitoring that could be undertaken in order to measure how its implementation affects people and the environment in reality. The report was made available for consultation 8 November 2007 for a period of six weeks ending on 19 December 2007.

Publication of the Core Strategy – May 2009

The Core Strategy DPD policies were appraised both individually and cumulatively. The SA/SEA Report (LDF 12A, 12B & 12C) concluded that there were adequate policy 'tools' within the document for all of the adverse sustainability effects identified to be mitigated during implementation. The baseline position was updated prior to publication and references to the latest information incorporated. The report was made available for consultation on 14 May 2009 for an 8-week period closing on 8 July 2009.

Core Strategy Amendments – February & March 2010

The Amendments were subject to a SA/SEA review where it was possible to confirm that no significant changes had occurred to the Core Strategy and that the revisions would have no impact on the overall Sustainability of the plan and its impact on designated habitats. No updating of the SA/SEA report on the Publication Stage Core Strategy (2009) was necessary. A supplementary letter was prepared to confirm this position (LDF41). The report was made available for consultation on 11 February 2010 until 28 April 2010.

Scoping Report Update – June 2010

A 'scoping update' process was undertaken in order to ensure that the understanding of the baseline reflected the most recent evidence that had been prepared. The changes to the policy context since the preparation of the previous SA report were also identified in LDF07D. This Scoping Report was subject to statutory consultation between 24 June and 28 July 2010.

Core Strategy RePublication – January 2011

The vast majority of the conclusions reached in the St. Helens Core Strategy Publication Draft SA/SEA Report April 2009 remained valid and relevant. An Addendum to the April 2009 Core Strategy Publication Draft SA/SEA Report was prepared for the Re-Publication Core Strategy January 2011. The report

(LDF 12D, 12E & 12F) was made available for consultation on 27 January for a six-week period closing on 9 March 2011.

Core Strategy Changes – November 2011

The SA/SEA Report appraised a number of the Core Strategy policies (both individually and cumulatively) which had significantly changed since the Re-Publication Draft Core Strategy January 2011. It concluded that the changes being made had no impact on the overall Sustainability of the plan and its impact on designated habitats. A supplementary report (LDF12H, 12J & 12K) was provided and was made available for consultation on 24 November 2011 and 11 January 2012.

Core Strategy Amendments – April 2012

The changes were considered and it was concluded that the majority of the proposed modifications did not impact on the conclusions reached in the St. Helens Core Strategy November 2011 Changes SA/SEA Report (October 2011), which remained valid and relevant. The majority of the policies had not changed significantly since submission, and no further SA appraisal of the changes to these policies was required. One new policy was however introduced, to reflect guidance from the Planning Inspectorate regarding the ‘presumption in favour of sustainable development’. A new policy, “presumption in favour of sustainable development” was added and had not previously been tested in relation to the St Helens Core Strategy, a full assessment of this policy was undertaken. The St.Helens Core Strategy proposed Modifications SA/SEA reports (LDF 12L, 12M & 12N) set this out in detail.

Post Examination Additional Modifications – September 2012

These changes were minor in nature but were still reviewed by Officers to see if they would change the findings of the previous SA/SEA reports. After examining them and reviewing previous SA/SEA reports of any relevant policies, it was not considered that they affected the outcome of any assessments.

(b) How the environmental report has been taken into account

Issues & Options – 2005

The SA report (LDF11) made a number of recommendations, which fed into the next stage in preparing the Preferred Options. . It also made suggestions in terms of the wording of some of the options, which improved the clarity of the Issues and Options Report and assisted in public involvement. A number of issues and options were identified as having significant effects and suitable mitigation was proposed. In particular, the issues of possible green belt release, housing supply and transport was assessed. Refinements proposed and mitigation measures in relation to the provision of housing land were incorporated into the preferred option. The recommendations of the SA were fully taken into account when preparing the Preferred Options Core Strategy.

Preferred Options – November 2007

The SA report for the Preferred Options (LDF06) looked at the effects of the Preferred options on the Baseline and found that overall the Core Strategy and in consequence set out suggestions for how several policies could be improved. These improvements were taken on board and were reflected in the Publication draft Core Strategy.

Publication of the Core Strategy – May 2009

Early internal drafts of the SA/SEA Report (LDF 12A, 12B & 12C) from URS Scott Wilson were considered by Council planners and amendments were made to policies where necessary. The final SA/SEA report found that there were generally adequate policy ‘tools’ within the document for all of the adverse sustainability effects identified to be mitigated during implementation (para 5.3.1).

Core Strategy Amendments – February & March 2010

The changes since May 2009 were assessed by URS Scott Wilson and changes were not considered to be significant enough to affect the findings of the April 2009 SA or HRA reports. LDF41 explains this in more detail, and so there was no need to amend the Core Strategy to take account of an Environmental Report.

Scoping Report Update – June 2010

An update to the original scoping report was undertaken in 2010 (LDF07D), and Environment Agency, Natural England and English Heritage were consulted. This *updated baseline information was used for all subsequent SA reports.*

Core Strategy Re-Publication – January 2011

As in May 2009, the SA report at section 3.4 (LDF12E) concluded that there were generally adequate policy tools within the Core Strategy to deal with any adverse impacts identified to be mitigated during implementation. Some minor improvements were suggested, but they were not critical to the effectiveness of the policies or Core Strategy overall.

Core Strategy Changes – November 2011

The SA Main Report at section 5.2 (LDF12H) found that there were adequate policy tools within the Core Strategy to ensure that the changes to Policy CAS2 (St.Helens Central Spatial Area), CAS 3.2 (Development of a Strategic Rail Freight Terminal at the Former Parkside colliery) and CH1 (Meeting St.Helens Housing Requirement) had acceptable impacts.

Core Strategy Amendments – April 2012

The addition of a new policy, CDS1, National Planning Policy Framework - Presumption in Favour of Sustainable Development, was the main amendment at this stage. The SA report (LDF 12L, 12M & 12N) made some recommendations regarding the content of the policy. However, the wording of policy CSD1 was based on suggested wording from the Planning Inspectorate, and advice received by the Council from the Planning Inspectorate was that this wording should not be amended significantly. A suggestion that reference should be made in the supporting text to other existing policy advice was taken on board with the updating of the “How to Use this Document” section of the plan. Another suggestion regarding that the Presumption did not apply to certain forms of development was not considered necessary as this was stated in the NPPF. Another suggestion about clarifying when plans are “out of date” was recognised as being something that would evolve over time through case law.

Post Examination Additional Modifications – September 2012

These changes were minor in nature but were still reviewed by Officers to see if they would change the findings of the previous SA/SEA reports. After examining them and reviewing previous SA/SEA reports of any relevant policies, it was not considered that they affected the outcome of any assessments.

(c) How opinions expressed in consultations under regulation 13(2)(d) have been taken into account

Few representations were received relating to either the Sustainability Appraisal or Habitats Regulations Assessments. Any comments received were only relatively minor in nature, and wherever possible they were addressed in subsequent changes to the Core Strategy or SA documents. Comments received on the Issues and options and Preferred Options have been summarised in a Regulation 27 Statement (LDF63). Comments received concerning the May 2009, March 2010 and January 2011 Core Strategy versions are summarised in the May 2011 Regulation 30(10)(E) report (LDF57) and the January 2012 update to it (LDF64). The key representations relating to the SA, and how they were taken into account, are summarised for each stage since May 2009 below.

May 2009

Two comments stated that the Core Strategy was not prepared in accordance with EU Environmental Directives (CSPUB1747, 1748). However, this was a misinterpretation of EU Directive 97/11/EC, which is required only at the project level and not the plan making level. The Environment Agency requested that statements regarding water quality should be updated (CSPUB1754). Whilst it was not felt to affect the integrity of the report, it was agreed that subsequent reports would address this. Also, comments were received from EA that led to the correction of wording, where the word “not” was accidentally included. Also new data which was not available at the time of preparation of the SA was incorporated into the baseline data.

March 2010

No comments received.

January 2011

Merseyside Environmental Advisory Service made some comments about the Habitats Regulations Assessment regarding inconsistency in dealing with the sustainable use of water in developments (RCSPUB152), and some references within the HRA needed to be updated (RCSPUB155; RCSPUB159). The Council noted that whilst the changes in circumstances are noted, URS have considered the changes made to the Core Strategy since the May 2009 Publication version. They found that the findings of the detailed HRA undertaken for the Publication Draft by Scott Wilson (April 2009) would not be significantly affected by the changes to the Core Strategy and further detailed HRA work is not required. Therefore changes to the original HRA report were not considered necessary.

January 2012

Several responses criticised the SA, however they related to sustained objections to policy CAS 3.2 relating to the proposed Strategic Rail Freight Interchange at the former Parkside colliery. The criticisms included disagreeing with the weight given to certain matters such as air quality. However, other respondents do not object to or criticise the SA or HRA, including EA, Natural England, English Heritage or MEAS. No amendments were made to the SA as a result.

April 2012

No comments relating to the SA or HRA were received.

(d) How the results of any consultations entered into under regulation 14(4) have been taken into account

No consultations under Regulation 14(4) of the Environmental Assessment of Plans and Programmes Regulations 2004 have been entered into.

(e) The reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with

The Core Strategy Preferred Options was issued in November 2007 which identified the preferred policy approaches but also highlighted alternative policy approaches which the Council did not believe were the best option overall. Chapter 6 of the Core Strategy Preferred Options SA Report (LDF LDF06), was also published for consultation, deals with the relative sustainability of the different approaches, as this is again discussed in section 4.5 of the April 2009 SA Main Report (LDF12A).

In general, the SA objectives and the preferred options received support. The main issues generating objection were restricted to proposed development of a Strategic Rail Freight Interchange (SRFI) at the former Parkside Colliery (preferred option CAS 3.7A), and Green Belt Boundary Change – Reserved Employment Land, Haydock (preferred option CAS 4.7A).

In response to the objections, policy CAS 3.2 of the publication draft of the Core Strategy contained minor amendments from the Preferred Options version to be more consistent with the adopted RSS policy and provide clarity on the strategic nature of the scheme. This involved switching from allocating the site to safeguarding the site for that use. With regard to reserved employment land, a new study was commissioned with Regeneris Consulting. The outcome was a move to a flexible approach to future employment land provision. However in both cases, the options chosen were still acceptable when compared to the original Preferred Options SA report.

The subsequent amendments to policies in January 2011, November 2011, April 2012 and September 2012 were all considered to be consistent with the preferred options and so in-keeping with the assessment of the sustainability of the options. In addition, each set of changes were subject to SA, and each SA report sets out how the policy approaches have been set out against the sustainability objectives.

In April 2012, a new policy relating to the National Planning Policy Framework's presumption in favour of sustainable development was inserted into the plan. Due to the insistence of the Government (via the planning Inspectorate) at the inclusion of this policy, it was recognised that there was no practical alternative but to include the policy. However, it was still subject to consideration of alternative options in paragraphs 4.2.4 – 4.2.11 of the Proposed Modifications SA Main Report (LDF 12M) and a full assessment of the policy, which both had a positive outcome for the policy.

(f) The measures that are to be taken to monitor the significant environmental effects of the implementation of the plan or programme.

The list of indicators supplied in Section 14 of the St. Helens LDF SA Scoping Report May 2010 (LDF07D), will form the basis of monitoring the impact of the Core Strategy. The SA Framework shows the proposed sustainability objectives for St. Helens Borough, together with the sub-objectives that should be used to further guide the assessment of a plans performance against the SA objectives. They will be reported in the Annual Monitoring Report(s).

Section 6.1.3 of the April 2013 SA report stated that it may be appropriate to introduce an indicator for Policy CDS1 which monitors the number of development applications for which the second part of this policy (Clause 3) is triggered. Council officers will explore the scope for a system to directly monitor the use of this part of the policy in decision making. In the meantime, the reliance on NPPF where policies are absent or silent will be monitored through liaison with our Development Management colleagues. It is considered that the amount of planning appeals against the Council that are allowed would be a useful proxy assessment of how well the Council's planning policies accord with the NPPF. This is a monitoring item that the Council will consider for inclusion in the Annual Monitoring Report.

Appendix A - Regulation 16, subsection (4) of the Environmental Assessment of Plans and Programmes Regulations 2004, with additional explanatory text in italics.

The particulars referred to in paragraphs (1)(b)(iii) and (3)(c)(iii) are —

(a) how environmental considerations have been integrated into the plan or programme;

(b) how the environmental report has been taken into account;

(c) how opinions expressed in response to—

(i) the invitation referred to in regulation 13(2)(d); (*13(2) states “invite the consultation bodies and the public consultees to express their opinion on the relevant documents, specifying the address to which, and the period within which, opinions must be sent.”*)

(ii) action taken by the responsible authority in accordance with regulation 13(4),

(*13(4) states that “The responsible authority shall keep a copy of the relevant documents available at its principal office for inspection by the public at all reasonable times and free of charge.”*) have been taken into account;

(d) how the results of any consultations entered into under regulation 14(4) have been taken into account; (*14(4) is not relevant to St.Helens as it states that “Where the Secretary of State receives from a Member State an indication that it wishes to enter into consultations before the adoption, or submission to the legislative procedure for adoption, of a plan or programme forwarded to it in accordance with paragraph (3), the Secretary of State shall...”*)

(e) the reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with; and

(f) the measures that are to be taken to monitor the significant environmental effects of the implementation of the plan or programme.

Appendix B – List SA/SEA documents produced for the Core Strategy

Document Title	Date	LDF ref
SA/SEA St Helens LDF - Context Review Report	January 2005	TP62
SA/SEA St Helens LDF - Scoping Report	July 2005	LDF10
SA/SEA St Helens LDF - Sustainability Appraisal of the Broad Issues and Options	August 2005	LDF11
SA/SEA St Helens LDF - Context Review Report	July 2007	TP63
SA/SEA St Helens LDF - Sustainability Appraisal of the Preferred Options DPD	October 2007	LDF06
SA/SEA St Helens LDF - SA Non Technical Summary	April 2009	LDF12B
SA/SEA St Helens LDF - SA Main Report	April 2009	LDF12A
SA/SEA St Helens LDF - SA Report - Appendices	April 2009	LDF12C
Additional Note on HRA and SA /SEA	February 2010	LDF41
St Helens Local Development Framework Sustainability Appraisal Scoping Report Consultation Draft - May 2010	May 2012	LDF07D
St Helens Re-Publication Core Strategy Jan 2011 SA /SEA Addendum Report	November 2010	LDF12E
St Helens Re-Publication Core Strategy Jan 2011 SA /SEA Addendum Report - Appendices	November 2010	LDF12D
St Helens Re-Publication Core Strategy Jan 2011 SA /SEA Addendum Report - Summary	January 2011	LDF12F
Letter from Scott Wilson regarding SA /SEA of Minor Post Publication Changes	May 2011	LDF12G
St Helens Core Strategy Sustainability Appraisal and Strategic Environmental Assessment (Main Report)	October 2011	LDF12H
St Helens Core Strategy November 2011 Changes Sustainability Appraisal and Strategic Environmental Assessment (Non-Technical Summary)	October 2011	LDF12J
St Helens Core Strategy Sustainability Appraisal and Strategic Environmental Assessment (Technical Appendices)	October 2011	LDF12K
St.Helens Core Strategy Proposed Modifications - SA and SEA Non-Technical Summary	April 2012	LDF12L
St.Helens Core Strategy Proposed Modifications - SA and SEA Main Report	April 2012	LDF12M
St.Helens Core Strategy Proposed Modifications - SA and SEA Technical Appendices	April 2012	LDF12N