

Environmental Statement

Development Management DPD (2015)



Environmental Assessment of Plans and Programmes Regulations
2004, Regulation (16). (3) and (4)

August 2015

Broadland District Council

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1.0 INTRODUCTION

- 1.1 Broadland District Council adopted the Development Management DPD on 3 August 2015. It sets out generic policies to guide decisions on development. Once adopted it becomes part of the statutory Development Plan for the district which includes the already adopted Joint Core Strategy (2011) (2014). The Development Plan is the main consideration in the determination of applications for planning permission. In accordance with the requirements of Article 9 of the Strategic Environmental Assessment Directive (SEA) 2001 and regulations 16 (3) and (4) (a-f as summarised below) of the Environmental Assessment of Plans and Programmes Regulations, 2004, the purpose of this *Environmental Statement* is to set out:

- a) How environmental considerations have been integrated into the plan;
- b) How the environmental report (i.e. the Sustainability Appraisal (SA) Report (incorporating Strategic Environmental Assessment) for Development Management DPD¹, with its Non- Technical summary², SA Tables³, and the SA Report addendum for (MM) Main Modifications for DM⁴) has been taken into account;
- c) How the results of public consultation on the plan and sustainability appraisal have been taken into account;
- d) How trans-boundary issues have been taken into account
- e) The reasons for choosing the plan as adopted, in the light of other reasonable alternatives;
- f) Measures to be taken to monitor the significant environmental effects of implementation of the plan.

- 1.2 The Development Management and Site Allocations DPDs were submitted to the Secretary of State for public examination into soundness and legal compliance in September 2014. The appointed Inspector, Louise Crosby, held a hearing on the DMDPD in 3-4 February 2014. The Inspector's report of the examination into the plan was received in June 2015. The council resolved to adopt the DM DPD on 16 July 2015, and this took effect on 3 August, 2015.
- 1.3 This statement sets out how the legal requirements in paragraph 1.1 have been addressed for the Development Management (DPD) plan. The report structure reflects the requirements of the SEA Directive above. In addition, reference is made to DM DPD Spatial Examination Evidence base including external web links set out in footnotes where appropriate.

¹ Sustainability Appraisal Report (Incorporating Strategic Environmental Assessment) for Development Management DPD http://www.broadland.gov.uk/images/C22_Sustainability_Appraisal_Report_DM_DPD_Submission.pdf

² SA Non-Technical Summary for DM DPD http://www.broadland.gov.uk/images/C21_Non-Technical_Summary_for_SA_Report_DM_DPD_Submission.pdf

³ SA Tables http://www.broadland.gov.uk/housing_and_planning/6333.asp (Item C23 Appendix A Part 1&2)

⁴ SA Addendum for DM (Proposed) Main Modifications
<http://broadland-consult.limehouse.co.uk/portal/dmdpd/mods/modsdoc?tab=files>

2.0 INTEGRATING SA/SEA INTO THE DEVELOPMENT MANAGEMENT DPD

- 2.1 In preparing the DM DPD, the Council undertook a Sustainability Appraisal (SA). The purpose of (SA) is to promote sustainable development through the integration of social, environmental and economic considerations into the preparation of plans. The SA also meets the legal requirement to undertake a Strategic Environmental Assessment (SEA), which covers only the environmental considerations relating to plan making. Whilst the European legal requirement in the SEA Directive is for this Environmental Statement to cover how environmental considerations have been covered in the Environmental Report (the SA), since the national interpretation of this through the Environmental Assessments of Plans and Programmes Regulations is that social and economic considerations in decision making should also be covered, this statement covers all three areas. In fact, since issues determining decisions in plan making are often inter-related, this approach is necessary.
- 2.2 Government advises that (SA) (should form an integrated part of the plan preparation process in order to inform the appraisal of options for the emerging local plan. For most of its plan preparation period the Development Management DPD was prepared in tandem with the Site Allocations plan. This follows the overarching strategic plan guiding these plans, the Joint core strategy (JCS), for Broadland, Norwich and South Norfolk (2011) (2014).
- 2.3 The plan-making and Sustainability Appraisal process (incorporating Strategic Environmental Assessment) are iterative in nature and this statement is intended to demonstrate how the SA and extensive consultation process have influenced the development of the plan. In addition, a Habitat Regulation Assessment (HRA) required by the Conservation of Habitats and Species Regulations 2010 before deciding to give consent or permission to a plan or project which is likely to have a significant effect on a European Site, either alone or in combination with other plans or projects, the competent authority is required to make an appropriate assessment of the implications for that site in view of that site's conservation objectives.
- 2.4 The final SA / Environment Report for DM DPD constitutes of the SA Report (incorporating Strategic Environmental Assessment) for DM DPD (2014) and the SA Report Addendum for Proposed Main Modifications (MM) for DM DPD (Proposed Submission) (2015). This approach follows on from the public examination process and reflects the fact that the Regulation 19 (Publication) DM policies plan was taken by the Inspector as the starting point for the public examination process rather than the Regulation 22 ('Submission') plan.

The Sustainability Appraisal (SA) Process / Plan-making and Consultation process

- 2.5 The preparation of the DM DPD has considered and integrated environmental factors by undertaking the (SA) / Environmental Report for the DM DPD in an iterative manner. In other words alongside the plan preparation process.
- 2.6 The (SA) Report has fed into and informed plan making process by assessing the reasonable alternatives at each stage, whilst considering the sustainability and environmental, social and economic effects of the plan. The SA report was prepared at key stages in the process, the potential effects identified and put

forward recommendations to avoid or minimise negative effects, or enhance positive effects. These recommendations were taken into account by Broadland District Council whilst reviewing the policies at key stages through extensive consultation with members of the public and statutory bodies. This led to the assessment of policy options (reasonable alternatives) and ultimately selecting the most suitable policies for formal adoption. This is examined in more detail below.

SA SCOPING – INITIAL STAGE

Setting the context and objectives, establishing the baseline and deciding on the scope

- 2.7 The first stage of the in the of production of the SA and the consideration of environmental factors began in the preparation the SA Scoping which included setting the context, the sustainability appraisal objectives, establishing the baseline, and deciding the scope, as undertaken by Broadland District Council in 2010 (SA Scoping Report - Appendix G of SA Report)
- 2.8 Developing the SA Scoping Report has involved a two-step process:
- Firstly, evidence which relates to environmental, economic and social aspects was gathered and reviewed in relation to the ‘sustainability context’, the ‘sustainability baseline’ and the ‘likely future sustainability baseline without the plan’; and
 - Secondly, the evidence gathered was analysed and ‘key sustainability issues’ for the area identified.
- 2.9 The Sustainability Appraisal framework identifies sustainability issues and the desirable directions of change, whilst the objectives define what the DPD will be assessed against. The objectives were used to appraise or ‘score’ the environmental, social, and economic consequences of the different policies proposed. The methodology is in accordance with the Government Guidance on Sustainability Appraisal.
- 2.10 The sustainability objectives covering environmental, social and economic issues, were derived from the sustainability issues, and provided the framework for the SA against which the plan’s policies have been assessed. The objectives covered all of the environmental topics required by the SEA Regulations. The main SA objectives were underpinned by a series of sub questions enabling the likely significant effects arising from the Plan to be more readily identified
- 2.11 These (SA) Objectives were used to guide the plan, to assess the viability of a policy in being as sustainable as possible. These objectives are based on those suggested in government guidance, and are tailored from findings in the policy review, baseline characterisation and identification of issues. As part of the framework, they will clarify where there are any conflicts between the aims for achieving sustainability and the policies in the plan.

Broadland’s Sustainability Issues

- 2.12 Reviewing the relevant plans, policies and programmes, and considering the baseline character of the area has highlighted a number of key sustainability issues facing Broadland. These gave an indication of the environmental, social and economic character of the Broadland and the area most likely to be affected by the plan. Many of the issues identified are influenced by a wide range of factors, including those outside of the control of the planning system (e.g. the state of the wider economy but in general they are likely to continue without the combined intervention of the Joint Core Strategy (DPD), and the Development Management (DPD), which is the subject of the SA Report.

Preparing the (SA) Scoping Report for the Development Management DPD

- 2.13 The process of considering potential 'environmental' effects as part of the plan-making process, began in the early stages of the plan-making process which also considered the potential 'economic' and 'social' effects' of the DM DPD as part of the preparation of the SA Report (incorporating SEA). In doing this, a Spatial Portrait for the district was prepared during the early stages of the SA Scoping Report in order to use this as a baseline or 'benchmark' for future assessment as well as to identify key sustainability issues. Furthermore, the SA objectives which included environmental, economic and social considerations utilized in the SA Report for the Joint Core Strategy were then utilized in assessing against the DM policies or reasonable alternatives to take forward to adoption. The Council consulted on the (SA) Scoping Report with the Environmental bodies, the comments received throughout the process have been instrumental in how environmental considerations have been integrated into the plan
- 2.14 The preparation of the (SA) Scoping Report for the Development Management (DPDs) involved the following main tasks:
- Review of relevant international, national, regional, county and local level plans, programmes, strategies and studies.
 - Collection of baseline information and characterisation of Broadland
 - Identification of key sustainability issues and problems in Broadland
 - Development of an (SA) Framework i.e. sustainability objectives against which to assess potential impacts of the Development Management DPD).
 - Description of the SA methodology proposed. Consultation with the three SEA Consultation Bodies (i.e. Natural England, English Heritage, Environment Agency) and other stakeholders. Breckland District Council, Great Yarmouth Borough Council, Kings Lynn and West Norfolk Borough Council, North Norfolk District Council, Norwich City Council, South Norfolk Council, The Broads Authority, Norfolk County Council, The Norfolk Alliance; (Local Strategic Partnership), Broadland Community Partnership (Local Strategic Partnership), East of England Development Agency , Norfolk Primary Care Trust, Royal Society for the Protection of Birds, Council to Protect Rural England , Norfolk Biodiversity Partnership, Norfolk Chamber of Commerce, Shaping Norfolk's Future
 - The document was also made available on the Council's website for public viewing.

SA SCOPING – INITIAL STAGE

Consultation on the (SA) Scoping Report for DM (DPD)

- 2.15 The initial stages of consultation began when the Council consulted on the SA Scoping Report for the DM (DPD) with environmental bodies in Autumn 2010 (see Appendix G of SA Report for DM DPD). As a result, the Scoping SA Report for DM (DPD) was amended in light of the comments received where appropriate and in June 2011 it was published alongside in the Council's website. This is documented in the (SA) Scoping Report - Appendix 5: Feedback and Actions⁵.

Preparation of draft DM DPD and its SA Report

- 2.16 The preparation of the draft DM DPD and the SA Report has been iterative process involving extensive public consultations at each key stage, this followed on from the consultation on the SA Scoping Report (2010) with environmental bodies during the initial stages, progressing to the Issues and Options stage (2011), to Publication (2013) and Submission Stage (2014), Examination (2015) and ultimately to Adoption (2015). This explained in more detail below.

ISSUES AND OPTIONS STAGE

Developing and Refining Options and Assessing Effects / and Preparing the (SA)/ Environmental Report and HRA Assessment Report

- 2.17 Developing and refining options for a plan is an iterative process usually involving public consultations. The SA can help to identify other 'reasonable alternatives' to the options being considered for a plan. 'Reasonable alternatives' is a term used in the SEA Directive and Regulations, and therefore legally required to be considered when preparing a plan. The DM (DPD) has considered a number of reasonable alternatives resulting in appraising and refining the policy options as described below.
- 2.18 The process of refining reasonable alternative in terms of policy development formally commenced with the consideration at Issues and Options (Item B152 of Evidence base) that led to the production of the Proposed Submission (B158) and ultimately the Submission Documents (C20). The 'reasonable alternatives' in the consideration of policies in the Development Management DPD are set out in the Sustainability Appraisal (C21/22/23) 'Section 5: The Alternatives Considered and Rationale behind Them'. This section assesses the alternatives based on the conclusions of the Sustainability Appraisal Tables (C23 Appendix A (a)) including: 'relying on National Policy', 'relying on the JCS', 'more or less stringent policies' and 'combining similar policies forming a wider policy'. Furthermore, a (HRA) Regulation Assessment (E23) has also informed the SA process, this considered any potential effects on a European Site, either alone or in combination with other plans or projects in view of the site's conservation objectives. Consideration has also been given to comments made on the documents throughout the process these are summarised in Statement of Consultation DM DPD (C15), Statement of Representations Submitted (C16), Summary of Comments Received on the SA Scoping Report (C23 Appendix G) Summary of Comments Received on (Initial) Sustainability Appraisal Report at Issues and Options (C23 - Appendix E (ii)) and Summary of Comment Received on (draft) SA Report at Proposed Submission (E

⁵ SA Scoping Report for the DM DPD – Appendix 5 Feedback and Actions - http://www.broadland.gov.uk/housing_and_planning/6333.asp (Item C23 - Appendix G – see Appendix 5)

(i)). So, as well as considering whether there should be a particular policy, consideration has also been given to the specific wording of policies. This is explained in more detail below.

(Initial) SA Report (incorporating SEA) for DM (DPD) and DM DPD - Issues and Options (2011) Consultation

- 2.19 The preparation of an (Initial) Sustainability Appraisal Report for the DM DPD at the Issues and Options Stage (Appendix F of SA Report) followed on from the Consultation on the Scoping SA Report with environmental bodies. The purpose of this report was primarily to: a) identify reasonable alternatives for further consultations and b) appraise the reasonable alternatives against the (SA) Objectives. The reasonable alternatives included variations of policies in the (saved) Local Plan (Replacement) (2006) by chapter. The appraisal was based on eight subject areas for which the council believed Development Management policies were required in the consultation document. It was felt that considering them together allowed for a clear picture and the (SA) framework of objectives was used to test the criteria.
- 2.20 The draft DM DPD similar to the (saved) Local Plan (2006) included policies covering various subject areas such as: general considerations, environment, housing, employment, retail, recreation and leisure, transport and safety, community services and utilities. There was also the opportunity for the suggestion of other possible policies not previously considered.
- 2.21 The Environment Chapter in specific mainly focused on environmental considerations for future development such as Protecting and mitigating impact on habitats and species, areas of landscape value, Retention and provision of green infrastructure and open space, historic parkland, listed buildings ancient monuments, archaeological sites and designated heritage sites, non-designated heritage assets, conservation areas, and renewable energy.
- 2.22 The council wrote to consultees, advertised the consultation in the Broadland magazine which gets delivered to each household in the District; various exhibitions were held around the district. Consultation documents were made available at local libraries, council's reception and on the Council's website.
- 2.23 Comments received on the Initial (SA) Report for DM DPD ⁶ were considered and where appropriate changes were made accordingly. A Statement of Consultation for DM DPD⁷ considering the main issues raised on the DM DPD and actions taken was published along the Submission Documents. Comments made on the draft DM DPD were available for viewing in the consultation portal.

PUBLICATION STAGE

(Draft) SA Report for DM (DPD) – Proposed Submission and,

⁶ Summary of Comments Received on (Initial) SA Report for DM DPD (2011)
http://www.broadland.gov.uk/housing_and_planning/6333.asp (Item C23-Appendix D)

⁷ Statement of Consultation on DM DDP -
http://www.broadland.gov.uk/images/C15_Statement_of_Consultation_Development_Management_DPD.pdf

Development Management (DPD) -- Proposed Submission (2014) Consultation

- 2.24 The Council considered the comments received on the (draft) DM DPD – Issues and Options as well as, the comments made on the (Initial) SA Report for DM DPD. The summary of comments on the (Initial) SA Report for DM DPD and Officer Response can be seen in Appendix E (ii) of SA Report ⁸. This led to the Publication of the Development Management (DPD) - Proposed Submission and accompanying (draft) SA Report for DM DPD. It also considered not only the findings of the HRA Regulations Assessment (2014) as noted explained in Section 3. It also considered the findings in the (draft) SA Report for the Site Allocations – Proposed Submissions and more specifically the HRA Regulation Assessment for the Site Allocations discussed in detail in Section 3 of this statement. The consultation at this stage focused on soundness.
- 2.25 Once again the Environment Chapter in specific considered the wider environmental potential impacts as a result of future development. Policies focused on: Biodiversity and Habitats, Landscape, Green Infrastructure, Pollution. As other related topics such as presumption of favour of sustainable development, location of new development , and renewable energy under the General Considerations Chapter.

SUBMISSION TO SECRETARY OF STATE

Submission to Secretary of State – Development Management DPD and Sustainability Appraisal Report (incorporating Strategic Environmental Assessment) for the DM DPD

- 2.26 The Council considered the comments received on the DM (DPD) – Proposed Submission and (draft) SA Report for DM (DPD), (see Summary of Comments and Officer Response - Appendix E (i) of SA Report) ⁹ at the Submission stage. According to the PAS Guidance on SA, any changes made to the plan which results in any significant changes these should be appraised and the (SA) Report updated. Changes that are ‘not significant’ will not require further sustainability appraisal work. Generally speaking, ‘significant changes’ are those that result in a change in the direction of policy. No such significant changes have been made. However, minor updating and corrections have been made to the DPD, as a result the Inspector decided to examine the DM DPD Proposed Submission version. Submission to the Secretary of State included the Development Management (DPD) – Submission, the Policies Map and the Sustainability Appraisal Report.
- 2.27 However, as part of the preparation of the HRA Regulation Assessment for the DM DPD and the HRA Regulation Assessment for the Site Allocations DPD in consultation with Natural England. The council discussed with Natural England potential main modifications to the some of the policies in the environment chapter in order to protect water quality, ensure that green infrastructure is delivered to mitigate any potential impact arising from potential recreation pressures as a result of future development identified through the site allocations.

⁸ Summary of Comments Received on the (Initial) SA Report for DM DPD and Officer Response http://www.broadland.gov.uk/housing_and_planning/6333.asp (Item C23 - Appendix E (ii))

⁹ Appendix E (i) Summary of Comments Received on (draft) SA Report – Proposed Submission http://www.broadland.gov.uk/housing_and_planning/6333.asp (Item C23 Appendix E (i))

3.0 TAKING THE SA ENVIRONMENTAL REPORT INTO ACCOUNT

(HRA) Regulations Assessment for DM DPD (March 2014)

- 3.1 One of the specific areas in which the SA Report influenced the development of the DM DPD , apart from the appraisal of Options discussed in Section 2. was in the undertaking of an Appropriate Assessment or (HRA) Regulation Assessment for the DM DPD and for the Site Allocations DPD required by the Conservation and Habitats and Species Regulation 2010. This is undertaken in two stages, a stage 1 report (Test of Likely Significance) and stage 2 report (Appropriate Assessment)
- 3.2 The preparation of the (HRA) Regulation Assessment for the DM DPD¹⁰ which is an Appropriate Assessment required by the Conservation of Habitats and Species Regulations 2010, before deciding to give consent or permission for a plan or project which is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, the competent authority is required to make an appropriate assessment of the implications for that site in view of that site's conservation objectives. This document is a record of the (HRA) Regulation Assessment for the Development Management DPD , undertaken for Broadland District Council. This work complements the HRAs undertaken for Broadland District Council's Site Allocations DPD and the North-East Norwich Growth Triangle Area Action Plan. This report concluded the DM DPD poses no significant effects. (See Revised version in Submission Section)
- 3.3 However, the (HRA) Regulations Assessment for the Site Allocations (DPD)¹¹ concluded that it is possible there will be some impacts from disturbance at the Broads SAC and Ramsar Site and Broadland SPA, and although such impacts are likely to be minimal because of this possibility mitigation is required in the form of green infrastructure provision within development sites. It is considered that the policies from the emerging Development Management DPD will deliver the necessary mitigation. Therefore it is considered that there is sufficient confidence for negative impacts on site integrity on International Sites from the Site Allocation DPD to be considered unlikely as a result of the DM DPD Policies, in particular the requirement for the provision of Green Infrastructure as stated in Policy ENV3.

(HRA) Habitats Regulations Assessment (Revised) for DM DPD (August 2014)

- 3.4 In, addition a (HRA) Regulation Assessment for the DM DPD (Revised) (August 2014)¹² was produced. This report concluded the DM DPD poses no significant effects and has outlined the following:
- As required by the Conservation of Habitats and Species Regulations 2010, before deciding to give consent or permission for a plan or project which is likely to have a significant effect on a European site, either alone or in

¹⁰ HRA Regulation Assessment for the DM DPD (March 2014)

http://www.broadland.gov.uk/images/E23_HRA_DM_policies_correction_March_2015.pdf

¹¹ HRA Assessment for Site Allocations DPD (August 2014) (Revised)

http://www.broadland.gov.uk/images/C02_Site_Allocations_DPD_Submission_Habitats_Regulation_Assessment.pdf

¹² HRA for DM DPD (Revised) (August 2014) (Correction March 2015)

http://www.broadland.gov.uk/images/E23_HRA_DM_policies_correction_March_2015.pdf

combination with other plans or projects, the competent authority is required to make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

- This document is a record of the (HRA) Regulation Assessment for the Development Management DPD, undertaken for Broadland District Council. This work complements the HRAs undertaken for Broadland District Council's Site Allocations DPD and the North-East Norwich Growth Triangle Area Action Plan.
- Six groups of plans are reviewed with respect to their conclusions with regard to potential in-combination effects: The Greater Norwich Development Partnership, Broadland District Council, South Norfolk Council, The Broads Authority, Great Yarmouth Borough Council, and Norfolk County Council.
- The Habitats Regulations Assessment relates to Special Protection Areas, Special Areas of Conservation and RAMSAR Sites which together are referred to as 'International Sites'. An initial scoping exercise identifies nine International Sites that are subject to Test of Likely Significant Effects: The Broads SAC & RAMSAR Site and the Broadland SPA, The River Wensum SAC, Winterton- Horsey Dunes SAC, Breydon Water SPA and RAMSAR, the Norfolk Valley Fens and Great Yarmouth North Denes SPA.
- Each Policy in the Broadland District Council's Development Management Policies Document is assessed to address if it may adversely impact any component unit of the International Sites that have not been scoped-out in the initial scoping exercise to determine if an Appropriate Assessment will be required.
- Having completed the Stage 1 Test, it is considered that there is sufficient confidence for significant impacts from recreational disturbance to be unlikely as a result of the Development Management Policies Document i.e. there will not be adverse effect on the integrity of the International Sites. Therefore it is concluded that there is no need to undertake further stages of the HRA process.

(HRA) Habitats Regulations Assessment (Revised) for Site Allocations (August 2014) and Environmental considerations for DM DPD

- 3.5 However, in terms of the HRA Assessment for the Site Allocations DPD (August 2014) concluded that there are potential impacts from disturbance at the Broads SAC and RAMSAR Site and Broadland SPA although these are likely to be very low. Nevertheless, because of the possibility of impacts mitigation is required in the form of green infrastructure / open space provision related to Development sites. It is considered that policies from the Development Management DPD will deliver the necessary mitigation, coupled with the element of the Community Infrastructure Levy that will go towards additional strategic green infrastructure provision as specified in the Greater Norwich Infrastructure Plan (GNIP). Therefore, it was considered that there is sufficient confidence for negative impacts on site integrity on International Sites from the Site Allocation DPD to be considered unlikely.

Conclusions – Environmental Considerations for the DM DPD

- 3.6 In conclusion, the as a result of the findings in the SA Report and the HRA Regulation Assessment for the Site Allocations and the comments received from the statutory bodies such Natural England, Environment Agency and Norfolk County Council the main environmental considerations arising for the DM DPD as follows:
- To ensure that the DM policies requires the necessary mitigation measures in the form Green Infrastructure delivery to address potential recreational pressure on Broadland Natura 2000 sites as a result of future development identified through the Site Allocations DPD.
 - To ensure the water quality is preserved by minimising pollution
 - To prevent surface water by introducing a new policy on surface water flooding per comments from Norfolk County Council
- This was achieved through (proposed) (MMs) main modifications to the policies in the DM DPD as previously discussed Natural England as set out in the schedule of (proposed) Main Modifications to DM DPD ¹³.

PUBLIC EXAMINATION

Examination in Public on the DM DPD by Independent Inspector

- 3.7 The Council has considered the comments received at each stage of the plan making and SA process, these are summarized with officer's response as noted in previous stages. Prior to the Examination for the Development Management DPD the Council considered the comments received at the Proposed Submission Stage. As a result of representations made, see Statement of Representation for DM DPD ¹⁴ during the Examination on 2-3 February 2015 a number of proposed main modifications (MM) ¹⁵ were put to the inspector to the Proposed Submission document. This was done through an agreed Statements of Common Ground with Natural England and the Council ¹⁶ where both parties agreed on the policy and supporting text wording on specific matters.

Preparation of the SA Report (including Strategic Environmental Assessment) Addendum for (Proposed) (MM)s Main Modifications for DM DPD

- 3.8 The Planning Inspectorate guidance on Examining Local Plans Procedural Practice, December (2013) para 4.21 is clear that 'Any such proposed change should where appropriate, be subject to the same process of publicity and opportunity to make representations as regulation 19' and it also states that 'the proposed change must not undermine, or possibly undermine the sustainability appraisal process that has informed the preparation of the plan'. As a result, the (proposed) main modifications (MM) to the DM (DPD) arising from the examination were subject to a Sustainability Appraisal Addendum ¹⁷ to ensure that they did not undermine the

¹³ Schedule of (Proposed) Main Modifications to the DM DPD

http://www.broadland.gov.uk/PDF/DM0_DM_DPD_Final_Inspectors_Report_2015_0601_Composite.pdf

¹⁴ Statement of Representation Submitted DM DPD

http://www.broadland.gov.uk/images/C16_Statement_of_Representations_Submitted_Reg_20_Development_Management_DPD.pdf

¹⁵ Schedule of Proposed Main Modifications for DM DPD on Consultation

<http://broadland-consult.limehouse.co.uk/portal/dmdpd/mods/modsdoc>

¹⁶ Statement of common ground with Natural England (2015)

http://www.broadland.gov.uk/images/D07_Natural_England_SoCG_signed_DM_DPD.pdf

¹⁷ SA Report Addendum for Proposed Main Modifications to DM DPD

sustainability appraisal process that has informed the preparation of the plan. Furthermore, these main modifications were also subject to a (HRA) Regulation Assessment Addendum¹⁸ to review the effect of the MMs for the likely impact on the European sites. Both studies concluded no significant effects as a result of proposed modifications.

CONSULTATION ON (PROPOSED) MAIN MODIFICATIONS TO THE DM DPD

The (Proposed) Main Modifications to the DM DPD SA Report (incorporating SEA) Addendum for the (Proposed) MMs to DM DPD (HRA) Regulations Assessment Addendum for the (Proposed) MMs to DM DPD

- 3.9 The council consulted on the (Proposed) Main Modifications to the DM DPD and the SA Addendum for the (Proposed) (MM) to the DM DPP from 2 March to 15 April 2015 reflecting the consultation at regulation 19 stage. The Council, on 19 March 2015, resolved to raise no objections to these.

THE INSPECTOR'S REPORT

- 3.10 The Council has considered the comments received at each stage of the plan making and SA process. These comments are summarized with officer's response as noted in previous stages.
- 3.11 The Inspector considered all the duly made representations, including those made on the Proposed Modifications, and has produced her report. The Inspector's Report into the Examination of DM DPD¹⁹ received by the Council in June 2015, concludes that the DM DPD meets the legal requirements and, subject to modifications recommended by the Inspector being incorporated (as shown below), the DM DPD is sound. The SA has been carried out and is adequate.
- 3.12 The (Proposed) Main Modifications arising from the Inspectors Report into the Examination of DM DPD can be summarised as follows:
- Affordable housing – additional text to address the change in national planning policy
 - Policy H6 (sites for Gypsies and Travellers)- introduction of additional text to explain how the Council intends to make provision for the identified needs of gypsies and travellers
 - Water related matters – an additional policy (CSU5) and text to cover in greater detail the issue of surface water drainage and flooding
 - Policy GC3 (Conversion of buildings outside settlement limits) – change to policy wording and associated text to ensure compliance with the National Planning Policy Framework (the Framework)
 - Policy GC4 (Design) – introduction of additional text to cover green infrastructure

<http://broadland-consult.limehouse.co.uk/portal/dmdpd/mods/modsdoc?tab=files>

¹⁸ HRA Addendum for Proposed Main Modifications to DM DPD <http://broadland-consult.limehouse.co.uk/portal/dmdpd/mods/modsdoc?tab=files>

¹⁹ Inspectors Report for the Examination of the DM DPD

http://www.broadland.gov.uk/PDF/DM0_DM_DPD_Final_Inspectors_Report_2015_0601_Composite.pdf

- Policy GC5 (Renewable Energy) – changes to the supporting text to cover the issues of biodiversity and landscape
- Policy EN1 (Biodiversity and Habitats) – additional text to ensure the policy and supporting text reflects the advice in the Framework and the findings of the Habitat Regulations Assessment (HRA)
- Policy EN2 (Landscape) – minor word change to the policy to bring it into line with the Framework
- Policy EN3 (Green Infrastructure) – changes to reflect the conclusions of the HRA and a more flexible approach to the provision of allotments
- Policy EN4 (Pollution) – amendments to reflect the advice in the Framework
- Policy TS4 (Parking guidelines) – changes to the explanatory text to reflect recent changes to national planning policy
- Introduction of a glossary of terms in Appendix 1
- Monitoring framework – addition of a monitoring framework in Appendix 2

ADOPTION OF THE PLAN

- 3.13 The Council has amended the DM DPD to include all the (proposed) Main Modifications per the Inspectors Report as set above. As a result Council resolved to adopt the DM DPD on 16 July 2015, and this took effect on the 3 August, 2015, These policies replace relevant policies in the (saved) Broadland District Local Plan (2006) as shown in Appendix 1 of the DM DPD. This Environmental Statement is published alongside the Town and Country Planning Regulations Adoption Statement. These document have been made publicly available in accordance with the statutory procedures

TRANSBOUNDARY ISSUES

- 3.14 Since there are no European trans-boundary issues associated with the plan, this issue is not covered further in this statement.

4 TAKING THE SA ENVIRONMENTAL REPORT AND PUBLIC CONSULTATION INTO ACCOUNT

- 4.1 Public consultation, both on the SA itself and the DM DPD, has been integral part of each stage of the production of the JCS. The choices made for the DM DPD policy options were informed by the consultation responses. The Consultation Stages are set out in Section 2.
- 4.2 During the Initial stages of the production of both the DM DPD and the Council consulted on the SA Scoping Report with the Environmental bodies as required, the comments received were considered and the SA Scoping Report amended where appropriate. Appendix G of SA Report for DM DPD sets out the Summary of comments received from Environmental Bodies on the Consultation of the SA Scoping Report. This is documented in the (SA) Scoping Report - Appendix 5: Feedback and Actions.
- 4.3 Sustainability Appraisal continued to provide an independent review of emerging policy options which informed the decision in selecting the adopted policies.
- 4.4 At the Issues and Options stage, the results from the first public consultation on the DM DPD were published on the Council online Consultation Portal²⁰. The comments on received on the (Initial) SA Report for the DM DPD²¹ were considered and where appropriate changes were made accordingly. A Consultation Statement²² considering the main issues raised on the DM DPD and actions taken was published along the Submission Documents.
- 4.5 As set out in Section 2, a further supplementary SA Report was produced and consulted on at the Publication Stage.
- 4.6 At the submission stage, and prior to Examination of the DM DPD the Council considered the comments received at the Publication Stage. The results of the representations made, are set out in the Statement of Representation for DM DPD²³. During the Examination of the DM DPD on 2-3 February 2015 a number of proposed main modifications (MM)²⁴ were put to the inspector to the Proposed Submission document. This was assisted through a number of Statements of Common Ground with consultees.
- 4.7 The Inspector confirmed in her report into the Examination of the DM DPD (para 21) that the document is in conformity with the JCS in so far as its policies are designed to ensure that the natural environment is afforded adequate protection. And that it is clear from the submitted DMP and the supporting evidence, that reasonably alternative policies were considered before finalising the Plan including various rounds of consultation taken place with the public and stakeholders. Also, the policies in this Plan as well as the alternatives that were considered have been subject to sustainability appraisal.

²⁰ Consultation Portal <http://broadland-consult.limehouse.co.uk/portal>

²¹ Summary of Comments Received on (Initial) SA Report for DM DPD and Officer Response (2011) http://www.broadland.gov.uk/housing_and_planning/6333.asp (Item C23-Appendix E (ii))

²² Statement of Consultation on DM DDP -

http://www.broadland.gov.uk/images/C15_Statement_of_Consultation_Development_Management_DPD.pdf

²³ Statement of Representation Submitted for DM DPD

http://www.broadland.gov.uk/images/C16_Statement_of_Representations_Submitted_Reg_20_Development_Management_DPD.pdf

²⁴ Schedule of Proposed Main Modifications for DM DPD on Consultation <http://broadland-consult.limehouse.co.uk/portal/dmdpd/mods/modsdoc>

5.0 THE REASONS FOR CHOOSING THE PLAN ADOPTED IN LIGHT OF OTHER REASONABLE ALTERNATIVES DEALT WITH

- 5.1 The iterative plan making process set out above, informed by SA and HRA and consultation throughout, involved consideration of a number of reasonable alternatives in policy formulation. This is particularly the case in relation to the policy options considered. At Issues and Options stage three potential options were put forward. The Sustainability Appraisal was used to select options to take forward along evidence base such as discussions with Natural England, Environment Agency, Norfolk County Council, etc.
- 5.2 The reasonable alternatives considered during the Issues and Option consultation stage included: a) relying on policies in the **Joint Core Strategy** (DPD), b) **National Policies**, or c) a **combination of existing policies in the Local Plan (2006)**. Since then the National Planning Policy Framework (NPPF) came into effect March (2012) and superseded the National Policies; therefore, for the purposes of the SA Tables²⁵ reference to the (NPPF) policies has been made.
- 5.3 The consideration of relying on the Joint Core Strategy (JCS) as a reasonable alternative, led to the conclusion that in most instances there was not enough detail to actually replace the policy suggested at local level. This is explained in more detail in the section relating to assessing the 'alternative options' (section 5 of SA Report for DM DPD).
- 5.4 The consideration of relying on National policies as reasonable alternative to the policies proposed during the Issues and Options stage, led to the conclusion that these policies were too general and needed to be adapted to the local characteristics, needs of the area. As a result the policies in the DM DPD which are based partly on the (Saved) Local Plan Policies are believed to be the best option.
- 5.5 In addition, Council considered further revisions of policy options in the DM DPD as a result of comments received on the Plan and the (Initial) SA Report at Issues and Options, including discussions with DM officers and external bodies, such as Natural England, Norfolk County Council, the Environment Agency at the Proposed Submission stage. This followed on from the revocation of the Regional Spatial Strategy and the National Planning Policy Framework (NPPF) (2012) replacing numerous planning policy statements at the national level. As a result the Sustainability Appraisal Report appraised the three potential options which included revised text, relying on the JCS and or relaying on the (NPPF). These alternatives were assessed and captured in the SA document and remain in it as evidence of considering reasonable alternatives.
- 5.6 Having regard to technical evidence, public and statutory comments and the outcome from the Sustainability Appraisal and HRA Assessment the policies put forward remain the most sustainable option.
- 5.7 The DM DPD has been adopted subsequent to a formal Examination in Public. The independent Inspector concluded that the plan is sound, subject to a number of changes. These changes have been incorporated into the adopted DM DDP.

²⁵ SA Tables for DM DPD - http://www.broadland.gov.uk/housing_and_planning/6333.asp Item C23 Appendix A (a)

- 5.8 Therefore, since the Inspector concluded that the Development Management sets out local policies and criteria which will be used to inform the assessment of development proposals and to guide the Council's decisions on planning applications in the period to 2026 subject to the proposed modifications.

6.0 MONITORING THE ENVIRONMENTAL EFFECTS OF THE DM DPD

Monitoring and Implementation of the Plan –

Adoption of DM DPD and SA / Environment Report for DM DPD

- 6.1 The (SA) Scoping Report contains the indicators for monitoring the social, environmental and economic performance in comparison to the 2010 baseline. The SA Report makes recommendations on monitoring. These and other issues are covered by indicators in the JCS monitoring section Appendix 8 .
- 6.2 The JCS indicators are arranged under spatial planning objectives, with references to specific policies. Whilst the majority of indicators and the spatial planning objectives cover environmental issues to some extent, the most relevant indicator under objective 1 relating to climate change, and objective 9, covering the natural , built and historic environment. Together, 13 indicators, some locally derived and some national indicators, will be used to monitor the progress of the DM DPD. These cover a variety of issues, ranging from capita CO2 emissions to the condition of protected habitats.
- 6.3 The Council is committed to monitoring these indicators to 2026 through the joint Annual Monitoring Report (para. 7.10 of the JCS)
- 6.4 In addition, as a result of the (Proposed) Main Modifications to the DM DPD to the Inspector by the Council a Monitoring Framework has been included in the DM DPD – Appendix 2- Monitoring Framework to monitor how the implementation of policies in the Plan progress.