



Development Management Policies Development Plan Document

SEA Directive (2001/42/EC) Article 9:
Environmental Statement

November 2011



1 Introduction

Between spring 2007 and autumn 2011, the Broads Authority has been in the process of preparing the Broads Development Management Policies Development Plan Document (DPD). The Development Management Policies DPD is the second Local Development Document the Authority has prepared as part of the Local Development Framework. It includes detailed development management policies that set out the criteria against which development in the Broads will be assessed, providing clear guidelines on the circumstances in which planning permission will be granted or refused. The Development Management Policies DPD was adopted by the Broads Authority in November 2011.

Under the Planning and Compulsory Purchase Act, there is a requirement for local planning authorities to undertake a Sustainability Appraisal (SA) on its Local Development Documents. Additionally, in July 2004 an assessment of the effects of certain plans and programmes on the environment, known as Strategic Environmental Assessment (SEA), became a requirement under European Directive 2001/42/EC. This Directive also applies to all Local Development Documents. Article 9 (information on the decision) of the SEA Directive and associated regulations require that:

“Member States shall ensure that, when a plan or programme is adopted, the authorities referred to in Article 6(3), the public and any Member State consulted under Article 7 are informed and the following items are made available to those so informed:

- (a) the plan or programme as adopted;*
- (b) a statement summarising how environmental considerations have been integrated into the plan or programme and how the environmental report prepared pursuant to Article 5¹, the opinions expressed pursuant to Article 6¹ and the results of consultations entered into pursuant to Article 7² have been taken into account in accordance with Article 8¹ and the reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with, and*
- (c) the measures decided concerning monitoring in accordance with Article 10¹.”*

This Environmental Statement has therefore been produced in accordance with Article 9 of the SEA Directive and sets forth:

- How environmental considerations have been integrated into the DPD;
- How the Sustainability Appraisal Report(s) (incorporating the requirements of Environmental Report under the SEA Directive) has been taken into account in preparing the DPD;
- How the results of public consultation on the plan have been taken into account;
- The reasons for choosing the DPD as adopted, in the light of other reasonable alternatives;
- Measures to be taken to monitor the significant environmental effects of implementation of the DPD

Each of these topics will be addressed in turn in the following sections of this Environmental Statement.

¹ See Appendix A.

² Article 7 on Transboundary Consultations is not applicable to the Broads Development Management DPD SA

2 Integrating environmental considerations into the DPD

This section briefly summarises how the Development Management DPD has incorporated environmental considerations into the plan, outlining which policies support the environment and how they provide this support.

2.1 Landscape, Biodiversity and Cultural Heritage

Protecting the landscape character and natural and cultural heritage of the area is given a high priority through the development management policies. In accordance with its statutory purposes and Government policy for National Parks, a position of general constraint and landscape protection is the baseline for development policy in the Broads and this is reflected throughout the DPD.

In particular, policies **DP1**, **DP2**, **DP5** and **DP6** should work to prevent adverse effects from arising on landscape, cultural heritage and biodiversity in the first instance. Additionally, some policies will also work to support development that would enhance these assets.

2.2 Water

The plan makes adequate provision for ensuring that the waterspace, a major economic asset, is protected from contamination through a series of development management policies. Specifically, **DP2** and **DP29** require that development proposals give appropriate consideration to the use of Sustainable Drainage Systems, which will help to filter pollutants away from water resources. Policy **DP3** ensures that water quality and resources are protected from damaging development.

Additionally, policy **DP13** will allow for piling and quay heading development where it would work to ensure compliance with the Water Framework Directive or for the prevention of diffuse pollution to the water environment.

However, there is a possibility of increased water pollution and sediment arising from increased number of visitors to the Broads, particularly from the increase in the number of moorings and tourist development that the plan provides for. The general permitting of waterside development, particularly through policies **DP20** and **DP29**, may also increase sediment entering the waterway from construction and therefore may have a cumulative, adverse impact on water quality, although this has been mitigated to a certain extent through a revision to policy **DP20** regarding this issue.

2.3 Climate Change and Flooding

In terms of improving energy efficiency at new development as well as incorporating energy conservation measures and on site renewable energy generation, policy **DP7** provides encouragement for Code for Sustainable Homes and BREEAM standards to be applied at some new developments. BREEAM and Code for Sustainable Homes standards, if utilised and applied, will minimise CO₂ emissions at new development.

Policies **DP2** and **DP29** may work to reduce some vulnerability to climate change by encouraging Sustainable Drainage Systems at new development and basic water conservation/recycling measures to be incorporated into design. As water resources are likely to become scarce as a result of climate change and growth, these measures should work to help alleviate vulnerability to climate change as a result of water scarcity.

The requirement to submit Travel Plans in **DP11**, where appropriate, may help to support the number of visitors arriving in the Broads by sustainable transport. However, the cumulative effect of the development and economic (particularly tourism) growth encouraged through the plan is like to result in an overall increase carbon dioxide emissions in the Broads area. These are likely to arise from the increased number of visitors to the Broads, particularly from the increase in economic

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development that the plan provides for, although the policies **DP11**, **DP27** and **DP30** may go some way towards mitigating this effect.

There were a number of issues raised in previous assessments in relation to flood risk and to a large extent these issues have been rectified through the various iterations and revisions of policy **DP29** and the Development and Flood Risk SPD.

As **DP29** allows for development only on previously developed land, it can be argued that the application of the policy, in combination with the Broads Authority's *Development and Flood Risk Supplementary Planning Document*, will work to reduce flood risk in some circumstances, particularly on brownfield sites that are currently developed and in use. However, exposure to flood risk to people and property may increase on brownfield sites that are currently vacant and subsequently redeveloped. Overall, *vulnerability* to flood risk is likely to be minimised as a result of the plan although *exposure* to flood risk is likely to increase.

3 Taking the SA Report into account

As outlined later on in Section 5 of this Environmental Statement, Sustainability Appraisal Reports were prepared during each stage of the DPD's development process. During each stage, the results of the assessments outlined within each SA report were taken in account in determining the way forward in selecting and refining preferred and final policy options for inclusion in the DPD.

One specific area in which the SA Report(s) influenced the development of the Development Management Policies DPD was through mitigation recommendations. In accordance with SA guidance and the SEA Directive, measures to prevent, reduce or offset significant adverse effects of implementing the Development Management Policies DPD were considered based on the policies wordings and assessment during the various stages of the plan's development. The first Draft Sustainability Appraisal Report (December 2007) set forth a number of recommendations for enhancing environmental effects of specific policies. The recommendations arising from the SA that were integrated into the policies within the DPD are outlined below.

DP20: Development on Waterside Sites in Commercial Use, including Boatyards

Consideration could be given to including criteria within this policy relating to the minimisation of the impacts of waterside construction in terms of increased sedimentation and general disturbance to the waterways.

DP29: Development on Sites with High Probability of Flooding

Consideration could be given to changing the presentation of Criteria C. This criterion appears to prioritise design quality over the integration of flood risk resilience measures into development in high probability flood risk areas. As a general rule, improving resilience to flooding in high probability flood risk areas should take precedence over design quality and this would help to mitigate some of the adverse impacts that this policy may have in terms of flood risk.

4 Taking public consultation into account

Public consultation, both on the SA itself and on the Development Management Policies DPD, has been an integral part of each stage of the production of the Development Management Policies DPD. The choices made for the DPD's policy options were continually informed by the consultation responses received at each of the various consultation stages.

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In accordance with the SEA Directive, the Broads Authority carried out a scoping consultation on the *Sustainability Appraisal Scoping Report* with statutory environmental bodies from March/April 2007, which gave a brief overview of the information to be used in the assessment and how the assessment process would be carried out. Responses were received from the Environment Agency, Natural England, English Heritage, the RSPB and two local councils. Overall, the responses were supportive of the proposed approach to be taken in assessing Development Management DPD at later stages. Several of the consultation responses also included detailed recommendations and amendments, pertaining particularly to the inclusion of additional policies, plans and programmes, indicators and objectives, as well as minor editorial corrections. Consultation comments were taken on board as much as possible through subsequent stages of both the SA and the development of the Development Management DPD.

In summer 2007, the Development Management Policies DPD and the Development and Flood Risk SPD issues and options were consulted upon alongside the *Sustainability Appraisal: Issues and Options Assessment* (July 2007). Following on from this consultation, development management policy options were selected to be taken forward as “preferred options” which were selected with consideration for the feedback from the consultation and the SA issues and options assessment. No comments relating to this SA report were received.

In January and February 2008 the selected preferred options underwent public consultation and the results of this consultation necessitated significant amendments to the DPD. As a result, development management policy options were revised with consideration for the feedback from the consultation and the first *Draft Sustainability Appraisal Report* (December 2007). The SA itself received 20 comments from two respondents, all of which pertained to geodiversity issues. As a result, the SA was revised to incorporate a geodiversity objective, indicator, baseline and significance criteria for determining effects on geodiversity.

Following on from the second preferred options consultation (June/July 2010), development management policies were selected and finalised for inclusion in the Development Managed DPD Proposed Submission Document. Once again, these proposed submission policies were chosen with consideration for the feedback from the consultation and the second Draft SA Report (June 2010). The SA itself received three comments from two respondents which fed into later iterations of the SA. The responses relating to the SA were all supportive of the assessment and mitigation recommendations. Additionally, the Environment Agency requested more reference be made to the Water Framework Directive and the new classification system used as an indicator. Unfortunately, the EA did not yet have this new classification system and its associated data in place for use in this SA.

In December 2010 and January 2011 the proposed submission DPD and accompanying SA Report underwent public consultation and was subsequently submitted to the Secretary of State on 31 March 2011 for examination by an independent Government appointed Inspector. The SA itself received five comments from Natural England, all of which pertained to editorial amendments for improving clarity on specific issues and all of these recommend changes were made.

In July 2011, the Development Management Policies DPD underwent Examination in Public. As a result of both the winter 2011 proposed submission consultation and the Examination in Public, minor amendments to the final policies were suggested and consulted upon within the *Development Management Policies DPD: Comprehensive Schedule of Changes Proposed to the DPD by the Authority* for five weeks to 29 September 2011 as well as the draft Final SA Report.

Following on from this consultation, the Broads Authority received the Inspector’s binding report in October 2011, outlining acceptance of the Authority’s post-submission changes and also including a binding post-examination change to Policy DP7 made by the Inspector, for which the Final SA Report (November 2011) was revised.

5 Reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with

The iterative plan making process set out above, informed by SA and consultation throughout, involved consideration of a number of alternatives. In summer 2007, the Development Management Policies DPD issues and options were evaluated in light of their potential effects on the sustainability objectives and were the focus of the *Sustainability Appraisal: Issues and Options Assessment* report (July 2007). Detailed assessment worksheets were used to predict and evaluate how the implementation of each of the DPD options would affect the sustainability objectives and the indicators that comprise the sustainability baseline.

Following on from the public consultation in July/August 2007 on the Development Management Policies DPD issues and options and the *Sustainability Appraisal: Issues and Options Assessment* report (July 2007), development management policy options were selected to be taken forward as “preferred options”. These preferred options were selected with consideration for the feedback from the consultation and the SA issues and options assessment. Full details of the reasons for selecting preferred options from the choice of options presented during the issues and options stage can be found in the December 2007 *Development Control Policies DPD: Preferred Options for Policies for Determining Planning Applications up to 2021* report.

Responses to the consultation on preferred options in January/February 2008 on the Development Control Policies DPD necessitated significant amendments to the DPD. As a result, development management policy options were further refined and additional alternatives generated in spring 2010. These preferred options were revised with consideration for the feedback from the consultation and the first *Draft Sustainability Appraisal Report* (December 2007). Full details of the reasoned justification for each of the revised preferred options can be found in the June 2010 *Development Control Policies DPD: Further Consultation on Preferred Options* report.

Following on from the public consultation in June/July 2010 on the Development Management Policies DPD revised preferred options, as well as the second *Draft Sustainability Appraisal Report* (June 2010), development management policies were selected and finalised for inclusion in the Development Managed DPD Proposed Submission Document. These proposed submission policies were chosen with consideration for the feedback from the consultation and the second Draft SA Report. Again, full details of the reasoned justification for the inclusion of each of these proposed submission policies can be found in the December 2010 *Development Management Policies DPD: Proposed Submission Document*.

Following on from the public consultation on the Development Management Policies DPD Proposed Submission Document, the Broads Authority submitted the DPD to the Secretary of State on 31 March 2011 for examination by an independent Government appointed Inspector. In July 2011, the Development Management Policies DPD underwent Examination in Public. As a result of both the winter 2011 proposed submission consultation and the Examination in Public, minor amendments to the final policies were suggested and consulted upon within the *Development Management Policies DPD: Comprehensive Schedule of Changes Proposed to the DPD by the Authority* for five weeks to 29 September 2011.

Following on from this consultation, the Broads Authority received the Inspector’s binding report in October 2011, outlining acceptance of the Authority’s post-submission changes and also including a binding post-examination change to Policy DP7 made by the Inspector. The justification for these changes can be found within the *Report on the Examination into the Broads Authority Development Management Policies Development Plan Document* (October 2011).

6 Monitoring

In accordance with the SEA Directive, the significant environmental effects of implementing the Development DPD will be monitored to identify unforeseen adverse effects and enable the local authority to undertake appropriate remedial action, where possible. CLG guidance recommends that monitoring of the environmental effects of Local Development Frameworks identify:

- The accuracy of the assessment's predictions of sustainability effects
- Whether the plan is contributing to the achievement of desired SA objectives
- Whether mitigation measures are performing as well as expected
- Any adverse environmental effects, their magnitude and appropriate remedial action

Monitoring measures for the Broads Local Development Framework SA are linked directly to the SA objectives and the associated indicators. The monitoring regime will focus on identifying changes to the sustainability baseline and whether or not such changes constitute a significant effect. The monitoring regime will incorporate the following:

- Collection of current data for chosen indicators
- Comparison of the current state of the environment against the original SA baseline
- Analysis of changes to the indicators, both beneficial and adverse
- Analysis of performance against SA objectives
- Consideration for mitigating any adverse effects and further enhancing beneficial effects

In particular, monitoring exercises and analysis will pay attention to effects that:

- indicate a likely breach of international, national or local legislation, recognised guidelines or standards;
- may give rise to irreversible damage, with a view to identifying trends before such damage is caused; and
- where there was uncertainty in the SA, and where monitoring would enable preventative or mitigation measures to be taken.
- Would establish a causal link between the implementation of the DPD and the environmental effect in question
- illustrate changes in the direction of indicators from the baseline

The reporting of the sustainability indicators will be expressed with both qualitative and quantitative information. Monitoring of most indicators will be based on the collection of quantitative data, but there may also be a need to incorporate some qualitative information in the analysis to enrich understanding. Analysis of changes and consideration of reasons for changes to the baseline identified will be done through interpretative commentaries. This will be presented via appropriate explanations and commentaries within monitoring reports.

The SEA Directive does not require a plan to be modified if monitoring reveals adverse effects on the environment. However, SA monitoring is intended to enable mitigation activities to be taken, and action may be required either by the Responsible Authority or other bodies.

In order to effectively respond to any adverse effects identified, a framework through which to identify if and when remedial action is needed should be developed. Adverse effects will be established through the consideration of trends, benchmarking, targets, and significance criteria. Any adverse changes beyond the specified targets/threshold requirements will identify whether or not remedial action is required.

If it is determined that remedial action is required, the Broads Authority will make every effort then to identify potential remedial actions that could be taken as well as who would be responsible for taking the remedial action.

Appendix A: SEA Directive Articles 5, 6, 7 and 10

Article 5 Environmental report

1. Where an environmental assessment is required under Article 3(1), an environmental report shall be prepared in which the likely significant effects on the environment of implementing the plan or programme, and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme, are identified, described and evaluated. The information to be given for this purpose is referred to in Annex I.
2. The environmental report prepared pursuant to paragraph 1 shall include the information that may reasonably be required taking into account current knowledge and methods of assessment, the contents and level of detail in the plan or programme, its stage in the decision-making process and the extent to which certain matters are more appropriately assessed at different levels in that process in order to avoid duplication of the assessment.
3. Relevant information available on environmental effects of the plans and programmes and obtained at other levels of decision-making or through other Community legislation may be used for providing the information referred to in Annex I.
4. The authorities referred to in Article 6(3) shall be consulted when deciding on the scope and level of detail of the information which must be included in the environmental report.

Article 6 Consultations

1. The draft plan or programme and the environmental report prepared in accordance with Article 5 shall be made available to the authorities referred to in paragraph 3 of this Article and the public.
2. The authorities referred to in paragraph 3 and the public referred to in paragraph 4 shall be given an early and effective opportunity within appropriate time frames to express their opinion on the draft plan or programme and the accompanying environmental report before the adoption of the plan or programme or its submission to the legislative procedure.
3. Member States shall designate the authorities to be consulted which, by reason of their specific environmental responsibilities, are likely to be concerned by the environmental effects of implementing plans and programmes.
4. Member States shall identify the public for the purposes of paragraph 2, including the public affected or likely to be affected by, or having an interest in, the decision-making subject to this Directive, including relevant non-governmental organisations, such as those promoting environmental protection and other organisations concerned.
5. The detailed arrangements for the information and consultation of the authorities and the public shall be determined by the Member States.

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Article 7 Transboundary consultations

1. Where a Member State considers that the implementation of a plan or programme being prepared in relation to its territory is likely to have significant effects on the environment in another Member State, or where a Member State likely to be significantly affected so requests, the Member State in whose territory the plan or programme is being prepared shall, before its adoption or submission to the legislative procedure, forward a copy of the draft plan or programme and the relevant environmental report to the other Member State.
2. Where a Member State is sent a copy of a draft plan or programme and an environmental report under paragraph 1, it shall indicate to the other Member State whether it wishes to enter into consultations before the adoption of the plan or programme or its submission to the legislative procedure and, if it so indicates, the Member States concerned shall enter into consultations concerning the likely transboundary environmental effects of implementing the plan or programme and the measures envisaged to reduce or eliminate such effects.

Where such consultations take place, the Member States concerned shall agree on detailed arrangements to ensure that the authorities referred to in Article 6(3) and the public referred to in Article 6(4) in the Member State likely to be significantly affected are informed and given an opportunity to forward their opinion within a reasonable time-frame.

3. Where Member States are required under this Article to enter into consultations, they shall agree, at the beginning of such consultations, on a reasonable timeframe for the duration of the consultations.

Article 10 Monitoring

1. Member States shall monitor the significant environmental effects of the implementation of plans and programmes in order, inter alia, to identify at an early stage unforeseen adverse effects, and to be able to undertake appropriate remedial action.
2. In order to comply with paragraph 1, existing monitoring arrangements may be used if appropriate, with a view to avoiding duplication of monitoring.