



**NEWARK &  
SHERWOOD**  
*DISTRICT COUNCIL*

**Newark & Sherwood Local Development Framework**

**Allocations & Development Management Development Plan Document**

**The Environmental Assessment of Plans and Programmes Regulations 2004**

**Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA)**

**Adoption Statement**

**July 2013**

## **1.0 Introduction**

1.1 Newark & Sherwood District Council Adopted the Allocations & Development Management Development Plan Document on 16<sup>th</sup> July 2013.

1.2 This statement has been produced in line with paragraph (16) (3) and (4) of the Environmental Assessment of Plans and Programmes Regulations 2004, which incorporates European Directive 2001/42/EC into UK legislation. Required as part of this is a statement upon Adoption of a plan or programme to detail the following:

- How environmental considerations have been integrated into the plan or programme;
- How the environmental report has been taken into account;
- How opinions expressed through public consultation (on the SEA and SA process) have been taken into account;
- The reasons for choosing the plan or programme as adopted, in light of other reasonable alternatives dealt with; and
- The measures that are taken to monitor the significant environmental effects of the implementation of the plan or programme.

1.3 This Adoption Statement addresses each of these points.

## **2.0 Context**

2.1 Through Section 19(5) of the Planning & Compulsory Purchase Act 2004 Local Authorities are required to produce a Sustainability Appraisal (SA) for any new or revised plan or programme. This appraisal is intended to ensure that all plans and programmes are compatible with the aims of sustainable development, through the consideration of social, environmental and economic issues and the assessment of alternative approaches or options.

2.2 In addition Articles 6(3) and (4) of Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna (referred to as the 'Habitats Directive') are incorporated into UK legislation through Regulation 61(1) of the Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations'). This requires an assessment of the impact of spatial plans on any 'European sites' which form part of the Natura 2000 network.

### **3.0 How environmental considerations have been integrated into the plan**

3.1 The first stage in the SA process involved the scoping of the main sustainability issues facing the District to establish an appropriate appraisal framework. This work led to the publishing of a Scoping Report in 2005, with this initial report being subsequently reviewed and updated in June 2009. The update provided the opportunity to bring the appraisal framework into line with the latest planning policy context and to freshly assess the District's prevailing economic, environmental and social conditions.

3.2 From this scoping work a Sustainable Appraisal Framework has been developed which is built around a range of Sustainability Appraisal Objectives with which to undertake the appraisal. These 14 objectives reflect the environmental and sustainability issues of key importance to Newark and Sherwood and are detailed below.

1. To ensure that the housing stock meets the housing needs of the District;
2. To improve health and reduce health inequalities;
3. To provide better opportunities for people to value and enjoy the District's heritage;
4. To improve community safety, reduce crime and the fear of crime;
5. To promote and support the development and growth of social capital across the District;
6. To increase biodiversity levels across the District;
7. To protect and enhance the rich diversity of the natural, cultural and built environment and archaeological assets of the District;
8. To manage prudently the natural resources of the District, including water, air quality, soils and minerals;
9. To minimise waste and increase the re-use and recycling of waste materials;
10. To minimise energy usage and to develop the District's renewable energy resource, reducing dependency of non-renewable sources;
11. To make efficient use of the existing transport infrastructure, help reduce the need to travel by car, improve accessibility to jobs and services for all and to ensure that all journeys are undertaken by the most sustainable mode available;
12. To create high quality employment opportunities;
13. To develop a strong culture of enterprise and innovation; and

14. To provide the physical conditions for a modern economic structure, including infrastructure to support the use of new technologies.

- 3.3 Input into defining the objectives was sought from statutory environmental bodies and other interested parties through consultation. The resulting SA Framework has provided the basis for the appraisal of both the Core Strategy (CS) and Allocations & Development Management (A&DM) DPDs.
- 3.4 The process of Sustainability Appraisal was firmly embedded in the production of the Plan and has been a key element in its formulation. This process has been iterative with the outcome of appraisal informing each successive stage of the document, and has been crucial to the testing of all reasonable alternatives.
- 3.5 Accordingly Sustainability Appraisal played an important role in assessing options and establishing the initial preferred approach and the potential alternatives to this, which was set out in the Options Report (October 2011) and Additional Sites and Development Management Policies Consultation Papers (March 2012). Following this the SA helped to refine the Councils approach in publishing the Draft DPD for Representation (June 2012) and its subsequent Submission in September 2012. In addition through the Examination of the DPD and a subsequent planning permission for retail development, granted post-Submission, a number of modifications were proposed to the Plan. These were also reviewed in terms of their implications for the Sustainability Appraisal of the DPD.
- 3.6 The A&DM DPD was also screened to identify likely significant effects on European sites and to, where necessary, consider potential avoidance measures. Should potential significant effects still have existed then an 'Appropriate Assessment' would have needed to be undertaken to consider how the Plan interacted with other plans and programmes, the effect on the site and how this could be avoided by changes to the Plan or the consideration of alternatives and finally, if necessary, the development of mitigating measures.
- 3.7 An approach was followed which took account of current guidance and best practice with input being sought from Natural England as well as other consultees. As with the SA the assessment was iterative and conducted in three stages alongside the Options Report, Additional Sites and Development Management Policies Consultation Papers and the Publication DPD.

#### **4.0 How the Environmental Report has been taken into Account**

##### **4.1 Consultation / Representation**

- 4.2 Each stage of the Sustainability Appraisal and Habitats Regulations Assessment was made available for comment or Representation alongside the corresponding version of the DPD, with input sought from statutory environmental bodies and other stakeholders. The information received has informed the production of the DPD. The District Council's Statement of Consultation and Representation (August 2012) sets

out the participants and methods of consultation/Representation on a stage by stage basis. In addition the Statement also provides a summary of responses and how these were taken into account in the production of the Submission DPD.

- 4.3 Stages in the production of the SA and HRA which were made available for consultation or Representation are detailed in the table below.

Options Report Sustainability Appraisal and Habitats Regulations Assessment	3 <sup>rd</sup> October 2011 - 14 <sup>th</sup> November 2011
Sustainability Appraisal and Habitats Regulations Assessment Addendums (assessing the Additional Sites and Development Management Policies Consultation Papers)	20 <sup>th</sup> March 2012 - 1 <sup>st</sup> May 2012
Publication DPD Sustainability Appraisal and Habitats Regulations Assessment	18 <sup>th</sup> June 2012 - 30 <sup>th</sup> July 2012
Proposed Modifications Sustainability Appraisal and Habitats Regulations Assessment Screening	14th January - 18th February 2013

#### 4.4 Habitats Regulations Assessment

- 4.5 Birklands and Bilhaugh Special Area of Conservation (SAC) was concluded to be the only European site which could potentially be impacted upon by the DPD. The HRA pointed to potential likely significant effects on the SAC arising from air pollution, water abstraction and increased recreational pressure. In response potential mitigation measures were suggested for inclusion within the DPD.
- 4.6 Following the Publication stage Natural England (NE) highlighted concerns around the emerging mitigation measures. The HRA made the recommendation that the impact of air pollution on the SAC could be addressed through the inclusion of a wider safeguard within Policy DM10 'Pollution and Hazardous Materials'. This recommended safeguard had however not been included within the policy; which was corrected for at the Submission stage thereby addressing NE's concern.
- 4.8 Concerns were also expressed by NE regarding the proposed use of Suitable Alternative Natural Greenspace (SANGs) to mitigate for recreational pressure on the SAC outside of the Thames Basin Heaths area, where the concept had originated. Without an evidence base identifying it as an appropriate quantity and quality of SANGs NE also queried the Publication DPDs use of their Accessible Natural Green Space standards. NE's preferred approach was for new open space provision in conjunction with a relocated Sherwood Forest Visitors Centre, there were however fear over the deliverability of this open space.
- 4.9 As part of the proposed modifications identified following the Submission and Examination of the DPD an amended approach was agreed addressing NE's concerns. In terms of the provision of SANGs the modified DPD acknowledged the need to make some provision of open space and provides a local definition of SANGs, with the scale and nature of this open space to be explored at the project

level, by which time the future of the visitor centre may be clearer. Through the screening of the modifications for their implications on the HRA the recommendation was made that this definition should explicitly refer to NE's definition of 'natural space', a recommendation which was taken on board and incorporated into the definition contained in the DPD.

- 4.10 Policy ED/VC/1, concerning the Sherwood Forest Visitor Centre, was also proposed for amendment. The revised policy continued to recognise that the Visitor Centre would need to be subject to project level Appropriate Assessment and as a result the proposed changes were not considered to have any further implications for the HRA.
- 4.11 A New Development Management Policy (DM12) was introduced as part of these modifications in order to address the presumption in favour of Sustainable Development within the NPPF. In terms of the impact of this modification on the HRA its introduction was not anticipated to have any implications as the DPD is considered to already provide sufficient safeguards in relation to the Special Area of Conservation and if a situation were to arise where local policy was absent, silent or out of date then the National Planning Policy Framework at paragraph 119 states that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.
- 4.12 In responding to the consultation on the Proposed Modifications and the SA and HRA screening of these; Natural England welcomed the proposed changes and supported the numerous changes which in their opinion strengthened the requirements regarding landscaping, sustainable drainage and green infrastructure.
- 4.13 Taking account of these amendments the HRA concluded that the A&DM DPD will not in itself result in any change to, or effect on, any European Site. Accordingly it can be reasonably concluded that there will be no likely significant effect (either alone or in combination) as a result of the A&DM DPD being implemented. On the basis of this assessment it was also considered that the undertaking of an Appropriate Assessment of the DPD was not necessary.
- 4.14 Adopting a precautionary approach the assessment has also considered the potential implications of the designation of a new European site at Sherwood Forest, the potential for which was highlighted during the inquiry into a proposed Energy Recovery Facility at the former Rufford Colliery. Due to the presence of Nightjars and Woodlarks the area is at present considered as a 'Prospective SPA' and so there is no formal requirement to look at the site from the perspective of compliance with relevant legislation. However it was felt appropriate to consider the risks of designation to the A&DM DPD and to assess possible contingencies for such an eventuality. The outcome of this assessment identified additional mitigation and avoidance measures capable of implementation through the CS and A&DM DPDs in the event that an SPA is designated.

#### **4.15 Sustainability Appraisal**

- 4.16 As previously referred to Sustainability Appraisal has been a key element in the formulation of the A&DM DPD and has informed each successive stage of the document.
- 4.17 Assessment of potential site allocations were undertaken from two perspectives; firstly from the bottom-up which involved assessing individual settlements, the individual sites within them and any other potential options (ensuring that all reasonable alternatives had been assessed in line with the SEA Directive). The second approach was top-down with this involving the consideration of the policy objectives for the District against the assessment outcomes across all of the potential sites. For the purposes of the SA all sites were assessed equally irrespective of how they had been categorised within the site-selection process.
- 4.18 Full details of how the SA has been taken into account in the production of the DPD are provided in the corresponding SA to each stage of the DPD, the text below provides only a summary of the main outcomes.

#### **4.19 SA of the Options Report**

- 4.20 The Options Report stage of the DPD, building on initial site assessments, set out a preferred approach to site allocation and categorised sites as either: preferred, alternative or not suitable. In appraising the sites the SA followed the approach outlined above. This approach ensured that all reasonable alternatives were given due consideration and that the SA process was central to the site selection process. Importantly at this first stage of the DPD the SA also highlighted, where appropriate, site, designation or settlement-wide recommendations to inform the more focussed stages of the DPD moving forward.
- 4.21 Specific recommendations were made in respect of site Co/MU/1, concerning the design of the development and the link road allowing for the potential future development of land to the east of the site. In addition the importance that the alignment of the safeguarded Southwell Bypass not sterilising a number of potential allocations was also highlighted.
- 4.22 District-wide recommendations identified the potential effect of site allocation on Sites of Interest for Nature Conservation (SINCs) and the need to ensure that particular species, habitats or natural corridors are not disproportionately affected. The potential biodiversity benefits from habitat improvement and the integration of ecological considerations into building design was also covered. The Assessment also pointed to Policy DM1 providing the opportunity for a framework to protect and enhance existing retail and employment uses to help meet local need. Finally the need to provide for good levels of accessibility and integration with local facilities in village and edge of settlement locations was also stressed.

- 4.23 At this point in the DPDs production the Development Management policies consisted of broadly 'scoped' topic areas rather than proposed policy wording. Whilst the SA did not highlight any significant gaps in the proposed policy coverage a number of recommendations were made which shaped the emerging DPD. Particularly key were the implications of the then emerging National Planning Policy Framework (NPPF) and more specifically its proposed presumption in favour of sustainable development. The SA highlighted the importance of undertaking a risk assessment as the DPD evolved keeping the implications of the NPPF under review. Also highlighted was the need for the SA of the Development Management Policies to be repeated once the policies became more detailed.
- 4.24 In addition it was also recommended that Policy DM1 seek to prioritise the use of previously developed land for new development. Furthermore the SA pointed to a gap in the proposed coverage of Policy DM3 on Renewable Energy reflecting the impact on built heritage and the prioritising the use of brownfield land for renewable energy schemes.
- 4.25 In concluding the appraisal of the Options Report identified that it was building appropriately on the Core Strategy.

#### **4.26 SA Addendum**

- 4.27 Four new sites were submitted during the Options Report consultation stage which had not previously been considered as part of the allocations process. The sites, in and around Newark Urban Area and Southwell, had the potential to be considered as reasonable alternatives and as a result were subject to public consultation through the Additional Sites Consultation Paper. As the sites had not yet been assessed against the Sustainability Appraisal Framework this was also carried out using the same methodology applied at the Options Report stage.
- 4.28 In terms of the Development Management Policies these had been developed from the previous stage to now provide more detailed policy wording. Critical to this refinement were the recommendations included within the Options Report stage SA, many of which were incorporated into the emerging policy wording.
- 4.29 In taking the Development Management Policies forward Policy DM3 was widened to include a criterion covering the impact on built heritage. Those recommendations concerning the prioritisation of previously developed land were however not considered to be appropriate, given that the Development Management policies are reactive in nature and applied in response to development proposals. It was however recommended that Policy's DM1 and DM3 put the onus on applicants to demonstrate why a greenfield site is appropriate.
- 4.30 Whilst the production of more detailed Development Management policies had taken account of the Consultation Draft NPPF, in order to ensure the conformity of the Development Management policies with national policy, it would continue to be necessary to keep the implications of the emerging NPPF under review.



4.31 Taking account of the further work since the Options Report the review of the emerging DPD again highlighted that it was building appropriately on the Core Strategy, whilst further detailed recommendations were suggested and potential gaps identified.

#### **4.32 SA of the Publication stage DPD**

4.33 The SA of the pre-Submission DPD detailed the whole SA/SEA process up to the Publication of the document for Representation. Significantly this stage of the DPD now included fully developed policies for each individual site allocation and Development Management policy, built on the outcome of SA, the District Councils evidence base and the results of public consultation.

4.34 Mitigation measures were included within the proposed site allocation policies to address potential adverse impacts. However to ensure that all alternatives were assessed equally, these criteria were not factored into the Publication stage assessment as this would have tended to minimise any potential negative impacts, distorting the results compared to sites which did not progress beyond the previous two stages.

4.35 The SA of the Options Report stage had made specific recommendations regarding site Co/MU/1 and the integration of the link road and development to allow for the potential future development of land to the east of the site. Following the Options Report stage the site had been enlarged to incorporate much of the land to the east, with the remaining area being designated as 'reserved land' for future development. Recommendations made with regards to the potential Southwell Bypass alignment and its impact on site allocations had also been addressed within the refined allocation policies, with provision being made for integration with the potential line, ensuring that they would not be sterilised should the scheme be brought forward.

4.36 Though the previous stage of the SA had carried the recommendation that Policies DM1 and DM3 place the onus on applicants to justify the choice of a greenfield site, it remained considered that this was unnecessary given the reactive nature of the Development Management process. The Development Management policies would not direct development but rather provide the tools for assessing whether any given proposal is appropriate. In addition the suggested sequential approach is in the case of some of uses, e.g. retail, already addressed within existing policy at the national and local levels.

4.37 Addressing biodiversity and ecological concerns and the accessibility of allocations in edge of settlement or rural locations were also the focus of recommendations at the previous SA stage. It should be noted that an important aspect of the site selection process was the consideration of all reasonable alternatives, taking account of evidence and the results of consultation. As a result the outcome was considered to be the most appropriate and sustainable pattern of development. Though the SA has not taken account of mitigation or policy requirements, designed to address site

specific impacts, it should be noted that such measures were provided to address any remaining impacts following the filtering of sites.

4.38 Allowing for the fact that such mitigating measures were not taken account of both the proposed site allocations and Development Management policies were in broad terms considered to have performed well against the SA objectives, whilst in addition no significant gaps were identified in the proposed policy coverage. Accordingly the pre-Submission DPD was assessed to have built appropriately on the Core Strategy.

#### **4.39 SA Screening of the Proposed Modifications**

4.40 Following the Examination of the Submission DPD, in December 2012, a range of modifications to the Submission document were proposed. The implications of these proposed modifications on the SA were considered as part of a screening review. This review concluded that the modifications did not present any additional issues which warranted further assessment, with many of the changes being intended to provide clarity on policy implementation. The screening of the proposed modifications under the HRA is detailed at Section 4.9 of this Statement. The SA (and HRA) screening of the Proposed Modifications was subject to consultation alongside the proposed modifications from January 14<sup>th</sup> to February 18<sup>th</sup> 2013.

4.41 Included within the modifications was the insertion of a new Development Management Policy (DM12) addressing 'Sustainable Development'. The assessment of the new policy through the SA process concluded that it could have potentially significant positive effects at the local level across economic, social and environmental objectives included in the SA framework. There could be uncertainties associated with instances where local policy is absent, silent or out of date because proposals would then be assessed against the National Planning Policy Framework and local policies where material. As a result the SA recommended that the second part of the policy could also highlight the need for mitigation/enhancement to address instances where harm would otherwise occur. The Policy was subsequently amended to take account of this recommendation.

4.42 In addition to the modifications set out above, further modifications were proposed relating to a planning permission (11/01067/OUTM) granted following a Public Inquiry in February 2013 for a significant retail development at Northgate, Newark on Trent. This appeal decision had implications for the residual retail requirement that the District Council was seeking to provide for through the A&DM DPD, largely with regard to comparison retail and to a lesser extent convenience retail. In response to this further modifications concerning retail provision and the allocation NUA/MU/3 were proposed. These modifications were again subject to SA / HRA screening and no additional issues warranting further assessment were identified. The modifications and the SA /HRA screening were made available for consultation between the 7<sup>th</sup> February and the 10<sup>th</sup> April 2012.

## **5.0 How opinions expressed through public consultation (on the SEA and SA process) have been taken into account**

5.1 As detailed earlier in this Statement the District Council's Statement of Consultation and Representation (August 2012) sets out the participants and methods of consultation / Representation on a stage by stage basis. In addition the Statement also provides a summary of responses and how these were taken into account in the production of the Submission DPD. Whilst no comments or Representations were made specifically on the SA or HRA documents some of those submitted on the DPD did concern sustainability issues. Such comments were considered and addressed where necessary as part of the plans production.

## **6.0 The reasons for choosing the plan or programme as adopted, in light of other reasonable alternatives dealt with**

6.1 Sustainability Appraisal has been a key element in the formulation of the A&DM DPD informing each successive stage of the document. Both preferred and alternative options were tested through the SA, ensuring that all reasonable alternatives were considered. The Assessment Protocols identified the potential significant effects (both positive and negative) of the options on the Sustainability Objectives and suggested avoidance, mitigation and enhancement measures where appropriate. The information provided by the SA, along with the evidence base and the results of public consultation were crucial in the District Council selecting its preferred approach.

6.2 The Inspector in her report on the independent Examination into the Allocations & Development Management DPD concluded that, the identification and filtering of sites had followed a logical, transparent and robust process. The options were considered and the most appropriate uses for the site were established. The process was clearly informed by the Core Strategy, the SA and public and private stakeholder consultation and input. The SA has been based on a sound process of Sustainability Appraisal and Strategic Environmental Assessment (SEA) in accordance with EU Directive 2001/42/EC and Section 39(2) of the Planning and Compulsory Purchase Act 2004.

## **7.0 The measures that are taken to monitor the significant environmental effects of the implementation of the plan or programme**

7.1 The Annual Monitoring Report (AMR) will be the vehicle for monitoring the significant environmental effects of implementing the A&DM DPD and the progress being made towards the sustainability objectives of the Sustainability Appraisal. The AMR will monitor implementation using the indicators set out in Appendix C of the DPD. Changes to these indicators will identify any unforeseen effects and facilitate a response to adverse effects.

## 8.0 Further Information

- Allocations & Development Management DPD and supporting documents:

[www.newark-sherwooddc.gov.uk/adm](http://www.newark-sherwooddc.gov.uk/adm)

- Statement of Consultation and Representation:

[www.newark-sherwooddc.gov.uk/media/newarkandsherwood/imagesandfiles/planningpolicy/pdfs/submissionadmdpd/ADM4%20Statement%20of%20Consultation%20and%20Representation.pdf](http://www.newark-sherwooddc.gov.uk/media/newarkandsherwood/imagesandfiles/planningpolicy/pdfs/submissionadmdpd/ADM4%20Statement%20of%20Consultation%20and%20Representation.pdf)

- Sustainability Appraisal:

[www.newark-sherwooddc.gov.uk/media/newarkandsherwood/imagesandfiles/planningpolicy/pdfs/publicationadmdpd/4.%20Sustainability%20Appraisal%20Report.pdf](http://www.newark-sherwooddc.gov.uk/media/newarkandsherwood/imagesandfiles/planningpolicy/pdfs/publicationadmdpd/4.%20Sustainability%20Appraisal%20Report.pdf)

- Habitats Regulations Assessment:

[www.newark-sherwooddc.gov.uk/media/newarkandsherwood/imagesandfiles/planningpolicy/pdfs/submissionadmdpd/ADM15A%20HRA%20September%202012.pdf](http://www.newark-sherwooddc.gov.uk/media/newarkandsherwood/imagesandfiles/planningpolicy/pdfs/submissionadmdpd/ADM15A%20HRA%20September%202012.pdf)

- Final Modifications Sustainability Appraisal and Habitats Regulations Assessment Review:

<http://www.newark-sherwooddc.gov.uk/adm>

- Retail Modifications Sustainability Appraisal and Habitats Regulations Assessment Review:

<http://www.newark-sherwooddc.gov.uk/adm>