

**Forest of Dean District Council**



**Forest of Dean**  
— DISTRICT COUNCIL —

**Sustainability Appraisal of the Forest of Dean District**

**Local Development Framework**

**Cinderford Northern Quarter**

**Area Action Plan**

**Development Plan Document**

**February 2012**

**Sustainability Appraisal & Environmental Report**

**Adoption Statement**

# 1. Introduction

1.1. This statement has been prepared with reference to:

Regulations 24(2), 35(2) and 36 of the Town & Country Planning (Local Development) (England) Regulations 2004 (as amended 2008)

Regulation 16 of the Environmental Assessment of Plans and Programmes Regulations 2004 requires that, as soon as reasonably practicable after the adoption of a plan (in this case the NQ AAP DPD) for which an SA/SEA has been carried out, the planning authority must make a copy of the plan publicly available alongside a copy of the SA report and an SA statement (this document); and inform the public and consultation bodies about the availability of these documents. The consultation bodies are English Heritage, Natural England and the Environment Agency.

Strategic Environmental Assessment Directive 2001/42/EC

1.2. The Sustainability Appraisal (SA) identifies the social, environmental and economic impacts of a development plan document and suggests ways to avoid or minimise negative impacts and maximise positive impacts. It is required by the Planning and Compulsory Purchase Act 2004, and also incorporates the strategic environmental assessment (SEA) requirements of the European Strategic Environmental Assessment Directive, transposed into UK legislation through the Environmental Assessment of Plans and Programmes Regulations 2004. SA/SEA has five main stages (stages A to E). This report fulfils one of the requirements of Stage E, namely documentation of the decision-making process. In this statement the term SA is used to refer to the requirements of the above European and National legislation.

1.3. The above requirements are hereafter referred to as the SA.

1.4. The SA statement must explain:

- I. How environmental considerations have been integrated into the plan or programme;
- II. How the environmental report has been taken into account;
- III. How opinions expressed and results of public consultation have been taken into account;
- IV. Why the plan or programme has been adopted rather than the other options considered;
- V. How the significant environmental effects of implementing the plan or programme will be monitored.

- 1.5. This 'SA' statement explains how the SA process affected the development of the Northern Quarter Area Action Plan (NQ AAP), here after referred to as the Development Plan Document (DPD).
- 1.6. The SA process is a way of ensuring that all plans and programmes which relate to land use issues are compatible with the aims of sustainable development as set out in government guidance. This includes the documents that will form the Forest of Dean Local Development Framework (LDF).
- 1.7. In addition to the above a Habitats Regulations Screening Assessment (HRA) has been undertaken to assess the impacts of the DPD on the Natura 2000 network of internationally important nature conservation sites. It is required by the European Habitats Directive, transposed into UK legislation through the Conservation of Habitats and Species Regulations 2010 (and previous similar legislation). The Habitats Directive applies the precautionary principle to designated sites: plans can only be permitted if it has been shown that they will not adversely affect the designated sites, or else can go ahead only under limited and stringent requirements regarding findings of no alternatives, imperative reasons of overriding public interest and provision of compensatory measures.

## **2. How environmental considerations have been integrated into the plan or programme**

- 2.1. The effects of the DPD, were assessed through the SA and HRA, throughout the DPD's development.
- 2.2. By looking at every policy or document it is possible to identify areas where policies may not contribute to sustainable development. By identifying these problems at an early stage, it is possible to change and amend policies or text to ensure that they are as sustainable as possible.
- 2.3. The DPD has gone through a series of stages since 2009. At all stages, the findings of the SA have been integrated into the preparation of the DPD. An SA/SEA scoping report was prepared as part of the evidence gathering stage, and the sustainability impacts of the evolving DPD were subsequently assessed at each stage of plan-making. It was a continual iterative process, the following were key stages:

Sustainable development framework & statement – May 2009  
Scoping report publication & consultation – June 2009  
Preferred options report & consultation – October 2009  
Submission draft report & consultation - April 2011  
Further submission draft report & consultation – July 2011  
Examination in public – October 2011

### **3. How the environmental report has been taken into account;**

- 3.1. The SA was prepared alongside, and in support of the DPD, it is a key output of the policy development process. The scoping report of 2009 developed a set of Sustainability Appraisal Objectives (Annex A (Section 6 of the SA report 2012) reflecting the environmental, social and economic characteristics of the area. These objectives were developed following consultation responses and direct consultation with environmental agencies such as Natural England, English Heritage, The Environment Agency and Gloucestershire County Council.
- 3.2. The comments received on the SA Scoping Report helped to create a final set of sustainability objectives, which were then used to test development options. A summary and detailed assessment of the options can be viewed in the final SA Report (Adopted 2012). These assessments, alongside other policy considerations and public consultation, assisted the council in developing the policy options (section 7 of the SA Final Report (Adopted 2012). Section 8 for the final SA Report includes further suggestions for possible mitigation measures which could be implemented during development management processes.
- 3.3. Development plan options and policies were then considered against these objectives in a framework (section 7.3 of the SA report) at each stage. The outcomes of these assessments are then either addressed or acknowledged in the DPD.
- 3.4. The preferred policy options were also assessed against the sustainability objectives. This assessment is set out in section 7 and annexes E & F of the final SA Report. It identified effects of the preferred policies, as well as mitigation measures and suggestions for amendments to the policy options to make them more sustainable. The assessment and its recommendations helped to shape a further stage of policy options which was published as part of informal consultation with key stakeholders such as government agencies and infrastructure providers.
- 3.5. This further stage of policy options was also subject to sustainability appraisal. This assessment is set out in section 7 (summarised in 7.3.7) of the final SA Report. It identified effects of the policy options, as well as mitigation measures and suggestions for amendments to the policy options to make them more sustainable. The assessment and its recommendations help to shape the policies and proposals of the submitted DPD.
- 3.6. Whilst the SA/SEA was reviewed at each stage there were no major changes to the impacts of proposals following the April 2011 consultation.

#### **4. How opinions expressed and results of public consultation have been taken into account;**

- 4.1. The DPD has been prepared in accordance with the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended 2008), which require that a DPD be accompanied by a statement regarding consultation. The DPD also complies with the council's Statement of Community Involvement.
- 4.2. The SA Report has contributed to the development of the DPD by providing an independent assessment of the sustainability of the council's proposed options and policies through the DPD's production process. The SA Report demonstrates how the sustainability objectives have been taken into account, and integrated into the development of the DPD. This provides an audit trail and formal statement on the assessment of options, alongside the main document at each stage of the process. The key stages are set out in section 2 above.
- 4.3. An examination in public was held in October 2011
- 4.4. The Inspector in his report (21<sup>st</sup> December 2011) on the Independent Examination into the AAP concluded that:

"SA has been carried out and is adequate".

And

"This report also deals with the additional changes that I recommend are needed to make the DPD sound and they are identified in bold in the report (IC) and set out in Appendix B. None of these changes materially alters the substance of the plan and its policies, or undermines the sustainability appraisal and participatory processes undertaken by the Council".

- 4.5. Whilst the inspector recommended some amendments to policies, the overall impacts of the DPD remained unchanged. Therefore following analysis of the inspectors report it was concluded that no further changes needed to be made to the SA.
- 4.6. The DPD and SA were adopted at the meeting of the council on the 23rd February 2012

#### **5. Why the plan or programme has been adopted rather than the other options considered;**

- 5.1. The SA evaluated three strategic options (2009). Option 2, Campus at the centre for employment and housing was selected as the preferred option for the DPD. The SA identified the following negative impacts of the preferred option:

- I. The lowest proportion of residential land use, which might result in the lowest number of new residents being introduced into the area, making the lowest contribution to FoDDC housing targets.
- II. As noted in the summary table of the Appraisal of Flood Risk, Option 2 (as with all options) had elements potentially incompatible with planning requirements, primarily in respect of the location of designated industrial units within possible development of Flood Zone 3B.
- III. As with all Options, Option 2 would have potentially negative effects on habitat and biodiversity, which would require mitigation.

5.2. The SA indicated that this was the most sustainable approach when considered against the SA objectives.

## **6. How the significant environmental effects of implementing the plan or programme will be monitored.**

6.1. The Annual Monitoring Report (AMR) will be the vehicle for monitoring the significant environmental effects of implementing DPD and the progress being made towards the sustainability objectives of the SA. The AMR will monitor the DPD implementation and the key indicators as set out in the SA framework.

## **7. Habitats Regulations Assessment (HRA)**

7.1. The Habitats Regulations Screening Assessment in March 2011 identified six potentially likely significant effects:

- I. Potential disturbance directly from construction and operation activities, indirectly through interruption of flight lines and fragmentation of the population and through increased visitor pressure to Wye Valley and Forest of Dean Bat Sites and the Wye Valley Woodlands via effects to the Northern United roosts which may be necessary to the integrity of the SACs and including consideration of in-combination effects;
- II. Potential effects from habitat loss to Wye Valley and Forest of Dean Bat Sites and the Wye Valley Woodland from loss of woodland edge habitats for the Northern United bat roosts which may be necessary to the integrity of the SACs and including consideration of in-combination effects;
- III. Potential nutrient enrichment and air pollution effects on all identified European sites from the proposed energy centre (assuming it is biofuelled) and from traffic and including consideration of in-combination effects;

- IV. Potential smothering effects from dust and debris during construction to the Wye Valley and Forest of Dean Bat Sites and the Wye Valley Woodlands via effects to the Northern United roosts which may be necessary to the integrity of the SACs and including consideration of in-combination effects;
- V. Potential toxic contamination and pollution via water links to the Wye Valley and Forest of Dean Bat Sites and the Wye Valley Woodlands via effects to the Northern United roosts which may be necessary to the integrity of the SACs and the Severn Estuary and including consideration of in-combination effects; and
- VI. Potential siltation of watercourses via water links to the Severn Estuary and including consideration of in-combination effects.

7.2. The HRSA concluded that these are likely to require more detailed information regarding development layout, construction and operational activities to be able to adequately assess the risk and likelihood of them occurring. It is considered possible through implementation of mitigation measures to avoid these likely effects at a later stage and a clear commitment to ensuring this occurs has been incorporated in the AAP.

7.3. These six areas were further reviewed in September 2011 (Keynote – Biodiversity and Nature Conservation (CD5a)) in the light of further information. This process resulted in some amendments to the DPD policies prior and during the Examination in Public. It was considered that the changes to the policies provided appropriate safeguards which led to the conclusion that an Appropriate Assessment was not required at that time. HRSA would need to be undertaken again at lower plan tiers, when there were more detailed proposals were available, to consider if an Appropriate Assessment was required at that stage.

## **8. Further information**

8.1. The adopted SA, DPD and supporting documents can be found on the Forest of Dean Council website ( [www.fdean.gov.uk](http://www.fdean.gov.uk) ) and following the pages to 'planning' and then 'Local Development Framework'.

## ANNEX A

### SA Objectives (Table 6.1 from SA)

<b>Sustainability Objectives</b>	
<b>1) Environmental and Resource Sustainability</b>	
<b>1a) To Protect and Enhance the Physical and Built Environment</b>	
<b>Secondary Objective</b>	<b>AAP / Masterplan Objectives</b>
To ensure sensitive integration of the development within the wider Cinderford area to maximise sustainability for the town and its surrounding area	1, 6, 10
To ensure the development does not involve building in areas at risk of flooding or contribute to flooding elsewhere.	1
To protect and enhance water resources within and surrounding Cinderford	6
To improve the current low flow situation in Cinderford Brook and in doing so improve water quality and biodiversity.	6, 7
To investigate opportunities to further reduce existing flood risk within Cinderford	1
To promote sustainable procurement of both materials and personnel through construction and operation of the development	1
To reduce the carbon footprint of the development, and its wider area, through design, delivery and operation	1
To develop new residential building to Code for Sustainable Homes Level 4 (by 2010 and increasing with Government policy thereafter); non residential Buildings to achieve at least BREEAM excellent or relevant equivalent.	1, 8
To integrate sustainable waste management facilities and services within the development, to the benefit of it and Cinderford more broadly	1,7
To support the improvement of contaminated and derelict land and reduce the impact of unstable land.	1
To ensure contaminated and derelict land is restored and returned to beneficial use.	1
To reduce the potential of pollutant emissions impacting on land, through implementing and monitoring the use of best practice environmental management techniques.	6, 7
To protect and enhance air quality	6, 7
<b>1b) Designated &amp; Non-Designated Ecological Sites: Biodiversity</b>	
To protect and enhance designated and non-designated sites within and adjacent to the development, and across Cinderford	6, 7
To ensure that the development contributes to the protection of the wider wildlife interest of the district, especially strengthening of links between 'wild' areas to better enable adaptation to climate change	1, 6, 7
<b>1c) To Promote More Sustainable Forms of Transport Provision</b>	
To promote sustainable access into and out of the area	3, 4
To promote more sustainable patterns of travel and modes of transport, such as the use of public transport, walking and cycling	4, 9
To enhance sustainable transport infrastructure	4
To help reduce the need to travel, such as by ensuring that people can live closer to their work and by improving local access to services	2

<b>Sustainability Objectives</b>	
To promote economic patterns that avoid unnecessary dependence on long-distance trade and travel	2
To reduce the distance to, and/or ease of accessing, schools, shops, places of work and recreation	2, 4, 9
<b>2) Economic Sustainability</b>	
To promote/help facilitate economic sustainability within the area	8
To enhance infrastructure and services, to support local businesses	2, 3, 8
To promote sustainable business practice within Cinderford	4, 6
To enhance the attractiveness of Cinderford as a place for business investment	3
To diversify the range of employment opportunities within Cinderford	8
To enhance access to employment and up-skilling opportunities	3, 4, 8
To promote integration of educational and skills training in line with identified need	5, 8
To help increase the number of people who stay in/visit the area	3
To promote sustainable tourism initiatives in the Forest of Dean (such as walking/cycling tourism)	4, 6, 9
<b>3) Social Sustainability</b>	
<b>3a) To Promote Sustainability Skills and Learning</b>	
To promote and facilitate awareness raising and understanding of sustainability	5, 6
To promote access to education and vocational skills training	3, 4, 5
<b>3b) To promote social integration</b>	
To promote social connectivity and integration between and across communities in Cinderford and the area	2, 9, 10
To enhance the health and wellbeing of residents and workers within Cinderford	2, 4, 5, 6, 8, 9
To enhance access to social, leisure and sporting facilities in and surrounding Cinderford, including the Forest, for all	2, 4, 8, 9
To enhance access to social, leisure and sporting facilities in and surrounding Cinderford, including the Forest, for all	8, 10
<b>3c) To Promote Equality of Opportunity</b>	
To meet identified housing need, in particular, the provision of affordable housing	8
To promote equality of opportunity and access for all within Cinderford	3, 4
To ensure physical and social access to infrastructure, services and opportunities.	2, 3, 8
<b>3d) To Protect and Enhance the Historical and Cultural Identity of the Area</b>	
To protect and enhance local identity and heritage within and across Cinderford	6
To ensure that the social and cultural heritage of the area is maintained through development works	6
To support the protection of culturally and historically significant assets and qualities. Not just designated sites and buildings, but also locally valued features and landmarks	6