

**SUBJECT: MONMOUTHSHIRE REPLACEMENT LOCAL DEVELOPMENT PLAN  
SUSTAINABILITY APPRAISAL SCOPING REPORT AND HABITATS  
REGULATIONS APPRAISAL INITIAL SCREENING REPORT**

**MEETING: INDIVIDUAL CABINET MEMBER DECISION**

**DATE: 16 JANUARY 2019**

**DIVISION/WARDS AFFECTED: ALL**

**1. PURPOSE:**

- 1.1 The purpose of this report is to inform the Cabinet Member for Enterprise of the Sustainability Appraisal (SA) Scoping Report and Habitats Regulations Appraisal (HRA) Initial Screening Report which have been prepared in connection with the Monmouthshire Replacement Local Development Plan (LDP).

**2. RECOMMENDATIONS:**

- 2.1 To endorse the content of the SA Scoping Report and HRA Initial Screening Report as the first stage of the SA /HRA of the Replacement LDP.

**3. KEY ISSUES:**

LDP Review and Revision

- 3.1 Monmouthshire County Council adopted its first Local Development Plan (LDP) in February 2014. A full review of the LDP commenced in 2017, with the final Review Report published in March 2018. Based on the evidence contained in the Review Report, it was concluded that the LDP should be revised and that this should take the form of a full revision procedure. The publication of the LDP Review Report triggered the process through which a replacement LDP will be prepared and adopted for the County.
- 3.2 The Council is currently in the process of preparing a Replacement Local Development Plan (LDP) for the County (excluding the area within the Brecon Beacons National Park) which will cover the period 2018-2033. The Replacement LDP will set out land use development proposals for the County up to 2033. The proposed approach, timescales and consultation arrangements for the Replacement Plan are set out in the LDP Delivery Agreement which was agreed by Council in March 2018 and by the Welsh Government on 14th May 2018. The agreed timetable will see the Replacement Plan being adopted at the very end of 2021/early 2022. Statutory requirements relating to the preparation of LDPs are, therefore, now applicable to the Replacement LDP, including in relation to the SA and SEA.

## Sustainability Appraisal (SA) and Strategic Environment Appraisal (SEA)

- 3.3 The Planning and Compulsory Purchase Act (2004) sets out the requirement for all LDPs to be subject to a Sustainability Appraisal (SA). The role of the SA is to assess the extent to which the emerging planning policies/proposals will help to achieve the wider environmental, economic and social objectives of the LDP. The SA required for the Replacement LDP will need to build upon the SA/SEA prepared for the first Monmouthshire LDP (adopted 2014).
- 3.4 The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 as amended ('the SEA Regulations') require the 'environmental assessment' of certain plans and programmes prepared by local authorities, including LDPs. The SEA Regulations focus specifically on the effects of the LDP on the environment.
- 3.5 Welsh Government guidance on undertaking the SA of LDPs recommends that local authorities integrate the SEA into the SA. Such an integrated approach will help to avoid unnecessary confusion and duplication. The SA therefore incorporates the requirements of the SEA and in line with the Directive will give consideration to the likely environmental effects of the plan, including those of strategic alternatives. As the SA and SEA are both concerned with assessing environmental and wider sustainability performance they should be undertaken and reported together.
- 3.6 In accordance with Welsh Government guidance, the SA (Incorporating SEA) should be an integral element of each stage of LDP production. Accordingly, all stages of the Replacement LDP will be subject to a SA and the findings will be used to inform the development of the LDP strategy, policies and site allocations in order to ensure that the Replacement LDP will be promoting sustainable development.
- 3.7 The first stage of the SA process for the Replacement LDP is the preparation of a SA Scoping Report which outlines the proposed approach to the Plan's SA, incorporating SEA. The report sets out the sustainability appraisal issues and objectives/criteria against which the Replacement Plan's strategy, policies and proposals will be assessed and covers the following matters:
- A review of the other plans, programmes, objectives and sustainability issues relevant to the LDP.
  - A review of baseline data and other information including social, environmental, economic and cultural information.
  - Identification of sustainability issues and challenges for the SA and Replacement LDP to address.
  - Development of the SA Framework including the suggested SA objectives and indicators.

## Habitats Regulations Assessment (HRA)

- 3.8 The Conservation of Habitats and Species Regulations (2010) require that HRA is applied to all statutory land use plans in England and Wales. The purpose of HRA is to identify/ assess whether the Replacement LDP proposals would have any significant adverse

effects on designated sites defined under Regulation 10 of the Habitats Directive; which includes Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).

- 3.9 An Initial HRA Screening Report has been prepared alongside the SA Scoping Report and is the first stage of the HRA being carried out in respect of the Replacement LDP. This will build upon the HRA carried out for the first Monmouthshire LDP (adopted February 2014). This initial step of the screening process involves the identification/agreement of the proposed list of European sites to take forward for a HRA of the replacement Monmouthshire LDP.

#### Consultation with SEA Consultation Bodies

- 3.10 The Monmouthshire Draft SA Scoping Report and Draft HRA Initial Screening Report were issued for a five week period of consultation with statutory SEA consultation bodies (i.e. Natural Resources Wales (NRW) and Cadw) which commenced on 26th October and closed on 30th November 2018. Views were sought on the Draft SA Scoping Report, including the proposed SA objectives and assessment framework. Views were also sought on the proposed list of European sites to take forward for a HRA of the replacement Monmouthshire LDP, as set out in the HRA Initial Screening Report. Views were also sought from the Council's Green Infrastructure team.
- 3.11 Responses to the consultation were received from both NRW and Cadw, resulting in 22 individual representations. These responses are summarised, together with the Council's response in the Report of Consultation provided as Appendix 1. Consequently, some amendments have been made to the reports to address some of the comments received. The SA Scoping Report and HRA Initial Screening Report, incorporating the changes arising from the consultation (shown in red font), are attached as Appendices 2 and 3 respectively.

#### Next Steps

- 3.12 As noted above, all key stages of the Replacement LDP will be subject to SA (incorporating SEA). A SA Report will need to accompany each substantive stage of the Replacement LDP as it emerges, in particular the preparation of the Preferred Strategy and Deposit Plan. Each SA Report will be consulted on alongside the key stages of the Replacement LDP.
- 3.13 The Replacement LDP will also be subject to HRA where there is potential for significant effects on European Sites (Special Protection Areas and Special Areas of Conservation). As with the SA, the HRA will be consulted on alongside the key stages of the Replacement LDP. Further details regarding the HRA are provided in the Initial Screening Report (attached as Appendix 3).
- 3.14 It is intended that future stages of the SA and HRA will be undertaken by consultants commissioned by the Council. Given the technical nature of this work and its vital importance to the LDP process, it is considered appropriate to appoint experts in this field to undertake future SA/HRA work. This was the approach taken with the first LDP where consultants undertook both the SA and HRA of Plan. Consultants will be able to provide

advice and guidance to the Council on the SA and HRA throughout the Replacement LDP preparation process and carry out an independent appraisal of the Plan to provide an objective view on its sustainability implications. It is anticipated that consultants will be appointed in the early part of 2019 to progress this work.

#### **4. EQUALITY AND FUTURE GENERATIONS EVALUATION (INCLUDES SOCIAL JUSTICE, SAFEGUARDING AND CORPORATE PARENTING):**

##### Sustainable Development

4.1 As noted above, under the 2004 Act the LDP is required to be subject to a Sustainability Appraisal (SA). All stages of the Replacement LDP will be subject to a SA (incorporating SEA), whose findings will be used to inform the development of LDP strategy, policies and site allocations in order to ensure that the LDP would be promoting sustainable development. The Replacement LDP would also include a Well-being Assessment and Health Impact Assessment (as an integral part of the SA).

4.2 A Future Generations Evaluation (including equalities and sustainability impact assessment) is attached to this report at Appendix 4.

##### Equalities

4.3 The Replacement LDP will be subjected to an Equality Challenge process and due consideration given to the issues raised. As with the sustainable development implications considered above, any Replacement LDP will itself require an Equalities and Well-being of Future Generations Impact Assessment to be carried out.

##### Safeguarding and Corporate Parenting

4.4 There are no safeguarding or corporate parenting implications arising directly from this report.

#### **5. OPTIONS APPRAISAL**

5.1 It is a requirement of the Regulations for LDPs to be subject to a Sustainability Appraisal (SA) and Habitats Regulations Appraisal (HRA), so no other options were considered.

#### **6. EVALUATION CRITERIA**

6.1 The Replacement LDP will be subject to SA and HRA at key stages of the plan preparation process. The SA will assess the extent to which the emerging planning policies/proposals will help to achieve the wider social, environmental, cultural and economic objectives of the LDP. The HRA will identify/ assess whether the Replacement LDP proposals would have any significant adverse effects on designated European sites. These processes will ensure that the Replacement LDP promotes sustainable development.

#### **7. REASONS:**

7.1 Under the Planning Act (2004), all LDPs are required to be subject to a Sustainability Appraisal (SA). This is statutorily required to guide the selection and development of policies and proposals for inclusion in LDPs in terms of their potential social,

environmental and economic effects. The LPA must also produce a Strategic Environmental Assessment (SEA) in accordance with the European Strategic Environment Assessment Directive 2001/42/EC. The SEA will be integrated into the SA. The Conservation of Habitats and Species Regulations (2010) require that HRA is applied to all statutory land use plans in England and Wales, including LDPs.

**8. RESOURCE IMPLICATIONS:**

8.1 Officer time and costs were associated with the preparation of the SA Scoping and HRA Initial Screening Reports. These were within the existing Planning Policy budget and carried out by existing staff.

**9. CONSULTEES:**

- Natural Resources Wales (NRW) and Cadw were consulted on the SA Scoping Report and HRA Initial Screening Report as required by the regulations. In addition, the Council's Green Infrastructure team was consulted. Responses to the consultation were received from both NRW and Cadw, resulting in 22 individual representations. These responses are summarised, together with the Council's response in the Report of Consultation provided as Appendix 1. Consequential amendments to the SA Scoping Report and HRA Initial Screening Report are shown in red font in the versions attached at Appendices 2 and 3 respectively.
- SLT
- Cabinet

**10. BACKGROUND PAPERS:**

- Monmouthshire LDP Review Report (March 2018)
- Monmouthshire Replacement LDP Delivery Agreement (May 2018)

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