

Sustainability Appraisal of the South Derbyshire Local Green Spaces Plan

Adoption Statement

September 2020

South Derbyshire District Council Local Green Spaces Plan Sustainability Appraisal Adoption Statement

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1.0 Introduction

- 1.1 The Local Green Spaces Plan (LGSP) forms part of the overall development plan for South Derbyshire, it will sit alongside the Local Plan Part 1 (LP1) which was adopted in June 2016 and the Local Plan Part 2 (LP2) which was adopted in November 2017. LP1 establishes a long-term strategy (up to 2028) to manage development. It comprises the spatial vision and objectives, a spatial strategy (setting out how much growth is required and where strategic growth will be located) and strategic policies to inform the detailed design of new development. LP2 sets out additional non-strategic policies and guidance. It supplements and provides additional detail concerning how development will be managed including through the allocation of 14 non-strategic housing sites. This Plan also identified those locations within settlement boundaries where development is in principle acceptable and included an overarching Local Green Space policy committing the Council to the preparation of a Local Green Spaces Plan. The Local Green Spaces Plan (LGSP) identifies around 100 Local Green Spaces across the District and includes two policies in respect of the enhancement and development of these areas.
- 1.2 This Sustainability Appraisal Adoption Statement has been prepared under the Strategic Environmental Assessment (SEA) Regulations as part of the process.
- 1.3 The Adopted Plan, Sustainability Appraisal (SA) report and its associated documents (including the Local Plan Part 1 and Local Plan Part 2 and associated Sustainability Appraisals along with further details of the adoption process, can be found on the South Derbyshire District Council website www.southderbyshire.gov.uk. Hard copies of the Adopted Local Green Spaces Plan and Adoption Statements are available to view at local libraries (however please be aware that current opening hours may be affected by the COVID19 pandemic and library opening times may vary).
- 1.4 Sustainability Appraisal (SA) is a requirement of the Planning and Compulsory Purchase Act 2004. It also incorporates the requirements of the EU Directive 2001/42/EC to undertake a Strategic Environmental Assessment (SEA). SA considers the environmental, economic and social effects of implementing the Plan, and the reasonable alternatives, with the purpose of promoting the objectives of sustainable development and ensuring their integration within the plan-making process. The Planning Inspector, in her Report on the Examination into the South Derbyshire Local Green Spaces Plan, issued on the 29 June 2020, recognises that the SA has been carried out and is adequate.
- 1.5 Alongside the SA work, South Derbyshire District Council has undertaken a Habitats Regulations (Screening) Assessment in accordance with guidance and the regulations. This was carried out to assess the impacts of the Plan on the conservation objectives of European sites and to ascertain whether it would adversely affect the integrity of those sites. The HRA was carried out to the satisfaction of Natural England and concluded that the Plan is not likely to have a significant effect upon any European site, including the River Mease SAC, which forms part of the southern boundary of the District, either alone or in combination with other plans or projects and, therefore, an Appropriate Assessment is not required.
- 1.6 The 'SEA' Regulations (Environmental Assessment of Plans and Programmes Regulations 2004, Regulation 16(3) and (4)) require the Council to prepare an adoption statement as soon as reasonably practicable after the adoption of the Local Green Spaces Plan which should describe 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 in response to:
 - the invitation in regulation 13(2)(d); and
 - action taken by the responsible authority in accordance with regulation 13(4); have been taken into account
 - How the results of any consultations entered into under regulation 14(4) have been taken into account
- the reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with; and
- the measures that are to be taken to monitor the significant environmental effects of the implementation of the plan or programme.

1.7 The purpose of this statement is to present the information required to meet the 'SEA' regulations summarised above and show how the development of the Local Green Spaces Plan has maximised the contribution the plan makes to sustainable development and minimises any potential adverse impacts.

2.0 How environmental and sustainability considerations have been integrated into the South Derbyshire Local Green Spaces Plan.

2.1 Throughout the plan-making process, sustainability appraisal has been carried out as an iterative and ongoing process to inform decision making for the emerging Plan. The SA has been undertaken 'in house' with the Council Planning team seeking to appraise the likely effects of the Plan. This has enabled officers to understand the likely environmental, social and economic effects of the Plan at all stages of plan preparation and measures to avoid, reduce or offset negative impacts and measures to enhance positive effects being identified.

2.2 The first stage of the SA was to identify key environmental, social and economic issues within South Derbyshire. In order to establish these issues relevant plans and programmes were reviewed; baseline information regarding the character of the area and its likely evolution were collated and appraised and sustainability objectives were produced within a Sustainability Appraisal Scoping Report (dated March 2018) which was subject to public consultation for a five week period, as prescribed by the regulations. Following this consultation the Scoping Report was subsequently updated (May 2018) and the Sustainability Appraisal framework refined as a result of the responses received back during consultation. This final set of 14 Sustainability Objectives¹ (known as the SA Framework), establishes the basis against which the emerging Local Green Spaces Plan has been appraised in respect of its sustainability.

2.3 The Sustainability Appraisal of broad options was undertaken as part of the preparation of the Local Plan Part 2 which was adopted in November 2017. This Plan identified three broad options in respect of Local Green Spaces as follows:

- **Option 1:** Do not designate Local Green Spaces
- **Option 2:** Support the designation of appropriate greenspace through the Neighbourhood Planning process
- **Option 3:** Designate appropriate green spaces through the Local Plan

¹ See Section 5 of the Sustainability Appraisal Scoping Report Update (May 2018) for the Sustainability Appraisal Framework

- 2.4 This appraisal concluded that Local Green Spaces should be designated through the Local Plan, and accordingly a policy to identify and designate Local Green Spaces, within a separate Local Green Spaces Plan was included in Policy BNE8 of the LP2. The broad options appraisal included in the sustainability appraisal accompanying LP2 is replicated in the section 5 of the Sustainability Appraisal Main Report (ref E1) of the Local Green Spaces Plan. This is available [here](#).
- 2.5 The first version of the Local Green Spaces Plan (referred to as the Draft Plan) was published for consultation in October 2018. This version identified the sites to be designated as Local Green Spaces for the first time, as well as those which were not considered to meet the requirements set out in either national policy or the Council's own criteria. In addition, this draft included new Local Green Spaces policies to supplement policy BNE8 in the LP2. Following the close of this consultation the draft plan and SA was updated to reflect any comments and issues raised following consultation. Key changes to the Plan and SA following consultation included the inclusion of additional Local Green Space sites, especially in Stenson Fields and Hilton, the removal of a small number of sites for example in Rosliston, Willington and Melbourne, and the alteration of some boundaries to proposed sites including in Milton, Repton and Etwall. Policy LGS1 was also substantially amended to reflect comments received back from a number of stakeholders including Sport England.
- 2.6 The Proposed Submission Local Plan and updated Sustainability Appraisal were published for consultation in February 2019. The Sustainability Appraisal has then subsequently been updated to reflect proposed modifications to the Pre-Submission version of the Plan. Key changes to the Plan following Submission to the Secretary of State include:
- An amendment to the wording of Policy LGS1 which supports appropriate development within local green spaces to tie the provisions of this policy back to policy BNE8 included in the South Derbyshire Part 2 Local Plan which restricts the scope of appropriate development so it is clear that both policies should be read together.
 - The deletion of text (formally in section 3.3) detailing the circumstances where sites already protected by other planning policies will be subject to the added protection of a local green spaces designation to improve the effectiveness and clarity of the Plan. The deleted text has been moved to section 2 of the Plan as an additional modification -though this is not necessary for soundness.
 - The removal of two sites from the Plan (Site LGS084, the Bowling Green, Castle Street, Melbourne and Site LGS144 Kingsmill Lane, adjoining the Primary School, Weston on Trent) on the basis that land owners have confirmed that these sites are on a short-term lease. These sites would be unlikely to endure beyond the Plan period and so their longevity as LGS at the present time is uncertain. Therefore, their designation is not justified or consistent with national planning policy
 - Modifications to the boundaries of the following sites:
 - Site 149 (Catherine Jonathan Playing Field) to remove triangular piece of land to west of the playing field
 - Site 116 (East of The Hayes) to remove a small area of private garden.
 - Site 93 (East of High Street and South of Askew Grove) to exclude land to the north of the public footpath which crosses the site east to west.
 - Sites 2 (Aston Drive) and 5 (Springwood Farm Road) Midway to remove a small number of private front gardens from both Sites.
 - Site 159 (Walton Playing Field) to exclude southern part of the previously proposed site to exclude land used as a school playing field.

2.7 The sustainability appraisal report prepared by the Authority outlines the likely environmental, social and economic effects of designating sites, and includes details of measures to reduce predicted adverse effects and measures to increase beneficial effects. In particular the detailed site assessments (Appendix 4) outlines potential opportunities for site enhancements including in respect of biodiversity and accessibility improvements.

3.0 How the Sustainability Appraisal Environmental Report has been taken into account

3.1 The Environmental Report has been updated with each iteration of the plan published since October 2018. The potential site designations and plan policies have all been subject to appraisal against the SA framework and the likely significant effects of the Plan documented. In some cases the appraisal highlighted potential changes which could be made to the Plan to improve its overall sustainability including changes to detailed policy wording to address identified issues and deliver mitigation.

3.2 In undertaking appraisal, at the same time as plan preparation the Authority has been able to integrate the findings of appraisal into the Plan prior to publication of each consultation stage. Views on the content and findings of the SA were invited through each consultation and, where appropriate, further changes to the SA, or the Plan have been made to reflect comments received back. Further information on the views expressed during consultation is set out in the following section of this report.

4:0 How the results of any consultations have been taken into account

4.1 Throughout the Plan making process the Council has sought to provide consultation bodies and the public consultees with sufficient opportunity to express their opinion on the Sustainability Appraisal and plan documents produced by the Authority specifying the address to which, and the period within which, opinions on the scope and later the findings of the sustainability appraisal could be made.

4.2 Key consultations included:

- Consultations on potential sites during the Local Plan Part 2 (December 2015, June 2016, June 2017)
- Scoping Consultation (March 2018)
- Draft Local Plan (October 2018)
- Proposed Submission Local Plan (February 2019)
- Main Modifications Consultation (February 2020).

4.3 The results of the scoping consultations and the changes made to the scope of the appraisal are set out in Appendix 1 of the Technical Appendices to the Sustainability Appraisal. Changes made in respect of the scoping consultations included corrections to information in the evidence base, the addition of strategies (plans policies and programmes) considered by the Authority to inform the appraisal process and changes to the sustainability appraisal framework (including in respect of detailed decision making criteria related to biodiversity and soil).

4.4 Natural England, The Environment Agency and Historic England were consulted on the scope of the sustainability appraisal in March 2018. In addition, other stakeholders were also consulted

including neighboring authorities, Parish Councils and local Councillors. A copy of the Scoping Report was posted on the Council's website and made available to view at the Council's offices for any member of the public interested in the process or wishing to make comments.

4.5 The emerging Plan and interim versions of the Sustainability Appraisal (Environmental) Report were subject to consultation with a wide range of stakeholders and consultees. In addition to the consultation bodies (Natural England, the Environment Agency and Historic England) being consulted, a wide ranging consultation with other local governance organisations, prescribed bodies and other stakeholders including developers and individuals included on the Council's Consultation database were consulted on the Plan and supporting documents including the Sustainability Appraisal (Environmental) Report. Copies of the Local Plan and the Environmental Report were available to view on the District Council's website, at the Council's Offices in Swadlincote and local libraries in South Derbyshire as well as Sinfin Library in Derby City. A non-technical summary accompanied every iteration of the Council's Environmental Report.

4.6 In respect of the comments received back in respect of plan preparation and the Environmental Report, representations made on the draft plan are available [here](#) and representations on the proposed Submission Plan are available to view [here](#). A copy of the Council's Consultation Statement to accompany this plan is available to view [here](#).

4.7 The responses received to consultations on the Environmental Report helped identify additional appraisal work which would be required. For example, in respect of any inaccuracies in the site appraisals. In addition, responses were received from stakeholders and other consultees in respect short-term tenancy agreements or accessibility restrictions that may prevent sites qualifying from meeting the Council's agreed criteria for designation leading to the removal of some sites.

5.0 How the results of any consultations entered into under regulation 14(4) have been taken into account

5.1 Regulation 14(4) relates to where the Secretary of State receives a request from another EU Member State indicating that it wishes to enter into consultations on trans-boundary impacts before the adoption, or submission of a plan or programme. No such request was received and therefore no additional consultation of this nature was undertaken.

6.0 The reasons for choosing the plans as adopted, in the light of other reasonable alternatives

6.1 The broad options identified and the justification for selecting preferred options are set out in detail in Section 5 of the Environmental Report and Appendix 5 of the Technical Appendices. However, it should be noted that the Council's preferred approach for Local Green Spaces was considered and identified through the Part 2 Local Plan. This was adopted in November 2017. Policy BNE8 of LP2 confirmed that the Authority would look to designate Local Green Spaces through a separate Development Plan Document.

6.2 The Council has sought to use the Sustainability Appraisal prepared to inform the preparation of the Local Green Spaces Plan to identify the likely effects of designation on a site by site basis. It has also used Sustainability Appraisal to identify those sites that could be protected through other Local Plan Policies and whether there is merit in securing further protection of sites, for example, where there is a locational imperative for further protection. Sites for designation have been identified through a combination of officer identification and submissions from members of the public, parish councils, Councillors and other stakeholders. The Plan sets out the reason for designating, or not designating sites put forward in Section 7 of the main report. The individual site appraisals are included in the Technical Appendix at Appendix 4, but are summarised in Section 8 of the Environmental Report on a settlement by settlement basis. As a rule of thumb however most sites designated are not protected by other local plan designations and all have been identified as being 'not extensive' in area, of local character and reasonably close to the community it serves and demonstrably special, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife.

7.0 The measures that are to be taken to monitor the significant effects of implementation of the plans

7.1 The SEA Directive requires the significant environmental effects of plans and programmes to be monitored, in order to identify at an early stage unforeseen adverse effects and to be able to take appropriate action where necessary.

7.2 The established Local Green Space Policy (BNE8) included in the South Derbyshire Local Plan Part 2 includes monitoring proposals to record the performance of the Council towards adopting the LGS Plan. However once adopted the Council will be able to monitor the number of applications for development within areas subject to local Green Space designation. This will be recorded annually within the Council's Authority Monitoring Report.

7.3 Any monitoring undertaken on the Part 2 Local Plan and the Local Green Spaces Plan will help to:

- monitor the significant effects of the plan
- track whether the plan has had any unforeseen effects
- ensure that action can be taken to reduce / offset the significant effects of the plan
- provide baseline data to inform future plan making
- provide evidence of how the environment / sustainability criteria of the area are evolving.

7.4 The requirements of the SEA Directive focus on monitoring the effects of the plan. This equates to both the plan's significant effects and also unforeseen effects.