

Hastings Local Plan – Development Management Plan Environmental Statement

The Environmental Assessment of Plans and
Programmes Regulations 2004

September 2015

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1. Introduction

- 1.1 This document has been prepared for the adoption stage of the Hastings Development Management Plan. During the Plan preparation process the Sustainability Appraisal (SA) and Strategic Environment Assessment (SEA) processes have been undertaken in parallel.
- 1.2 Sustainability appraisal identifies the social, environmental and economic impacts of a plan and suggests ways to avoid or minimise negative impacts and maximise positive effects. It is required by the Town and Country Planning (Local Planning) (England) Regulations 2012. The requirements of the European Strategic Environmental Assessment Directive, transposed into UK legislation through the Environmental Assessment of Plans and Programmes Regulations 2004, have been incorporated into the SA as a single document.
- 1.3 Regulation 16 of the Environmental Assessment of Plans and Programmes Regulations 2004 (the 'SEA Regulations') requires that, as soon as reasonably practicable after the adoption of a plan for which an SEA has been carried out, the planning authority must make a copy of the plan publicly available alongside a copy of the Environmental Report (prepared as part of the SA Report) and an Environmental Statement; and inform the public and consultation bodies about the availability of these documents. The consultation bodies are Historic England, Natural England and the Environment Agency.
- 1.4 The Hastings Development Management Plan (DMP) was adopted on 23 September 2015, following full consideration of the Plan itself, its supporting documents (including the Sustainability Appraisal and Habitats Regulations Assessment Screening Report) and the representations received, at independent examination. In accordance with Regulation 16 of the Environmental Assessment of Plans and Programmes Regulations 2014, a post adoption environmental statement has been now been produced to set out the following:
 - a) How sustainability/environmental considerations have been integrated into the Plan;
 - b) How the SA/environmental report has been taken into account;
 - c) How consultation opinions on the SA/environmental report of the public, consultation bodies and where appropriate other European Member States have been taken into account;
 - d) The reasons for choosing the plan as adopted, in the light of the other reasonable alternatives dealt with;
 - e) The measures that are to be taken to monitor the significant sustainability/environmental effects of the implementation of the plan or programme.
- 1.5 As stated above, the Sustainability Appraisal Reports prepared at various stages of the plan making process incorporate the requirements of Strategic Environmental Assessment, and are therefore the main tool used to demonstrate compliance with the Regulations as set out above. Each of these requirements is discussed in turn, below.

2. Environmental Statement

a) How have the environmental considerations been integrated into the Hastings Development Management Plan?

2.1 Environmental considerations have been integrated into all stages of the preparation of the Development Management Plan, in accordance with the requirements of Strategic Environmental Assessment (European Directive 2001/42/EC), Habitats Regulations Assessment (European Directive (92/43/EEC), and government guidance on Sustainability Appraisal.

2.2 The combined SA/SEA process has been designed to ensure sustainability considerations are integrated into planning and decision making processes. SA is an iterative process, thereby influencing and informing each stage of plan development.

2.3 Interaction between the planning and sustainability processes at several key stages during the development of the Development Management Plan (and the earlier Planning Strategy) has helped to incorporate sustainability and environmental considerations into the Plan. Throughout its development, the SA process has improved the robustness of the Plan by focussing attention early on the environment and sustainability and specific issues raised in the scoping phase. The SA process aimed to ensure the integration of environmental considerations into the DMP preparation by:

- a) Undertaking the SA process in parallel with development of the development management and site allocations policies and by providing information on sustainability implications to influence the selection of the general and sites policies;
- b) Issuing the Scoping Report to the statutory consultees and local stakeholders for comments on the key sustainability issues and proposed scope of the SA;
- c) Recording an assessment of the sustainability effects of the development management and site policies in SA Reports written as the policies and sites were identified. SA Reports were produced alongside the Proposed Submission Stage; Revised Proposed Submission Stage; and alongside the Inspector’s Proposed Modifications to the Plan.
- d) Making recommendations for how the site allocations and related policies could be amended to reduce or offset adverse environmental effects and enhance positive effects.

2.4 The key stages of the SA/SEA and plan making processes are summarised in Table 1.

<p>Early draft – “The Big Map”, 2010 Exploratory work to identify key issues and ideas</p>	<p>SA Scoping Report, prepared initial report 2005 and updated in 2008</p>
<p>Consultation Draft Development Management Plan, 3rd February 2012 A ‘draft’ of suggested policies and sites to help facilitate debate, and carry forward to the next stage</p>	<p>Revised Scoping Report, 2011 – update of the report published in 2008 to reflect changes in Hastings and the policy context since this time, consulted with statutory consultees for further comment between 27 June and 8 August 2011. Publication of the Proposed Submission Development Management Plan and SA Report,</p>

Development Management Plan Focused Consultation 6th July - 17th Aug 2012 New sites and policy issues consulted.	November 2012 - an appraisal of the Proposed Submission DMP (i.e. the preferred approach to development management policies and site allocations) against the sustainability objectives established through scoping; and to determine the likely significant effects on the environment and recommend mitigation measures as appropriate.
The Proposed Submission Development Management Plan (Regulations 19 and 20) 21 January 2013	
The Revised Proposed Submission Development Management Plan (Regulations 19 and 20) 10 March 2014	<p>Publication of the Revised Proposed Submission Development Management Plan and SA Report, March 2014 - an appraisal of new site-based policies, sites with revised development capacity and modifications to development management policies as an extension of the full appraisal undertaken in November 2012.</p> <p>Proposed changes to the Revised Submission Version Consultation, with SA Addendum in March 2015 (Main Modifications consultation) An appraisal of the proposed modifications to the Plan. Nine such proposed modifications comprising alterations to the existing policies in the plan, new policies, and deletion of sites against the sustainability objectives to determine the likely significant effects on the environment and recommend mitigation measures as appropriate.</p>

Table 1: Stages of preparation/SA process

b) How has the Environmental Report been taken into account?

- 2.5 Sustainability Appraisal provides for an independent assessment of the sustainability of the proposed policy options, throughout their development. Once this assessment is made at each stage of plan preparation, there is then an opportunity to amend the Plan to ensure that potential negative sustainability effects are addressed and mitigated against as appropriate.
- 2.6 This section of the statement shows how the recommendations of the final Sustainability Appraisal Report were integrated into the adoption version of the Development Management Plan, therefore ensuring the potential negative sustainability impacts were addressed:

Recommendation	How the recommendations were incorporated
Provide a clear statement regarding the extent to which the site allocations will contribute towards ensuring identified housing needs are met.	Preamble text for site allocations amended to reflect this.

Recommendation	How the recommendations were incorporated
Seek to encourage the creation of green spaces in areas of identified need.	Assessment of need of need undertaken as part of Local Plan evidence base, and as a result, site based policies were amended to include criteria to ensure improvements to existing/new green infrastructure either on site or nearby, where relevant.
Add criteria giving additional weight to the protection and creation of services and facilities in areas of high deprivation	Assessment undertaken as part of Local Plan evidence base, and where relevant site based policies include criteria to help protect and create services and facilities including improve transport connection, provides affordable housing, contributing to improve existing play facilities in the locality. Also development management policies assist here such as the safeguarding of shops and local services.
Adjust criteria to allow conversion away from A1 use over targeted levels after a certain period of vacancy, where future viability appears unlikely.	No change has been made to remove the prescriptive nature of the Policies SA1 & SA2 which sets out proportion of Non-A1 uses for each retail centre. It is considered that the vibrancy and vitality of retail centres are best maintained using a clear target thresholds. However, the preamble text has been amended to address concerns raised by this recommendation. Provision to look at the size of the retail unit has been included in addition to the concentration of non-A1 retail units.
Amend criteria on the assessment of onsite ecology to ensure that all of the functions of green space are considered.	Development Policies HN8 & HN10 criteria modified and where relevant site based policies include a criterion that demands preparation of ECOP to ensure the functions of green space are considered.

Table 2: Recommendations from Proposed Submission version SA (Nov 2012) and how they were incorporated into the Plan

2.7 No recommendations for changes were made as a result of the Sustainability Appraisal of The Revised Proposed Submission Version of the Development Management Plan, or the Main Modifications made as part of the Examination process, and as such, the Plan remained unchanged as a result of SA findings.

c) How have the opinions expressed as a result of public consultation been taken into account, and what action has been taken to address the comments made?

2.8 Local Planning Authorities are required to consult with statutory environmental bodies (Natural England, Historic England and the Environment Agency) in preparing the environmental report. This consultation is usually undertaken at the same time as public consultation on the document being prepared, which in this case is the Hastings

Development Management Plan.

2.9 Statutory bodies were consulted on the initial Sustainability Appraisal Scoping Report, and also as part of the wider public consultation at each stage of Plan preparation. Specifically, their comments are shown in the table below along with how those recommendations were incorporated.

SA report	Recommendations from statutory consultees	How the recommendations were incorporated
Scoping Report 2011	No comments received	NA
Consultation DMP February 2012 7 Focused Consultation	<p>Natural England recommended Green Infrastructure Study to be prepared</p> <p>Natural England questioned the potential impact of development on the nearby SSSIs caused by proximity (re: Sites 777 The Ridge; Holmhurst St. Mary; Land south of 12-17 Catsfield Close). Environment Agency raised the need to protect the Local Wildlife site towards the east of the Holmhurst St Mary site, and potential water issues. Protection of the listed statue within the Holmhurst St Mary was also raised by Historic England</p> <p>Natural England raised concerns over the development of land at Breadsell Lane in terms of the potential negative impact on the nearby SSSI</p> <p>The Environment Agency recommended flood risk needs to be assessed for individual site allocations Flood risk and coastal erosion (Site Old Roar House, Old Roar Road; Seaside Road, West St Leonards; West St Leonards Primary School;</p> <p>Historic England recommended (Convent site) Site should not be allocated (for reasons relating to density, population, heritage, available infrastructure, detriment to character of conservation area, tourism, lack of evidence base), should be designated as Private Open Space instead.</p>	<p>Green Infrastructure Study prepared in line with the recommendation</p> <p>Concerns addressed in site Policy criteria.</p> <p>Site not taken forward as a proposed allocation</p> <p>A sequential test of flood risk was undertaken and has informed the policy criteria in site allocations as appropriate</p> <p>Site not allocated for development but specific site management policy developed instead.</p>

SA report	Recommendations from statutory consultees	How the recommendations were incorporated
SA of Proposed Submission Development Management Plan (November 2012)	Environment Agency recommended amendment to strengthen the policy and ensuring that an important Biodiversity Action Plan (BAP) habitat is specifically identified.	Assessed in the policy. Where relevant provision made for the Ecological Constraints and Opportunities Plan as part of Policy HN8 – Biodiversity and Green Space.
SA of Revised Proposed Submission Development Management Plan (March 2014)	Natural England recommend wider screening of <ul style="list-style-type: none"> • LRA6, LRA9 potential impact (alone and in combination) on Marline Valley SSSI. • Policy FB1 and FB2 for the potential impact on Combe Haven SSSI • Policy FB12 - impact on the birds (inter alia) associated with the adjoining SSSI 	As recommended, three studies have been undertaken to study the impact on the SSSIs
SA of Proposed Main Modifications (February 2015)	No comments received	NA

Table 3: Recommendations for Statutory Consultees and how they were incorporated in the Plan

2.10 A consultation statement was prepared under Regulation 22 of the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended), which set out the main issues raised from wider public consultation at various stages of the plan making process, and how these have been taken into account in the drafting of the Plan. This is available on our website at http://www.hastings.gov.uk/content/environment_planning/planning/PDFs/ldf/consultationstatement2014

2.11 Representations from both rounds of consultation were forwarded to and considered by the Inspector at the Examination in Public and addressed in the proposed main modifications where necessary.

d) Reasons for choosing the DMP as adopted in light of other alternatives

2.12 Sustainability Appraisal is an iterative process, where reports prepared at each stage feed into the next version of the Plan. Alternatives are a key aspect of plan preparation and are assessed through the Sustainability Appraisal process to determine the most appropriate way forward, taking account of the social, economic and environmental sustainability objectives.

2.13 The development of alternatives was considered during the earliest stages of the plan preparation process, starting with the Big Map consultation (the “pre-production” stage) where various sites for both development and protection, along with potential development management issues, were put forward for consideration and added to over time. Additional sites/alternatives, and general policy considerations were formally put forward in 2012 with the publication of the consultation draft Development

Management Plan and a further round of consultation in the same year on the DMP Focused Consultation document. (The latter required as a result of additional sites being proposed as well as new policy issues that had come to light).

- 2.14 Taken together, each of the Plan preparation stages have resulted in alternative policy issues and sites that have been refined within each version of the plan, to form the final version of the Development Management Plan. The Proposed Submission Development Management Plan identified general management policy areas covering environmental, social and economic issues and subsequently included 26 management policies dealing with for example design, access, amenity, the natural and built environment, business use, pollution, and residential institutions. The DMP Submission version SA Report (Nov 2012) followed on from this, and specifically identified alternatives for a reasonable range of these general policy issues. These alternatives included one that would involve taking a more stringent approach to addressing the issue; and one that would involve taking a less stringent approach. For most of these policy issues, in line with the SA recommendation the Plan adopted a balanced approach on the basis that the alternative signifying a more stringent approach was not considered necessary given the extra burden this would place on developers, whilst the alternative signifying weaker guidance was considered too weak to achieve meaningful results. The testing of alternatives also helped developing appropriate policy criteria; amendments to supporting text; clearer reference to overarching policies in the Planning Strategy and signposting to Supplementary Planning documents.
- 2.15 In addition, the 2012 SA Report assessed 139 site allocation options (126 housing and 13 employment), these were subjected to SA utilising a strict 'appraisal question' based methodology. Answers were categorised using a red/amber/green system (red for a predicted significant constraint, amber potentially significant and green no constraint. Taking into account the results of the SA as well as the wider Council aims for regeneration, the Council proposed the allocation of 79 housing and 11 employment sites. (The number of proposed development sites subsequently changed at the Revised Proposed Submission DMP stage). Site specific policies were developed for each of these allocations which in the main addressed the constraints flagged by the SA, with policy criteria offering mitigation against negative effects.
- 2.16 Sections 11 and 12 of the DMP Submission version SA Report (Nov 2012) summarise the SA findings in respect of the consideration of alternatives and explain the degree to which these are reflected in the Development Management Plan (DMP). Appendix II & III of the 2012 SA Report discuss the methodological approach taken and present appraisal findings in full.
- 2.17 The Sustainability Appraisal of the Revised Proposed Submission Development Management Plan focused on the significant changes to the Development Management Plan only, rather than being a complete appraisal of the entire revised Plan. The alternatives developed for these changes were to continue with the existing policies and proposals published in the earlier version of the Plan, or to rely on Planning Strategy policy, and national policy or guidance where new policies or text was proposed. The sustainability appraisal on the significant policy changes showed no negative sustainability effects recorded during the appraisal of the significant changes, and where additions to policies were proposed; these either enhanced the original policies in sustainability terms, or had the same results. The need to consider alternatives is documented in Section 2 of the SA of the revised Proposed Submission Development Management Plan (March 2014) and in Appendix C commentary is provided as part of the full assessment process, which considers how the change, as compared to its alternative, will positively or negatively affect the sustainability

objectives.

e) Measures taken for monitoring

- 2.18 Indicators for monitoring the sustainability implications of the DMP were initially prepared for the Sustainability Appraisal Framework developed at the start of the process. Both the Hastings Planning Strategy and the Development Management Plan also have comprehensive monitoring frameworks that will be reported on in the Local Plan Monitoring Report. The monitoring of the allocated sites will be carried out through quarterly site visits and regular monitoring of planning applications. This will also be reported in the Local Plan Monitoring Report, which will be published on our website at: http://www.hastings.gov.uk/environment_planning/planning/localplan/monitoring/
- 2.19 Monitoring trends and implementation of policies will be reported to the Local Plan Monitoring Board, who will take action as necessary. This action could involve liaison with infrastructure providers or other interested parties, or could necessitate a review of the policy or Plan if necessary.

3. Further information

- 3.1 The documents referred to in this statement can be accessed on our website at the following addresses:
- Sustainability Appraisal Scoping Report http://www.hastings.gov.uk/environment_planning/planning/localplan/sustainability/#scoping
 - Sustainability Appraisal of Proposed Submission Development Management Plan November 2012 http://www.hastings.gov.uk/content/environment_planning/planning/PDFs/ldf/sustainability_appraisal_full_report.pdf
 - Sustainability Appraisal of Revised Proposed Submission Development Management Plan March 2014 http://www.hastings.gov.uk/content/environment_planning/planning/PDFs/ldf/FINAL_SA_of_Revised_DM_Plan_26.02.14.pdf
 - Sustainability Appraisal of Proposed Main Modifications Development Management Plan February 2015 http://www.hastings.gov.uk/content/environment_planning/planning/PDFs/ldf/sa-mainmods
 - Hastings Local Plan - Development Management Plan Habitats Regulations Assessment (Screening) Report June 2014 http://www.hastings.gov.uk/environment_planning/planning/localplan/evidence_base/221168/