

**WDC/2**

**Wycombe District Council's  
Delivery and Site Allocations Plan  
Examination Statement**



**MATTER 2 – SUSTAINABILITY APPRAISAL**

**November 2012**



## **Matter 2 – Sustainability Appraisal**

### **1. How has the DSA evolved in terms of the alternatives considered? How were these evaluated and have all reasonable options been examined? Are the choices made properly justified and is it clear from the SA why the preferred option has been chosen?**

- 1.1 The Delivery and Site Allocations (DSA) Plan has evolved through a lengthy preparation process during which there have been several stages of plan refinement, updates to the evidence base and public and stakeholder involvement.
- 1.2 The Overview and Audit Trail Report provides a full outline of the evolution of the plan<sup>1</sup>. This sets out how the document has evolved to respond to changing circumstances, explaining the reasons for the various changes at the different stages in its preparation.
- 1.3 In summary, the DSA was initially conceived as being the Council's District-wide Site Allocations and Designations Document when the first issues and options stage was consulted upon in 2005. However, due to a number of factors which emerged during the course of the process, it has gradually changed into a plan focused specifically on town centre allocations, alongside a number of development management topic policies.
- 1.4 The Sustainability Appraisal (SA) framework, the scope and methodology for which is set out in the SA Scoping Report Update<sup>2</sup>, has been applied at each stage of this process to appraise alternative approaches being considered, and to evaluate the different options. The methodology for this exercise essentially consists of the setting of a series of objectives and indicators against which the options are then appraised.

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<sup>1</sup> CD1.5, paras 2.1-2.19

<sup>2</sup> CD1.6

- 1.5 Following closely the government guidance on carrying out SAs<sup>3</sup>, the objectives have been set through:
- identifying any relevant plans and programmes in the evidence base or related documents which may be relevant to sustainability;
  - collecting baseline information so that the options can be assessed according to the current situation relating to sustainability issues; and
  - capturing key issues relating to sustainability, including those which have been identified through the process of plan preparation.
- 1.6 Specifically in the case of the Council's SA, the objectives have been devised both from national and regional sustainability objectives and indicators, and have been supplemented by issues arising during the process of the plan preparation.
- 1.7 Indicators have been set by the Council in consultation with key stakeholders to provide a framework for the assessment of the various options for each site/policy. The assessment process is designed to evaluate the sustainability effects of each option through the identification of positive, negative and neutral effects (and significant effects). An overall summary is given for the effects of each objective under a particular option.
- 1.8 In this way, an appraisal of sites and policies has fed into all stages of the DSA as it has evolved, including the current stage. The SA document and its appendices<sup>4</sup> set out this assessment in full, and clearly show how alternatives have been considered and evaluated.
- 1.9 In terms of the alternatives considered, it can be seen in the SA Report<sup>5</sup> that a range of alternative options have been assessed for each site/policy, apart from a very few cases where there are no reasonable alternatives. One of these is the Riley Road site allocation (Policy MR3), in which development has already progressed on the site, and the other is Policy DM12, where the

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<sup>3</sup> CLG Plan-Making Manual, September 2009 (only available online, via the Planning Advisory Service website: [www.pas.org.uk](http://www.pas.org.uk): Sustainability Appraisal section).

<sup>4</sup> CD1.7

<sup>5</sup> CD1.7 - see list of options appraised on p5-13

policy construction follows the requirements as set out in the National Planning Policy Framework (NPPF)<sup>6</sup>.

- 1.10 In all other instances, reasonable alternatives were explored such as alternative uses at individual sites or greater or lesser degrees of flexibility for the topic policies or, where appropriate, 'no policy' options.
- 1.11 In terms of the High Wycombe Town Centre Masterplan, the Council, supported by the Highway Authority, has undertaken significant option testing and technical assessment work to ensure that the proposals are justified, effective and capable of being delivered<sup>7</sup>. A series of options have been tested in terms of the scenarios for the Masterplan, ranging from 'do nothing' to 'full implementation'. The thematic policies have also been subject to options testing.
- 1.12 The plan and accompanying SA have been subject to full consultation and exposure at each stage of the process, as has the underpinning evidence base where this has been published and updated.
- 1.13 In terms of the choices made, the CLG Plan-Making Manual, which constitutes the current government guidance on the SA process, makes clear that the SA process should inform the decision-making process<sup>8</sup>. The preferred option for each policy/site has thus been chosen as a result of the SA process alongside a range of other factors, including:
- changing government policy
  - key issues from consultations and how they were taken into account;
  - deliverability/viability factors.
- 1.14 For an explanation of the choices made and the basis for these choices, the SA Report should be read alongside the Overview and Audit Trail Report<sup>9</sup>,

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<sup>6</sup> CD5.0.1, para 113

<sup>7</sup> See statement on Matter 6 – High Wycombe Town Centre

<sup>8</sup> See extract from the Plan-Making Manual at Appendix 1 of this statement (p7)

<sup>9</sup> CD1.5

which details the various issues which fed into the selection of the preferred option in each case.

- 1.15 The Council notes the representation from Gordons Builders Merchants<sup>10</sup> relating to the assessment of Policy DM4. This suggests that, due to the scores in the SA being identical for two different options, there is no reason why the alternative option could not have become the Council's preferred option for this policy.
- 1.16 However, the Council considers that this is based on a misunderstanding of both the nature of the SA process and the process of selecting a preferred option generally. Firstly, it should be stressed that the SA is not intended to be an arithmetical exercise of 'totting up' the scores for each option, but is rather a process aimed at informing the evaluation of different options by providing an overview of sustainability considerations.
- 1.17 Secondly, the selection of a preferred option is influenced by a range of factors. The Overview and Audit Trail Report details these various factors in relation to the evolution of this policy, and sets out clearly why the preferred option has been chosen<sup>11</sup>.
- 1.18 The Council has also noted that the same representation has suggested that a further option should have been considered for Policy DM12 in relation to the protection of sites of biodiversity and geodiversity importance. However, the Council's view is that its approach in the policy reflects the approach to protecting wildlife or geodiversity sites, as set out in the NPPF<sup>12</sup>. This states that the protection of sites should be commensurate with their status, which is exactly what is conveyed in the policy. Therefore, the Council considers that the option represented by the policy does exactly what is instructed in the NPPF, and it is therefore difficult to envisage an alternative option which would remain in compliance with the framework. Accordingly, the Council

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<sup>10</sup> DSA012/027

<sup>11</sup> CD1.5, p92-94

<sup>12</sup> CD5.0.1, para 113

believes that its approach to policy construction is fully justified in this instance, as there are no other reasonable alternatives.

- 1.19 The Council has also noted the representation relating to the SA on Policy DM11 (Green Spaces)<sup>13</sup>, which suggests that an alternative option involving the review of existing designations to see whether they still merit designation should have been included in the assessment, as well as a review of the criteria for the designation of green spaces.
- 1.20 At each stage of the DSA production, the Council has produced a Sustainability Appraisal to support the policies consulted on. Whilst representations have been received in relation to specific sites being designated as proposed green spaces, the options appraised in the SA have not been raised as an issue at previous stages.
- 1.21 The designation of Green Spaces are dealt with in Matter 9, and the Overview and Audit Trail report provides further details and justification for the preferred option<sup>14</sup>. The Council considers that the approach to assessing this policy and its evolution is sound.

**2. Is has been suggested there is no evidence of an Environmental Report which is needed to meet the requirements of Regulation 12 of the SEA Directives and Regulations. What is the position?**

- 2.1 Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 (which transposes the Strategic Environmental Assessment (SEA) Directive into English law<sup>15</sup>) states that, where an environmental assessment is required, the responsible authority shall prepare or secure the preparation of an environmental report. The regulation states: “*The report*

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<sup>13</sup> DSA012/022

<sup>14</sup> CD1.5, p110-112

<sup>15</sup> The Environmental Assessment of Plans and Programmes Regulations 2004, Regulation 12: Preparation of an environmental report – see Appendix 3 of this statement (p12)

*shall identify, describe and evaluate the likely significant effects on the environment of:*

- *implementing the plan or programme; and*
- *reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.”*

- 2.2 As can be seen in the SA, the Council has carried out this task. The SA contains an evaluation of the environmental effects of the policies and sites as an integral part of its assessment methodology (alongside an evaluation of the social and economic effects). These environmental effects are set out in the SA Report. Table 2 of this report<sup>16</sup> provides a summary of the SA conclusions for each preferred option, with the environmental effects set out in the middle column of the ‘objectives’ section, and therefore clearly signposted. The Council therefore considers that it has complied with Regulation 12 of the SEA Regulations.
- 2.3 The fact that this information is contained within the SA rather than being in a stand-alone document does not in any way undermine its legal compliance with the Directive. Indeed, this is in tune with the normal and accepted practice across local authorities and other public bodies nationally in producing such documents. Moreover, it is in compliance with the CLG Plan-Making Manual, which sets out how the SA process incorporates the requirements of the SEA Directive<sup>17</sup>.
- 2.4 The Council has noted the representation from Tim North Associates on behalf of Gordons Builders Merchants claiming that there is no evidence that the Council has produced an Environmental Report in relation to the DSA Plan<sup>18</sup>.
- 2.5 The Council has written to Mr North<sup>19</sup> setting out its approach as detailed above, and how this complies with the Directive and government guidance.

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<sup>16</sup> CD1.7, Table 2, p14-37

<sup>17</sup> See extract from the Plan-Making Manual in Appendix 2 of this statement (p9)

<sup>18</sup> DSA012/027

<sup>19</sup> The Council wrote to Mr North on 14 September 2012.



No written reply has been received from Mr North, and it is not clear on what grounds he is suggesting the Directive has not been met. Moreover, the representation does not expand on the grounds for its suggestion that “*the approach of dealing with the Sustainability Appraisal and Strategic Environmental Assessment in the same document can lead to grave dangers that the SEA Directive and Regulations are not met.*” Therefore, it is difficult for the Council to respond to this assertion, other than to re-emphasise that such an approach is widely accepted practice and is in full accordance with government guidance, the regulations and the SEA Directive.

**3. The Environment Agency has concerns that the Thames River Basin Management Plan is not included in the SA Reports. Does this compromise the SA process?**

- 3.1 The Council notes the Environment Agency’s (EA) representation, and specifically the section highlighting that the Thames River Basin Management Plan (RBMP), published in December 2009, has not been included in the SA reports<sup>20</sup>.
- 3.2 The SA Scoping Report Update was produced by the Council in September 2011 following consultation with key statutory bodies, including the EA. The report includes reference to studies and strategies being produced by external bodies as forming part of the input into the SA process<sup>21</sup>. Similarly, the report refers to EA statistics being used to gather baseline information in the process<sup>22</sup>. Therefore, the Council has alluded to EA input in general terms. However, it acknowledges that the River Basin Management Plan referred to has not been mentioned specifically by name. Nevertheless, the Council can offer assurances that it is aware of this document, and that it would be happy to insert a reference to it in future SA documents if it is deemed appropriate.

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<sup>20</sup> DSA012/042

<sup>21</sup> CD1.6, para 3.11

<sup>22</sup> CD1.6, para 4.5

- 3.3 In any case, the Council contends that the omission of a specific reference to the management plan does not compromise the SA process in any way.
- 3.4 The management plan's central objectives appear to be the improvement of river basin management and, specifically, the improvement of the ecological status of surface waters, in line with the 2000 European Water Framework Directive.
- 3.5 Similarly, objective 8 of the SA Framework<sup>23</sup> is: "*To provide for sustainable levels of water use supply, and management including quality of water sources.*" Under this objective, indicator number one is: "*Rivers of good chemical and ecological status*". As can be seen in the Scoping Report Update, the Council has accepted this wording as advised by the EA. However, it acknowledges that, due to an error, the specific wording of this individual indicator has not been translated into the wording of the SA Framework itself, which retains the previous wording of this indicator as "*Rivers of good/fair quality*". Nevertheless, the Council contends that this does not affect the outcome of the SA process, given that the overall objective is the same, and also given that this is one indicator amongst seven under this objective (with the other indicators also contributing towards the objectives of the management plan, including those measuring water conservation, control of effluent and quality and quantity of groundwater).
- 3.6 Moreover, the comparators in Appendix 2 refer specifically to the objective contained within the Water Framework Directive, whose objectives are understood to be the fundamental drivers for the EA's position on the issue.
- 3.7 So it can be seen that, far from compromising the SA process, the management plan and the SA process share the same objectives.
- 3.8 At the time of finalising this statement, the Council and the EA are close to concluding a Statement of Common Ground, in which both parties accept that

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<sup>23</sup> See CD1.6, p23

agreed wording changes to a number of the policies in the DSA Plan will improve the plan's compliance with the Water Framework Directive and will help contribute to the achievement of good ecological status as required by the Directive.

- 3.9 The Council considers that it is therefore clear that the overall aims of the SA framework relating to this issue are sufficiently clear, and are fully consistent with the objectives of the River Basin Management Plan to which the EA refers. Therefore the SA process is not compromised.

**4. Are there any other outstanding elements or queries in relation to the SA?**

- 4.1 There are no other outstanding elements or queries in relation to the SA that the Council is aware of.

## **Appendix 1: Excerpt from CLG Plan-Making Manual: Section entitled ‘Sustainability appraisal’**

# **Sustainability appraisal**

The publication of the National Planning Policy Framework (NPPF) means that PPS12 is now cancelled. DCLG are reviewing all their planning guidance, including this manual. However in the meantime, until it is officially withdrawn or revised, it remains extant.

**Please note that the contents haven’t been changed to reflect the NPPF.**

The purpose of the sustainability appraisal process is to appraise the social, environmental and economic effects of a plan from the outset. In doing so it will help ensure that decisions are made that contribute to achieving sustainable development.

The sustainability appraisal is integral to the plan making process. It should perform a key role in providing a sound evidence base for the plan and form an integrated part of the plan preparation process. It should be transparent and open to public participation. The sustainability appraisal should inform the decision making process to facilitate the evaluation of alternatives. It should also help demonstrate that the plan is the most appropriate given the reasonable alternatives.

If you do not have the resources within the local authority to undertake the sustainability appraisal of the plan, you may need to consider using a consultant to undertake the work. If this is required, local authorities are encouraged to locate external expertise in-house to help ensure the sustainability appraisal process is as integrated with the plan making process as possible.

## **What the sustainability appraisal section replaces**

This section replaces the 2005 government guidance on ‘Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents’ as it applies to development plan documents. Where necessary, this section refers instead to the:

- [2005 Practical Guide to the Strategic Environmental Assessment](#) where necessary
- [2005 Sustainability Appraisal Guidance](#) (which still applies for regional spatial strategies).

## **Statutory and policy context for sustainability appraisals**

The sustainability appraisal process is governed by European and national legislation, which is supported by government policy.

- [The European Directive and national legislation](#)
- [Use of terms in the SEA Directive](#)
- [PPS12 and the sustainability appraisal](#)
- [PPS1 and sustainable development](#)
- [UK Sustainable Development Strategy](#)
- [Useful resources](#)

### **The European Directive and national legislation**

The sustainability appraisal process incorporates the requirements of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC or ‘SEA Directive’. This was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations).

However, the sustainability appraisal covers wider social and economic effects of plans, as well as the more environmentally-focused considerations in the Directive. The requirements of the SEA Directive are set out in Figure 1 of the SEA Practical Guide.

## Use of terms in the SEA Directive

Some of the terms in the SEA Directive are technical and can be confusing. The look-up table below shows how terms in the SEA Directive and the SEA Practical Guide can be interpreted in relation to those used in spatial planning and the sustainability appraisal process. Where reference is made to sustainability appraisal or the sustainability appraisal report, it denotes sustainability appraisal required by legislation and incorporating the requirements of the SEA Directive.

<b>SEA Directive, regulations and SEA Practical Guide</b>	<b>Related terms in planning and sustainability appraisal</b>
Environmental assessment	Sustainability appraisal
Plan and/or programme	Plan, regional strategy, development plan document, supplementary planning document, minerals and waste plan
Environment; significant environmental effects	Sustainability, sustainable development; significant social, environmental, economic effects
Baseline	Evidence base
Alternatives	Options and/or alternatives
Environmental report (accompanying the 'draft plan or programme' at public consultation stage)	Sustainability appraisal report (incorporating requirements of the environmental report), issued alongside the draft plan as required at Regulation 27
Responsible Authorities (the bodies responsible for a plan or programme and for ensuring that SEA is done)	Local planning authorities responsible for the preparation of development plan documents
SEA objectives or sustainability objectives	An explanation of the different types of objectives is provided in the 'Setting the objectives and developing the baselines' section.

## PPS12 and the sustainability appraisal

PPS12 outlines the policy on sustainability appraisal as it relates to local development documents in paragraphs 4.39 to 4.43.

Paragraph 4.39 states: **“The 'sustainability appraisal' required by S19 (5) of the Planning and Compulsory Purchase Act 2004 should be an appraisal of the economic, social and environmental sustainability of the plan.”**

Paragraph 4.40 states: **“Sustainability appraisal fully incorporates the requirements of the European Directive on Strategic Environmental Assessment. Provided the sustainability appraisal is carried out following the guidelines in the A Practical Guide to the Strategic Environmental Assessment Directive and the Plan-Making Manual there will be no need to carry out a separate SEA.”**

Paragraph 4.43 states: **“The Sustainability Appraisal should perform a key role in providing a sound evidence base for the plan and form an integrated part of the plan preparation process. Sustainability assessment should inform the evaluation of alternatives. Sustainability assessment should provide a powerful means of providing to decision makers, and the public, that the plan is the most appropriate given reasonable alternatives.”**

## **PPS1 and 'sustainable development'**

Paragraph 24, PPS1 states: **“Planning authorities should ensure that sustainable development is treated in an integrated way in their development plans. In particular, they should carefully consider the inter-relationship between social inclusion, protecting and enhancing the environment, the prudent use of natural resources and economic development.”**

The sustainability appraisal should be an integral part of the development plan document preparation process. In this way it helps to reinforce Planning Policy Statement 1: Delivering Sustainable Development.

## **UK Sustainable Development Strategy**

Sustainability appraisals also help to deliver the UK Sustainable Development Strategy. The 2005 UK Sustainable Development Strategy defines the goal of sustainable development as “to enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life, without compromising the quality of life of future generations”. It sets out the following five guiding principles to achieve it:

- living within environmental limits
- ensuring a strong, healthy and just society
- achieving a sustainable economy
- promoting good governance
- using sound science responsibly.

## **Useful resources**

- [SEA Directive](#) - on the Communities and Local Government (CLG) website
- [Planning Policy Statement 1: Delivering Sustainable Development](#) - on the CLG website
- [Planning Policy Statement 12: local spatial planning](#) - on the CLG website

## **Appendix 3: The Environmental Assessment of Plans and Programmes Regulations 2004, Regulation 12: Preparation of an environmental report**

### **Preparation of environmental report**

12.—(1) Where an environmental assessment is required by any provision of Part 2 of these Regulations, the responsible authority shall prepare, or secure the preparation of, an environmental report in accordance with paragraphs (2) and (3) of this regulation.

(2) The report shall identify, describe and evaluate the likely significant effects on the environment of—

(a) implementing the plan or programme; and

(b) reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.

(3) The report shall include such of the information referred to in Schedule 2 to these Regulations as may reasonably be required, taking account of—

(a) current knowledge and methods of assessment;

(b) the contents and level of detail in the plan or programme;

(c) the stage of the plan or programme in the decision-making process; and

(d) the extent to which certain matters are more appropriately assessed at different levels in that process in order to avoid duplication of the assessment.

(4) Information referred to in Schedule 2 may be provided by reference to relevant information obtained at other levels of decision-making or through other Community legislation.

(5) When deciding on the scope and level of detail of the information that must be included in the report, the responsible authority shall consult the consultation bodies.

(6) Where a consultation body wishes to respond to a consultation under paragraph (5), it shall do so within the period of 5 weeks beginning with the date on which it receives the responsible authority's invitation to engage in the consultation.