



Wealden District Council
Interim Sustainability Appraisal
Local Plan (Regulation 18)
SA Review Report

March 2024

Contents

1.0	Introduction	1
2.0	SA Process	2
3.0	Scoping Report	3
4.0	SA Workshop & Feedback Sessions	4
5.0	Interim Sustainability Appraisal	5
6.0	Conclusions	10

1. Introduction

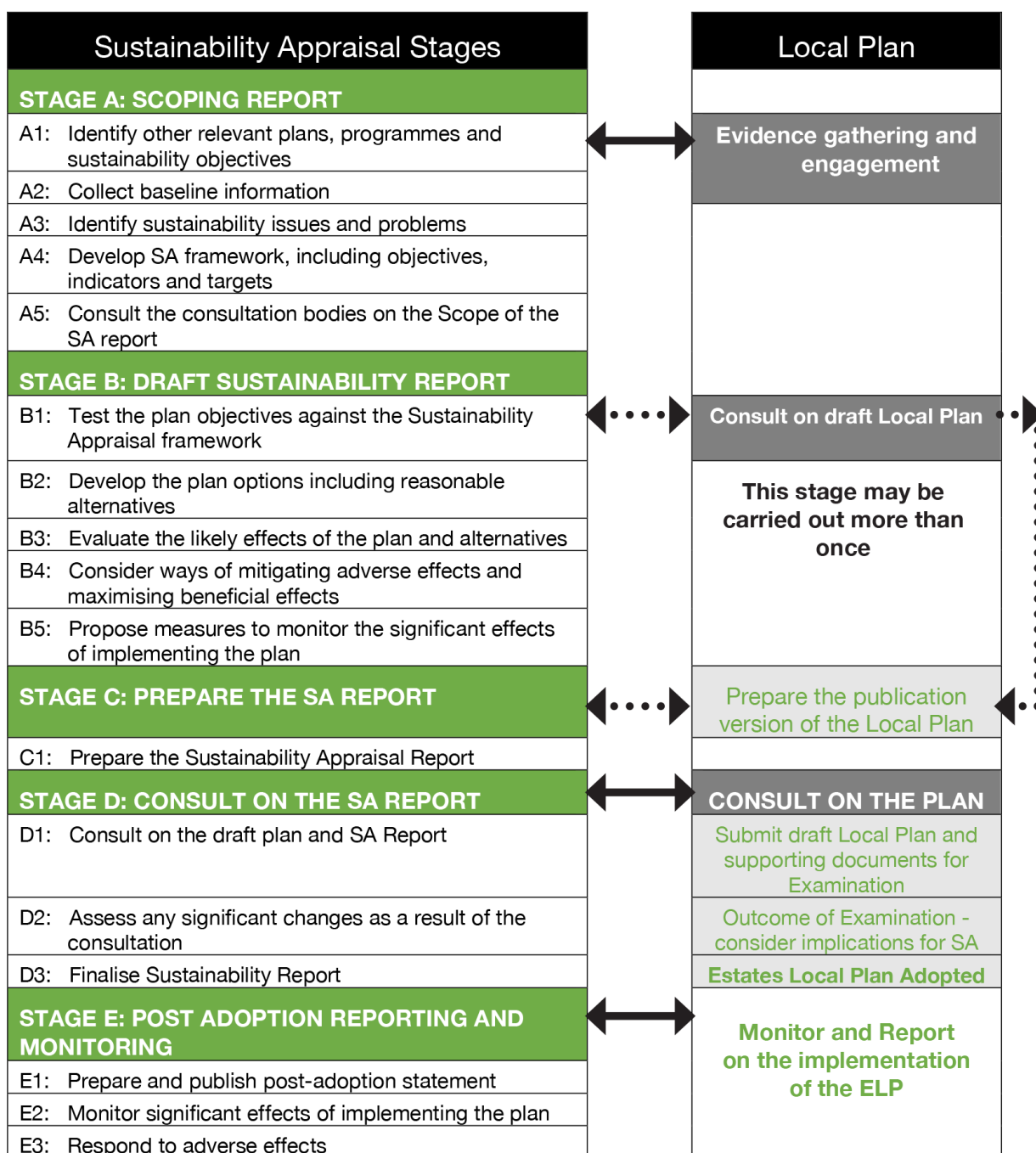
- 1.1 Wealden District Council (WDC) is currently developing a new Local Plan, which will provide an overarching planning framework for the local area. The District's new Local Plan will replace the current set of adopted development plan documents (the Wealden Local Plan 1998 saved policies, the Core Strategy 2013 and the Affordable Housing Delivery Local Plan 2016) with a new planning framework for the District up to 2040.
- 1.2 To support the development of the new Local Plan, the Council is required by law to undertake a Sustainability Appraisal (SA). The SA is an integral part of the plan making process and from the outset, must consider ways by which the plan can contribute to improvements in environmental, social and economic conditions as well as mitigating any adverse effects and maximising any positive effects of the Plan.
- 1.3 Jam Consult, a sustainability and planning consultancy, was commissioned in May 2023 to provide advice to the Council on the preparation of the Sustainability Appraisal of its Local Plan. The advice has included training workshops for staff as well as a critique and review of the work produced to ensure that it complies with the SA regulations.

Sustainability Appraisal Regulations

- 1.4 Under **Section 19(5) of the Planning and Compulsory Purchase Act 2004**, Sustainability Appraisal (SA) is mandatory for new or revised Development Plan Documents (DPDs). The appraisal should include an assessment of the likely significant impacts - economic, social and environmental - of the plan. The Plan should also have regard to **Section 39**, which requires the Local Authority to prepare the Local Plan with the objective of achieving sustainable development.
- 1.5 When conducting an SA of DPDs an environmental assessment must also be conducted in accordance with the requirements of **European Directive 2001/42/EC** (The Strategic Environmental Assessment (SEA) Directive), transposed into the UK legislation by the **Environmental Assessment of Plans and Programmes Regulations 2004, Section 12**.
- 1.6 Sustainability Appraisals should be carried out in accordance with Government Policy and Guidance the **National Planning Policy Framework (NPPF) 2024** and **National Planning Practice Guidance (PPG)**. Sustainability Appraisal, as defined under the Planning and Compulsory Purchase Act, fully incorporates the requirements of the SEA Directive. The term SA is therefore used to refer to the combined assessment.
- 1.7 The SA also needs to take account of the findings of other regulatory assessments which are required for the preparation of the Local Plan including the Habitat Regulations Assessment (HRA) and Equalities Impact Assessment (EqIA), as well as the evidence used to underpin the Local Plan.

2. SA Process

- 2.1 The Government's PPG on SEA and SA sets out five key stages in the preparation of Sustainability Appraisal for Local Plans. Each key stage is also divided up into a number of tasks. To reflect the iterative nature of SA, some of the tasks are undertaken simultaneously and inform each other. Similarly, the outcomes of some tasks will feed back into tasks already undertaken. **Figure 2.1** shows the five stages within the SA process and the relationship with the emerging Local Plan. Stages B and C may be undertaken more than once e.g. Reg. 18 & 19.



3. Scoping Report

3.1 A previous scoping report was consulted upon and published in 2020/2021. Given the amount of time that had elapsed since the original publication it was decided that a new Scoping Report should be prepared, which was issued for consultation from 26 June to 7 August 2023 to:

- **Provide an updated consideration of plans, policies and programmes that are relevant for consideration in plan-making.**
- **Provide updated economic, environmental and social policy context and baseline information.**
- **Consider the updated baseline information to identify sustainability issues and to review and update the SA objectives.**
- **Set out a refined method of approach to the SA, to strengthen the robustness of the SA and therefore the soundness of the Local Plan.**

3.2 Jam was instructed to review the Draft Scoping Report and provide advice on its content and structure. Jam's advice included:

- The need for the report to be clear and succinct
- To provide diagrams and images to illustrate the document
- To signpost the document to enable the reader to engage with the document
- To provide links and references to additional data and evidence.

3.3 Difficulties regarding the Scoping Report included:

- The level of detail provided and overall length of the document as staff tended to provide more text than necessary to show that a thorough approach had been taken to the baseline data. It was recommended that this matter should be reviewed for future reports.

3.4 In accordance with the SA Regulations, the Council consulted with the statutory consultees: Natural England, Historic England and the Environment Agency. The Council also consulted with neighbouring authorities, key organisations and the local community. Consultees were invited to comment on the content of the report and asked to consider in particular:

- **Plans, Policies and Programmes** - any relevant to the sustainability appraisal of the Local Plan which had been omitted or updated.
- **Baseline Data** – any sources of baseline data which had been omitted or needed to be updated.
- **Sustainability Issues** - the suitability and relevance of the sustainability issues to the District and any which needed to be added or amended.
- **Sustainability Framework** - the suitability of the sustainability framework and the objectives and indicators identified.
- **SA Methodology** - the suitability and clarity of the SA methodology.

4. SA Workshop & Feedback Sessions

- 4.1 Jam held a workshop with consultancy Plan In and Council staff in June 2023. The purpose of the workshop was to ensure all staff understood the requirements and complexities of the SA process and to discuss issues that officers were experiencing in carrying out the SA. Examples of good and bad practice were used to explain some of the issues frequently experienced in SAs including examples of other authorities' assessments and key issues that have arisen in case law.
- 4.2 The workshop included:
- Legal Requirements
 - The SA Framework
 - Significant Effects (Regs. Sch. 1 & 2 criteria)
 - Reasonable Alternatives – Spatial Options, Options Appraisal, Site Assessments and Policy alternatives
 - Need for comparable results
 - The failure to support or link assessments to the evidence base
 - Cumulative impacts and mitigation measures.
- 4.3 Following the workshop, regular feedback sessions have been held with Council officers to help work through issues when carrying out the assessments. Jam designed a set of matrices to be used in the assessments to ensure a consistent approach, which met the requirements of the regulations. Sessions included further detail on how to carry out policy assessments, site assessments and spatial options.

5. Interim Sustainability Appraisal (Regulation 18)

5.1 Scoping Report Responses

- 5.1.1 Formal consultation was undertaken by the Council in line with regulatory and best practice guidance in relation to plan making and the associated Sustainability Appraisal process. The consultees included the Statutory Consultees: Natural England; The Environment Agency; and Historic England, as well as key local stakeholders and the community.
- 5.1.2 Fifty responses were received as part of the SA Scoping Report consultation, including statutory consultees the Environment Agency and Historic England. The Council did not receive a response from Natural England at this stage. A summary of the consultation responses and officer comments is provided in Appendix A2 of the Interim SA report. In general, the view was that the Scoping report provided an appropriate methodology and framework for the Sustainability Appraisal of the Local Plan.
- 5.1.3 The key issues raised related to some changes to the baseline data. Many of these changes related to the sections on Air Quality (chapter 7) and Water (chapter 14). In addition, wording for the sustainability objectives and indicators was also refined in response to the consultation to remove any duplication and improve clarity. A number of Plans, Policies and Programmes were also considered and added into Appendix A of the SA Scoping Report and Appendix A3 of the Interim SA Report. Overall, the comments received were addressed where it was relevant to do so.

5.2 Spatial Strategy and Growth Options

- 5.2.1 Under the SEA Regulations, there is a requirement to consider reasonable alternatives when undertaking the assessment and to set out an outline of the options considered and the reasons for their selection or rejection. Options were considered in the development of the draft Local Plan for the Growth Options and Spatial Strategy; the Local Plan Policies; and Site Allocations.
- 5.2.2 The option of 'do nothing' or 'no new plan' was not considered a reasonable alternative as it would not address the need to plan for the required housing and economic growth in the District or address recent changes in planning and environmental legislation and guidance.
- 5.2.3 It was recommended that the Spatial Strategy and Growth Options should be considered as soon as possible in the development of the Local Plan process so that the policy development and site assessments could be considered in this context. The importance of understanding the Spatial Strategy was particularly important for undertaking the site assessments. It was also recommended that diagrams should be included within the Local Plan and SA to illustrate the different Spatial Options.

- 5.2.4 Draft Growth Options were considered and then refined in consultation with officers to ensure that there was sufficient difference between the options to be identified in the SA and ensure the most sustainable and that all reasonable options had been considered. The draft assessments were reviewed to ensure that the results were sufficiently clear, in particular, the reasons for the selection or rejection of the options. The options will be refined further once additional work has been carried out in support of the Regulation 19 Local Plan and to respond to representations on the Local Plan Regulation 18 and Initial SA consultation.

5.3 Reasonable Alternatives

- 5.3.1 Reasonable alternatives were also considered for the Spatial Strategy strategic policies as well as the draft planning policies. Advice was provided on the number and type of reasonable alternatives to be included in order to refine the process. Whilst the regulations require the assessment of reasonable alternatives it does not require an assessment of all alternatives available.

5.4 Planning Policy Assessments

- 5.4.1 The policy assessments were reviewed and the following key issues were identified:
- The need for more concise text
 - The need to be more explicit in the link between the results and the evidence
 - The need to assess the impact of the policy upon the SA objectives rather than the other way around
 - The need to provide a summary of the results for use in the SA report.
- 5.4.2 The above recommendations were incorporated into the Interim SA Report, although further refinement of the text will be considered in the next iteration of the SA at the Regulation 19 stage of the Local Plan.

5.5 Site Assessments

- 5.5.1 Advice was provided to the Council on both the selection and assessment of sites. The site selection process was broadened to ensure that constraints were included in the selection process, which were not absolute constraints but should be considered when making a selection and to provide links to the appropriate evidence, for example:
- Current Land Use – greenfield/brownfield/agricultural land (grade)/contaminated land/mineral or waste safeguarding/open space
 - Proposed land use – size/scale/no of dwellings/floorspace etc
 - Transport – transport infrastructure provision including access roads/public transport/pedestrian and cycle routes
 - Settlements – location of sites within or outside of the settlement boundaries
 - Amenities – shops, health, sport, leisure, education
 - Utilities – e.g. any gas/electric powerlines
 - Heritage – conservation area/listed building/archaeological areas/scheduled monuments/registered gardens
 - Neighbouring uses – any bad neighbours.

- 5.5.2 A site proforma was developed to capture the information including a site map to identify the location of the sites. A site assessment framework was also prepared for the SA with specific decision-making criteria as well as links to key evidence documents, which should be considered, to assist officers carrying out the assessments.
- 5.5.3 The SA Site Assessment matrix was designed not to be overly prescriptive to avoid a situation where, for example, decisions were made on distance from an amenity but with no consideration of potential mitigation measures such as whether new facilities could be provided or if existing provision is suitable for future needs (e.g. distance from a bus stop).
- 5.5.4 A selection of site assessments was reviewed to ensure that the assessments were appropriate. The following issues were raised:
- Need to be clear what site is being assessed. If a proposal for a site is considered too large because the evidence has demonstrated constraints, which cannot be mitigated, then this should be made clear. If a small site is to be included as part of a larger site this should be assessed as a combined site. If a small site is being considered in isolation, then the site should be assessed on this basis.
 - Many of the assessments were too lengthy and repetitive. For example, if the impact is 'not significant' a page of reasons supporting this decision should not be necessary as it should be obvious from the decision-making criteria in the Site Sustainability Assessment Framework.
- 5.5.5 The above recommendations have been incorporated into the Interim SA, although further refinement of the assessment text should be considered in the next iteration of the SA at the Regulation 19 Stage of the Local Plan.

5.6 Initial SA Report

- 5.6.1 The draft Initial SA Report was also reviewed by Jam to ensure that the results of the assessment had been explained appropriately and the report met the requirements of the SA regulations. The report was considered to contain the appropriate level of detail to comply with the regulations.
- 5.6.2 Recommendations included the addition of a Non-Technical Summary, as required by the regulations, and the editing of some chapters where they were too lengthy to make the document more accessible for the reader. Further refinement and streamlining of the document is recommended at the Regulation 19 stage of the Local Plan as it is still considered over cumbersome in places at this stage.
- 5.6.3 Appendix A1 sets out where the relevant information can be found within the SA report as required by the regulations and is included in this report overleaf. The information will be updated as the SA evolves through the different iterations of the Local Plan preparation.
- 5.6.4 The division of the Appendices into smaller more manageable files was recommended to make the document more accessible. The inclusion of further contents sheets and dividers as well as signposting within the document has also been added to help the reader navigate such a large document. The amount of information in the Appendices will need to be further reduced and refined at the next stage of the SA.

SEA Directive Requirements (Article 5 and Annex I of the Directive)

SEA Requirements		Location in Interim SA Report
a	An outline of the contents, main objectives of the plan or programme, and relationship with other relevant plan and programmes	Non-Technical Summary Sections 3 & 4 of Interim SA report
b	The relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme	Scoping Report and Section 3 of Interim SA Report
c	The environmental characteristics of areas likely to be significantly affected	Scoping Report, Section 4 of Interim SA Report
d	Any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC	Section 4 of Interim SA Report
e	The environmental protection objectives, established at international, Community or national level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation	Section 3 of Interim SA Report and Appendix A of Scoping Report
f	The likely significant effects on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors. These effects should include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects)	Section 6,7 & 8 of Interim SA Report Appendices A5, A7, A8 and A9
g	The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme	Section 10 of Interim SA Report Appendices A5, A7, A8 and A9
h	An outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information	Section 2,6,7 & 8 of Interim SA Report Appendices A5, A7, A8 and A9
i	A description of measures envisaged concerning monitoring in accordance with Article 10 Sections 2 and 9	Section 10 of Interim SA Report
j	A non-technical summary of the information provided under the above headings.	Non-Technical Summary

SEA Requirements	Location in Interim SA Report
Consultation	
Authorities with environmental responsibility, when deciding on the scope and level of detail of the information to be included in the environmental report (Art. 5.4) [Regulation 12 (5)]	Scoping Report issued to statutory consultees for consultation (June - August 2023). Responses to consultation provided in Section 2 of the Interim SA Report, Appendix A2 and Council website
Authorities with environmental responsibility and the public shall be given an early and effective opportunity within appropriate time frames to express their opinion on the draft plan or programme and the accompanying environmental report before the adoption of the plan or programme (Art. 6.1, 6.2) [Regulation 13]	Scoping Report 2023 Interim SA Report January 2024
Other EU Member States, where the implementation of the plan or programme is likely to have significant effects on the environment of that country (Art. 7).	N/A
Taking the environmental report and the results of the consultations into account in decision-making (Art. 8) Provision of information on the decision:	
When the plan or programme is adopted, the public and any countries consulted under Art.7 shall be informed and the following made available to those so informed: <ul style="list-style-type: none"> the plan or programme as adopted a statement summarising how environmental considerations have been integrated into the plan or programme and how the environmental report pursuant to Article 5, the opinions expressed pursuant to Article 6 and the results of consultations entered into pursuant to Article 7 have been taken into account in accordance with Article 8, and the reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with the measures decided concerning monitoring (Art. 9 and 10) [Regulations 14 & 16] 	This will be undertaken on adoption of the Local Plan.
Monitoring	
Monitoring of the significant environmental effects of the plan or programme's implementation (Art. 10) [Regulation 17]	To be undertaken following the adoption of the Local Plan.
Quality Assurance	
Environmental reports should be of a sufficient standard to meet the requirements of the SEA checklist Directive (Art. 12).	The SA report will be checked against the SEA checklist.

6. Conclusions

- 6.1 The Interim SA is the second stage of the SA process. The SA process is an iterative process, which will be revised and amended as the Local plan is developed.
- 6.2 At this stage of the process, it is considered that the SA has been prepared in accordance with the SA regulations and has sought to provide a comprehensive assessment of the Draft Local Plan. The assessment has included:
- Scoping Report – setting out the proposed SA Process and methodology, baseline data, PPPs, SA Framework and assessment method.
 - Consultation on the Scoping Report
 - Responses to the issues raised within the Scoping Report (Initial SA Report - Appendix A2)
 - An Initial SA Report and Non-Technical Summary including:
 - Revised SA Framework
 - Vision and Objectives Assessment
 - Spatial Strategy and Growth Option Assessments
 - Policy Assessments
 - Site Assessments
 - Consideration of Reasonable Alternatives
 - Mitigation Measures
 - Cumulative Impacts
 - Technical Appendices.
- 6.3 Further refinement of the SA will be undertaken at the next stage of the Local Plan development (Regulation 19). Recommendations include:
- Refining the SA Report text to be more succinct and pertinent to the assessment
 - Responding to representations received on the Initial SA of the Local Plan (Regulation 18) to correct any errors or omissions.
 - Updates to the assessments to reflect any changes to policies and sites, as a consequence of changes to the Draft Local Plan (Regulation 19).
 - Improving the accessibility and sign-posting of the document for all users, particularly the lay person
 - Refining the appendices to only include the necessary information, substantially reducing the size of the document
 - Consideration of alternative formats of the documents to reduce their size.



Jam Consult Ltd

Jane Mulcahey
23 Harelaw Avenue
Glasgow
G44 3HZ

0141 562 1004

07812 129 810

jane@jamconsult.com

www.jamconsult.com