

DEVELOPMENT CONTROL
POLICY GUIDANCE NOTE 14

Employment Land and Premises

**Consultation Draft
Supplementary Planning Document**

Supplementary Sustainability Appraisal Scoping Report

**Published by Bury Metropolitan Borough Council
Planning, Engineering and Transportation Division**

February 2007

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1 INTRODUCTION

- 1.1 Under the Planning and Compulsory Purchase Act 2004 (PCPA)¹, Sustainability Appraisal (SA) is mandatory for a range of Local Development Documents (LDDs), including Supplementary Planning Documents (SPDs). The purpose of SA is to promote sustainable development through better integration of sustainability considerations into the preparation and adoption of planning documents.
- 1.2 This Supplementary Scoping Report forms part of the first stage of the SA of Draft Development Control Guidance Note 14 – Employment Land and Premises SPD. It should be read in conjunction with the Local Development Framework (LDF) Sustainability Appraisal Scoping Report for the Core Strategy, which establishes an overarching SA framework and is available from the Council’s SA website page².

2 THE BURY UNITARY DEVELOPMENT PLAN

- 2.1 Policies contained within the Bury Unitary Development (UDP) have been ‘saved’ for a period of three years following the commencement of the PCPA (September, 2004). Current UDP policies continue to be the policies against which any new SPDs are linked, as required under regulation 13 (7) of the Town and Country Planning (Local Development) (England) Regulations, 2004.
- 2.2 The SPD to which this SA Scoping report is associated, is designed to support saved UDP Policies EC1 and EC2/2. UDP Policy EC1 specifies that the Council will endeavour to ensure that a comprehensive range of employment sites are identified to meet the needs of manufacturing and service employers. Policy EC2/2 seeks to retain appropriate employment land and premises outside Employment Generating Areas.
- 2.3 The Bury UDP, which was adopted in 1997, has not been subject to sustainability appraisal. ODPM³ guidance (2005)⁴ states that ‘where the SPD has been prepared on the basis of a saved plan, policy or policies which have not been subject to SA, the authority will need to carry out a SA of that policy or policies and report on these’. To satisfy this requirement one of the options subject to appraisal will be the “do nothing” or rely on the existing policy, which will enable appraisal of the existing policy to take place.

¹ S19 (5).

² <<http://www.bury.gov.uk/Environment/Planning/DevelopmentPlanning/LocalDevelopmentFramework/default.htm>>

³ The ODPM is now referred to as the ‘Department for Communities and Local Government.’

⁴ ODPM (2005) Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents: Guide for regional Planning Bodies.

3 OTHER RELEVANT LEGISLATION/ PROCEDURES

- 3.1 Bury MBC also considers it appropriate to utilise the SA process to assimilate the requirements of other legislation, plans and programmes into the various SA stages, for instance this includes the specific requirements of:

A - STRATEGIC ENVIRONMENTAL ASSESSMENT

- 3.2 Local authorities must also comply with the European Directive 2001/42/EEC and the Strategic Environmental Assessment (SEA) Regulations⁵. The SEA Regulations require a determination to be made on whether there are likely to be significant environmental effects as a result of the SPD. However, Regulation 5 (6) states that ‘an environmental assessment need not be carried out for a plan or programme which determines the use of a small area at the local level or for minor modifications to an existing plan.’ Guidance produced by the Office of the Deputy Prime Minister (2005) identifies that SPDs are most likely to fall within this category. With this in mind, we will undertake an SEA screening of SPD 14 during the SA process to determine whether it would have significant⁶ environmental effects.

B – APPROPRIATE ASSESSMENT

- 3.3 The purpose of Appropriate Assessment (AA) of land use plans is to ensure that protection of the integrity of European sites is a part of the planning process. The requirements for AA of plans and projects is outlined in Article 6(3) and (4) of the European Communities (1992) Council Directive 92/43EEC on the conservation of natural habitats and of wild fauna and flora otherwise known as the habitats directive.
- 3.4 Schedule 1 of the Conservation (Natural Habitats, &c) (Amendment) (England and Wales) Regulations 2006 (Habitat Regulations) inserts a new Part IVA into the Conservation (Habitats, &c.) Regulations 1994 and transposes into English law the requirement to carry out AA for land use plans.
- 3.5 European sites are Special Protection Areas (SPAs) and Special Areas of Conservation (SACs). Planning Policy Statement 9 (ODPM, 2005)⁷ Biodiversity and Geological Conservation advises that proposed sites awaiting approval, such as potential SPSs and candidate SACs should be treated in the same way as those already classified and approved.
- 3.6 We have identified that there are no European sites within the borough. However, there are sites located in adjacent or more distant authorities.

⁵ Environmental Assessment of Plans and Programmes Regulations (2004).

⁶ Significance is determined by taking in account criteria specified in Schedule 1 of the SEA Regulations and ANNEX II of the Directive.

⁷ Please see: <http://www.communities.gov.uk/index.asp?id=1143832>

- 3.7 These sites are the Rochdale Canal SAC⁸ (located 4km from the borough), South Pennines SAC⁹ (13km) and the Peak district SPA¹⁰ (17km).
- 3.8 Having undertaken a screening of the SPD we have determined that an AA is/is not needed. We have made this determination for the following reasons:
- There will be no adverse effect on the integrity of European sites.
 - The SPD is addressing localised and specific issues associated with employment land and premises within the borough rather than significant new development, which may place additional resource demands on a designated site i.e. water abstraction or pollution.
 - There are no European sites within the borough and the SPD is unlikely to adversely affect the conservation objectives of more distant European sites.

C – EQUALITY IMPACT ASSESSMENT

- 3.9 Equality Impact Assessments (EQIAs) involve a thorough and systematic analysis of policies which involve change(s) in policy direction. Its purpose is to avoid unintended discrimination or unwanted/unlawful negative differential impact. This is particularly the case where policies would potentially have negative impacts on individuals/groups of people because of their race, disability, religion or belief, gender, age, sexual orientation or caring responsibilities. Due to similar legislated requirements for sustainability appraisals, consultation and publicity procedures for planning legislation, Equity Standards for Local Government and legislation affecting diversity and equality issues, it is appropriate to merge these requirements into the sustainability process.
- 3.10 The stages required for EQIA have been absorbed into the SA process. For example, this SA scoping stage (or screening stage) considers which groups/organisations are likely to be affected by SPD14. These include:
- Businesses and landowners with an interest in employment land and premises in the Borough;
 - Developers, architects and those who submit planning applications to Bury MBC involving the redevelopment of employment land and premises;
 - A potentially wide range of groups covering a variety of races, religions, ages, sexuality, disabilities, responsibilities and people of

⁸ Designated because the canal supports a protected species (floating water-plantain – *Luronium natans*)

⁹ Designated because the area supports habitats of value such as European dry heaths, blanket bogs, old sessile oak woods.

¹⁰ Designated because the area supports protected species (short eared owls (*Asio flammeus*), Merlin (*Falco columbarius*) and Golden Plover (*Pluvialis apricaria*)).

either gender. The initial impact assessment conducted at Stage B will identify potential impacts (if any) that the implementation of SPD14 may have.

- 3.11 Council guidance¹¹ states that all new policies need to have an initial impact assessment, in order to verify whether partial or full assessments need to be conducted. Stage B of the SA (see below) involves an initial impact assessment of the policy using the sustainability appraisal framework. If it is anticipated that major negative effects may arise as a result of Stage B of the SA process, this would be addressed through policy amendments in an attempt to mitigate these effects. Failing this, a partial impact assessment and full impact assessments may be required, which would be conducted as an external procedure to the SA process. Monitoring of EQIA will be done through the Council's Annual Monitoring Report and Annual Equalities Report.

4 STAGES IN THE SA PROCESS

- 4.1 The SEA Regulations prescribe the steps that must be undertaken during the environmental assessment of a plan. For instance, this includes deciding on the scope and level of detail to be included in the environment report and the consideration of alternatives. ODPM SA guidance on sustainability appraisal absorbs the requirements of the SEA directive¹² and expands the same rigorous process required by SEA to include social and economic impacts. The same guidance sets out the following stages to the SA process:

- Stage A: Setting the context and objectives, establishing the baseline and deciding on the scope.
- Stage B: Developing and refining options and assessing effects.
- Stage C: Preparing the Sustainability Appraisal Report.
- Stage D: Consulting on the draft SPD and sustainability appraisal report.
- Stage E: Monitoring the significant effects of implementing the SPD.

- 4.2 This Scoping Report covers Stage A, this involves the following tasks:

- Task A1: Identifying other relevant policies, plans and programmes, and sustainability objectives.
- Task A2: Collecting baseline information.
- Task A3: Identifying sustainability issues and problems.
- Task A4: Developing the SA Framework.
- Task A5: Consulting on the scope of the SA.

¹¹ Equality Impact Assessment Toolkit, Bury MBC (2006).

¹² Although, para 1.6 of the ODPM guidance states that the purpose of the guide "is to provide information to assist users to comply with the SEA Directive. It is however not intended as a legal interpretation".

5 THE SCOPE OF THE SA

- 5.1 We have determined that the SA Scoping Report for the LDF Core Strategy¹³ has already covered stages A1 to A4 (the scope of the SA). This Scoping Report was subject to a 5-week period of consultation between the 20th June and 25th July 2005. The updated SA Framework including Stages A1- A4 has been available from the Council's website pages since February 2006 and will be used for appraising this SPD.
- 5.2 We consider this approach to be appropriate because this follows a clear chain of conformity with the Core Strategy being the broadest ranging and hierarchical apex of all the DPDs/SPDs to be prepared. The related sustainability objectives, indicators and baseline information identified within it are intended to cover the full range of social, environmental and economic issues that the DPD and SPD alternatives will need to be assessed against. Therefore, Stages A1- A4 does not need to be repeated here again. We would however like to draw your attention to national planning and regional policies contained in PPG4, PPS1, PPS3 and RSS for the North West, which are most relevant to SPD14. In particular, we have also identified a number of specific issues and problems, objectives and reasonable alternatives related to this SPD, these are:

ISSUES AND PROBLEMS

- On the surface, the Borough's economy looks to be reasonably healthy. However, this masks the fact that the Borough has an over-reliance on the declining manufacturing sector, has the highest levels of out-commuting in Greater Manchester (48.4%) and generally accommodates low waged, low skilled jobs. Those with higher skills commute to the better paying jobs outside the Borough, mainly in Manchester City Centre. In 2005, the average weekly pay for jobs in Bury was £293.60 compared to £391.40 in Manchester (ONS).
- The Borough is at a significant disadvantage to its neighbouring boroughs in having limited access to grant funding which restricts the ability of the Council to attract and retain employers via financial incentive and restricts the amount of funding that is available to assist in making sites and premises available.
- The Borough's urban area is tightly bounded by the Green Belt and, as a result, the focus has to be on employment land within the existing urban area.
- Government pressure for development to take place on previously-developed land is resulting in many of The Borough's existing employment sites coming under considerable pressure from higher value uses, such as residential and retail, and many are being lost.

¹³ Available at:

<<http://www.bury.gov.uk/Environment/Planning/DevelopmentPlanning/LocalDevelopmentFramework/SustainabilityAppraisals/default.htm>>.

- Given The Borough's industrial heritage, there are a significant amount of older industrial premises within the Borough, many of which are located in what can be described as secondary locations, and sometimes located close to residential areas. Although such sites may not necessarily represent high quality, prestigious employment opportunities they do, nevertheless, fulfil a role in providing for more affordable land and premises that would be attractive to a more local market and, in this respect, play an integral role in strengthening the local economy. In addition, such sites also offer the opportunity for people to work close to where they live, thus potentially reducing reliance on the private car as a means of travelling to work.
- The substantial differential between employment and other higher value uses in the Borough means that companies often retain a 'hope value' for their site based on higher value uses.
- The retention of some existing employment sites or their redevelopment for new employment uses may not always be a viable development option.
- The Borough does have the characteristics to attract a number of the better quality employment sectors, including the digital and creative industries, finance and professional services, healthcare, biotechnology and public sector offices.
- The key to attracting firms in such sectors is through easy access to genuinely available and readily developable sites. However, a significant amount of The Borough's employment land supply is suffering from constraints for reasons of access, ownership or other difficulties. In April 2005, monitoring of employment and availability showed that there was only a 3.7 year supply of immediately available employment land.
- In addition, the size distribution of the available sites is also less than ideal with little above 0.4 of a hectare in size and the majority of sites less than 0.2 hectares. This lack of supply will restrict The Borough's ability to diversify and modernise its economy.
- Policy EC1 seeks to identify an adequate supply of employment land in order to enable inward economic investment. The lack of genuinely available employment sites is reducing the effectiveness of this Policy.
- Policy EC2/2 seeks to protect all employment land and premises outside Employment Generating Areas where they are considered suitable in land use terms for continued employment use. The Policy takes no account of the viability of retaining the site in employment use and the SPD will provide additional guidance as to how the Council approach proposals involving the loss of employment sites.
- Similarly, the Policy EC2/2 does not provide sufficient guidance to developers or applicants on what will or will not be acceptable when they are considering putting planning applications together.

OBJECTIVES

- To supplement Policies EC1 and EC2/2 and to seek to ensure that any proposals involving the loss of an existing employment resource within the Borough does not occur to the detriment of the local economy.
- Where the retention of an existing employment resource can be shown to be unviable, to seek to explore various options available to developers including mixed use development or making a one-off payment that can be used to unlock constraints on the Borough's employment land supply.
- To seek to provide a means by which constraints on the Borough's employment land is removed in order to create a 'portfolio' of genuinely available and developable employment sites that are more attractive to the better quality growth sector employers, thus providing opportunities for better quality jobs within the Borough, thus helping to reduce reliance on the private car..

OPTIONS

1. As outlined, Policies EC1 and EC2/2 have been saved. Policy EC1 is the Policy against which the Council seeks to ensure a comprehensive range of employment sites is identified to meet the future needs of manufacturing and service employers. Policy EC2/2 is the Policy against which the Council seek to retain appropriate employment land and premises outside Employment Generating Areas in employment use. One option available to the Council would be to 'do nothing' and simply rely on the existing policy to assess planning applications. If this were the case, the Council would continue to retain employment land and premises that are considered suitable in land use terms against Policy EC2/2. Under this option, there would be no consideration given to viability issues.
2. Develop guidance that will look at retaining employment land and premises outside Employment Generating Areas unless it can be clearly demonstrated that the site is not suited in land use terms or that its retention or complete redevelopment for new employment uses is unviable. Where this is demonstrated, the guidance would allow for mixed use development on appropriate sites whereby higher value uses would cross-subsidise the retention of employment opportunities on part of the site.
3. As in (2) above but where a mixed use development is deemed to be inappropriate, the guidance will allow for an additional option of making a one-off payment to the Council that will be used to remove constraints on other sites and make them genuinely available for new employment development.

6 CONSULTATION

6.1 To fulfil the requirements of Stage A5 in the SA process we will send this Scoping Report to the following consultation bodies:

1. Natural England;
2. The Historic Buildings and Monuments Commission for England (English Heritage);
3. The Environment Agency;
4. North West Regional Assembly; and
5. Government Office for the North West.

6.2 Under Regulation 17 of The Town and Country Planning (Local Development (England) Regulations 2004, specific and general consultation bodies who are considered appropriate will be consulted with for SPD14. This will include equity and diversity consultation groups identified by Bury MBC who have a legitimate interest in material covered by the SPD and/or those directly affected by the proposed policy. Details of this exercise will be contained in the Consultation Statement for SPD14.

6.3 The final SA report will be subject to a statutory public consultation period alongside the Draft SPD for a minimum of 4 weeks. If you wish to make any comments on this report, then representations should be submitted to the address below:

Planning Policy Section
2nd Floor, Craig House
5 Bank Street
Bury
BL9 0DN

6.4 For further information regarding this document, please contact:

David Hodcroft (Planning Officer)
Telephone: 0161 253 7659
E-mail: d.hodcroft@bury.gov.uk
Fax: 0161 253 5290