

DEVELOPMENT CONTROL
POLICY GUIDANCE NOTE 14

Employment Land and Premises

**Consultation Draft
Supplementary Planning Document**

Sustainability Appraisal Report

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Planning, Engineering and Transportation Division

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1.0 Introduction

- 1.1 Under the Planning and Compulsory Purchase Act 2004¹ (P&CP Act), 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 by integrating sustainability considerations into the preparation and adoption of planning strategies and guidance, such as SPDs. The SA considers the effect of the SPD from an environmental, social and economic perspective. This is achieved by assessing the SPD objectives and options against the sustainability appraisal framework.²
- 1.2 This SA Report identifies and reports on the likely significant effects of the **Employment Land and Premises SPD** (also referred to as 'Development Control Policy Guidance Note 14'); and the extent to which implementation of the SPD will deliver the social, environmental and economic objectives of sustainable development.

2.0 Bury Unitary Development Plan

- 2.1 The policies within the Bury Unitary Development (UDP) have been 'saved' and, therefore, 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 report is associated, is designed to support UDP Policies EC1 – Employment Land Provision and EC2/2 – Employment Land and Premises Outside Employment Generating Areas. In general terms, these policies seek to ensure the availability of a suitable range of employment land and premises in the Borough.
- 2.3 The Bury UDP has not been subject to sustainability appraisal. Office of the Deputy Prime Minister (ODPM)³ advisory 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, and to enable an appraisal of the existing policy,

¹ Section 19 (5)

² The sustainability appraisal framework consists of sustainability objectives, indicators and the associated baseline information.

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.

option one of the three options subject to appraisal was the “do nothing” or rely on the existing UDP policy option.

3.0 Other Relevant Legislation/Procedures to take into Account

- 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 When preparing their LDDs, Local Planning 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 ODPM (2005) identifies that SPDs are most likely to fall within this category.
- 3.3 Having assessed the SPD objectives and options, it has been determined that a SEA of the SPD is not required because the plan is unlikely to have any significant⁶ environmental effects. This is primarily because the SPD elaborates the existing UDP policy, without introducing an overall change in policy direction. Having made this determination, we have sent a copy of this SA Report and the draft SPD which it relates to the consultation bodies detailed in Regulation 4 of the SEA regulations (2004). In line with Bury’s adopted Statement of Community Involvement (SCI), the draft SPD (accompanied by this SA report) will also be subject to a statutory period of consultation of no less than 4 weeks and no more than 6 weeks (see Section 7).

B – Appropriate Assessment

- 3.4 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.

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

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

- 3.5 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.
- 3.6 European sites are Special Protection Areas (SPAs) and Special Areas of Conservation (SACs). Planning Policy Statement 9 – ‘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.
- 3.7 There are no European sites within the Borough. However, there are sites located in adjacent or more distant authorities. These sites are the Rochdale Canal SAC⁷ (located 4km from the borough), South Pennines SAC⁸ (13km) and the Peak district SPA⁹ (17km).
- 3.8 Having undertaken a screening of the SPD it has been determined that an AA is not needed. This determination has been made 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.

⁷ Designated because the canal supports a protected species (floating water-plantain – *Luronium natans*)

⁸ Designated because the area supports habitats of value such as European dry heaths, blanket bogs, old sessile oak woods.

⁹ Designated because the area supports protected species (short eared owls (*Asio flammeus*), Merlin (*Falco columbarius*) and Golden Plover (*Pluvialis apricaria*)).

- 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 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 Following the initial impact assessment through the appraisal framework (see Appendix B, SA Objective 6) it was established that SPD 14 would have a neutral impact in terms of equality and diversity as the approaches in SPD14 make no differentiation between particular social groups. Considering no negative impacts were identified, there is no need for a Stage 2 or 3 Equality Impact Assessment.

4.0 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 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 directive¹⁰ and expands the same rigorous process required by SEA to include social and economic impacts. The same guidance sets out key stages to the SA process. Table 1 (below) highlights these stages:

¹⁰ Although, para 1.6 of the ODPM guidance details 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”.

Table 1: Stages in the SA Process

Stage	Stage in SA Process	Notes
A	Setting the context and objectives, establishing the baseline and deciding on the scope.	This stage is sub-divided into tasks A1 to A5. For more information, please refer to the Supplementary SA Scoping Report for SPD 14 (January 2007), which covers stage A in the SA process.
B	Developing and refining options and assessing effects.	This stage is detailed in Appendices A & B of this report.
C	Preparing the Sustainability Appraisal Report.	(This report)
D	Consulting on the draft SPD and sustainability appraisal report.	See Section 7 of this report.
E	Monitoring the significant effects of implementing the SPD.	See Section 8 of this report.

5.0 Appraisal Methodology

- 5.1 The Supplementary Sustainability Appraisal Scoping Report (January 2007) for SPD 14 detailed the scope of the appraisal (Stage A of the SA process - see Table 1). This Scoping Report was subject to a 5-week period of targeted¹¹ consultation that ran from 6 December 2006 to 10 January 2007.
- 5.2 The Supplementary Sustainability Appraisal Scoping Report for SPD 14 identified that the SA Scoping Report for the LDF Core Strategy has already covered Tasks A1 to A4 and that we would use this framework and baseline information to assess the SPD. In addition to this, the Supplementary SA Scoping Report for this SPD also identified further sustainability issues, problems, and objectives specific to the SPD as well as the broad options to be considered. 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

¹¹ Consultation was targeted towards the Countryside Agency, English Heritage, Natural England, the Environment Agency and the Government Office for the North West.

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.
- 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

Objective 1 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 enable employment opportunities elsewhere in the Borough.

Objective 2 To attract better quality employment opportunities into the Borough and, in doing so, seek to stem the high levels of out-commuting and reduce the number and length of journeys to work by private car.

Alternative Options

Option 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.

Option 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.

Option 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.

5.3 The Council's Planning Policy Section carried out the appraisal of both the objectives and options in mid-January 2007 following the end of the consultation period for the SA Scoping Report.

6.0 Appraisal Conclusions

6.1 Stage B of the SA process as defined by ODPM Guidance (2005) (see Table 1) involves appraising both the SPD objectives and then the identified options against the sustainability appraisal framework. The more detailed findings of the appraisal of the SPD Objectives can be found in Appendix A and the subsequent detailed appraisal of the SPD Options can be found in Appendix B.

SPD Objectives

6.2 The objectives of SPD14 set out what it is aiming to achieve in spatial planning terms and set the context for the development of options.

6.3 The objectives are primarily concerned with the provision of quality job opportunities within the Borough and ensuring that the local economy is competitive and diverse. In seeking to attract better quality employment into the Borough, it is hoped that this will be attractive to residents that currently travel outside the Borough to better quality and better paid jobs. If successful, this will help to reduce the number and length of journeys by private car. Achieving this objective will have particular benefits from an environmental perspective. The retention of job opportunities within the Borough also has particularly positive implications from an economic perspective.

SPD Options

6.4 Although it was recognised that implementation of SPD 14 may result in some minor negative effects, particularly in relation to the possible indirect impact that the SPD could have on access to affordable housing, on the whole the implementation of the SPD is considered to be largely positive. This situation would need to be monitored through the Annual Monitoring Report.

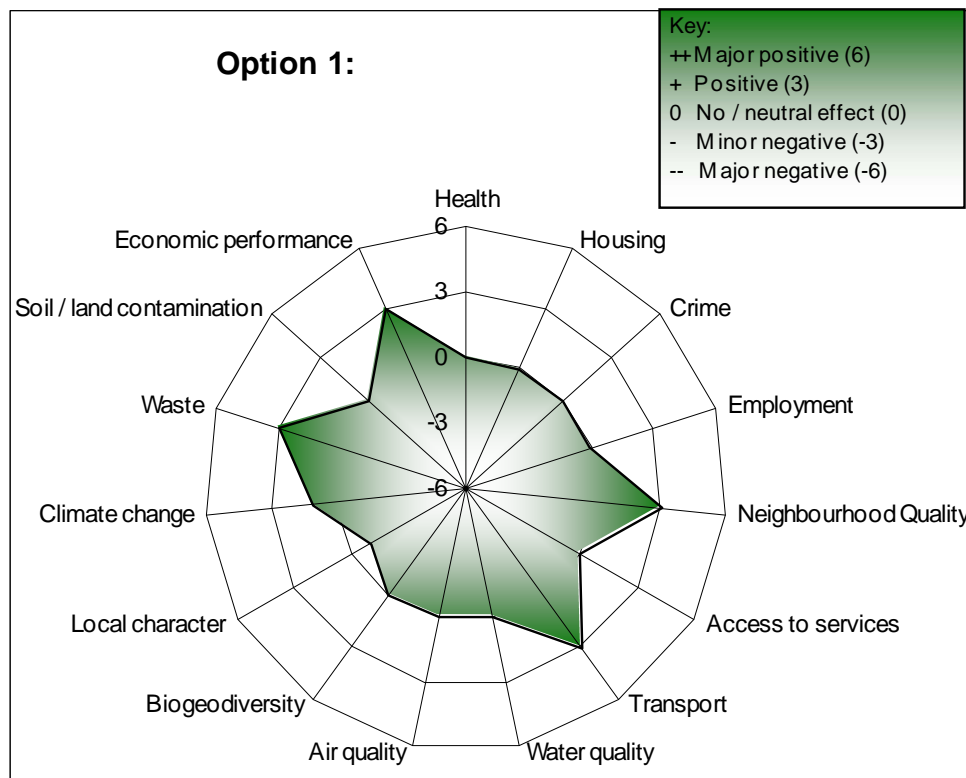
- 6.5 As a result of the appraisal of the SPD against equity and diversity categories, no negative impacts were identified.
- 6.6 The Supplementary Scoping Report (January 2007) for SPD14 detailed the available options. Appendix B contains the full details of the appraisal of the options against the SA framework. Table 2 below contain a summary of the appraisal for each of the three options. In addition, Figure 1 provides a diagrammatic representation of the appraisal of the three SPD options.

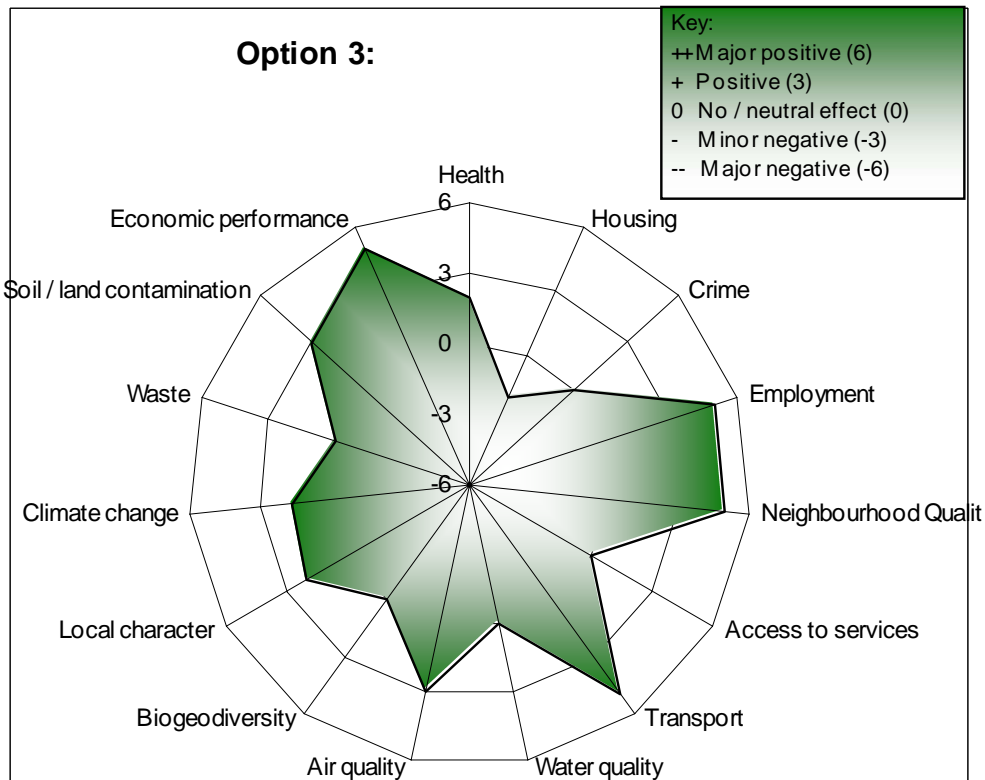
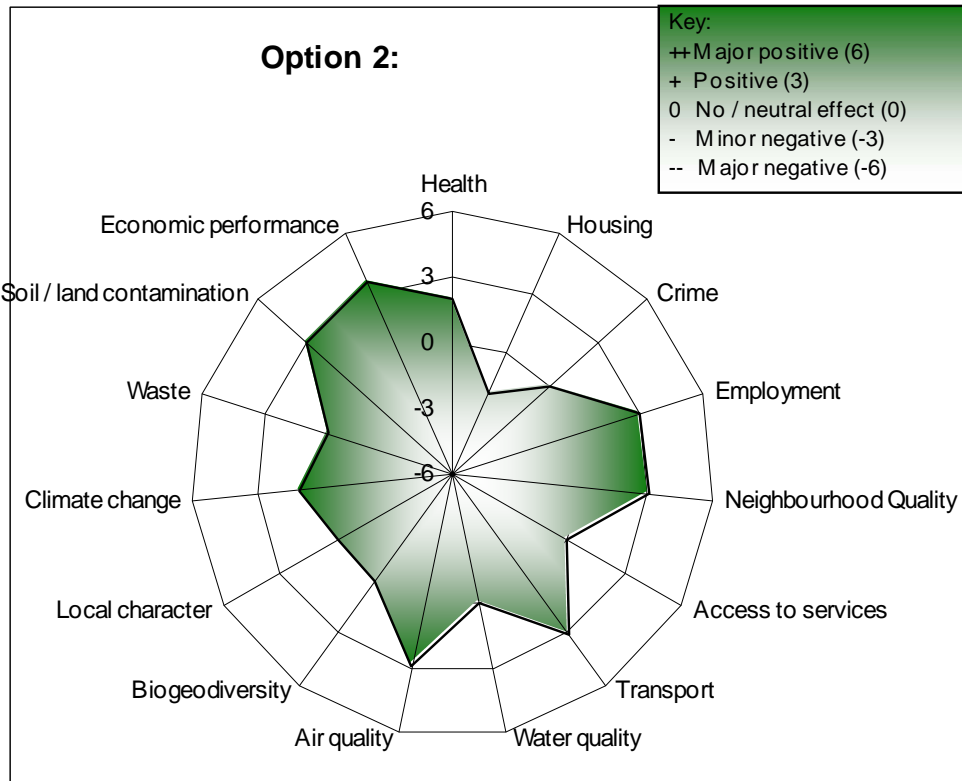
Table 2: Summary of SA of SPD Options

OPTIONS	SUSTAINABILITY APPRAISAL SUMMARY
Option 1 – Rely on existing policy.	Relying on existing Policies in the Bury UDP will allow for the continued protection of employment land and premises outside Employment Generating Areas that are considered suitable, in land use terms, for continued employment use. However, this approach will take not account of the viability of retaining the site in employment use which, in cases where employment sites are in poor condition, may result in sites lying vacant and becoming increasingly more derelict and obsolete. In addition, under this Option, there will continue to be a significant amount of the Borough's employment land suffering from constraints that will act as an impediment to their future development. Overall, this Option will not allow for the strengthening and diversification of the local economy that is necessary for its future success. There are benefits in this approach but these are largely neutralised by the negatives connected to the potential for vacant employment sites together with the continued lack of available employment land.
Option 2 – Allow for mixed-use development on appropriate but unviable employment sites.	Option 2 would operate in a similar way to Option 1 but with added flexibility aimed at avoiding situations where existing employment sites may sit vacant because their refurbishment or redevelopment for new employment uses is unviable. As an alternative, Option 2 allows for the redevelopment of a site for a mixture of uses incorporating an element of new employment that is cross-subsidised by the inclusion of higher value uses. On the whole this offers more positive benefits than Option 1, particularly with regard to allowing opportunities to develop more modern business and industrial premises that allow for indigenous growth and new inward investment. In social terms, the only identified negative relates to the possible increased demand for housing pushing up prices and reducing affordability although it could have positive impacts in terms of creating better quality job opportunities. This Option will have predominantly positive implications for the economic objectives of the SA.
Option 3 – As Option 2 except where mixed-use is unviable or inappropriate, allow for	Option 3 is reflective of how it is intended to implement SPD14. This Option offers similar benefits to Option 2 although, where the retention of an existing employment site is not viable or where a mixed use proposal is equally unviable or unsuitable, Option 3 also allows for developers to redevelop the site for higher value uses subject to making a financial contribution. Option 3, therefore, has the added benefit of completely avoiding the potential for vacant industrial sites.

<p>financial compensation.</p>	<p>Financial contributions will be used to bring forward employment opportunities elsewhere in the Borough. This may include the removal of constraints from Bury's employment land supply, thus making them available for development. Where constraints are removed on Bury's more prestigious sites, this offers the prospect of attracting high quality employment opportunities that will not have social and economic benefits but will also have positive environmental implications in terms of creating realistic alternative employment opportunities to those that currently out-commute to work.</p>
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Figure 1 – Summary of SA of SPD Options





7.0 Consultation on the draft SPD and the SA Framework

- 7.1 This SA Report accompanies the consultation draft SPD on Employment Land and Premises. It forms one of the 'SPD Documents'. Comments are invited on its extent and content. The timescales for doing this are the same as the SPD (5th March 2007 to 16th April 2007). The consultation period will be advertised for one week in the local press (Bury Times, Radcliffe Times and the Prestwich and Whitefield Guide). The notice will clearly state the duration of the public participation period and will appear in the 1st March 2007 edition of the Bury Times and Prestwich & Whitefield Advertiser and the 2nd March 2007 edition of the Radcliffe Times. It will also identify the locations where copies of this report and the associated SPD can be viewed, including electronic versions.
- 7.2 Should you wish to make comments on this report, the draft SPD or any of the other SPD documents that accompany it, then please submit them to the following address:

Planning Policy Section

Environment and Development Services
2nd Floor, Craig House
5 Bank Street
Bury
BL9 0DN

Please include your name and address with your comments and indicate whether you wish to be notified when the SPD is formally adopted.

For further information regarding this document, please contact:

David Hodcroft (Planning Officer)

Telephone: 0161 253 5282
E-mail: d.hodcroft@bury.gov.uk
Fax: 0161 253 5290

- 7.3 Please note that we have determined that a SEA of the SPD is not required as part of the consultation process (see Section 3). A copy of this SA report and the draft SPD have been sent to the consultation bodies detailed in Regulation 4¹² of the SEA Regulations (2004).
- 7.4 We will consider any representations made on the SA and the SPD before formal adoption. If, because of the consultation period and subsequent representations, significant changes are required to the SPD, then we may undertake additional appraisal work to ensure that the significant social, environmental and economic effects of these changes have been considered.

¹² The Countryside Agency, English Heritage, Natural England and the Environment Agency.

- 7.5 After the adoption of the SPD, a statement will be published setting out any changes to the SPD in response to the SA process and how representations on the SA have been taken into account.

8.0 Monitoring the Significant Effects of Implementing the SPD

- 8.1 The implementation of SPD14 will be monitored in order to determine whether any significant effects arise. This will enable us to identify any unforeseen adverse effects and enable appropriate action to be taken. This monitoring will allow the SPD to be tested against the effects predicted as part of the SA process.
- 8.2 The SA monitoring will be incorporated into existing monitoring arrangements such as the Annual Monitoring Report for Bury's Local Development Framework.
- 8.3 If, as a result of this monitoring, significant adverse affects are identified then this will trigger an immediate review to either amend or suspend part or all of the SPD.

APPENDIX A - TESTING THE SPD OBJECTIVES AGAINST THE SA FRAMEWORK

The following SPD objectives were appraised:

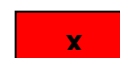
Objective 1 Where the retention of an existing employment resource can be shown to be unviable, to seek to explore various options available to developers including mixed use development or making a one-off payment that can be used to enable employment opportunities elsewhere in the Borough.

Objective 2 To attract better quality employment opportunities into the Borough and, in doing so, seek to stem the high levels of out-commuting and reduce the number and length of journeys to work by private car.

SA Objectives	SPD Objectives	
	Objective 1	Objective 2
1	✓	-
2	-	-
3	✓	✓
4	-	-
5	-	-
6	-	-
7	✓	✓
8	-	-
9	-	-
10	✓	✓
11	-	-
12	✓	✓
13	-	-
14	✓	-
15	✓	✓
16	-	-
17	-	-
18	✓	-
19	✓	✓
20	✓	✓
21	✓	✓
22	✓	✓
23	✓	✓
24	-	✓



Compatible



Incompatible

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No Link/ Insignificant

?

Uncertain / Unknown

Comments:

The objectives associated with this SPD are primarily concerned with the provision of quality job opportunities within the Borough and ensuring that the local economy is competitive and diverse. In seeking to attract better quality employment into the Borough, it is hoped that this will be attractive to residents that currently travel out side the Borough to better quality and better paid jobs. If successful, this will help to reduce the number and length of journeys by private car. Achieving this objective will have benefits from an environmental perspective. The retention of job opportunities within the Borough also has particularly positive implications from an economic perspective.

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Graham Atkinson BA DMS
February 2007

Director of Environment & Development Services
Bury ● Prestwich ● Radcliffe ● Ramsbottom ● Tottington ● Whitefield
Metropolitan Borough of Bury