
DEVELOPMENT CONTROL POLICY GUIDANCE NOTE 8

NEW BUILDINGS AND ASSOCIATED DEVELOPMENT IN THE GREEN BELT

SUSTAINABILITY APPRAISAL REPORT

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CONTENTS PAGE

1. Introduction.....	2
2. Bury Unitary Development Plan.....	2
3. Strategic Environmental Assessment	3
4. Stages in the SA Process	4
5. Appraisal Methodology	5
6. Appraisal Conclusions	6
7. Consultation on the draft SPD and the SA Framework	7
8. Monitoring the Significant Effects of Implementing the SPD	9

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 **New Buildings and Associated Development in the Green Belt SPD** (also referred to as 'Development Control Guidance Note 8'); and the extent to which implementation of the SPD will deliver the social, environmental and economic objectives of sustainable development.
- 1.3 This revised SA Report makes minor amendments to the initial SA Report that accompanied the consultation draft SPD. As there were no significant changes, it was concluded that there was no need for further appraisal work.

2.0 BURY UNITARY DEVELOPMENT PLAN

- 2.1 The policies within the Bury Unitary Development (UDP) have been 'saved' for a period of three years from the commencement of the P&CP Act (2004). The current UDP policies 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 Policy OL1/2 – 'New Buildings in the Green Belt'. This policy seeks to control new development within the Green Belt. This UDP policy states that the construction of new buildings inside the Green Belt is inappropriate development, unless it is for one of the four uses listed in the criteria for that policy.
- 2.3 The Bury UDP has not been subject to sustainability appraisal. Office of the Deputy Prime Minister (ODPM) advisory guidance (2005)³ 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

¹ Section 19 (5)

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

³ ODPM (2005) Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents: Guide for Regional Planning Bodies.

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

3.0 STRATEGIC ENVIRONMENTAL ASSESSMENT

- 3.1 It is considered 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) Regulations⁴. 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 was determined that a SEA of the SPD was not required because the plan was unlikely to have any significant⁵ environmental effects. This was primarily because the SPD elaborates the existing UDP policy, without introducing an overall change in policy direction. Having made this determination, a copy of the draft SA Report and draft SPD8 were sent 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) was subject to a statutory period of consultation of 6 weeks (see Section 7).

⁴ Environmental Assessment of Plans and Programmes Regulations (2004).

⁵ Significance will be determined by taking into account criteria specified in Schedule 1 of the SEA Regulations and ANNEX II of the Directive.

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 92/43/EEC on the conservation of natural habitats and of wild fauna and flora otherwise known as the habitats directive⁶.
- 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 SPAs 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 was determined that an AA 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 purpose of the SPD is provide greater clarity on existing planning policy for new buildings and associated development in the green belt, together with design advice.
 - 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

⁶ DCLG (2006) Planning for the Protection of European Sites: Appropriate Assessment – Guidance for regional Spatial Strategies and Local Development documents.

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*)).

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 under 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 SPD 8. These include:

- Businesses, landowners and end users of new developments
- Developers, architects and those who submit planning applications to Bury MBC which involve an element of parking provision within their development
- 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 SPD 8 may have.

3.11 Following the initial impact assessment through the appraisal framework (see Appendix A, Objective 6) it was established that SPD 8 would have a positive impact on people with disabilities in terms of equality and diversity 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:

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 (April 2006) for SPD 8, which covers stage A of the SA process.
B	Developing and refining options and assessing effects.	This stage is detailed in Appendix 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.

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".

5.0 APPRAISAL METHODOLOGY

- 5.1 The Supplementary Sustainability Appraisal Scoping Report (April 2006) for SPD 8 detailed the scope of the appraisal (Stage A of the SA process - see Table 1 above). This Scoping Report was subject to a 5-week period of targeted¹¹ consultation that ran from 21/04/06 to 26/05/06.
- 5.2 The Supplementary Sustainability Appraisal Scoping Report for SPD 8 identified that the SA Scoping Report for the LDF Core Strategy has already covered Tasks A1 to A4 and that this framework and baseline information would be used 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

- Presence of poorly designed and sited new buildings present within the Green Belt.
- Unlawful development appearing in the Green Belt, often because developers were unaware that planning permission was required. In addition, the unlawful development may be badly designed and/or sited.

OBJECTIVES

Objective A:

To provide greater clarity in terms of acceptable forms of new development in the Green Belt.

Objective B:

To provide general design related advice on the construction of new buildings in the Green Belt.

Objective C:

To ensure that the environmental quality, amenity, wildlife interest and character of the Green Belt is maintained and where possible, improved.

ALTERNATIVE OPTIONS

- Rely on the existing UDP policy OL1/2 and related UDP policies.
- Seek to provide additional clarity on the implementation of existing policy (i.e. the introduction of SPD 8).

The Council's Planning Policy Section carried out the appraisal of both the objectives and options late May 2006 following the end of the SA Scoping Report consultation period.

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

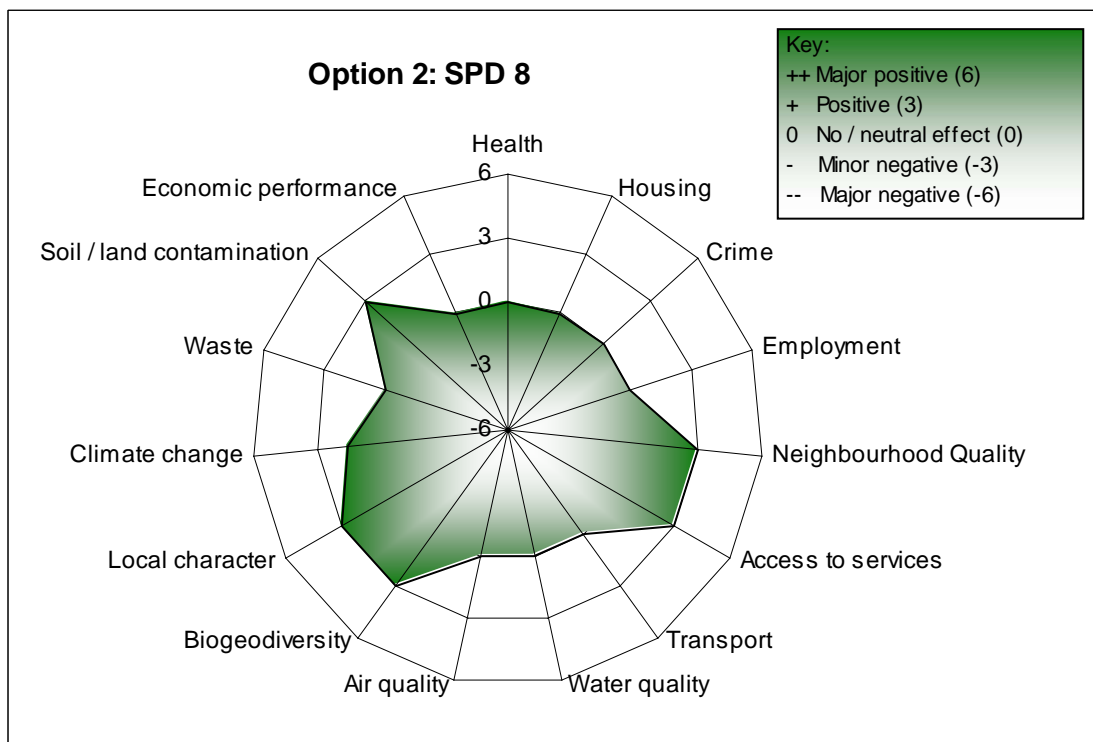
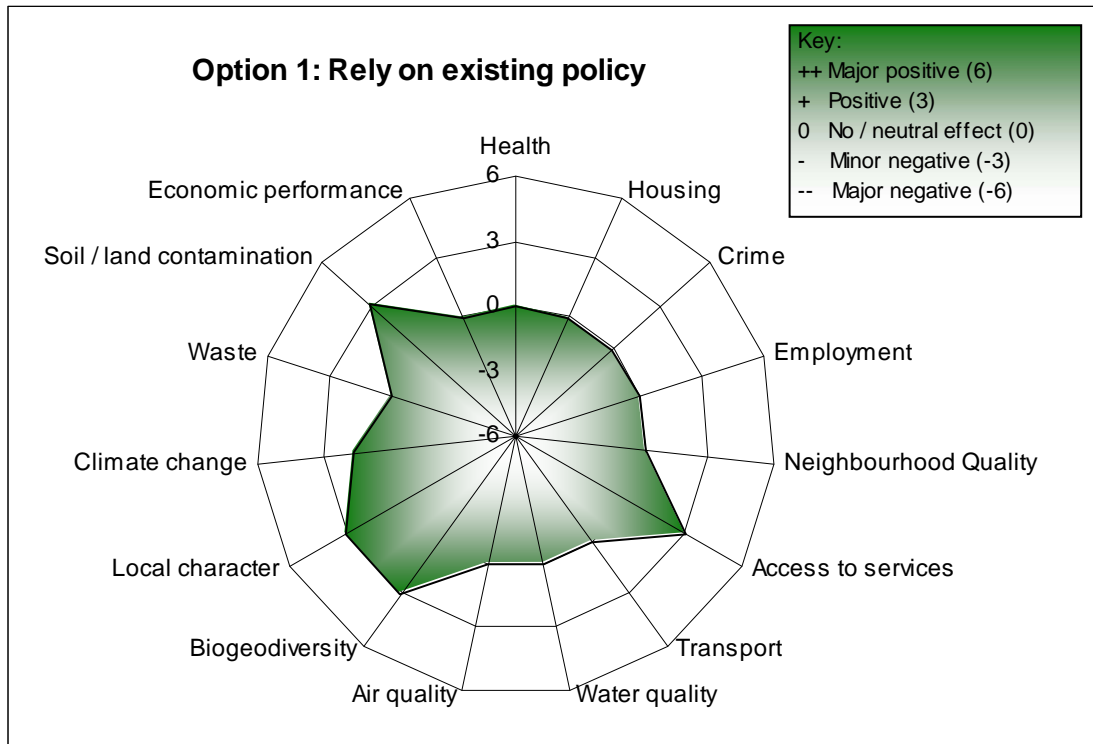
6.0 APPRAISAL CONCLUSIONS

- 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.
- 6.2 The objectives of the SPD set out what it is aiming to achieve in spatial planning terms and set the context for the development of options. It was concluded that the objectives associated with this SPD are most compatible with the following SA objectives:
- local neighbourhood quality;
 - the natural environment (biodiversity, geological and geomorphological features); and
 - local character and distinctiveness.
- 6.3 The Supplementary Scoping Report (April 2006) for SPD8 detailed the available options. Appendix B contains the full details of the appraisal of the options against the SA framework. Table 2 contains a summary of the appraisal for each of the two options.

Table 2: Summary of SA

OPTIONS	SUSTAINABILITY APPRAISAL SUMMARY
Option 1 - Rely on the existing UDP policy	Policy OL1/2 is a standard Green Belt control policy, which repeats national policy (PPG2) and seeks to prevent urban sprawl, direct new development into the urban area and to safeguard the countryside from encroachment. Exceptions to the policy are only permitted where the applicant can demonstrate very special circumstances. However, the policy protects openness for its own sake, no matter what the quality is or what future management is required.
Option 2 - Implement SPD 8	Although there would not be any overall significant difference between producing the SPD and relying on existing policy, the adoption of this SPD would result in positive sustainability benefits. For example, it would positively protect and improve local neighbourhood quality. Option 2 would also result in no significant adverse effects upon any of the objectives or baseline used for the sustainability appraisal, including those associated with equality and diversity.

6.8 Figures 1 and 2 provide a diagrammatic representation of the appraisal of the two SPD options. These diagrams clearly show that Option 2 performs best in sustainability terms.



7.0 CONSULTATION ON THE DRAFT SPD AND THE SA FRAMEWORK

- 7.1 This SA Report accompanies the adopted Supplementary Planning Document (SPD) on 'New Buildings and Associated Development in the Green Belt'. Both the SA and the SPD were the subject of a period of public consultation (10/07/06 to 21/08/06). Responses to representation and details of any ensuing changes can be found in the 'Statement of Consultation' document.
- 7.2 Please note that it was determined that a SEA/AA of the SPD was not required (see Section 3). A copy of this SA report and the draft SPD were sent to the consultation bodies detailed in Regulation 4¹² of the SEA Regulations (2004).
- 7.3 As noted in paragraph 1.3, following the consultation period on the draft SPD, representations made on the draft SPD8 and the SA were considered prior to formal adoption and no significant changes were made to draft SPD8. Therefore, no additional appraisal work was required.
- 7.4 For further information regarding this document please contact:

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¹² the Countryside Agency, English Heritage, English Nature and the Environment Agency.

8.0 MONITORING THE SIGNIFICANT EFFECTS OF IMPLEMENTING THE SPD

- 8.1 Bury MBC will monitor the significant effects of implementing the Adopted SPD. 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 Report¹³ 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.

¹³ Please see

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

APPENDIX A TESTING THE SPD OBJECTIVES AGAINST THE SA FRAMEWORK

The following SPD objectives were appraised:

Objective A:

To provide greater clarity in terms of acceptable forms of new development in the Green Belt.

Objective B:

To provide general design related advice on the construction of new buildings in the Green Belt.

Objective C:

To ensure that the environmental quality, amenity, wildlife interest and character of the Green Belt is maintained and where possible, improved.

SA Objectives*	Plan Objectives		
	A	B	C
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



No Link/ Insignificant



Uncertain / Unknown

*For a list of the SA Objectives, alongside updated baseline data please refer to our website pages at:

www.bury.gov.uk/Environment/Planning/DevelopmentPlanning/LocalDevelopmentFramework/SustainabilityAppraisals/default.htm

Comments and Recommendations:

The objectives associated with this SPD are most compatible with the SA objectives concerning:

- local neighbourhood quality;
- the natural environment (biodiversity;
- geological and geomorphological features);
- local character and distinctiveness.

Although it was recognised that the implementation of Green Belt policy within the borough can be beneficial in terms of other SA objectives by reducing urban sprawl, these benefits were identified as insignificant because the SPD is clarifying the implementation of the existing policy and not introducing a specific policy change.

There were no areas where this SPD would be incompatible with the SA objectives.