



# **SUSTAINABILITY APPRAISAL**

## **Post Examination Addendum Report**

**February 2017**

## **Introduction**

1. Dudley Council submitted Borough Development Strategy DPD to be examined by an independent inspector in March 2016. Following the examination some “major modifications” were proposed. SA was carried for the major modifications SA. Following the examination the Inspector issued his final report and made few minor wording changes to Policy S23-Green Belt This SA report is submitted as a part of the post Inspector’s Report modifications made to the Borough Development Strategy DPD following the issue of the final report following the Examination in Public.
2. It is the requirement of the sustainability appraisal process to SA any significant changes that arise post publication, particularly through the examination process, will need to be appraised. This document therefore provides an accompanying update to the Sustainability Appraisal document that was previously consulted upon.

## **The Sustainability Appraisal Process**

3. In accordance with Section 5 of the Planning and Compulsory Purchase Act 2004, and EU Directive 2001/42/EC, a Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) are required for Development Plan Documents (DPD’s), produced as a part of the Local Plan.
4. Paragraph 165 of the National Planning Policy Framework states that a sustainability appraisal which meets the requirements of the European Directive on strategic environmental assessment should be an integral part of the plan preparation process, and should consider all the likely significant effects on the environmental, economic and social factors. Furthermore the National Planning Practice Guidance states that a sustainability appraisal’s role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.
5. Whilst the requirement to undertake a Sustainability Appraisal and Strategic Environmental Assessment (SEA) are separate and distinct, it is possible to satisfy both through a single appraisal process, in this case a Sustainability Appraisal.
6. The primary purpose of the Sustainability Appraisal (SA) is to promote sustainable development through the better integration of sustainability considerations in the process of preparing and adopting plans. The SA is an iterative process allowing us to identify and report on the likely significant effects of the plan, and the extent to which the implementation of the plan will achieve the social, environmental and economic objectives by which sustainable development can be defined.

7. The completion of an SA is one of the 'tests of soundness' legal requirements that Planning Inspectors will use to evaluate the soundness of DPDs at independent examination.

### **Compliance with the SEA Directive Regulations**

8. Strategic Environmental Assessment is derived from European Directive 2001/42/EC and concentrates on the environmental aspects of a plan. As noted earlier in this report, Sustainability Appraisal is a requirement of Section 39(2) of the Planning and Compulsory Purchase Act 2004 and encompasses social and economic considerations, as well as the environmental factors considered by Strategic Environmental Assessment.
9. Whilst the requirement to undertake a Sustainability Appraisal and Strategic Environmental Assessment (SEA) are separate and distinct, there is a considerable degree of overlap and it is possible to satisfy both through a single appraisal process, in this case a Sustainability Appraisal.

## 2. Appraisal of the modifications

### Assessment Methodology

1. The SA procedure appraises each of the proposed modifications against the SA objectives and identifies the effects using the key shown below. The full findings of this SA are set out in the Assessment of the Main Modifications.

**Table 1: Sustainability Appraisal Scoring System**

<b>Sustainability Appraisal Scoring System</b>	
Likely to <u>significantly contribute</u> to the achievement of the sustainability objectives	++
Likely to <u>contribute</u> to the achievement of the sustainability objectives	+
Likely to <u>significantly conflict</u> to the achievement of the sustainability objectives	xx
Likely to <u>conflict</u> to the achievement of the sustainability objectives	x
Likely to have a <u>neutral</u> effect on the achievement of the sustainability objectives	-
<u>Unpredictable</u> what the effect of policy/proposal might be, but more <u>likely to be positive</u>	+?
<u>Unpredictable</u> what the effect of the policy/proposal might be, but more <u>likely to be negative</u>	x?
<u>Unpredictable</u> what the effect of policy/proposal might be	+x

2. The main modifications are assessed against the following SA objectives.

**Table 2: Sustainability Appraisal Objectives**

<b>SA Objective</b>		<b>Economic</b>	<b>Environmental</b>	<b>Social</b>
1.	To facilitate the improved health and well-being of the population, including enabling people to stay independent and ensuring access to those health, education, leisure and recreational facilities including town centre uses and services that are required by the residents. <b>HEALTH (Human Health and Population).</b>	√		√
2.	Reduce congestion and pollution by reducing the need to travel, encourage alternatives to the car and make best use of existing transport infrastructure. <b>TRANSPORTATION AND ACCESSIBILITY (Material</b>	√	√	

	<b>Assets).</b>			
3.	To improve access to a range of good quality, affordable and resource efficient housing. <b>HOUSING (Material Assets and Population).</b>	√	√	√
4.	To develop strong and vibrant communities and reduce crime and the fear of crime. <b>EQUALITY AND SOCIAL INCLUSION (Population).</b>	√	√	√
5.	To improve access to and provision of basic goods, services and amenities. <b>TRANSPORTATION AND ACCESSIBILITY (Material Assets).</b>	√		√
6.	To enhance the vitality and viability of the BDS area. <b>ECONOMIC DEVELOPMENT (Population).</b>	√		√
7.	To promote and encourage a buoyant and diverse economy that will provide sustainable economic growth. <b>ECONOMIC DEVELOPMENT (Population).</b>	√		√
8.	To protect, enhance and manage Dudley's rich and diverse cultural and built environment and archaeological assets. <b>HERITAGE (Cultural Heritage and Landscape).</b>	√		√
9.	To promote sustainable energy use through improved efficiency reduced energy use and increased use of renewable energy. <b>USE OF RESOURCES (Material assets, soil and water).</b>		√	√
10.	Reduce air and noise pollution, including Dudley's emissions of greenhouse gases and helping to	√	√	

	combat climate change. <b>CLIMATE CHANGE MITIGATION AND ADAPTATION (Climatic Factors).</b>			
11.	To protect, enhance and conserve biodiversity and sites of geological importance avoiding irreversible losses, through responsible management of these sites. <b>BIODIVERSITY (Biodiversity, Flora and Fauna).</b>		√	
12.	To protect and enhance water quality and encourage water conservation. <b>USE OF RESOURCES (Material assets, soil and water).</b>	√	√	√
13.	To make best use of previously developed land and existing buildings, encouraging sustainable construction practices. <b>USE OF RESOURCES (Material assets, soil and water).</b>	√	√	
14.	Minimise air, water, soil, light and noise pollution levels and create good quality air, water and soils. <b>ENVIRONMENTAL QUALITY (Air, Soil, Water and Human Health).</b>	√	√	
15.	To promote sustainable waste management, including reducing waste and waste disposal promoting recovery, re-use and recycling. <b>WASTE (Material Assets)</b>		√	√

The policies were assessed for the proposed major modifications suggested by the Inspector. The following section set out the assessment of the two policies namely S23-Green Belt and D9 Hot Food Takeaways. The summary will provide justification as to how has SA assessment varied following the changes to the policies.

## Policy S23 – Green Belt

There is shall be a presumption against inappropriate development in the Dudley Borough's designated Green Belt. The boundaries and extent of the Green Belt are shown on the Policies Map forming part of the DBDS. Within the Green Belt, development will not be permitted except ~~in the very special~~ for circumstances set out in the National Planning Policy Framework (~~Section 9 or superseding national policy and guidance on this matter~~).

~~In addition, development within the Green Belt will only be permitted where this would:-~~

~~1. Extension and/or alteration to buildings or the replacement of dwellings will not be considered if it results in a disproportionate addition over 40% of the original building volume.~~

~~2. The change of use of buildings and land and external alterations to buildings within the Green Belt will only be permitted if:-~~

~~• it would~~

~~a) not materially affect the openness of the Green Belt or its function or harm the existing character or intrinsic value of the area and its setting~~

~~b) in the case of extensions to existing buildings, result in a disproportionate addition to the original building.~~

~~• the applicants can demonstrate through a structural survey that the buildings are of permanent and substantial construction and are capable of conversion without major or complete re-construction~~

~~• the form, bulk and general design of any new buildings are in keeping with their surroundings~~

~~• the materials used in external facades normally conform with those of the original building or the character of the area~~

~~• proposals conserve and enhance the historic or architectural features of the building and maintain its original character and appearance~~

~~• extensions to existing outbuildings should not exceed more than 20% of the original building volume.~~

~~Permitted Development Rights will normally be removed from buildings converted for residential use inside the Green Belt to prevent the over-domestication of the setting. Proposals inside or adjoining the Green Belt should include biodiversity features and new landscaping to help support wildlife and biodiversity.~~

Policy number and name	SA objectives														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
S23-Green Belt	+	-	-	-	-	-	-	-	-	-	+	-	-	-	-

<b>Policy S23: Green Belt</b>	
<b>Summary of Significant Effects</b>	<b>Sustainability Topic Affected</b>
<b>Significant Positive Effects</b>	
Providing protecting to the green belt sites is vital as it provides valuable informal open space for recreation for people to enjoy. This will have a positive overall affect on people's health and well-being.	Health (Human Health and Population)
The fifth bullet point of this policy provides protection to the existing historical buildings which are present in the green belt sites. This will help to compliment the SA objective aiming to conserve and enhance the Borough's historical and archaeological assets.	Heritage (Cultural Heritage and Landscape)
Green belt sites may provide valuable habitat or a corridor for some of the biodiversity important species, thereby positively complimenting the SA aiming to protect and conserve biodiversity in the area.	Biodiversity (Biodiversity, Flora and Fauna)
<b>Significant Negative Effects</b>	
No significant negative effects have been identified in relation to this policy.	

### Assessment of modified Green Belt Policy

This policy has been streamlined significantly to reflect the guidance set out in the NPPF. Nevertheless the suggested changes do not alter the overall direction or overall policy requirements. The revised policy is now in line with the national guidance set out in the NPPF and is not overly restrictive in terms of the allowable development within the green belt.

Policy number and name	SA objectives														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
S23-Green Belt	+	-	-	-	-	-	-	-	-	-	+	-	-	-	-

<b>Policy S23: Green Belt</b>	
<b>Summary of Significant Effects</b>	<b>Sustainability Topic Affected</b>
<b>Significant Positive Effects</b>	
Providing protecting to the green belt sites is vital as it provides valuable informal open space for recreation for people to enjoy. This will have a positive overall affect on people's health and well-being.	Health (Human Health and Population)
Green belt sites may provide valuable habitat or a corridor for some of the biodiversity important species, thereby positively complimenting the SA aiming to protect and conserve biodiversity in the area.	Biodiversity (Biodiversity, Flora and Fauna)
<b>Significant Negative Effects</b>	
No significant negative effects have been identified in relation to this policy.	

**N.B:** The inspector took two additional bullet points relating to the openness of the green belt and the disproportionate additions to original buildings in the final report. We do not consider that these changes alter the overall aim or direction of the policy.

**Summary:** As the policy has been streamlined and lots of reference to the historic environment /architectural features has been deleted, we consider that the developments in green belt will be neutral towards the SA objective aiming to enhance the historic character and environment in the area. The policy would still have positive contribution towards people's overall health and well-being and in providing positive benefits to the biodiversity.

***Policy D9 – Hot Food Takeaways***

***All applications for hot food takeaways whether through new build or change of use, will be assessed on their individual merits. However, within the Borough's protected frontages, planning permission for hot food takeaways will only be granted where no more than 5% of the units will consist of A5 uses.***

***No more than two A5 uses will be permitted adjacent to one another within the boundaries of all the Borough's centres and retail parades. Elsewhere, hot***

***food takeaways will be permitted where they do not create or exacerbate a concentration (typically 3 or 4) of those uses, ~~within walking distance (400m).~~ Outside designated centres and local parades, hot food takeaways will be resisted where the proposal will fall within 400m of the boundary of an existing secondary school.***

***In all locations planning permission for hot food takeaways will only be granted where, in addition to the above considerations, there would not be an adverse impact on public or highway safety. Regard will be given to:***

- ***existing traffic conditions including availability of parking spaces***
- ***availability of safe and legal loading areas***
- ***proximity to junctions, pelican crossings, bus bays and bus stops***
- ***accessibility of the site by public transport and cycling***
- ***applications for hot food takeaways within close proximity to residential properties will be refused where it is considered that there may be significant adverse impacts on residential amenity in terms of disturbance, vibrations, odours, traffic impacts, litter or hours of operation as a result of the proposal***
- ***additionally, the cumulative impact of proposed hot food takeaways will be assessed with regard to their risks around community safety, crime and disorder.***

***Wherever practicable, extract equipment should be accommodated internally within the building and routed within existing chimneys. Where external equipment is proposed, it should not be detrimental to the area or host property.***

***\*In addition to planning permission, proposals for hot food takeaways will require other approvals under other legislation and applicants should ensure that these requirements are met.***

<b>Policy D9: Hot food takeaways</b>	
<b>Summary of significant effects</b>	<b>Sustainability topic affected</b>
<b>Significant Positive Effects</b>	
Controlling the number of hot food takeaways will help to deter people from eating unhealthy foods and this will definitely have a positive effect on their overall health and well-being.	Health (Human health and population)
Managing to control the number of hot food takeaways will mean less extraction equipment. This will help to reduce the amount of greenhouse or harmful gases into the atmosphere. This will also help to improve the local air quality and have positive impact on the local environment. These measures will also help to reduce noise pollution due to reduction in the number of extraction units provided in the area.	Climate change mitigation and adaptation (Climatic factors) Environmental quality (Air, soil, water and human health)

<b>Significant Negative Effects</b>	
Prohibiting the hot food takeaways or putting a restriction on the number of take aways may lead to increase in the number of empty units in the town centres thereby having a negative impact on the area's economy. This will in turn have a negative impact on the vitality and viability of the town centre. However if healthy foods are introduced and businesses are encouraged to provide healthy alternative this negative impact can be minimised.	Economic Development (Population)

N.B- It should be noted that the Inspector took the wording “*within walking distance (400m)*”.

**Summary:** We do not consider that a slight change in the policy wording has altered the overall direction and purpose of the policy. Therefore the assessment and the compatibility between the SA objectives have largely remained unchanged. On this basis we have not carried out a new assessment.