

## North Devon Council & Torridge District Council

Report Date: 22<sup>nd</sup> March 2024

### Topic: Sustainability Appraisal of the Development Plan

Report by: Sustainability Officer (NDC)

#### 1. INTRODUCTION

- 1.1. The purpose of the planning system is to contribute to the achievement of sustainable development; with the development plan (i.e. the local plan) forming a key aspect of delivering this.
- 1.2. To ensure that the development plan appropriately considers principles of sustainable development, plan preparation is subject to a range of statutory assessment processes. This report sets out those requirements, explains the work carried out to date and the likely future steps.

#### 2. RECOMMENDATIONS

- 2.1. Members of the Joint Planning Policy Committee are recommended to:
  - (1) Note the current requirements for Sustainability Appraisal in support of preparing the development plan, the work completed to date, and the potential future requirements as set out in this report.

#### 3. REASONS FOR RECOMMENDATIONS

- 3.1. To ensure Members are kept apprised of this important aspect of plan making.

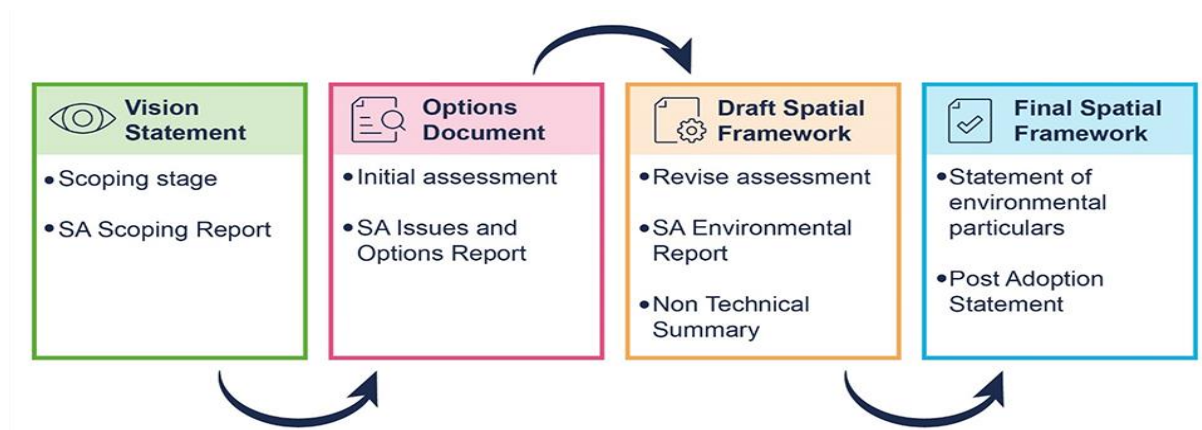
#### 4. REPORT

- 4.1. Sustainable Development can be defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. To ensure that sustainability is at the heart of the new joint Local Plan (the Plan), a Sustainability Appraisal (SA) will be developed to inform and underpin each iterative phase of Local Plan policy development.
- 4.2. The Planning and Compulsory Purchase Act 2004 (as amended) states that SA is mandatory for Development Plan Documents. It is also necessary to conduct an environmental assessment in accordance with the requirements of the Strategic Environmental Assessment (SEA) Directive (European Directive 2001/42/EC), as transposed into law in England by the SEA Regulations and which remains in force despite the UK exiting the European Union in January 2020. Therefore, it is a legal requirement for the new joint Local Plan to be subject to SA and SEA throughout its preparation.
- 4.3. The requirements to carry out SA and SEA are distinct, although it is possible to satisfy both using a single appraisal process; as advocated in the national Planning Practice Guidance, whereby users can comply with the requirements of the SEA Regulations through a single integrated SA process – this is the process that is being undertaken by North Devon and Torridge. From here on, the term ‘SA’ should

therefore be taken to mean ‘SA incorporating the requirements of the SEA Regulations’.

- 4.4. SA is an assessment process designed to consider and communicate the significant sustainability issues and effects of emerging plans and policies within them, including their alternatives. SA iteratively informs the plan making process by helping to refine the contents of such documents, so that they maximise the benefits of sustainable development and avoid, or at least minimise, the potential for adverse effects.

Figure 1. Stages of Sustainability Appraisal in Plan Making



- 4.5. As per Figure 1 above, the first stage of the SA process is the preparation of the SA Scoping Report (SR). The purpose of the SR is to focus the SA on the environmental, social and economic issues which are relevant to the Plan from the earliest phase of policy development. The SR provides the context for, and determines the scope of, the SA and sets out the framework for undertaking the later stages of the SA. The assessment will focus on those effects that are likely to be significant, whether positive or negative.

- 4.6. North Devon and Torridge District Councils instructed LUC to produce the Sustainability Appraisal Scoping Report (August 2022) as the first stage in carrying out the SA for the review and update of the Plan. An earlier version of this SR was published for consultation with the statutory bodies between 30th May and 18th July 2022 and the report was subsequently updated to address the comments received.

- 4.7. The Scoping stage of SA is summarised below:

- (1) Reviewing other plans, policies and programmes;
- (2) Considering the current state of the environment, as well as social and economic factors in the plan area;
- (3) Identifying any key environmental, social and economic issues which may be affected by the Local Plan Review; and
- (4) Setting out the ‘SA framework’, which comprises specific sustainability objectives against which the likely effects of the Local Plan Review can be assessed.

- 4.8. The SR reviews the current baseline information available in North Devon and Torrige under the following themes to enable key sustainability issues to be identified:
- (1) Population, Health and Wellbeing
  - (2) Crime and Safety
  - (3) Economy
  - (4) Transport
  - (5) Biodiversity
  - (6) Historic Environment
  - (7) Landscape
  - (8) Climate change
  - (9) Renewable energy
  - (10) Pollution
  - (11) Waste
  - (12) Natural Resources
- 4.9. The requirement to undertake Habitats Regulations Assessment (HRA) of development plans was confirmed by the amendments to the Habitats regulations published for England and Wales in July 2007, updated in 2010, again in 2012 and 2017. The Regulations translate Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats Directive) and 79/409/EEC (Birds Directive) into UK law and remain a legal requirement despite the UK exiting the European Union.
- 4.10. The purpose of HRA is to assess the impacts of a land-use plan against the conservation objectives of a European Site and to ascertain whether it would adversely affect the integrity of that site, either alone or in combination with other plans or projects. The HRA of the Plan will be undertaken separately but the findings will be taken into account in the SA where relevant (for example to inform judgements about the likely effects of potential development locations on biodiversity).
- 4.11. On 11th May 2022 the Government published the Levelling up and Regeneration Bill, which sets out in detail the Government's proposals for reforming the planning system; receiving Royal Assent and becoming the Levelling-up and Regeneration Act 2023 on 26 October 2023 . Amongst other things, the Act provides the primary legislation for the replacement of the current SEA regime with a new requirement for an Environmental Outcomes Report (EOR)<sup>1</sup>. The specific requirements will be set out in forthcoming regulations, along with information about transition arrangements; however, at present the requirement for SEA remains as set out in existing legislation.
- 4.12. Any changes to the legal framework for carrying out SA/SEA will be considered and addressed as appropriate as the Local Plan is prepared. It will be necessary to keep

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<sup>1</sup> [Part 6 of the Levelling-up and Regeneration Act 2023](#)

these requirements under review as the preparation of the Local Plan progresses. In the interim, the Councils propose to update the baseline information that is contained in the SR (as per the proposed tasks set out in the Project Initiation Document that is for consideration elsewhere on the agenda for this meeting).

## 5. RESOURCE IMPLICATIONS

- 5.1. The preparation of the Sustainability Appraisal and associated requirements will be factored into the work programmes and budgets of the planning policy teams; including consideration of the need to commission consultants. The scope of the proposed future replacement Environmental Outcomes Reports (EORs) is not yet clear so it is not possible to quantify any resource implications at this stage, although it should be noted that the intention of the EORs is to simplify the process.

## 6. EQUALITIES ASSESSMENT

- 6.1. The Sustainability Appraisal process is intended to ensure that the principles of sustainable development are given due consideration when developing policies, plans and proposals. Consideration of the social aspects of sustainability will ensure that due regard is given to all sectors of northern Devon's communities and the impacts that any proposals may have.

## 7. ENVIRONMENTAL ASSESSMENT

- 7.1. The Sustainability Appraisal process is intended to ensure that the principles of sustainable development are given due consideration when developing policies, plans and proposals. Consideration of the environmental aspects of sustainability will ensure that due regard is given to northern Devon's environmental assets, other environmental considerations and the impacts that any proposals may have.

## 8. CONSTITUTIONAL CONTEXT

- 8.1. Schedule 2 of the Agreement for a Joint Planning Policy Committee (North Devon Council and Torridge District Council, dated 22<sup>nd</sup> October 2021); Section 10 of Annexe 1 – Powers and Duties of Committees, Constitution (North Devon Council, May 2023); and Terms of Reference and Functions of the Joint Planning Policy Committee, Constitution (Torridge District Council, October 2023).

## 9. STATEMENT OF CONFIDENTIALITY

- 9.1. This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

## 10. BACKGROUND PAPERS

- 10.1. The following background papers were used in the preparation of this report: (The background papers are available for inspection and kept by the authors of the report):

(1) Planning and Compulsory Purchase Act 2004 (as amended);

(2) Levelling Up and Regeneration Act 2023;

- (3) The Environmental Assessment of Plans and Programmes Regulations 2004 (S.I. 2004/1633)
- (4) The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1232)
- (5) The Environmental Assessment of Plans and Programmes (Amendment) Regulations 2020 (S.I. 2020/1531)
- (6) National Planning Policy Framework (NPPF); Department for Levelling Up, Housing and Communities, 19 December 2023.

## 11. STATEMENT OF INTERNAL ADVICE

11.1. The author confirms that advice has been taken from all appropriate Councillors and Officers:

- (1) Cllr M Prowse, Lead Member for Economic Development and Strategic Planning Policy; Vice-chair of Joint Planning Policy Committee (NDC)
- (2) Cllr R Hicks, Lead Member for the Economy; Chair of Joint Planning Policy Committee (TDC)
- (3) Helen Smith, Planning Manager (TDC)
- (4) Sarah- Jane Mackenzie-Shapland, Head of Place, Property and Regeneration (NDC)

## 12. APPENDICES

12.1. This report is not supported by any appendices.