

# Draft New Local Plan Sustainability Appraisal & Strategic Environmental Assessment Representations

Comment No.	Consultee	Nature of Comment	Comments	Recommendation
<a href="#">DRAFT/SA/1</a>	Mrs Karen Robinson	An objection	H15 Glyders - The Appraisal of sites quotes this land as 'subject to some mitigation'. The builder has already objected on line to some of that 'mitigation' and that is before planning permission is even passed. I suggest for the sake of such a small development (35 homes) this area is removed from the draft local plan. No, that's not a spelling mistake.	The policy in the draft New Local Plan sets out the mitigation required in relation to this site having regard to the SA/SEA. No evidence has been produced to make the Council think that these requirements should be differed.
<a href="#">DRAFT/SA/2</a>	Rose Freeman The Theatres Trust		<p><b>Policy HC11</b></p> <p>For the purposes of a sustainability appraisal the default position should always be to retain and improve, this being the most sustainable option. Policies should therefore begin with the assumption of protection and enhancement before moving onto criteria for new development. We suggest the title of this policy should be amended to reflect its intention which is to protect and enhance. Also there is no description for the term 'community facilities'. What is meant by this term? We strongly suggest for clarity that a description is included that it is also contained within the Local Plan for consistency - <i>community facilities provide for the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community.</i></p> <p>The use of a sustainability appraisal encourages the creation of policies linked to clear objectives which means that progress towards those objectives can be monitored. The Theatres Trust wishes to be assured that the Local Plan documents are robust enough to include specific guidance on protecting and encouraging arts and cultural provision. The National Planning Policy Framework (NPPF) includes cultural facilities in items 23, 28, 70 and 156 and also as one of the 12 Core Planning Principles, 'take account of and support local strategies to improve health, social and cultural well-being for all, and deliver sufficient community and cultural facilities and services to meet local needs.' We therefore request that the word 'cultural' is included in the first paragraph of Policy HC11 to conform to the NPPF.</p>	Policy HC11 shall be reviewed in light of this representation in order to ensure that it reflects the NPPF.

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			<p>To reflect the recently published National Policy Practice Guidance (NPPG) we suggest the phrase 'health and well-being' should be adjusted to read 'health and cultural well-being' which now widens its 'remit' to include mental well-being through passive interests such as the arts and theatre as well as active healthy recreational activities.</p>	
<a href="#">DRAFT/SA/3</a>	David Hammond NATURAL ENGLAND	A technical comment	<p>Objectives 1 - 18 are broadly supported, especially objectives (1), (7), (8) and (15) in respect of the natural environment.</p> <p>Paragraph 1.4.2 under Environmental refers to International, European and National Sites - Natura 2000 and SSSI's which is welcomed.</p> <p>Overall the approach and methodology is in line with the advice that would be offered by Natural England and has referenced appropriate legislation and is therefore acceptable.</p> <p>However, given the designations within the Borough we refer you to our comments above in respect of projects and proposals that have the potential to impacts on designated sites.</p>	Cross referencing to the Habitat Regulation Assessment will be improved in the final SA/SEA.
<a href="#">DRAFT/SA/4</a>	Kevin Fraser Essex County Council	A technical comment	<p>In general terms, ECC considers that the published Environmental Report (December 2013) meets the requirements of the SEA directive 2001/42/EC with regards the assessment of the effects of plans and programmes on the environment.</p> <p>However, ECC is concerned at how the evidence base, including the SA/SEA, has been considered in the preparation of the New Local Plan. There appears to be some inconsistencies between recommendations in the evidence base, and in particular the SA/SEA and the allocation of development sites and their capacity. Some examples will be highlighted later. Local Plans are required to be examined against the 'tests of soundness' (NPPF, paragraph 182), and in particular whether the plan can be 'justified' by being based on proportionate evidence.</p> <p>Furthermore, NPPF, paragraph 165 states that '<i>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,.....</i>'</p> <p>In order to satisfy the requirements above it will be necessary for Castle Point to justify how the findings of the SA/SEA have been taken into account, alongside other evidence, in proposing the spatial strategy, and the specific site allocations. ECC considers that the SA/SEA is quite explicit with regard to its recommendation on specific policies regarding site allocations and the text within policies, but which appear to have been implemented contrary to the evidence available.</p>	<p>Consideration will be given to the findings of the SA/SEA in preparing the submission New Local Plan.</p> <p>The final SA/SEA report will integrate the separate report on the appraisal of sites.</p>

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			<p>ECC considers that the following sites H4 (Land off Kiln Road - pages 121-124), H10 (Land east of Rayleigh Road - pages 135-137), H11 (Land south of Daws Heath - pages 138-140) and H18 (Land at North West Thundersley - pages 154-157) have been included in the Local Plan against the evidence prepared by the local authority, the SA/SEA, highway authority and the agreed SA objectives.</p> <p>Paragraph 3.6.13 of the Environment Report indicates that the amendment of the proposed policies, following member consultation, to the draft policies in the consultation document has had a negative impact on the sustainability of the plan.</p> <p><i>'The reduction in the capacity of sites H4 and H10 will result in the ineffective use of land with potential negative consequences for areas of higher environmental and landscape quality. Additionally, there is a risk to the public realm with leaving partially developed land undeveloped at site H4. The increased housing requirement for site H11 meanwhile is inconsistent with the environmental constraints of this site and its location within the Daws Heath Historic Natural Landscape. Finally, local Councillors have sought for development in the area of North West Thundersley to occur before 2031, with a proportion of the site being identified as an area where housing development can occur within the plan period. Failing to bring forward the area in a comprehensive way will have a significant impact on local congestion as it will fail to generate the financing necessary for a proper access road. It will also have negative consequences for the provision of affordable housing and the protection of the strategic functions of the Green Belt. Overall, the draft New Local Plan has become less sustainable as a result of these changes, and it is recommended that the submission New Local Plan is amended to reflect these sustainability concerns '</i></p> <p>Policy H4, point 6 safeguards 8ha of land until post 2031 and Policy H10 has been reduced in capacity, either through safeguarding land or capacity, against recommendations in the SA/SEA. Their removal from the Green Belt is not considered to compromise the wider Green Belt in the locality from fulfilling its purposes (Castle Point Green Belt Boundaries Review, November 2013). As stated in the SA/SEA the reduction in capacity at these sites is likely to place pressure on Green Belt elsewhere, which plays a greater role in separating settlements within and adjoining Castle Point. Furthermore, the additional housing capacity would contribute to the district being able to provide towards its 'objectively assessed need' which is higher than that being planned for (Housing Capacity Topic Paper, November 2013).</p> <p>With regards the preparation of the SA/SEA to support the Submission Plan the following suggestions are proposed.</p>	

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			<p>It will be necessary to ensure that the final Environment Report fully documents all alternatives considered. Paragraph 1.4.5 refers to a separate sustainability appraisal of site options undertaken by Baker Associates in 2010, and which is considered integral to the identification of sites appropriate for inclusion in the New Local Plan. It will be necessary to include these site appraisals as alternatives within the final Environment Report. The courts have found that an addendum to a SEA can, in principle, be used to remedy deficiencies should the need arise. (Cogent Land LLP v Rochford District Council)</p> <p><a href="http://landmarkchambers.co.uk/images/uploads/Cogent_judgment.pdf">http://landmarkchambers.co.uk/images/uploads/Cogent_judgment.pdf</a></p> <p>ECC would recommend that the reasons for selecting the alternatives considered could be dealt with more clearly and fully set out in the final Environment Report. It should be clear from the SEA why the preferred option has been chosen based on an analysis of reasonable alternatives. (Heard v Broadland District Council, SNDC and NCC [2012]).  <a href="http://www.bailii.org/ew/cases/EWHC/Admin/2012/344.html">http://www.bailii.org/ew/cases/EWHC/Admin/2012/344.html</a> ).</p>	