

Broxtowe Part 2 Local Plan

Sustainability Appraisal (SA) incorporating Strategic
Environmental Assessment (SEA)

Adoption Statement

October 2019

Introduction

This Adoption Statement for the Sustainability Appraisal (incorporating strategic environmental assessment) of the Broxtowe Part 2 Local Plan has been prepared in accordance with the following requirements:

- Regulation 26 of the Town & Country Planning (Local Development) (England) Regulations 2012 (as amended)
- Regulation 16 of the Environmental Assessment of Plans & Programmes Regulations 2004

In accordance with European and national legislation, development plans must be subject to the Sustainability Appraisal (SA) and Strategic Environment Assessment (SEA) processes.

A Sustainability Appraisal (SA) aims to predict and assess the economic, social and environmental effects that are likely to arise from implementing development plans. It is a process for understanding whether policies, strategies or plans promote sustainable development, and for improving them to deliver more sustainable outcomes.

The Strategic Environmental Assessment (SEA) aims to predict and assess the environmental effects that are likely to arise from plans, policies and strategies, such as a Local Plan. It is a process for assessing and mitigating the negative environmental impacts of specific plans and programmes. For the purposes of the Broxtowe Part 2 Local Plan, the SEA process was incorporated into the SA process.

For the purpose of this Adoption Statement, the integrated appraisal will be referred to as the Sustainability Appraisal (SA).

Regulation 16 of the Environmental Assessment of Plans and Programmes Regulations 2004 (from hereon in referred to as the SEA Regulations) sets out the requirements with regard to the post adoption procedures of the SA/SEA. This statement has been prepared in accordance with this regulation. In accordance with the SEA Regulations, this statement sets out the following:

- a) how environmental considerations have been integrated into the Plan;
- b) how the environmental report has been taken into account;
- c) how opinions expressed in response to public consultation have been taken into account;
- d) How consultation entered into under Reg. 14(4) has been taken into account
- e) the reasons for choosing the plan as adopted, in light of the other reasonable alternatives dealt with; and,
- f) the measures that are to be taken to monitor the significant environmental effects of the implementation of the Plan.

Broxtowe Borough Council adopted the Broxtowe Part 2 Local Plan (“The Plan”) on 16 October 2019. The Plan covers the whole of Broxtowe Borough.

The Plan includes site allocations as well as development management policies, which set out the detailed requirements the Council will apply to individual planning applications.

The Broxtowe Part 2 Local Plan has been produced in line with the requirements of the Town & Country Planning (Local Development) (England) Regulations 2012 (as amended). The key stages of the Part 2 Local Plan production are set out below:

Stage	Dates
Site Allocations Issues and Options Consultation	4th November 2013 – 10th January 2014
Greater Nottingham and Ashfield Draft Green Belt Assessment Framework Consultation	4th August 2014 – 19th September 2014
Preferred Approach to Site Allocations (Green Belt Review) Consultation	9th February 2015 – 23rd March 2015
Development Management Policies Issues and Options Consultation	9th February 2015 – 23rd March 2015
Strategic Location for Growth at Toton Consultation	23rd November 2015 - 1st December 2015
Site Allocations Potential Additional Sites Consultation	22nd August 2016 – 3rd October 2016
Brinsley Alternative Site Consultation	13th February 2017 - 24th March 2017
Part 2 Local Plan Publication Version Consultation	18th September 2017 – 3rd November 2017
Submission to the Planning Inspectorate	3rd August 2018
Examination in Public	4th December 2018 – 13th December 2018
Main Modifications Consultation	24th May 2019 to 9th July 2019
Inspector’s Report Published	7th October 2019
Adoption of Part 2 Local Plan	16th October 2019

- a) **How environmental considerations have been integrated into the Plan and;**
- b) **How the environmental report has been taken into account**

The Sustainability Appraisal (SA) of the Broxtowe Part 2 Local Plan has been an iterative process undertaken throughout its production, informing each stage, as appropriate.

An initial SA Scoping Report was published for consultation with statutory stakeholders in November 2013¹. This provided a summary of the current environmental, social and economic conditions in Broxtowe Borough. The baseline information of the Scoping Report assisted in the development of the Sustainability Appraisal Framework. Responses from the consultation were taken into account and

¹ [Broxtowe Borough Council Local Plan - Sites Allocations Sustainability Appraisal Scoping Report, Winter 2013](#)

indicators were updated to develop the final version Scoping Report, which was published in January 2015, and is available on the Council's website².

At each stage of plan production, SA was carried out. The findings of these appraisals were used to inform the next stage of plan production.

A Sustainability Appraisal for the Strategic Location for Growth at Toton Masterplan (on land east and west of Toton Lane including Toton Sidings in the vicinity of the proposed HS2 station at Toton) was published in December 2015³.

The full SA assessments were published alongside the Part 2 Local Plan Publication and Submission versions (in September 2017 and August 2018 respectively). These and other SA documents are available on the Council's website⁴.

In advance of, and during, the Public Examination, addendums to the SA were produced to ensure that all options discussed were subject to SA. These documents are available on the Council's Part 2 Local Plan Examination Library (Part 2)⁵.

During the Public Examination, a number of main modifications to the Broxtowe Part 2 Local Plan were proposed by the Inspector. A further addendum to the SA was subsequently produced (in May 2019)⁶, to assess whether any of these main modifications were likely to have significant effects on sustainability.

The Inspector's Report (October 2019) notes the following within paragraph 4:

'4. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal and Habitats Regulation Assessment of them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light, I have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken.'

The Inspector's Report, in its overall assessment of legal compliance, concludes in paragraph 194, in relation to the SA:

'194. Sustainability Appraisal has been carried out on the submitted Plan and the MMs and is adequate.'

Full details of how the findings of each of the SA reports were taken into account can be found within each of the iterations of the SA.

² [Site Allocations and Development Management Policies Sustainability Appraisal Scoping Report January 2015](#)

³ [Sustainability Appraisal for the Strategic Location for Growth at Toton Masterplan, December 2015](#)

⁴ The SA for Part 2 Local Plan Publication and Submission Versions are available within the [Part 2 Local Plan Examination Library \(Part1\)](#)

⁵ [Part 2 Local Plan Examination Library \(Part 2\)](#)

⁶ [SA Addendum May 2019](#)

An updated Habitats Regulations Assessment undertaken on the Submission Version of the Broxtowe Part 2 Local Plan was produced following the European Court of Justice ruling on the 'People Over Wind' case⁷, which provided a new interpretation of when and how mitigation measures should be considered. The HRA took a precautionary approach and assessed the prospective Special Protection Area (SPA) of Sherwood Forest (which does not represent a formal European site (defined by Regulation 8 of the Habitats Regulations)) as though fully classified. The SPA extends across a wide expanse of land to the north of the borough (located within the Gedling Borough and Ashfield District Council administrative areas). This document is also available on the Council's website⁸.

The Inspector's Report, in its overall assessment of legal compliance, concludes in paragraph 195:

'195. The Habitats Regulations Assessment Report November 2018 sets out why an Appropriate Assessment is not necessary for the LPP2. Natural England agrees. The changes proposed as part of the MMs do not alter this conclusion.'

c) How opinions expressed as a result of consultation have been taken into account

Consultation on the SA reports was undertaken in line with Regulation 13 of the SEA Regulations. Each SA was consulted on in parallel with the consultation on the development of policies in the Broxtowe Part 2 Local Plan and using the same methods of consultation, as set out in the Regulation 22 Statement.

Throughout the SA process the key environmental bodies, such as Environment Agency, Natural England and English Heritage have been consulted and their views taken into account.

At each stage, the consultation responses were carefully considered, and amendments made during the next stage of plan production, where appropriate.

d) How consultation entered into under Reg. 14(4) (trans-boundary consultation) has been taken into account

No trans-boundary consultation with other Member States was deemed necessary for the development of the Broxtowe Part 2 Local Plan.

e) Reasons for choosing the plan or programme as adopted, in light of the other reasonable alternatives dealt with

The SA has adequately and accurately assessed the likely environmental, social and economic effects of the Plan. Chapters 2 to 6 of the SA detail how this has been achieved.

⁷ [Case C/323-17 People Over Wind](#)

⁸ [Habitats Regulations Assessment of the Broxtowe Borough Council Part 2 Local Plan, 7 November 2018](#)

The SA tests the Broxtowe Part 2 Local Plan against all reasonable alternatives. Chapter 6 of the SA outlines the SA Framework that has been used to assess the sustainability of the Part 2 Local Plan.

Chapter 8 of the SA details how the issues and options (reasonable alternatives) identified at each stage of plan production were assessed, and can be referred to for further information.

f) Measures that are to be taken to monitor the significant environmental effects of the implementation of the plan or programme

The Broxtowe Part 2 Local Plan will be subject to a comprehensive monitoring process. An Authority Monitoring Report (AMR) will be produced following the end of each financial year (for the year up to 31 March) and will be made available on the Council's website. This will set out the significant effects of the plan, including its environmental impacts.

There is also a statutory requirement to review Local Plans every 5 years. This monitoring data will be key in determining how the plan is working, whether the targets are being met, and what changes might be required for future plans.

Table 7 of the Part 2 Local Plan (Key Monitoring Indicators) sets out how each of the Plan's policies will be monitored.

**Broxtowe Borough Council
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