

REPORT TO THE EXECUTIVE MEETING OF 4 September 2017

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<b>Meeting:</b>	<b>Executive</b>
<b>Date:</b>	<b>4 September 2017</b>
<b>Subject:</b>	<b>Harborough Local Plan Proposed Submission - Sustainability Appraisal (Aug 2017) and Habitat Regulations Assessment (Aug 2017)</b>
<b>Report of:</b>	<b>Interim Strategic and Local Plan Manager</b>
<b>Portfolio Holders:</b>	<b>Cllr. Jo Brodrick and Cllr. Michael Rickman</b>
<b>Status:</b>	<b>For Recommendation</b>
<b>Relevant Ward(s):</b>	<b>All</b>

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1 Purpose of the Report

- 1.1 To enable Executive to consider the latest sustainability appraisal report and habitat regulations assessment providing guidance on the proposed Submission Local Plan, and seek members views.

2 Advice to the Executive:

- 2.1 **That the Sustainability Appraisal Report and Habitat Regulations Assessment be noted and recommended to Council for publication for public representation alongside the Proposed Submission Local Plan.**

3 Summary of Reasons for the Recommendations

- 3.1 Throughout the process of preparing the Local Plan the Local Plan Executive Advisory Panel (LPEAP) has been kept informed of its likely sustainability effects. The Sustainability Appraisal (SA) report documents the process, captures how the SA process has influenced the development of the emerging plan and sets out an appraisal of the sustainability implications of the Proposed Submission Local Plan. It is necessary to undertake SA to ensure the Local Plan is capable of being found sound at Examination.
- 3.2 The preparation of a Habitat Regulations Assessment is a legal requirement for all Local Plans.

4 Background

- 4.1 Sustainability Appraisal (SA) is a process for determining the sustainability implications of a plan or strategy (including any reasonable alternatives) and

forms an important part of plan-making. It's also a tool for communicating the likely effects (social, environmental, economic) of a plan, and explaining the decisions taken with regard to the approach decided upon.

- 4.2 SA is a legal requirement, but more importantly its findings can help to inform the development of a more sustainable Local Plan. It does this by highlighting the constraints and opportunities of the proposed Local Plan policies (and any reasonable alternatives) to avoid or mitigate adverse effects and maximize positives.
- 4.3 Habitat Regulations Assessment (HRA) is a process to identify any aspects of the Local Plan that would have the potential to cause a likely significant effect on Natura 2000 or European sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites).
- 4.4 The Council commissioned consultants, AECOM Ltd. (formerly URS) to undertake a Sustainability Appraisal and HRA of the Local Plan in December 2013. Since then 3 SA reports have been prepared and consulted upon, at key stages (Scoping and Options).
- 4.5 The subjects of this paper are the Proposed Submission SA Report (Aug, 2017) and the Habitat Regulations Report (Aug, 2017). Both reports communicate the effects of the local plan 'as a whole'.

## **5.0 Key Facts**

- 5.1 The Proposed Submission SA Report (Appendix 1) is available for information on CMIS alongside this report. This report documents the SA process, which has run in parallel with the preparation of the Proposed Submission Local Plan. It explains how the various stages of the SA have influenced the development of the emerging Local Plan. It combines each of the following reports, produced at various stages to support the preparation of the Local Plan:

SA Scoping Report (May - June 2014, and updated to May 2017);  
Interim SA Report (September – October 2015);  
Second Interim SA Report (February – March 2016);  
Third Interim SA Report (August 2016);  
Selected Spatial Options (September 2016)  
SA Report (July 2017)

Each report captures the results of the SA undertaken at that time, based on information available at that time. It follows the methodology and format previously used to systematically test the effects of the Plan against the Sustainability Framework. The framework consists of 9 sustainability objectives grouped under 6 topics.

- 5.2 Each policy has been appraised, against the framework, individually and in-combination with all other policies in the Plan. The effects of the Proposed Submission Local Plan 'as a whole' are presented under each of the six SA topics in section 20 of the SA Report. The appraisal essentially sets out a

discussion of the significant effects associated with the spatial strategy (Local Plan Policy SS1) taking into account all the other supporting Plan policies.

- 5.3 The predicted sustainability performance of the Plan under each of the 6 SA topics is outlined in Appendix 2.
- 5.4 The Habitat Regulations Report is attached at Appendix 3. It follows best practice guidance to set out the scope of the assessment, and undertake a Likely Significant Effect (LSE) test. Essentially the LSE is a risk assessment to decide whether the full subsequent stage of HRA, known as an Appropriate Assessment, is required.
- 5.5 The HRA concludes that there no European sites that lie within Harborough. The nearest European site being Rutland Water SPA and Ramsar site, which is located 7km to the north-east of the district boundary. This site is discussed in the analysis for completeness and the likely effects of the Local Plan upon it assessed.
- 5.6 The HRA concludes that development in the Proposed Submission Local Plan will not have a likely significant effect on any internationally important wildlife sites either alone or in combination with other plans and projects. An Appropriate Assessment is therefore not recommended as being necessary.

## **6. Legal Issues**

- 6.1 SA is a legal requirement under the SA/SEA Regulations 2004. It is necessary to undertake SA to ensure the Local Plan is capable of being found sound at Examination. The Town and Country Planning (Local Planning) (England) Regulations 2012 require that an SA Report is published for consultation alongside the proposed submission Plan document.
- 6.2 There is a requirement for all Local Plans to be subject to a HRA. The need for HRA is set out within Article 6 of the EC Habitats Directive 1992, and interpreted into British law by the Conservation of Habitats & Species Regulation 2010.

## **7 Resource Issues**

- 7.1 The costs of Sustainability Appraisal and HRA are contained within the available budget for the Local Plan.

## **8 Equality Analysis Implications/Outcomes**

- 8.1 The Local Plan will support the sustainable provision of new homes and jobs and assist the Council in meeting its duties under the Equality Act 2010 and Housing Act 2004.

## **9. Risk Management Implications**

- 9.1 A timely decision on the Proposed Submission Local Plan, informed by the SA, will help the local plan preparation/adoption process with the consequent beneficial effect on the following Corporate Risks:

9.2 CR 08 Risk of challengeable planning decisions being taken relating to planning applications for residential development / Risk of planning appeals being upheld relating to residential planning applications.

9.3 CR 10 Local Plan Risks: lack of a sound Local Plan may lead to sporadic development and the inability to defend appeals.

## **10 Consultation**

10.1 The Sustainability Appraisal Report and Habitat Regulations Report will be published alongside the Proposed Submission Local Plan for public representations in September 2017.

## **11. Options**

11.1 Not to take account of SA / HRA Reports

SA and HRA are statutory parts of the process of preparing a Local Plan. A failure to use their findings to inform the choice of spatial strategy and policies may result in missed opportunities to improve the Plan.

## **12 Background Papers**

12.1 None

### **Previous report(s):**

[LPEAP 19 September 2016 \(Harborough Local Plan SA - Selected Spatial Options, Aug 2016\)](#)  
[1 July 2015 \(7c Comments from Sustainability Consultants\)](#)  
[22 July 2014 \(Draft SA Scoping Report\)](#)

**Information Issued Under Sensitive Issue Procedure: N**

**Ward Members Notified: N**

**Appendices:**

**Appendix 1: Proposed Submission SA Report (AECOM, Aug, 2017)**

**Appendix 2: Sustainability Performance of the Proposed Submission Local Plan**

**Appendix 3: Habitat Regulations Assessment (AECOM, Aug 2017)**