

Sustainability Appraisal and Strategic Environmental Assessment of Areas of Search and Strategic Scenarios Consultation

Appendix A: Response to PAS Critical Friend review of the SA/SEA Process

1. An independent review of the process used to create the 2014 Submission Local Plan (withdrawn January 2015) was carried out by the Planning Advisory Service (PAS) and reported to the Scrutiny Committee on September 10th 2015.
2. The PAS review covered a number of aspects of the previous Local Plan process, including a summary of the main issues from the Local Plan Inspector's report, and a review of the site selection process.
3. As part of this package of work, PAS also undertook a critical friend review of the Pre-Submission Local Plan Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA) Environmental Report (April 2014) and addendum (June 2014).
4. Officers have shared this document with the Council's consultants (Place Services at Essex County Council) and have discussed the implications for the sustainability appraisal of the new Local Plan.
5. The table below is based on the central findings of the PAS review, and demonstrates how the findings have been incorporate into a robust SA process going forward.

SEA Directive Requirements	PAS comment: Is the SEA Directive Requirement met?	Officer Comment
a) An outline of the contents, main objectives of the plan or programme, and relationship with other relevant plans and programmes.	Yes , although the review of plans, programmes and policies should be updated, and consideration given to extending its scope to include international and European plans and programmes, in addition to those already considered at the national, county and local level.	Addressed by Place Services in the new SA Framework.
b) The relevant aspects of the current state of the environment and the likely evolution thereof without	Yes , although the baseline analysis will need to be reviewed and updated as appropriate. Further information could be	Addressed by Place Services.

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implementation of the plan or programme.	provided in respect of trend based data and the evolution of baseline without the ULP.	
c) The environmental characteristics of areas likely to be significantly affected.	Partially. The environmental characteristics of those areas likely to be significantly affected by the ULP are implicitly rather than explicitly described.	The environmental characteristics of areas are described at a high level in the SA of the Issues and Options, and this will be reviewed and refined in the SA of the Draft Plan.
d) Any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC.	Yes	Subject to ongoing monitoring.
e) The environmental protection objectives, established at international, Community or national level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation.	Yes , although the review of plans, programmes and policies should be updated.	Review of plans, programmes and policies has been updated.
f) The likely significant effects on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material	Partially. Whilst the LDP vision, objectives, policies and site allocations have been assessed, there is considered to be an overall lack of assessment of the cumulative effects	The initial SA (Issues and Options) assesses the Scenarios which addresses cumulative impacts. The next stage of the SA (Draft Plan/Preferred Options) will assess the cumulative impact of proposed sites on

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assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors. (These effects should include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects).	of the ULP both alone and in combination with other plans and programmes.	settlements. The Council is working closely with neighbouring Local Planning authorities to consider the impacts of their emerging Local Plans and this information will inform the next stage.
g) The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme.	Yes. The Environmental Report does identify specific mitigation measures.	Approach carried forward into the new process.
h) An outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information.	No. The Environmental Report does not adequately set out the reasons for the selection of the alternatives dealt with, for the rejection of reasonable alternatives and for the selection of the preferred options. The Environmental Report does not describe the difficulties encountered during the assessment.	The Areas of Search and the Scenarios has been developed by the Working Group as a framework to address this deficiency. At the next stage of SA this will provide a firm basis to enable a clear narrative to be provided of why the preferred options were either taken forward or rejected, with consideration of the reasonable alternatives.
i) A description of measures envisaged concerning monitoring in accordance with Art. 10.	Yes. The Environmental Report includes a monitoring framework.	Approach carried forward into the new process.
j) A non-technical summary of the information provided under the above headings.	Yes. A non-technical summary is provided.	Approach carried forward into the new process.

6. When assessed against the 10 SEA requirements the PAS critical friend review highlighted that the main area of concern related to the explanation of the reasons for selecting or rejecting alternative options.
7. This concern was summarised and elaborated in the presentation delivered at the Scrutiny Committee meeting on 10th September 2015. The presentation delivered at the meeting identified three concerns about the previous SA process, namely that it:
 - Did not clearly tell the story of how sites were identified
 - Did not effectively provide narrative around Elsenham as a site
 - There were an excessive number of options for policies
8. The third point relates to development management policies rather than site allocations, for example in relation to general environmental or other policies. This has been discussed with Places Services and it is agreed that alternative policy approaches will only be considered where there is a clear justification for doing so. If there are no clear alternatives, or where alternatives are insufficiently distinct, then no options will be elaborated. However, this is a case-by-case judgement and a pragmatic approach will be taken.
9. The first two points both address the consideration of alternatives and the way in which this process is explained. In the case of the 2014 Submission Local Plan the failing related to the selection of Elsenham as a preferred location for development, but it is important going forward that the Council should avoid this pitfall in terms of the selection of sites for inclusion in the new Local Plan.
10. This critical point relates not only to the legal requirements of the SEA Directive, but also to the tests of soundness at examination in public, particularly in terms of the requirement to prepare a justified Local Plan. This matter has been addressed at length in a methodology paper supported by the Planning Policy Working Group ('Preparing a Justified Local Plan', PPWG 27 July 2015, item 5) and which has subsequently been rolled out as part of the Issues and Options consultation. It is considered that this represents a robust basis on which to ensure that the necessary legal requirements are met.