

## CHAPTER 3

### SUSTAINABILITY APPRAISAL

#### Introduction

- 3.1** In preparing the Cumbria Minerals and Waste Development Framework (MWDF), Cumbria County Council is required to carry out a Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA) of its Development Plan Documents. This must be carried out in accordance with the Strategic Environmental Assessment Directive and the requirements of the Strategic Environmental Assessment Regulations (2004) which gave the SEA Directive legislative effect in the UK. Sustainability Appraisal has already been undertaken for the adopted Core Strategy and Generic Development Control Policies and included in earlier stages of the Site Allocations.
- 3.2** The Sustainability Appraisal Framework was developed by the County Council in conjunction with the Cumbria district councils, the Lake District National Park Authority and the three statutory consultees for Strategic Environmental Assessment (the Environment Agency, Natural England and English Heritage). It identifies a profile of key issues and pressures affecting Cumbria, which have been used as the basis for developing the sustainability objectives. These objectives have been adopted by the County Council to guide County Council policy development. They have been tried and tested in the sustainability appraisal of land use plans, community strategies and other plans and programmes. The issues are monitored and updated regularly and the Sustainability Framework refined and modified in the light of experience in using it. The profile of key issues helps demonstrate how intertwined the different sections of a Sustainability Appraisal are.
- 3.3** The current (July 2009) profile of key issues and pressures affecting Cumbria is shown in Appendix 4. The related set of sustainability objectives are to:
- improve levels of engagement and community participation
  - improve access to services and facilities
  - make more affordable housing available
  - create safer communities
  - improve education opportunities
  - retain young people
  - widen employment opportunities
  - diversify the economy
  - develop growth sectors within the local economy
  - protect and enhance species and habitats
  - improve the quality of water resources
  - adapt to climate change
  - protect designated landscapes
  - conserve the character of the built environment
  - protect people from floods
  - minimise waste and recycle more
  - secure modern sustainable waste management facilities
  - sustainably manage mineral resources
  - increase the supply of recycled material used in lieu of mineral resources

## Sustainability Appraisal

**3.4** This chapter describes the Sustainability Appraisal that has been carried out on the minerals and waste sites that have been considered for the Site Allocations Policies. Its key aim is to assess the likely environmental, social and economic impacts of each site. Scoring against a clear set of criteria has been used to assess these. The scoring matrices that have been drawn up for all of the sites are included in the site assessments in Chapter 4, together with supporting text. These matrices include the links, where appropriate, to specific Sustainability Appraisal objectives. The site selection criteria are described in Appendices 1 and 2.

### Purpose of the Sustainability Appraisal

**3.5** The purpose of the Sustainability Appraisal is to inform the preparation of the MWDF by identifying the key sustainability issues facing Cumbria, and to predict what the likely effects of policies would be on those issues. The appraisal process has been integrated with the plan making process and its findings have shaped the development of policies and the selection of preferred sites.

**3.6** Appraisal involves identifying, quantifying, weighing up and reporting on the pros and cons of the options. A systematic appraisal ensures that the options are clearly laid out and assessed in a transparent manner. This gives an assurance to plan makers and the public that the policy and the way it is to be applied have been thoroughly thought out and that sustainability issues have been carefully considered. Its transparency enables people to identify aspects with which they agree or disagree. It also leaves a clear record showing how the policy was formulated for use in monitoring and reviewing the policy at a later date.

### Compliance with the Strategic Environmental Assessment (SEA) Directive

**3.7** The SEA Directive requires environmental considerations to be integrated into the plan-making process so that the environment enjoys a high level of protection and plans and programmes contribute to sustainable development. The final version of the plan must show how any environmental considerations identified as part of the assessment process have been dealt with and set out a monitoring programme to measure the effect of the plan's implementation on the environment. The monitoring process is included to trigger remedial action on unforeseen outcomes. The Government published guidance in 2005 on how Sustainability Appraisals can meet the requirements of the SEA Regulations. The requirements of the Directive and how they have been met are summarised in the following table.

The SEA Directive's requirements	MWDF Sustainability Appraisal Response
Preparation of an environmental report in which the likely significant effects on the environment of implementing the plan or programme, and reasonable alternatives taking into account the objectives and geographical scope of the plan or programme, are identified, described and evaluated:-	The environmental report (Sustainability Appraisal Report, February 2008*) meets this requirement.
a) An outline of the contents, main objectives of the plan or programme, and relationship with other relevant plans and programmes;	SA objectives are set out in the Sustainability Appraisal Report (February 2008) – Table 5.1 and 5.2. The SA objectives used in the testing of sites remain consistent and

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The SEA Directive's requirements	MWDF Sustainability Appraisal Response
	in line with those used at the policy testing stage and are taken from the Cumbria Sustainability Framework. The Site Allocations Policies derive from the adopted Core Strategy.
b) The relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme;	Key Sustainability issues in Cumbria are set out in Appendix D of this report. Baseline scenarios are set out in chapter 6 of the Sustainability Appraisal Report (February 2008).
c) The environmental characteristics of areas likely to be significantly affected;	Key Sustainability issues in Cumbria are set out in Appendix D.
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;	<p>The sustainability appraisal matrix used to test sites assesses proximity to surrounding environmental designations including those designated under Directives 79/409/EEC and 92/43/EEC – where impacts were likely this is noted.</p> <p>A Habitats Regulations Assessment has also been completed in line with Directive 92/43/EEC.</p>
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;	The Cumbria Sustainability Framework underpins the appraisal process for the MWDF for both policy and site testing. The framework takes account of the requirements of the SEA Directive topic areas (noted in Appendix D) to provide a robust appraisal tool. The review of plans, policies and programmes provides a consistency check and that relevant environmental protection objectives have been taken into account.
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 assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors. (Footnote: These effects should include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects);	Likely significant effects on the environment have been covered through both policy and site appraisal – refer to Chapter 6 and 7 of the Sustainability Appraisal Report (February 2008) and the Appendices of the sites appraisal.
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;	Likely mitigation requirements at each proposed site are identified as part of the appraisal process – appendices of the sites appraisal.
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;	Strategic alternatives were addressed in the Core Strategy. Details of the assessments are in Chapter 4 and Appendices A and B. Technical difficulties including data requirements are also covered in chapter 6 of the Sustainability Appraisal Report (February 2008).
i) a description of measures envisaged concerning monitoring in accordance with Article 10;	Proposals for monitoring arrangements are set out in chapter 10 of the Sustainability Appraisal Report (February 2008).
j) a non-technical summary of the information provided under the above headings.	A non-technical summary was provided in the Sustainability Appraisal Report (February 2008).
The report shall include the information that may reasonably be required taking into account current knowledge and methods of assessment, the contents and level of detail in the plan or programme, its stage in the decision-making process and the extent to which	The SA objectives have been approved by statutory consultees. The Cumbria Sustainability Framework is well recognised and accepted as a sound tool for conducting SA. The SA methodology can be found in chapter 4 of the sites appraisal report.

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The SEA Directive's requirements	MWDF Sustainability Appraisal Response
<p>certain matters are more appropriately assessed at different levels in that process to avoid duplication of the assessment (Art. 5.2).</p>	<p>The most recent data available was used to assess sites.</p> <p>The level of assessment for the site based appraisal was carefully considered. Each site was assessed using a consistent SA scoring matrix (Appendices of the sites appraisal) that looked at the context of the site and the likely impact on designations within a 2 kilometre radius. Impacts beyond this area of search were considered where, for example, watercourses might be affected.</p>
<p>Consultation:</p> <ul style="list-style-type: none"> <li>• authorities with environmental responsibility, when deciding on the scope and level of detail of the information to be included in the environmental report (Art. 5.4).</li> <li>• authorities with environmental responsibility and the public shall be given an early and effective opportunity within appropriate time frames to express their opinion on the draft plan or programme and the accompanying environmental report before the adoption of the plan or programme (Art. 6.1, 6.2).</li> <li>• other EU Member States, where the implementation of the plan or programme is likely to have significant effects on the environment of that country (Art. 7).</li> </ul>	<p>Full consultation periods on both the policy and sites phases of the MWDF were held in accordance with the requirements of the Town and Country Planning (Local Development) (England) Regulations (2004) as amended.</p>
<p>Taking the environmental report and the results of the consultations into account in decision-making (Art. 8)</p>	<p>The drafting of the MWDF is an iterative process. All versions of the evolving reports have been shaped in some way by the SA, which has been carried out in parallel with the MWDF. Public and industry feedback has been fully taken into account during the transparent development plan process.</p>
<p>Provision of information on the decision:</p> <p>When the plan or programme is adopted, the public and any countries consulted under Article 7 shall be informed and the following made available to those so informed;</p> <ul style="list-style-type: none"> <li>• the plan or programme as adopted;</li> <li>• a statement summarising how environmental considerations have been integrated into the plan or programme and how the environmental report pursuant to Article 5, the opinions expressed pursuant to Article 6 and the results of consultations entered into pursuant to Article 7 have been taken into account in accordance with Article 8, and the reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with; and</li> <li>• the measures decided concerning monitoring (Articles 9 and 10).</li> </ul>	<p>An Adoption Statement was published for the Core Strategy and Generic Development Control Policies, another will be required when these site policies reach the adoption stage.</p> <p>Proposals for Monitoring arrangements are in place and set out in the Core Strategy.</p> <p>Consultations, and reports about how comments have been taken into account, have been in accordance with the requirements of Regulation 16 of the Town and Country Planning (Local Development) (England) Regulations (2004) as amended.</p>
<p>*Cumbria Minerals and Waste Development Framework, Core Strategy, Sustainability Appraisal Report, February 2008 (Land Use Consultants).</p>	

- 3.8** The key requirements of the SEA Directive are set out in Appendix D, which lists SEA topic areas against the sustainability appraisal objectives. This table demonstrates how the sustainability appraisal objectives comply and accord with the SEA topic areas. The Sustainability Appraisal Framework is also included in that Appendix and sets out how the key topic areas outlined in the SEA Directive are related to the sustainability framework objectives.
- 3.9** For the Core Strategy, Land Use Consultants Ltd (LUC) reviewed the approach to the selection of sites for waste management facilities. A direct comparison was made between the Core Strategy site location criteria and the Sustainability Framework. LUC made the following observations:
- Some plan criteria match the sustainability criteria quite closely; for example, in relation to previously developed (brownfield) land.
  - Some sustainability appraisal criteria appear against several plan criteria, where the latter are driven by the same sustainability concerns. For example, the three plan criteria in relation to accessibility, co-location and potential rail or sea access, all reflect the desire to reduce 'waste miles', particularly road miles. For the sustainability appraisal, this is expressed in criteria addressing the role of the planning system in ensuring a healthy and safe working and living environment and in minimising potential health impacts associated with waste management facilities.
  - Some plan criteria have no direct correlation with the sustainability criteria, namely development plan status and deliverability, albeit that these are both implementation considerations driven, at least in part, by sustainability concerns.
  - The key sustainability objective in relation to waste management (NR4) is not mentioned explicitly in the plan criteria. However, the underlying intention of the site allocations is to encourage the 'movement' of waste up the waste management hierarchy, through positive land use provision.
  - Other primary sustainability criteria are not reflected explicitly in the plan criteria, namely EN2: To preserve and manage landscape quality and character for future generations; EN3: To improve the quality of the built environment; and NR2: To improve water quality and resources (with the exception of flood risk). Whilst there is a criterion in relation to 'identified environmental interest' and these considerations would also be addressed by other plan provisions, consideration should be given to their explicit inclusion in the plan criteria.

The work by LUC for the Core Strategy and Generic Development Control Policies has informed this work on the Site Allocations Policies and Proposals Map. The matrices that have been used, in Chapter 4, to assess sites include clear criteria, which are supported by the sustainability objectives. The site scoring is described below and in Appendix C..

## Site Scoring

- 3.10** Scoring as part of the sustainability appraisal process provides a systematic, consistent and transparent tool for the comparative selection of a large number of sites. For each criterion in the matrices, a description or characteristic has been listed, which is, in effect, a sub-criteria against which the site has been assessed. In each case the description/characteristic that is likely to have the smallest negative impact is listed first and in each case the scoring is graduated consistently. A weighting system by number scoring was considered, which would indicate the importance given to specific criteria; however, this approach was not favoured by stakeholders and has not been used.

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### Geographical Information System and Site Assessment

**3.11** The County Council's in-house Geographical Information System (GIS) has been used in order to establish the type and level of constraints and opportunities for each site. The GIS layers that have been used are listed in Appendix 1. They provide a description of the context of a site and this has been backed up by site visits. A 2km radius around the sites was used in the assessments.

### Limitations of information and assumptions made

**3.12** A number of difficulties can be encountered in accessing, collating and presenting relevant data sets. Data that is available may not always match the requirements of the Sustainability Appraisal. Data may be completely unavailable, unavailable at the right scale, out of date, unreliable, partial or biased. Because of this, decisions have to be taken on the quality of data gathered and questions asked about whether data should not be used; used with a cautionary note; or new information sought to remove uncertainty and fill data gaps.

**3.13** Whilst it has been possible within the appraisal timeframe to gather baseline data, gaps remain. Examples are lack of certainty about the occurrence of widespread species such as Great Crested Newts and reptiles and biodiversity information about some brownfield sites. Surveys are likely to be needed when planning application proposals are being prepared. Government guidance on carrying out sustainability appraisals encourages a pragmatic approach, saying that whilst data must be robust and fit for purpose, a realistic approach should be taken to gathering new data to ensure that difficulties with certain data sets do not delay the overall Sustainability Appraisal process. The process should continue, acknowledging data gaps.

**3.14** Sustainability Appraisals are iterative and their baseline database will evolve over time, be constantly updated and be in place for a future review or update of the MWDF. The Core Strategy's monitoring requirements and the Minerals and Waste Development Scheme's Annual Monitoring Reports are relevant to this. They will provide additional information on the performance and continued relevance of policies and identify data requirements.

### Determining Significance

**3.15** Annex II of the SEA Directive sets out criteria for determining the likely significance of effects. These criteria relate to:

- The characteristics of the plan or programme.
- The characteristics of the effects and of the area likely to be affected (for all of the sites and areas which are being considered).

**3.16** Government guidance states that when evaluating the significance of the effect of a policy or plan, the probability, duration, frequency and reversibility of the effects, including cumulative, secondary and synergistic effects should be considered. The guidance is primarily aimed at the method of policy appraisal, but it is equally applicable to the assessment of sites.

**3.17** The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected) should also be considered. Determining significance is always likely to be largely estimated. The value given to, and the vulnerability that is assumed for, certain areas, populations and species may also influence the assessment. This may be relevant,

in particular, where thresholds or standards may be exceeded; for example, in areas with high levels of social deprivation or areas containing particularly sensitive environmental assets.

**3.18** Government guidance suggests that, when appraising the effects of the plan, the following should be taken into account for each option that is being considered:

- Is it clear exactly what is proposed, and how the options differ from each other or relate to the plan as a whole?
- Is each option likely to have a significant adverse effect in relation to each of the objectives or targets?
- If so, can the effect be avoided or its severity reduced?
- If the effect cannot be avoided, e.g. by conditions or changes to the way it is implemented, can/should the option be changed or eliminated?
- If its effect is uncertain, or depends on how the plan is implemented, how can this uncertainty be reduced?

### Site scoring matrix

**3.19** The development of the scoring matrix is central to the appraisal of the sites contained in the Core Strategy. The scoring system has been applied consistently across the 12 site selection criteria and has deliberately been kept simple and transparent. It allows appraisers to assign a 'score' for each criteria that shows whether the site broadly accords with the site selection criteria or not, or whether there is too much uncertainty to make a decision. For each criterion a description or characteristic is listed which is, in effect, a sub-criterion against which the site has been assessed.

#### KEY TO SITE SCORING MATRIX

- ✓✓ The site scores very positively against the criterion.
- ✓ The site scores positively against the criterion.
- XX The site scores very negatively against the criterion.
- X The site scores negatively against the criterion.
- ? There is too much uncertainty to score the site against the criterion.
- 0 The site has no impact on the criterion.

### Site Appraisals

**3.20** The sustainability appraisal site assessment provides a mechanism for reviewing and scoring each of the proposed sites against the sustainability criteria. It allows an in depth and informed discussion to be held, where the context of each of the sites is analysed and assessed. The site appraisals sessions have been carried out by County Council specialist minerals and waste planners, an officer with specialist knowledge of sustainability appraisal and strategic environmental assessment and with inputs from other specialists. This enabled

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the sustainability framework objectives and site location criteria to be explored in terms of how the proposed sites related to them. Local knowledge and expertise added weight to this approach.

- 3.21** The appraisal group agreed a consistent approach to scoring to provide a robust and transparent method. The 'rules' that were used are described in Appendix C.