

## LOCAL DEVELOPMENT PLAN UP TO 2021

# ADOPTION STATEMENT

Planning and Compulsory Purchase Act 2004

The Environmental Assessment of Plans and Programmes (Wales)

Regulations 2004 Regulation 16

The Town and Country Planning (Local Development Plan) (Wales)

Regulations 2005 (Regulation 25)

November 2010

## CYNLLUN DATBLYGU LLEOL HYD AT 2021

# DATGANIAD MABWYSIADU

Deddf Cynllunio a Phrynu Gorfodol 2004

Rheoliad 16 Rheoliadau 2004

Asesiadau Amgylcheddol o Gynlluniau a Rhaglenni (Cymru)

Rheoliadau Cynllunio Gwlad a Thref (Cynllun Datblygu Lleol)

(Cymru) 2005 (Rheoliad 25)

Tachwedd 2010





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## 1 Introduction

- 1.1 Regulation 25(2) of the Local Development Plan (Wales) Regulations 2005 requires the preparation of an Adoption Statement for the Local Development Plan. Regulation 16 of The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 (SEA Regulations), requires the council to produce a Strategic Environmental Assessment / Sustainability Appraisal Adoption Statement as part of the formal Adoption process. This document has been produced to satisfy both of these requirements and also to conclude the formal procedures for the SEA/SA of the Caerphilly County Borough LDP.

## 2 LDP Statement of Adoption

### *(Regulation 25(2) of the Local Development Plan (Wales) Regulations 2005)*

- 2.1 The Caerphilly County Borough Local Development Plan (the LDP) was adopted on 23 November 2010, whereby the Plan became operative.
- 2.2 Copies of the adopted LDP, the recommendations of the person appointed to hold the independent examination, the sustainability appraisal report (incorporating the environmental report), the consultation report and a statement indicating how the environmental report etc. has been taken into account are available for inspection free of charge at the Council Offices in Pontllanfraith, Blackwood during office hours, and at all Public Libraries and Customer First Centres in the County Borough during their opening times. They are also available on the Council's website at [www.caerphilly.gov.uk](http://www.caerphilly.gov.uk).
- 2.3 A person aggrieved by the LDP who desires to question its validity on the ground that it is not within the powers conferred by Part 6 of the Planning and Compulsory Purchase Act 2004 or that any requirement of that Act or any regulation made under it has not been complied with in relation to the adoption of the LDP, may, within six weeks from **1st December 2010** (date of the Notice of Adoption being published), make an application to the High Court under Section 113 of the 2004 Act.

## 3 SEA/SA Statement of Adoption

### *Regulation 16 of The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 (SEA Regulations)*

- 3.01 The SEA Regulations set out the scope for the SEA/SA Adoption Statement, specifically identifying 6 matters (*required matters*) that should be addressed, namely:
- i) How environmental considerations have been integrated into the plan or programme;
  - ii) How the environmental report has been taken into account;
  - iii) How comments under statutory consultations have been taken into account;
  - iv) How the results of any trans boundary consultations have been taken into account;
  - v) The reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives;
  - vi) The measures that are to be taken to monitor the significant environmental effects of the implementation of the plan or programme.

- 3.02 The remainder of this document addresses each of the *required matters* in turn. It should be noted however, that whilst this document will set out the position in respect of them, and provides new information where required, it is not intended for this document to repeat information that is already contained in the published LDP or SEA/SA documentation. Such information will be identified in this document, with associated references to the information being included in the Statement. This position reflects the advice contained in Paragraph 8.5.2 of the LDP Manual *June 2006*.
- 3.03 In addressing the required matters, it will be necessary to also address the changing nature of the SEA/SA through the LDP process. SEA/SA is a vitally important element in the production of the Deposit LDP. The SEA/SA has developed iteratively, and in parallel, with the emerging LDP. It has a continuous role of informing the decision making on the content of the LDP, as well as providing measures against which the sustainability of the emerging plan can be considered.
- 3.04 However, the current LDP procedures make no provision for amendments to be made to the plan once it has been placed on Deposit. As a result the SEA/SA can only influence the content of the LDP up to its placement on Deposit. Following this the SEA/SA can be used as an assessment tool to review potential changes in a comparative manner, but it is unable to address any core sustainability issues. This change in nature of SEA/SA will be taken into account in this statement.

### **3.1 HOW ENVIRONMENTAL CONSIDERATIONS HAVE BEEN INTEGRATED INTO THE PLAN OR PROGRAMME [REGULATION 16 (4) (A)]**

- 3.1.1 The aim of Strategic Environmental Assessment is to ensure that environmental considerations are taken into account in the decision-making processes for the LDP. Consequently the fact that the LDP has been subject to SEA/SA means that this matter has been delivered. The relevant information is contained within the complete set of published SEA/SA documentation, namely:

#### **Statutory Consultee Involvement Stage**

- i) Strategic Environmental Assessment/Sustainability Appraisal Draft Scoping Report (SB4)
- ii) Strategic Environmental Assessment/Sustainability Appraisal Draft Scoping Report – Appendix 1 – Review of Relevant Plans, Policies and Programmes (SB5)

#### **Pre-Deposit Consultation Stage (April 2007)**

- iii) SEA/SA Part 1 - Document 1 - Scoping Report (SB9)
- iv) SEA/SA Part 1 - Document 2 - Review of Relevant Plans (SB10)
- v) SEA/SA Part 1 - Document 3 - Assessment of Strategies (SB11)

#### **Deposit Consultation Stage (October 2008)**

- vi) SEA/SA Part 1 - Document 1 - Revised Scoping Report (SB16)
- vii) SEA/SA Part 1 - Document 2 - Revised Review of Plans (SB17)
- viii) SEA/SA Part 1 - Document 3 - Assessment of LDP Strategies (SB18)
- ix) SEA/SA Part 2 - Document 4 - Assessment of Detailed LDP (SB19)
- x) SEA/SA Part 2 - Document 4 - Assessment of Detailed LDP - Appendix 8 (SB20)

- xi) SEA/SA Part 2 - Document 5 - Habitats Regulations Assessment (SB21)
- xii) SEA/SA Non-Technical Summary (SB22)

### **Pre-Deposit Consultation Stage**

- xiii) SEA/SA Part 2 Document 4 – Assessment of Detailed LDP - Supplementary - Council Recommended Changes (September 2009) (SB99)
- xiv) SEA/SA Part 2 Document 4 – Assessment of Detailed LDP - Supplementary - Focused Changes (September 2009) (SB23)

## **3.2 HOW THE ENVIRONMENTAL REPORT HAS BEEN TAKEN INTO ACCOUNT [REGULATION 16 (4) (B)]**

- 3.2.1 In the context of this required matter, the term “Environmental Report” is being taken to mean the report of the detailed assessment of the LDP, as it is the assessment findings in that document that lead to changes in the content of the LDP. The SEA/SA of the LDP, through an iterative approach, has led to a number of changes to the LDP as it has emerged. The principle changes made as a result of the SEA/SA process are set out in Appendices 3 – 5 of SEA/SA Part 2 - Document 4 - Assessment of Detailed LDP (SB19).
- 3.2.2 As part of the LDP process the representations were considered and a number of changes to the Deposit LDP were identified, which would be recommended to the Inspector. These were reported to council as part of the Report of Consultation in September 2009. The changes were subject of consideration and assessment through the SEA/SA process and the outcome of the process is contained in SEA/SA Part 2 Document 4 – Assessment of Detailed LDP - Supplementary - Council Recommended Changes (September 2009) (SB99).
- 3.2.3 At the council meeting on 15 September 2009, the council resolved to make additional changes over and above those identified in the committee report. These changes, termed Focused Changes, were again considered and assessed through the SEA/SA process and the outcome of the process is contained in SEA/SA Part 2 Document 4 – Assessment of Detailed LDP - Supplementary - Focused Changes (September 2009) (SB23).
- 3.2.4 The Focused Changes were the subject of a six-week consultation process and the council considered representations on them at the Council meeting in December 2009. At the meeting a number of the Focused Changes were removed, whilst additional small-scale changes were identified for recommendation to the Inspector. The changes were termed Additional Focused Changes and were considered and assessed through the SEA/SA process and the outcome of the process is contained in Deposit LDP up to 2021 – Comprehensive List of Changes (including Focused Changes and Additional Focused Changes) (SB83).
- 3.2.4 The consideration of issues through the Examination process has resulted in the Inspector recommending 5 changes to the LDP. In recommending these changes the Inspector has taken account of the SEA/SA matters and concludes as follows: **“None of the ICs (Inspector’s Changes) or MACs (Council’s changes) undermine the SA or the participatory process previously undertaken and they do not change the overall strategy or policy thrust within the Plan.”** The complete findings of the Inspector are included in the Report On The Examination Into The Caerphilly County Borough Local Development Plan Up To 2021.

### **3.3 HOW COMMENTS UNDER STATUTORY CONSULTATIONS HAVE BEEN TAKEN INTO ACCOUNT [REGULATION 16 (4) (C)]**

- 3.3.1 The SEA/SA has been subject of three consultation processes. Each of these consultation exercises have realised Reports of Consultation that outline the comments received and the actions taken in respect of those comments. The three consultation processes are:

***Statutory Consultee Involvement*** – Compliance with Regulation 12 (5 and 6) of the SEA Regulations. Consultation on the Part 1 Document 1 Scoping Report with the consultation bodies (the three Statutory Consultees for SEA/SA, i.e. Countryside Council for Wales, Environment Agency (Wales) and Cadw. The consultation comments along with council responses and changes to the Scoping Report are included in the *Statutory Consultee Involvement - Report of Consultation (SB6)*.

***Pre-Deposit Consultation*** – Compliance with Regulation 15 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (LDP Regulations). General consultation on the Alternative LDP Strategies and Part 1 SEA documentation (documents 1, 2 and 3). The consultation comments, the council responses and proposed changes are included in the *Initial Consultation Report (SB46)*.

***Deposit Consultation*** – Compliance with Regulation 13 (SEA Regulations) and Regulation 17 (LDP Regulations). General consultation on Deposit LDP and SEA Part 1 & 2 documents (1 –5, including Habitats Regulations Assessment). The consultation comments, the council responses and proposed changes are included in Volume 6 of the *Caerphilly County Borough Deposit Local Development Plan Up To 2021: Council Consideration Of Representations (SB62)*.

### **3.4 HOW THE RESULTS OF ANY TRANS BOUNDARY CONSULTATIONS HAVE BEEN TAKEN INTO ACCOUNT [REGULATION 16 (4) (D)]**

- 3.4.1 No Trans Boundary issues were raised through the SEA/SA process.
- 3.4.2 The Habitats Regulations Assessment of the LDP considered effects beyond the county borough boundaries but concluded that the plan would not realise any adverse impacts outside the County Borough. No Trans Boundary issues were raised through this assessment either.

### **3.5 THE REASONS FOR CHOOSING THE PLAN OR PROGRAMME AS ADOPTED, IN THE LIGHT OF THE OTHER REASONABLE ALTERNATIVES [REGULATION 16 (4) (E)]**

- 3.5.1 When considering this required matter, it should be noted that the preparation of the LDP, and indeed the SEA/SA, is a progressive process that does not readily allow backtracking over preceding actions, e.g. once the strategy has been identified it is not possible to change the strategy later in the process, as this is a fundamental consideration in decision-making for the later stages. Making such changes would result in constant backward movement in the timescale and could lead to the plan not been produced. This has a significant impact upon the consideration of alternatives, as the number and range of alternatives will continue to reduce as the plan moves through the process, being tied by increasing numbers of decisions made at early stages. This, however, is natural for the preparation of a development plan, as it would be impossible to undertake assessment of



alternatives for all stages of the plan at the same time (so enabling consideration of every alternative that is realistically possible).

- 3.5.2 As a consequence of this, appropriate alternatives are assessed at certain stages of the process and, once decisions are taken, only matters relating to chosen alternatives are considered later on in the process, e.g. The hybrid strategy was chosen as the LDP Strategy, so alternative sites and policies specifically relating to the other, rejected strategies were not considered further. The SEA/SA process mirrors this approach and the principle of not revisiting decisions already made applies to the SEA/SA as well.
- 3.5.3 Given the linear nature of the LDP process, the consideration of alternatives is primarily restricted to two specific areas for the LDP, namely:

**Strategy** – Alternatives are required to be considered as part of the generation of a strategy for the emerging plan. The SEA/SA considers the alternative strategies in SEA/SA Part 1 - Document 3 - Assessment of Strategies [SB11].

**Sites** – Sites have been assessed through the Candidate Site process. Over 600 sites have been considered for allocation for a wide range of uses in the LDP. Sites were the subject of planning, ecology, countryside, environmental health and transport assessments as well as being assessed against the key principles of the chosen LDP Strategy. This process resulted in the identification of the allocations in the Deposit LDP. The Detail of this process is contained in the LDP Candidate Sites Register – Volumes 1 to 6 [SB85 – SB90].

- 3.5.4 The consideration of alternative forms of policy and plan content (significantly smaller in scale than the Strategy and Sites issues) has also taken place, but has been resolved through iterative interaction between the LDP and the SEA/SA and did not form part of the formal recording mechanism for either document as it is one of a large number of factors that are taken into account as part of the general approach to preparing the development plan.

### **3.6 THE MEASURES THAT ARE TO BE TAKEN TO MONITOR THE SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE IMPLEMENTATION OF THE PLAN OR PROGRAMME [REGULATION 16 (4) (F)]**

- 3.6.1 LDP Regulation 37 requires the council to prepare, and subsequently submit to WAG, an Annual Monitoring Report (AMR) that is required to monitor specific items as well as identifying policies that are not being implemented. In addition to this Regulation 17 of the SEA Regulations requires that the council must monitor the significant environmental effects of the plan. Therefore monitoring the plan and its significant environmental effects are statutory requirements and will be undertaken through the AMR that will be published each October.
- 3.6.2 Appendix 19 of the LDP contains the Monitoring Framework that provides the basis for monitoring the effectiveness of the policy framework in the LDP. The SEA/SA Part 1 - Document 1 - Revised Scoping Report (SB16) contains the tables setting out the Sustainability Objectives and Monitoring Indicators for the SEA/SA. These tables set out the indicators that will be used to monitor the significant effects of the LDP, and also set out environmental targets and source data for each of the indicators to provide a basis for consideration of the significance of any effect.

- 3.6.3 The SEA/SA monitoring will form part of the overall AMR for the LDP, and will therefore, be undertaken on an annual basis.