

## PLANNING BULLETIN

### Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents

In November 2005 the ODPM published guidance for Regional Planning Bodies and Local Planning Authorities to assist them in their preparation of sustainability appraisals (SAs) of Regional Spatial Strategy (RSSs) revisions, new or revised Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs).

#### **When is an SA required?**

Under Section 39(2) of the Planning and Compulsory Purchase Act 2004, sustainability approval is mandatory for RSS revisions and for new or revised DPDs or SPDs.

In addition, when preparing RSS revisions or new or revised DPDs or SPDs, Regional Planning Bodies (RPBs) and Local Planning Authorities (LPAs) must also conduct an environmental assessment in accordance with the requirements of the European Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (the Strategic Environmental Assessment or SEA Directive), transposed by the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations).

The ODPM's guidance on Sustainability Appraisals is intended to assist RPBs and LPAs to carry out SAs and also to comply with the SEA Directive. The SEA which relates primarily to environmental impacts will form part of the SA which is intended to provide sustainable development through the interpretation of social, environmental and economic conditions.

Under the Act, a SA is required for a RSS revision for a new DPD or SPD. It is not needed for other documents including the Statement of Public Participation, the Project Plan and the Annual Monitoring Report (AMR). Nor is it needed for other documents in the Local Development Framework (LDF) including the Statement of Community Involvement (SCI), the Local Development Scheme (LDS), AMRs and Local Development Orders (LDOs).

#### **Level of Detail of Sustainability Appraisals**

The guidance stresses that the SA should focus on "significant sustainability effects" and consider alternatives that take into account the objectives and geographical scope of the document.

#### **Who should do a Sustainability Appraisal?**

Regional Planning Bodies (RPBs) and Local Planning Authorities (LPAs) are required to make sure that a SA is carried out in accordance with the SEA Directive, the Act and the Regulations. However, RPBs and LPAs and stakeholders are encouraged to unite together to share expertise, research and resources when undertaking a SA.

#### **Consultation on the Scope of the Sustainability Appraisal**

To meet the requirements of the SEA Directive, RPBs or LPAs are required to seek the views of four statutory environmental bodies designated in the SEA Regulations (the

Countryside Agency, English Heritage, English Nature and the Environmental Agency) on the scope and level of detail of the environmental information in the SA report. Other bodies should be consulted as the RPB or LPA consider appropriate with a balance between those concerned with social, environmental and economic issues.

### **Transitional Arrangements**

The SEA Directive (Regulation 6.2) requires an environmental assessment of plans and programmes whose formal preparation began before 21st July 2004 and which have not been adopted by 21st July 2006. PPS12 makes it clear that this also applies to SAs. The ODPM guidance states that the need to undertake an SA as an integral part of preparing a DPD has been clear since the Planning and Compulsory Purchase Bill was introduced in 2003. Since it is unlikely that any preparatory work on a UDP would have been undertaken before then there should be no case of failure to carry out a SA even for those UDPs where work started prior to July 2004.

However, some local authorities who had expected to have their plans adopted before 21st July 2004 but now realise that this is unlikely, are now having to prepare SAs retrospectively.

### **Compliance with the SEA Directive**

The SA must clearly show that the SEA Directive's requirements have been met. This includes the need to demonstrate that alternatives have been considered and measures to prevent, reduce and, as fully as possible, offset any significant adverse effects on the environment. The SA must include a non-technical summary.

### **Examination by the Inspector**

The Inspector at examination must consider the soundness of the RSS or DPD using the SA as part of the evidence base. The Inspector will not undertake his own assessment of compliance but there may be circumstances in which it appears to him that the evidence in the SA is insufficient for him to come to a satisfactory conclusion about the soundness of the RSS or DPD.

### **SA in relation to Proposed Changes and New Sites**

Given the frontloading inherent in the new system, new sites should not be raised for consideration for the first time at submission and examination. In exceptional circumstances where a site is identified at a late stage in the process, the promotion of the new site will need to collate relevant SA information in sufficient time to allow consultation with the public on the proposal and appraisal well in advance of submission on examination.

Relevant SA information will also need to be made available in relation to any proposed changes where such a change may have significant sustainability effects.

The promoter of any such change is responsible for providing the information for the LPA to incorporate in the SA report. The information must be consistent with the scope and level of the SA conducted by the LPA and refer to the same baseline information in identifying the likely significant effects of the revised policy on new sites.

They must also carry out a consultation process consistent with the LPA's SCI.

### **Conclusions**

The guidance sets out guidance on the approach and the stages in the preparation of a Sustainability Appraisal. It does not provide a detailed list of sustainability criteria that need

to be included within an SA. However, RSS and LPAs are advised to provide a balance between environmental, social and economic criteria. Each RSS or LPA must prepare their own list of criteria based on their own geographic and specific needs.

Promoters of unallocated sites are advised to use the SA format set out by individual RSSs an LPAs in preparing SAs for their sites to allow comparison with other sites.

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