

# Sustainability Appraisal of Canterbury Local Plan: Response to Inspector's Pre-hearing Questions

---

## 1. Introduction

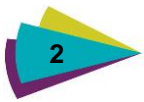
The purpose of this Technical Note is to provide background information to the Council to respond to specific questions posed by the Inspector in a letter to the Council, dated 1<sup>st</sup> April 2015, regarding 'Alternatives and Sustainability Appraisal'. Specifically, the letter asks:

*'Could you confirm whether in the Council's view it has fully complied with the requirements of the SEA Directive and associated regulations. In particular, is the Council satisfied that the report accompanying the plan (CDLP 10.6) adequately summarises or repeats the reasons that were given for rejecting the alternatives at the time when they were ruled out (and that those reasons are still valid)?'*

In addition to the letter, the Inspector has issued a paper (dated 1<sup>st</sup> May 2015) containing draft matters, issues and questions to be discussed at the examination hearings. These include questions that relate to the SA and the HRA. These are as follows:

- ▶ Under the heading 'Has the Local Plan complied with other legal requirements?':
  - 'j) Has the Local Plan been subjected to Sustainability Appraisal?*
  - k) Has a Habitat Regulations Assessment been prepared?'*
- ▶ Under 'Matter 1: Spatial Strategy':
  - 'e) Have reasonable alternatives to the overall spatial strategy in terms of the scale and distribution of development been considered? Has it been demonstrated that the plan is the most appropriate strategy?*
  - f) Is there a clear audit trail showing how and why the preferred overall spatial strategy was arrived at?'*
- ▶ Under 'Matter 2: Housing Strategy – Distribution':
  - 'r) Is the distribution of new housing between different settlements and parts of the plan area in accordance with the overall spatial strategy?*
  - s) Have reasonable alternatives to the distribution of housing development been considered?'*

In seeking to address these questions, this technical note highlights where at each stage of the development of the Local Plan, the specific requirements of sustainability appraisal have been addressed (particularly those aspects that detail the selection and appraisal of a preferred development option and any reasonable alternatives), and includes cross references to the reports where more detail relating to the relevant aspect can be found.



## 2. Overview of Sustainability Appraisal

Sustainability Appraisal (SA) is a form of assessment that considers the social, economic and environmental effects of a plan or programme in relation to the aims of sustainable development. In particular, the likely social, economic and environmental effects of the plan or programme will be identified, described and appraised. Where negative effects are identified, measures will be proposed to avoid, minimise or mitigate such effects. Where any positive effects are identified, measures will be considered that could enhance such effects.

SA, in respect of local plans, is required of all local planning authorities under Section 19(5) of the Planning and Compulsory Act (PCA) 2004 (as amended).

The National Planning Policy Framework (NPPF) outlines the requirements for SA as they relate to plan preparation at paragraph 165:

*“A sustainability appraisal which meets the requirements of the European Directive on strategic environmental assessment should be an integral part of the plan preparation process, and should consider all the likely significant effects on the environment, economic and social factors.”*

In undertaking this requirement the local planning authority must also incorporate the requirements of the European Union Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, referred to as the Strategic Environmental Assessment (SEA) Directive and the relevant implementing UK regulations.

### 2.1 The Requirement to Consider Reasonable Alternatives

Consideration of reasonable alternatives to a plan is a fundamental aspect of planning policy development and the requirements of the SEA Directive (Article 5(1)) formalise this, requiring that the choices and resulting decisions be made explicit through their inclusion in the resulting environmental report. The consideration of reasonable alternatives has been the focus of recent legal challenges to local plans in England, based on the inadequate implementation of the SEA Directive. These include:

- ▶ **Save Historic Newmarket v Forest Heath District Council [2011] EWHC 606 (Admin) (25 March 2011)** case in which it was found that reasonable alternatives to a 1,200 home Sustainable Urban Extension in northeast Newmarket had not been adequately assessed and the reasons why it was rejected had not be sufficiently explained in the SA Report. The High Court ruling, in quashing parts of the Forest Heath Core Strategy, stated:

*“40. .... It was not possible for the consultees to know from it what were the reasons for rejecting any alternatives to the urban development where it was proposed or to know why the increase in the residential development made no difference. The previous reports did not properly give the necessary explanations and reasons and in any event were not sufficiently summarised nor were the relevant passages identified in the final report. There was thus a failure to comply with the requirements of the Directive and so relief must be given to the claimants.”*

- ▶ **Heard v Broadland District Council et al. [2012] EWHC 344 (Admin) ( 24 February 2012)** case in which it was found that the reasons for the selection of the reasonable alternatives and the preferred option had not been presented in the final SA Report (or in the Joint Core Strategy), nor was there any evidence presented in the final SA Report that the options had been examined to the same degree and in the same depth. The judge held at [71]:

*“the aim of the directive, which may affect which alternatives it is reasonable to select, is more obviously met by, and it is best interpreted as requiring, an equal examination of the alternatives which it is reasonable to select for examination alongside whatever, even at the outset, may be the preferred option. It is part of the purpose of this process to test whether what may start out as preferred should still end up as preferred after a fair and public analysis of what the authority regards as reasonable alternatives. I do not see that such an equal appraisal has been accorded to the alternatives referred to in the SA of September*

2009. If that is because only one option had been selected, it rather highlights the need for and absence here of reasons for the selection of no alternatives as reasonable. Of course, an SA does not have to have a preferred option; it can emerge as the conclusion of the SEA process in which a number of options are considered, with an outline of the reasons for their selection being provided. But that is not the process adopted here.”

- ▶ **Cogent Land LLP v Rochford District Council [2012] EWHC 2542 (Admin); (21 September 2012)** case in which the claimant submitted that documents produced in 2008 for the SA/SEA did not set out adequately the reasons for preferring the selected locations over alternatives that had been rejected, so that the public was not allowed the early and effective engagement that was required. Rochford’s preparatory work on the Core Strategy had been carried out before the decision in *Save Historic Newmarket v. Forest Heath District Council*. On consideration of *Forest Heath* (which was handed down after the Examination in Public into the Rochford Strategy had closed) Rochford asked the Inspector to defer her report to allow the Council to prepare an Addendum SEA Report which addressed the conclusions in *Forest Heath*. The Inspector agreed. The Addendum (which supported the policies in the Core Strategy) was made public and all parties were given the opportunity to respond to it, but the Inspector declined to reopen the EiP. When the Inspector concluded that the Core Strategy was sound and the document was subsequently adopted, the Claimant challenged and *Bellway Homes* (which had an interest in land in West Rochford) was joined as an interested party. The judge was inclined to accept that submission but he held that a July 2011 Addendum cured any defects in the earlier stages of the process and that the Inspector’s decision not to reopen the EiP was fair
- ▶ **Chalfont St Peter PC v Chiltern DC [2013] EWHC 1877 (Admin)** case in which the claimant attempted to quash part of Core Strategy. The ruling applied *Heard v Broadland* in respect of the adequacy of consideration of alternatives and found that alternatives which were obvious non-starters did not need to be considered.
- ▶ **Ashdown Forest Economic Development LLP v Secretary of State for Communities and Local Government [2014] EWHC 406 (Admin) (21 February 2014)** case in which the claimants sought to extend similar arguments to those pursued in *Save Historic Newmarket* and *Heard*, to an extent that was considered inapplicable and impermissible by the court. The judge ruled that:

*“97 A plan-making authority has an obligation under the SEA Directive to conduct an equal examination of alternatives which it regards as reasonable alternatives to its preferred option (interpreting the Directive in a purposive way, as indicated by the Commission in its guidance: see *Heard v Broadland DC* at [71]). The court will be alert to scrutinise its choices regarding reasonable alternatives to ensure that it is not seeking to avoid that obligation by saying that there are no reasonable alternatives or by improperly limiting the range of such alternatives which is identified. However, the Directive does not require the authority to embark on an artificial exercise of selecting as putative “reasonable alternatives,” for full strategic assessment alongside its preferred option, alternatives which can clearly be seen, at an earlier stage of the iterative process in the course of working up a strategic plan and for good planning reasons, as not in reality being viable candidates for adoption.”*

In consequence, in regard to the identification, development, appraisal and discarding of reasonable alternatives and the selection and justification of a preferred option, the SA/SEA Reports must provide a sufficiently detailed narrative around the reasons for the selection of key options (whether the preferred quantum of growth, distribution of growth or the allocation of sites) at each stage of the process. Whilst it is for the LPA to determine what constitutes a reasonable alternative, once identified, each must be treated in the same manner as the preferred option (and so appraised to the same degree using the same methodology).

### 3. Canterbury City Council

Canterbury City Council, as the local planning authority, commissioned Entec UK Ltd (subsequently AMEC E&I UK Ltd and now Amec Foster Wheeler E&I UK Ltd) to provide an independent SA of the emerging local

plan, consistent with the requirements of the PCA 2004, the SEA Directive and the relevant UK regulations. The subsequent appraisals and reports have also been guided by Government guidance<sup>1,2</sup>.

The development of the Local Plan is an iterative process which has evolved over a number of stages of plan development. Each stage of this Local Plan has been accompanied by a sustainability appraisal (as follows):

- ▶ Core Strategy Development Options<sup>3</sup>;
- ▶ The Development Requirements Study<sup>4</sup>;
- ▶ The Strategic Housing Land Availability Assessment<sup>5</sup>;
- ▶ The Preferred Option Consultation Draft Local Plan<sup>6</sup>;
- ▶ The Publication Draft Local Plan<sup>7</sup>.

Wherever the SA accompanied a public consultation on a Council spatial planning document, the SA Report has been completed to meet the requirements of the SEA Directive. A quality assurance checklist was completed and included in each SA Report to demonstrate how the requirements of the SEA Directive have been met (Appendix A of this Technical Note contains the completed checklist for the SA Report for the Publication Draft Local Plan). Each published SA Report has also included a summary of the process to date, to ensure that the choices made by the Council, and the reasoning to date, are clear to the reader.

The following sections highlight where specific aspects of the Local Plan development (whether spatial strategy, growth options, strategic site options) have been appraised and where they are located in the relevant SA report.

### 3.1 Core Strategy Development Options

The Core Strategy Options Report was published in January 2010. It set out Canterbury City Council's vision for the district, the core objectives that it wished to achieve over the plan period (to 2026), the different development options which were being considered, a preferred option and the core policies which were proposed to support delivery of the preferred spatial option. The proposed scale of development was consistent with that from the South East Plan (10,200 dwellings, although the resulting housing numbers of 4-5,000 represented the residual amount once allocated land and committed development had been taken into consideration).

An SA (the Sustainability Appraisal of the Core Strategy Development Options, hereafter known as the 2010 SA Report) was completed in respect of the Core Strategy Options Report and was published to accompany the consultation in January 2010. The contents and location of the key aspects of the SA that are relevant to the draft Local Plan are as follows:

- ▶ **Description of nine broad development options:** Section 1.2.3 of the 2010 SA Report. The broad spatial options were informed by the Canterbury Futures Report (2006) and the then

---

<sup>1</sup> ODPM, September 2005: *Practical Guide to the Strategic Environmental Assessment Directive*

<sup>2</sup> See DCLG, 2014, *Planning Practice Guidance*, available from <http://planningguidance.planningportal.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/>

<sup>3</sup> Entec (2010), *Sustainability Appraisal of the Core Strategy Development Options*, January 2010

<sup>4</sup> AMEC (2012), *Sustainability Appraisal of Development Scenarios*, Technical Note, June 2012

<sup>5</sup> AMEC (2012), *Sustainability Appraisal of Strategic Housing Land Availability Assessment*, Technical Note, October 2012

<sup>6</sup> AMEC (2013), *Sustainability Appraisal of the draft Local Plan*, May 2013

<sup>7</sup> AMEC (2014), *Sustainability Appraisal of the Publication Draft Local Plan*, June 2014

South East Plan. Collectively, they provided the range of spatial options considered by the Council and included infill options, urban extensions and a new settlement.

- ▶ **Evidence that each of the nine options was appraised using the same methodology and to the same degree:** Section 3.4 and Appendix D of the 2010 SA Report of the Core Strategy Development Options.
- ▶ **Description of the preferred consultation option:** Section 1.2.3 of the 2010 SA Report also presented the preferred consultation option which comprised a number of the elements from the nine development options. The reader was also directed towards Figure 12 of the Core Strategy Development Options Report. Section 3.4.8 of 2010 SA Report also includes the following description:

*'The consultation option combined a modified option 3c (Canterbury urban extension supplemented by development at Herne Bay), option 5 (villages around Canterbury) and option 2 (infill within the wider urban areas of Canterbury and coastal towns). The proposal allows for 1,500 units within the existing urban areas of Canterbury and Herne Bay. It also identifies two sites for development of 2,000 units plus on the southern urban fringe of Canterbury, three areas of 500 units plus to the south of Herne Bay and smaller developments around the better serviced villages around Canterbury (including Sturry, Blean, Littlebourne, Bridge, Chartham and Barham).'*

- ▶ **Conclusion (including reasons not to take forward development options):** Section 4.1 outlines the findings of the appraisal of the development options and concludes:

*'The consultation option, which is presented in figure 12 of the Core Strategy Options Report, presents a combination of options 1, 2, 3b, 3c, and 5. This is considered to be an approach which has the opportunity to exploit the sustainability features of the nine options presented... The consultation option also provides a focus on the areas to the south of Canterbury for large(er) development sites where better transport links exist and where there are fewer nationally important sites for wildlife in the proximity.'*

This information and the conclusion is also summarised in the 2013 SA Report of the Draft Local Plan (section 3.3.3) and the 2014 SA of the Publication Draft Local Plan (section 3.3.1).

### 3.2 The 'Development Requirements Study'

In 2011, the Council commissioned Nathaniel Lichfield & Partners (NLP)<sup>8</sup> to complete a Development Requirements Study with input from Kent County Council's demographic and economic forecasting teams. The study considered ten development scenarios for different levels of future growth based on different social and economic factors, and also considered the effect of environmental and infrastructure constraints. Each of the development scenarios was appraised against the 16 SA objectives used to appraise the Core Strategy development options and subsequently the draft Local Plan policies. The results of the appraisal were presented in a report to the Council<sup>9</sup> (the 2012 SA of the Development Scenarios). As the report was not subject to consultation at the time of issue, and did not meet all the reporting requirements of Annex I of the SEA Directive (2001/42/EC) and Schedule 2 of the SEA Regulation, it was issued as a Technical Note to the Council. However, subsequently, the Technical Note was included in the evidence base to support consultations on the Preferred Options Consultation Draft Local Plan and the Publication Draft Local Plan. The contents and location of the key aspects of the SA that are relevant to the draft Local Plan are as follows:

- ▶ **Description of ten development scenarios:** Section 1.2 of the 2012 SA of the Development Scenarios. The ten development scenarios reflected the consideration of different changes out to 2031: existing policy and supply; economic growth; demographic changes; housing needs out to 2031. This led to differing scales of development requirements ranging from 45 ha for 1,591

<sup>8</sup> Nathaniel Lichfield & Partners (2012), *Canterbury Development Requirements Study: Final Report*, February 2012

<sup>9</sup> AMEC (2012), *Sustainability Appraisal of Development Scenarios*, Technical Note, June 2012



dwellings to 667 ha for 23,334 dwellings and net employment land requirements ranging from - 19.3ha to 52.7 ha.

- ▶ **Evidence that each of the development scenarios was appraised using the same methodology and to the same degree:** Section 3 and Appendix A of the 2012 SA of the Development Scenarios.
- ▶ **Conclusion (including reasons not to take forward development scenarios):** Section 4.2 of the 2012 SA of the Development Scenarios concluded:

*'It is recommended that at this stage scenario E [comprising of 446 ha for some 15,593 dwellings and 15.6 ha of employment land] offers the greatest potential to achieve the appropriate balance (to optimise growth and minimise detrimental environmental effects). However, careful consideration would be required of the proposed location of development envisaged in the scenario to avoid sensitive sites, to optimise positive community effects and to take the opportunity to maximise the benefits of innovative sustainable design (by ensuring efficient use of land and resources) to mitigate any potentially significant negative impacts.'*

This information and the conclusion is also summarised in the 2013 SA Report of the Draft Local Plan (section 3.3.1) and the 2014 SA of the Publication Draft Local Plan (Section 3.3.2).

### 3.3 Strategic Housing Land Availability Assessment

The Strategic Housing Land Availability Assessment (SHLAA) process in the Canterbury District has been conducted according to the guidance contained in the 'Strategic Housing Land Availability Assessment Protocol for Kent and Medway – September 2008'<sup>10</sup>. This protocol takes into account the Practice Guidance issued by the Department for Communities and Local Government<sup>11</sup> and seeks to ensure that local planning authorities in Kent are consistent in their interpretation of the Practice Guidance.

In line with this guidance, Canterbury City Council invited stakeholders to submit proposals for their sites to be included in the SHLAA in summer 2008 and again in autumn 2010. The call for sites was closed in November 2011.

Site surveys were conducted for all sites over 2010 and 2011. A list of the SHLAA sites, cross referenced to a map was placed on the Council's website<sup>12</sup>.

Through the SHLAA process, a total of 181 potential housing sites were identified in the Canterbury District. These were categorised by broad location as follows:

- ▶ 42 infill sites;
- ▶ 49 sites adjacent to, or abutting, the existing urban areas of Canterbury, Herne Bay and Whitstable;
- ▶ 90 rural sites.

All of these sites were appraised against the 16 SA objectives, with the results presented in a report to the Council<sup>13</sup> (the 2012 SA of the SHLAA). As the report was not published for consultation at the time of completion, and did not meet all the reporting requirements of Annex I of the SEA Directive (2001/42/EC) and Schedule 2 of the SEA Regulation, it was issued as a Technical Note to the Council. However, subsequently, the Technical Note was included in the evidence base to support consultations on the Preferred Options Consultation Draft Local Plan and the Publication Draft Local Plan.

<sup>10</sup> <http://www.canterbury.gov.uk/assets/localplan/ProtocolforKentandMedwayFINALSeptember2008.pdf>

<sup>11</sup> DCLG (2007), *Strategic Housing Land Availability Assessments: Practice Guidance*, London, 2007

<sup>12</sup> [http://www.cartogold.co.uk/Canterbury/text/shlaa\\_sites.htm](http://www.cartogold.co.uk/Canterbury/text/shlaa_sites.htm)

<sup>13</sup> AMEC 2012, *Sustainability Appraisal of Strategic Housing Land Availability Assessment: Technical Note*

The contents and location of the key aspects of the SA that are relevant to the draft Local Plan are as follows:

- ▶ **Evidence that each of the SHLAA sites was appraised using the same methodology and to the same degree:** Section 3 and Appendix B, C and D of the 2012 SA of the SHLAA.

- ▶ **Conclusion:** Section 4.1 of the 2012 SA of the SHLAA concluded:

*'To meet the housing requirements under 'Scenario E' (as identified in the 'Development Requirements Study'), 450ha of land would be required over the period 2011 to 2031 (excluding land required for other associated land uses such as community facilities and services and open space). Under Scenario E, approximately 90ha of land would be needed in the next five years in order to meet the housing needs of the District. The appraisal of the SHLAA sites identified 35ha of land that performs very well against the SA objectives and a further 83.59ha of sites that have more positive than negative effects.'*

- ▶ **Links to the next iteration of the Local Plan:** Section 4.3 of the 2012 SA of the SHLAA stated:

*'The outputs of this appraisal (as summarised in Section 3.2) will be used in the SA Report that will be produced to accompany the consultation Draft Local Plan. The information in this technical note will, in particular, be used as part of the evidence base to outline the consideration of reasonable alternatives of possible sites when developing the Local Plan.'*

This information and the conclusion is also summarised in the 2013 SA Report of the Draft Local Plan (section 3.3.2) and the 2014 SA of the Publication Draft Local Plan (Section 3.3.3).

### 3.4 The Preferred Option Consultation Draft Local Plan

The Canterbury District Preferred Option Consultation Draft Local Plan was published for consultation in June 2013. This set out the proposed vision, objectives and draft policies to guide future development. Policy SP2 set out the preferred development option for the plan specifying the quantum of housing and employment land to be provided for over the plan period and Policy SP3 set out the location of the strategic sites to deliver the majority of the proposed level of growth. An SA of the Preferred Option Consultation Draft Local Plan was undertaken and an SA Report (the POC SA Report) was published concurrent with the draft Local Plan for consultation. The contents and location of the key aspects of the POC SA relevant to the draft Local Plan are as follows:

- ▶ **Reasons for the changes to growth between the 2010 Core Strategy Development Options Report** and the 2013 Preferred Options Consultation Draft Local Plan: Page 33 of Section 3.3.3 of the POC SA Report.

- ▶ **Reasons for the identification and development of the preferred option:** Page 34 of Section 3.3.3 of the POC SA Report which stated:

*'In line with the findings of the SA undertaken for the Core Strategy Options Report<sup>14</sup> and the associated HRA,<sup>15</sup> the overall approach to selecting sites for housing and employment has been based upon concentrating development at Canterbury and Herne Bay, with some development located at the larger well-served rural centres. This approach is broadly consistent with public opinion research carried out by Ipsos MORI for the Council.<sup>16</sup> It is also noted that it is consistent with the relevant policy in the revoked South East Plan, which identified Canterbury as a regional hub and indicated that the majority of new development should be concentrated there. Although the South East Plan has been revoked, the*

<sup>14</sup> Entec (2010), *Sustainability Appraisal of the Core Strategy Development Options*, January 2010

<sup>15</sup> Entec (2010), *Habitat Regulations Assessment*, January 2010

<sup>16</sup> Canterbury Future Development, Research Report prepared for Canterbury City Council, Ipsos MORI, April 2012 [http://www.ipsos-mori.com/Assets/Docs/Polls/SRI\\_IpsosMORICanterburyFutureDevelopment\\_Report\\_300412.PDF](http://www.ipsos-mori.com/Assets/Docs/Polls/SRI_IpsosMORICanterburyFutureDevelopment_Report_300412.PDF)

*evidence that supported the policies in the plan is still regarded as relevant. The selection of sites to fulfil this strategy has drawn on the list of sites prepared under the SHLAA.'*

A number of issues were identified by the Council which influenced the final distribution of development. These issues included: transport, infrastructure delivery, planning process and other draft Local Plan policies. In light of the overall development strategy and the constraints identified by the Council, the preferred option identified by the Council consisted of 42% of the housing being delivered in the Canterbury area, with 29% at Herne Bay, 11.5% in Whitstable and 17.5% in large villages. In addition, more than 70% of the employment land to be delivered would be delivered on one site (South Canterbury) with the remainder in Herne Bay.

- ▶ **Appraisal of the preferred option:** Section 3.4.1 and Appendix E1 of the POC SA Report presented the findings of the appraisal of Policy SP2 and Policy SP3. Table 3.4 (page 36) presented the appraisal of the preferred sites in the proposed development option.
- ▶ **Appraisal of the reasonable alternatives to the preferred development sites option using the same methodology and to the same degree:** Section 3.3.3 (page 37 – 42) of the POC SA Report presented the appraisal of the alternative configurations of sites to deliver the overall quantum of growth based on a 'Canterbury Focus' and a 'Coastal Towns and Hersden Focus', consistent with the overall strategy to concentrate development at Canterbury and Herne Bay. Table 3.9 and subsequent text (page 42) which compares the performance of the different configuration of sites:

*'Option A [the preferred option comprising of sites at Canterbury and Herne Bay] and Option C [Coastal Towns and Hersden Focus] have respectively 5 and 6 sites with more positive than negative effects. As Option B [Canterbury Focus] only has 2 such sites, and no sites with mostly positive effects and when compared to the two other options, it clearly performs less well (against the sixteen SA objectives). Option C also has more than three times the amount of sites with more negative than positive effects than Option A. Based on this comparative analysis, it is clear than Option A would result in more positive effects than Option B and less negative effects than Option C.'*

- ▶ **Conclusion** regarding the preferred option: Section 4.1 of the POC SA Report stated:

*'The growth anticipated in the Draft Local Plan clearly builds on early work by the Council and is predominately in line with the development scenario E, outlined in the Development Requirements Study, and which following assessment came to be the Council's preferred option. The housing requirement of 15,600 dwellings in 2011-2031 matches the scenario and recognises the conclusion of the 2012 sustainability appraisal that this offers the greatest potential to optimise growth and minimise detrimental environmental effects.'*

- ▶ **Recommendations to improve the performance of Draft Local Plan policies (including mitigation measures):** Section 4.2 of the SA Report of the POC SA Report outlined a number of areas where the draft policies could be revised and amended to produce an improved performance against the sustainability appraisal objectives (or to improve clarity) to aid implementation.

This information and the conclusion is also summarised in the 2014 SA of the Publication Draft Local Plan (Section 3).

### 3.5 The Publication Draft Local Plan

Following analysis of consultation responses to the Canterbury District Preferred Option Consultation Draft Local Plan, further site submissions and appraisal, the Canterbury District Preferred Publication Draft Local Plan was published for consultation in June 2014. This set out the revised vision, objectives and policies to guide future development. As for the Preferred Option Consultation Draft Local Plan, Policy SP2 set out the preferred development option for the plan specifying the quantum of housing and employment land to be provided for over the plan period and Policy SP3 set out the location of the strategic sites to deliver the majority of the proposed level of growth. An SA of the Publication Draft Local Plan was undertaken and an



SA Report<sup>17</sup> (the PLP SA Report) was published concurrent with the Publication Draft Local Plan for consultation. The contents and location of the key aspects of the SA that are relevant are as follows:

- ▶ **Appraisal of new site submissions arising from consultation on the Preferred Options Consultation Draft Local Plan:** 19 new sites were proposed in consultation responses to the Preferred Options Consultation Draft Local Plan. Table 3.11 summarises the appraisal of these new sites. Individual site scores against the 16 appraisal objectives and summaries are contained in Appendix F and G of the PLP SA Report.
- ▶ **Reasons for the identification and development of the revised preferred development sites:** Pages 53 to 58 of Section 3.3.5 of the PLP SA Report which states:

*'The approach to the selection of sites for housing and employment to support the delivery of the revised preferred development option accords with that adopted during the preparation of the Preferred Option Draft Local Plan but importantly the Council has also taken account of the new site submissions.'*

*'Overall, the quantum of housing to be provided through allocated sites has increased by 7.3% from 9,916 to 10,641 dwellings compared to that provided for in the Preferred Option Draft Local Plan whilst the proportion of housing to be delivered in Canterbury has also increased. This reflects advice received from the Planning Inspectorate that the Council is unable to discount its housing requirement on the basis of over-supply from the previous plan period and that it should consider whether the proportion of housing development at Canterbury could be higher.'*

Individual site changes to the preferred configuration of sites are summarised on pages 55 – 56 Section 3.3.5 of the PLP SA Report.

- ▶ **Appraisal of the preferred option:** Section 3.4.1 and Appendix E1 of the PLP SA Report present the findings of the appraisal of Policy SP2 and Policy SP3. Table 3.13 (page 56) of the PLP SA Report presents the appraisal of the revised configuration of sites in the revised preferred development option.
- ▶ **Presentation and appraisal of the reasonable alternatives:** Section 3.3.1 to 3.3.5 of the PLP SA Report summarises the reasonable alternatives and their appraisal that have been used to inform the selection of the preferred option. This included all the previous plan iterations, the alternatives available, their appraisal and how the findings had been taken forward to the next iteration. Table 3.9 and accompanying text on page 48 outlines the comparison of the performance of the different development options, concluding that:
 

*'Overall, the distribution and quantum of development sites contained in Option A [the preferred option] is able to better meet the future development needs (within the plan period) of the District (by providing a mix of sites, of varying scale located in areas of key demand whilst avoiding more sensitive locations, consistent with transport plans, infrastructure delivery and public opinion research.'*
- ▶ **Influence of the SA on the draft Local Plan development:** Table 3.14 of Section 3.4 of the PLP SA Report highlights how the Council has responded to the recommendations made in the Preferred Options Consultation Draft Local Plan, and the resulting changes that have been made.
- ▶ **Consultation submissions to the Preferred Options Consultation Draft Local Plan:** Appendix B of the PLP SA Report contains a summary of the consultation submissions to the Preferred Options Consultation Draft Local Plan, and the Council's responses, including where either the SA or the Publication Draft Local Plan has been amended.
- ▶ **Conclusion** regarding the preferred development option: Section 4.1 of the PLP SA Report states:

<sup>17</sup> AMEC (2014), *Sustainability Appraisal of the Publication Draft Local Plan*, June 2014

*‘The growth anticipated in the draft Local Plan clearly builds on early work by the Council and is broadly in-line with development Scenario E (as outlined in the Development Requirements Study) which, following appraisal, has been taken forward as the Council’s preferred option. The housing requirement of 15,600 dwellings over the period 2011-2031 (or 15,795 if the NPPF 5% buffer is included) accords with this scenario and reflects the conclusions of ongoing SA work that this offers the greatest potential to optimise growth and minimise detrimental environmental effects.’*

## 4. Conclusion

It is the view of Amec Foster Wheeler that the SA Reports completed and published to accompany each consultation on the emerging Canterbury Local Plan has complied with the necessary SEA Directive requirements.

Reflecting case law and the need to set out explicitly the development of the preferred option and the reasonable alternatives, the reasons for the selection of the preferred option including the appraisal of the preferred option and reasonable alternatives, evidence has been provided in this technical note, as to how these requirements have been met.

Regarding the PLP SA Report:

- ▶ Section 3.3.1 to 3.3.5 of the PLP SA Report summarises the development of the preferred option (which combines the quantum and distribution of development) and the reasonable alternatives. All reasonable alternatives to the distribution and quantum of growth have been appraised against the SA objectives to permit meaningful comparison, with the outcomes used to inform the selection and refinement of the preferred option. The PLP SA Report adequately summarises and/or repeats the reasons that were given for rejecting the alternatives at the time when they were ruled out (and it is the view of Amec Foster Wheeler that those reasons are still valid)
- ▶ Section 3.4.1 and Appendix E1 of the PLP SA Report present the findings of the appraisal of Policy SP2 and Policy SP3 (Policy SP2 sets out the preferred development option for the plan specifying the quantum of housing and employment land to be provided for over the plan period and Policy SP3 sets out the location of the strategic sites to deliver the majority of the proposed level of growth). Table 3.13 (page 56) of the PLP SA Report presents the appraisal of the revised configuration of sites in the revised preferred development option.
- ▶ Section 4.1 of the PLP SA Report reiterates the reasons for the selection of the preferred option.

It is our view that collectively, the body of SA work represents a sound and compliant basis to inform the development of the Local Plan.

### Author

Pete Davis  
.....

### Reviewer

Sarah Parker (on behalf of Canterbury City Council)  
.....

## Copyright and non-disclosure notice

The contents and layout of this report are subject to copyright owned by Amec Foster Wheeler (© Amec Foster Wheeler Environment & Infrastructure UK Limited 2015). save to the extent that copyright has been legally assigned by us to another party or is used by Amec Foster Wheeler under licence. To the extent that we own the copyright in this report, it may not be copied or used without our prior written agreement for any purpose other than the purpose indicated in this report. The methodology (if any) contained in this report is provided to you in confidence and must not be disclosed or copied to third parties without the prior written agreement of Amec Foster Wheeler. Disclosure of that information may constitute an actionable breach of confidence or may otherwise prejudice our commercial



interests. Any third party who obtains access to this report by any means will, in any event, be subject to the Third Party Disclaimer set out below.

### Third party disclaimer

Any disclosure of this report to a third party is subject to this disclaimer. The report was prepared by Amec Foster Wheeler at the instruction of, and for use by, our client named on the front of the report. It does not in any way constitute advice to any third party who is able to access it by any means. Amec Foster Wheeler excludes to the fullest extent lawfully permitted all liability whatsoever for any loss or damage howsoever arising from reliance on the contents of this report. We do not however exclude our liability (if any) for personal injury or death resulting from our negligence, for fraud or any other matter in relation to which we cannot legally exclude liability.

### Management systems

This document has been produced by Amec Foster Wheeler Environment & Infrastructure UK Limited in full compliance with the management systems, which have been certified to ISO 9001, ISO 14001 and OHSAS 18001 by LRQA.

## Appendix A: Quality Assurance Checklist for the Publication Draft Local Plan

<b>Quality Assurance Checklist<sup>18</sup></b>	
<b>Objectives and Context</b>	
<ul style="list-style-type: none"> <li>The plan's purpose and objectives are made clear.</li> </ul>	Section 1.2.
<ul style="list-style-type: none"> <li>Sustainability issues, including international and EC objectives, are considered in developing objectives and targets.</li> </ul>	Sustainability issues are identified in Section 2 and Table 2.1.
<ul style="list-style-type: none"> <li>SEA objectives are clearly set out and linked to indicators and targets where appropriate.</li> </ul>	Objectives are identified in Table 2.2. Possible indicators for monitoring are identified again Appendix D.
<ul style="list-style-type: none"> <li>Links with other related plans, programmes and policies are identified and explained.</li> </ul>	Plans and programmes are identified and included in Appendix D.
<b>Scoping</b>	
<ul style="list-style-type: none"> <li>The environmental consultation bodies are consulted in appropriate ways and at appropriate times on the content and scope of the Environmental Report.</li> </ul>	<p>The environmental bodies were consulted on the Scoping Report for Canterbury in May 2006. The Scoping Report was subsequently revised in July 2007.</p> <p>The environmental bodies have also been consulted on the updated scoping report (in October 2009 for 6 weeks). The Scoping Report has been subsequently revised in March 2010.</p> <p>This baseline has been updated, plans and programmes revised and key sustainability issues reviewed to ensure all contextual information continues to be appropriate, and the resulting appraisal framework consistent with Canterbury's needs. This has taken into account any comments received during consultation on the SA Report concerning the Preferred Option Draft Local Plan.</p>
<ul style="list-style-type: none"> <li>The assessment focuses on significant issues.</li> <li>Technical, procedural and other difficulties encountered are discussed; assumptions and uncertainties are made explicit.</li> <li>Reasons are given for eliminating issues from further consideration.</li> </ul>	<p>Key sustainability issues have been identified in Table 2.1 which has assisted in focussing on the significant issues in the assessment.</p> <p>These are made clear throughout the Report where appropriate. Section 2.7 highlights specific difficulties encountered in completing the assessment.</p> <p>All SEA topics are covered in the SA.</p>
<b>Baseline Information</b>	
<ul style="list-style-type: none"> <li>Relevant aspects of the current state of the environment and their likely evolution without the plan are described.</li> </ul>	Table 2.1 and Appendix C.
<ul style="list-style-type: none"> <li>Characteristics of areas likely to be significantly affected are described, including areas wider than the physical boundary of the plan area where it is likely to be affected by the plan where practicable.</li> </ul>	Table. 2.1 and Appendix C.
<ul style="list-style-type: none"> <li>Difficulties such as deficiencies in information or methods are explained.</li> </ul>	See Section 2.7 and comments made clear throughout the Report where appropriate.
<b>Prediction and evaluation of likely significant effects</b>	

<sup>18</sup> ODPM et al (2005), A Practical Guide to the Strategic Environmental Assessment Directive, Appendix 9, September 2005

<b>Quality Assurance Checklist<sup>18</sup></b>	
<ul style="list-style-type: none"> <li>Likely significant social, environmental and economic effects are identified, including those listed in the SEA Directive (biodiversity, population, human health, fauna, flora, soil, water, air, climate factors, material assets, cultural heritage and landscape), as relevant.</li> </ul>	Section 3 presents the assessment of the sustainability performance of the preferred development option and proposed policies of the draft Local Plan. This is set out in matrices at Appendix E and Appendix F that have been developed to meet the requirements of the SEA Directive.
<ul style="list-style-type: none"> <li>Both positive and negative effects are considered, and where practicable, the duration of effects (short, medium or long-term) is addressed.</li> </ul>	Positive and negative effects are considered within the assessments at Appendix E and Appendix I. Potential effects are identified in the short, medium and long-term.
<ul style="list-style-type: none"> <li>Likely secondary, cumulative and synergistic effects are identified where practicable.</li> </ul>	Likely secondary, cumulative and synergistic effects are identified in the assessment commentary, where appropriate. This is summarised in Section 3.5 and within the cumulative effects matrix (Table 3.15).
<ul style="list-style-type: none"> <li>Inter-relationships between effects are considered where practicable.</li> </ul>	Inter-relationships between effects are identified in the assessment commentary, where appropriate (including in the cumulative effects Table 3.15)
<ul style="list-style-type: none"> <li>Where relevant, the prediction and evaluation of effects makes use of accepted standards, regulations, and thresholds.</li> </ul>	These are identified in the commentary, where appropriate.
<ul style="list-style-type: none"> <li>Methods used to evaluate the effects are described.</li> </ul>	These are described in Section 2 and in Appendix H.
<b>Mitigation measures</b>	
<ul style="list-style-type: none"> <li>Measures envisaged to prevent, reduce and offset any significant adverse effects of implementing the plan are indicated.</li> </ul>	These are identified in the commentary, and within the key conclusions and recommendations (Section 4).
<ul style="list-style-type: none"> <li>Issues to be taken into account in development consents are identified.</li> </ul>	These are identified in the commentary, and within the key conclusions and recommendations (Section 4).
<b>The SA Report</b>	
<ul style="list-style-type: none"> <li>Is clear and concise in its layout and presentation.</li> </ul>	The SA Report is clear and concise.
<ul style="list-style-type: none"> <li>Uses simple, clear language and avoids or explains technical terms. Uses maps and other illustrations where appropriate.</li> </ul>	A designations map is included at Appendix J.
<ul style="list-style-type: none"> <li>Explains the methodology used. Explains who was consulted and what methods of consultation were used.</li> </ul>	Section 2 presents the methodology used for the assessment.
<ul style="list-style-type: none"> <li>Identifies sources of information, including expert judgement and matters of opinion.</li> </ul>	Information is referenced throughout the report.
<ul style="list-style-type: none"> <li>Contains a non-technical summary</li> </ul>	Included.
<b>Consultation</b>	
<ul style="list-style-type: none"> <li>The SEA is consulted on as an integral part of the plan-making process.</li> </ul>	The SA of the Preferred Option Draft Local Plan was subject to consultation between June and September 2013. This SA Report will be subject to consultation alongside the Submission Draft Local Plan prior to Examination in Public.
<ul style="list-style-type: none"> <li>The consultation bodies, other consultees and the public are consulted in ways which give them an early and effective opportunity within appropriate time frames to express their opinions on the draft plan and SA Report.</li> </ul>	The SA of the Preferred Option Draft Local Plan was subject to consultation between June and September 2013. This SA Report will be subject to consultation alongside the Submission Draft Local Plan prior to Examination in Public.
<b>Decision-making and information on the decision</b>	



Quality Assurance Checklist <sup>18</sup>	
<ul style="list-style-type: none"> <li>The SA Report and the opinions of those consulted are taken into account in finalising and adopting the plan.</li> </ul>	<p>Appendix B summarises consultation response received on the SA Report concerning the Preferred Option Draft Local Plan and, where appropriate, how they have been taken into account in this SA Report.</p>
<ul style="list-style-type: none"> <li>An explanation is given of how they have been taken into account.</li> </ul>	<p>Appendix B summarises consultation response received on the SA Report concerning the Preferred Option Draft Local Plan and, where appropriate, how they have been taken into account in this SA Report.</p>
<ul style="list-style-type: none"> <li>Reasons are given for choices in the adopted plan, in the light of other reasonable options considered.</li> </ul>	<p>Section 1 of this report details the evolution of the draft Local Plan and Section 3 outlines the key options considered in developing the preferred development option.</p>