



South Cambridgeshire Local Development Framework Trees and Development Sites Supplementary Planning Document Sustainability Appraisal / Strategic Environmental Assessment Adoption Statement

Introduction

South Cambridgeshire District Council adopted the Local Development Framework (LDF) Trees and Development Sites Supplementary Planning Document (SPD) on 11th December 2008.

This statement has been prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 (16) (3) and (4), which require a statement to be produced on adoption of a plan or programme, to detail:

1. How environmental considerations have been integrated into the plan or programme;
2. How the Environmental Report has been taken into account;
3. How opinions expressed through public consultation have been taken into account;
4. The reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with;
5. The measures that are to be taken to monitor the significant environmental effects of the implementation of the plan or programme.

Planning Policy Statement 12 widens these considerations from environmental, to broader sustainability issues, so that this statement provides information on the wider sustainability appraisal process.

This statement examines each of these points in turn.

1. How sustainability considerations have been integrated into the plan

The LDF aims to improve the overall quality of life for residents of South Cambridgeshire in a way, which will also benefit future generations. Taking a sustainable approach to economic, social and environmental issues is at the heart of the plan and will be closely related to the national strategy for sustainable development, which has four objectives:

- Social progress which recognises the needs of everyone;
- Effective protection and enhancement of the environment;
- Prudent use of natural resources; and
- Maintenance of high and stable levels of economic growth and employment.

Policy Context

The national context is set out in Planning Policy Statements (the replacement to Planning Policy Guidance Notes), Circulars and other advice from Government. Whilst some of those national policies require local interpretation, a great number do not.

The regional context is set out in the East of England Plan that was published by the Secretary of State in May 2008. It continues the strategy that was set out in the Regional Planning Guidance for East Anglia (RPG6). It aims to focus a higher proportion of Cambridgeshire's growth into the Cambridge Sub-Region and proposes a sequential approach to the planning of development, with much of the development concentrated into and on the edge of Cambridge (subject to a review of the Cambridge Green Belt), including development in South Cambridgeshire, and into a new town beyond the outer boundary of the Green Belt.

The East of England Plan 2008 replaced the Cambridgeshire and Peterborough Structure Plan when it was published in its final form by the Secretary of State in May. A number of Structure Plan policies were 'saved' after September 2007 and remain valid until they will be superseded by policies in LDFs as these plans are adopted across the County.

Trees and Development Sites SPD Policy Approach

The Trees and Development Sites SPD has been prepared by South Cambridgeshire District Council. It forms part of the Local Development Framework (LDF).

The SPD expands on district-wide policies in the Development Control Policies Development Plan Document (DPD), adopted in July 2007, and policies in individual Area Action Plans for major developments that may vary from the district-wide policies. Policies seek to ensure that trees, which are important for their role as both biodiversity and landscape features, are

adequately addressed throughout the development process, and the SPD provides additional details on how these policies will be implemented.

Trees will not be peripheral to the development as a whole but will be fully integrated into the design. Consideration will be given, wherever possible, to the retention of suitable trees within development, or to incorporating new planting into the design.

Trees are a valuable addition to any development, helping to enhance biodiversity and achieve a high quality development in the local landscape or townscape.

The objective of the SPD is to assist achievement of the Local Development Framework objectives for the conservation and enhancement of biodiversity and landscape character, including Development Control Policies DPD objectives NE/b: To protect and enhance the character and appearance of landscapes and natural heritage and NE/c: To protect and enhance biodiversity.

Specific objectives for this document are to:

- Assist applicants' understanding of the role of trees within the wider environment and how they should be incorporated within development proposals as part of a high quality design;
- Assist applicants gain planning permission quickly by informing them of what information is required to accompany planning applications and why;
- Ensure that development works are undertaken in an appropriate manner to avoid adverse harm to trees, including their roots.

2. How the Sustainability Appraisal had been taken into account

The Sustainability Appraisal has contributed to plan development by providing an independent assessment of the sustainability of the Council's proposed options and policies as they were developed. It demonstrates that sustainability considerations have been incorporated into the development of the LDF and subsequently that of the SPD from an early stage and provides a formal statement and audit trail of the assessment.

The Sustainability Report is a key output of the plan preparation process. It reflected and supported the draft plan on which formal public consultation and participation was carried out.

The SPD is adding detail to policies to assist the implementation of adopted Development Plan Document policies and therefore the process had begun with the preparation of a Sustainably Report for this DPD. The policies in this DPD were therefore subject to sustainability appraisal.

The main role of this appraisal was to examine whether the SPD results in any differences in these effects and add detail where appropriate.

In initiating the Sustainability Appraisal for the SPD it was decided to do an addendum to the LDF Sustainability Appraisal Scoping Report to provide additional specific scoping information on the Trees and New Development SPD. The additional scoping information relevant specifically to the SPD formed the basis of the assessment in the SA Report.

The issues identified in the LDF Scoping Report and Addendum were used to define a set of objectives, decision-making criteria and relevant baseline indicators, which collectively comprise the SA Framework.

Central to the Sustainability Appraisal process is the testing of the objectives of the SPD guidance against a Sustainability Appraisal Framework. The SPD objectives outline the purpose of the SPD and its aims. It is important that the overall SPD objectives are consistent with the concept of sustainable development. These were assessed and it was found that the objectives of the SPD were compatible with the Sustainability Appraisal objectives.

It was found that the SPD made no differences to the effects of the appraised adopted policies and so no changes were necessary to the SPD as a result of being appraised.

3. How consultation taken into account (draft plan and the Environmental Report)

In this statement the Council is required to detail how opinions expressed in response to consultation have been taken into account.

Key Environmental Bodies

The Strategic Environmental Assessment Directive requires that authorities referred to in Article 6(3) shall be consulted when deciding on the scope and level of detail of the information, which must be included in the Environmental Report. In England, the key bodies are the Environment Agency, English Heritage and Natural England.

Consultation on a draft of the Sustainability Appraisal Scoping Report with these key bodies was carried out in April 2008. The consultation enabled these bodies to comment on the appropriateness of the objectives, indicators, baseline assessment and issues/problems. No changes were needed to be made as a result of the consultation

Public Participation

The Strategic Environmental Assessment Directive requires 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 or its submission to the legislative procedure.

The Council consulted the public on the SPD and its Sustainability Appraisal. Full details can be found in the Statement of Consultation – Regulation 18(4)(b), available to view on the Council's website. This outlines the main issues raised in the representations received and how they have been addressed in the SPD, which is to be adopted.

Consultation under Regulation 17

The public consultation on the draft SPD and Sustainability Appraisal Report was carried out over a 6-week period, which was in accordance with Regulation 17 of the Town and Country Planning (Local Development) (England) Regulations 2004 as amended in 2008.

There were in total 39 representations received. 5 were in support and 34 objecting. No representations were received on the Sustainability Appraisals.

The main issues raised include:

- Suggestion that the SPD should recognise that there are different types of planning applications that require different levels of detail.
- Concern that there is no specific mention of older trees, which are particularly valuable and should be conserved and their loss avoided.
- The Forestry Commission note that while the SPD appears to be accurate and consistent with the Planning Authority's responsibilities, they are concerned there are important omissions with regard to their statutory responsibilities.
- Suggestion that there should be reference to the repercussions if trees are wilfully damaged or destroyed.
- Concern that the section on New Planting does not make reference to
- including trees of different sizes, those that are best suited to different sites, as many new developments only plant small ornamental trees.

The consultation resulted in a number of changes to the SPD. These are listed in Appendix A.

4. Reasons for choosing the document as adopted in light of other reasonable alternatives.

The Environmental Assessment of Plans and Programmes Regulations 2004 (12) (2) requires environmental reports to examine reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.

This statement is required to set out the reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with.

PPS12 makes clear that full regard should be had to the chain of conformity to avoid duplication of assessment.

The alternative to having an SPD was to have no SPD at all and to carry out “Business As Usual” implementing the adopted Development Control Policies DPD and policies in the Area Action Plans without published detailed guidance. This was considered in the Sustainability Report. The Trees and New Developments SPD, once adopted will provide further guidance on the implementation of the Councils’ policies. As such, it provides detail at a local level enabling any development impact on trees to be adequately assessed and, where necessary, addressed that could not be achieved with the existing policies alone.

The SPD gives the benefit of providing a clear structured approach to requirements. Omitting the SPD would provide much less certainty

5. Monitoring

The Environmental Assessment of Plans and Programmes Regulations 2004 requires authorities to set out the measures that are to be taken to monitor the significant environmental effects of the implementation of the plan or programme.

Details of the monitoring measures envisaged are summarised in Appendix 7 of the Final LDF Sustainability Report.

The indicators created in the Sustainability Appraisal Scoping Report, will continue to be monitored annually. They have been utilised as 'significant effect indicators', to be collated in the LDF Annual Monitoring Report. This report includes an analysis of the implications of the results, and should a need arise a review of LDF documents could be triggered by this information.

The South Cambridgeshire Annual Monitoring Report is available to view on the Council's website.

Appendix 1: Extract From 'Statement of Consultation (REGULATION 18(4)(b) STATEMENT)'

Sustainability Appraisal Scoping Report

Statutory Bodies Consultation on Draft South Cambridgeshire Sustainability Appraisal Scoping Report

- Consultation with statutory bodies took place in October 2007
- Key agencies that have environmental, social or economic responsibilities (the Environment Agency, English Nature, English Heritage, and the Countryside Agency).
- No changes were needed to be made as a result of the consultation

Draft Final Sustainability Reports

The Draft Final Sustainability Report meet the requirements for sustainability appraisal and strategic environmental assessment.

It was published for public participation alongside the draft SPD.

Appendix A – Amendments made to SPD as a result of the public consultation.

Trees and New Developments SPD

- Amend paragraph 2.11 to read: "Sites to be developed may also be important for species protected under wildlife legislation or contain ancient woodland or veteran trees which are a valuable biodiversity resource. Further guidance on these can be found in the Council's Biodiversity SPD and Biodiversity Strategy."
- Ensure the status of SPDs listed in Appendix 2 reflects the latest position.
- Amend second sentence of paragraph 2.1 to read: "One of the least wooded counties also having suffered extensive loss of Elm due to the Dutch Elm Disease and more recently Beech, Horse Chestnut and Ash."
- Amend paragraph 2.11 to read: "Sites to be developed may also be important for species protected under wildlife legislation or contain ancient woodland or veteran trees which are a valuable biodiversity resource. Further guidance on these can be found in the Council's Biodiversity SPD and Biodiversity Strategy."
- Amend 8th bullet of paragraph 2.2 to read: "Enhancing a new development; existing trees on a new development can add a sense of maturity to a new building and can enhance property value if incorporated at the design stage."

- Amend the 5th bullet of paragraph 2.2 to read: "Fresh air for all; trees provide clean air as they take in carbon dioxide and release oxygen as part of their living process, acting as carbon sinks."
- Amend paragraph 2.11 to read: "Sites to be developed, including vegetation and individual trees, may also be important for species protected under wildlife legislation or contain ancient woodland or veteran trees which are a valuable biodiversity resource. Further guidance on these can be found in the Council's Biodiversity SPD and Biodiversity Strategy." Add a new paragraph after 2.11 to read: "The Forestry Commission is the Government Department with statutory responsibility for trees and woodland. The responsibilities and powers of the Forestry Commissioners in relation to planning are derived mainly from the Forestry Act 1967 and the Environmental Impact Assessment Regulations 1999. It may be advisable to contact them to determine if compliance with their statutory duties may be required."
- Amend paragraph 2.7 to read: "The Town and Country Act 1990 (section 197) specifically charges the Local Planning Authority with the duty to ensure, whenever it is appropriate, when granting planning permission that adequate provision is made for the preservation and planting of trees through planning conditions and the serving of Tree Preservation Orders (TPOs)." Delete paragraph 2.6, to avoid repetition. Delete the heading "Legal Framework" and move the heading "Statutory Legislation" to precede paragraph 2.5.
- Insert the following text after paragraph 2.8: "Contravention of the statutory legislation relating to trees may result in the local planning authority taking legal action."
- Add a new paragraph after paragraph 2.10: "If any tree subject to a TPO which has been identified for retention or for which prior consent for works or removal is removed, uprooted or destroyed in contravention to a TPO it will be the responsibility of the land owner to plant another tree of an appropriate size and species at the same place as soon as he reasonably can." Renumber remaining paragraphs accordingly.
- Amend paragraph 3.1 to read: "A good quality design cannot be achieved if the opportunities and constraints of a site are not identified and considered. Comprehensive site surveys will allow for key components of a site to be retained and will ensure that where appropriate new trees can be incorporated and existing trees protected."
- Amend paragraph 3.2 to read: "Where there are existing mature trees on a proposed development site careful consideration should be given to the incorporation of those trees in the overall layout of the development, particularly in public areas. Front

elevations of buildings facing onto trees or proposed new planting must be well thought out for the longevity of the enhancements that trees bring to development."

- Amend the second sentence of paragraph 3.3 to read: "Landscape professionals are advised to consider sections 13 and 14 of BS 5837 2005; dealing with new planting, future requirements and relationships to development."
- Amend paragraph 3.4 to read: "Development proposals should include landscape proposals and arboricultural information. The data and information should be clearly presented to allow the officer to make a concise and comprehensive assessment of the proposals."
- Amend the last sentence of paragraph 4.11 to read: "This information can be included on a scale plan or discussed prior to a planning application being submitted; further information can be found in Appendix 2 - National Information."
- Insert the following text after paragraph 2.8: "Contravention of the statutory legislation relating to trees may result in the local planning authority taking legal action."
- Add a note after paragraph 4.21 to read: "NOTE - Any tree works which are undertaken need to consider breeding birds and bats which are afforded statutory protection. Further information is provided in the Landscaping and Biodiversity SPDs." Delete "For full details see SPD on Landscaping."
- Add the following into a new section 'Local Information' within Appendix 2 before 'National Information': " - Cambridgeshire Design Guidelines - Cambridgeshire County Council; - Cambridgeshire Design Guide for streets and the public realm - Cambridgeshire