

Cheshire West & Chester Council

Local Plan

(**Part Two**) Land Allocations
and Detailed Policies



Sustainability Appraisal Adoption Statement

July 2019

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Cheshire West
and Chester

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1 Introduction

1 Introduction

1.1 Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (the Plan) was adopted on 18 July 2019. It sets out further allocations and detailed policies, following on from the strategic framework set out in the Local Plan (Part One) Strategic policies, which was adopted on 29 January 2015.

1.2 The Plan replaces the remaining retained policies and proposals in the adopted plans for the former districts of Chester City, Vale Royal and Ellesmere Port and Neston, the Cheshire Waste Local Plan and the Cheshire Minerals Local Plan.

1.3 As required by the Planning and Compulsory Purchase Act 2004, the Local Plan (Part Two) was subject to Sustainability Appraisal (SA) throughout its preparation. The SA incorporated the requirements of the Strategic Environmental Assessment Directive (Directive 2001/42/EC). Full details of the methodology and outcomes of the appraisal are set out in the submission stage Sustainability Appraisal (March 2018) and Sustainability Appraisal of Main Modifications (December 2018).

1.4 This adoption statement has been prepared in accordance with regulations⁽ⁱ⁾ and sets out how environmental considerations and the SA have influenced the preparation and content of the Plan. It shows how consultation responses to the SA were taken into account and why the policies and proposals were chosen in light of other alternative options assessed. It addresses how the significant sustainability effects of implementing the Plan will be monitored. It also discusses the conclusions of the Habitats Regulations Assessment (including appropriate assessment) of the Cheshire West and Chester Local Plan (Part Two) - Land Allocations and Detailed Policies (August 2018) and how this has been taken account into the Plan.

1.5 This is the SA adoption statement that is to be read alongside the SA for the Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies. The SA comprises the SA (March 2018) and SA of Main Modifications (December 2018). These documents, together with this SA adoption statement and the Local Plan (Part Two), can be inspected free of charge via: https://consult.cheshirewestandchester.gov.uk/portal/cwc_ldf/adopted_cwac_lp/parttwo_adopted and online at the following Council offices and Customer Service Centres during normal opening hours (excluding Bank Holidays):

- The Forum Office, Chester, CH1 2HS
- First Floor, Ellesmere Port Library, Civic Way, Ellesmere Port, CH65 0BG
- Frodsham library, Princeway, Frodsham, WA6 6RX
- Neston library, Parkgate Road, Neston, CH64 6QE
- 1 The Arcade, Northwich, CW9 5AS
- Wyvern House, The Drummer, Winsford, CW7 1AH

1.6 For details of your nearest library, including opening times, please see: <https://www.cheshirewestandchester.gov.uk/residents/libraries/libraries.aspx>

1.7 Paper copies of these documents are also available in these locations, as well as in the Council's mobile library, which covers the rural areas of the borough. For full details please see: <https://www.cheshirewestandchester.gov.uk/residents/libraries/find-a-library/mobile-library-service.aspx>

i Regulation 16 of the Environmental Assessment of Plans & Programmes Regulations 2004

2 The Local Plan (Part Two)

2.1 Work on the Local Plan (Part Two) began in 2014. Key stages which were subject to consultation were:

- Development of scope and issues and call for sites (May 2014);
- Minerals call for sites and methodology consultation (October 2014);
- Preparation of Local Service Centre Background Paper (March 2015);
- Preparation of Housing and Economic Land Availability Assessment (August 2015);
- Local Plan (Part Two) Preferred Approach, draft policies and allocations (August 2016);
- Local Plan (Part Two) Publication Draft (December 2017);
- Main Modifications (December 2018).

2.2 The Plan was submitted to the Secretary of State in March 2018. It was subject to an Examination by an independent Planning Inspector with public hearings during September 2018. Following the hearings, the Inspector informed the Council that a number of Main Modifications would be required to make the Plan sound. Following consultation on the Main Modifications, the Inspector issued her final report in June 2019. The Inspector concluded that the SA methodology and findings were robust and concluded that the Plan has been positively prepared and is justified, effective and consistent with national policy in this respect. The Inspector also took account of the HRA (July 2018) and its conclusions in her deliberations and final report.

3 How environmental and sustainability considerations have been integrated into the Local Plan (Part Two)

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Sustainability Appraisal

3.1 Work on the SA began in 2014, in parallel with preparation of the Local Plan (Part Two). Work on SA was conducted in-house by members of the Planning Policy team. The aim of the SA was to improve the robustness of the Local Plan by identifying potential negative impacts and mitigation measures and highlighting areas where environmental and wider sustainability issues could be addressed more fully in the Plan.

3.2 The SA was carried out as a 'whole of plan assessment'. Rather than assessing each policy in isolation against the SA objectives, the effect of the policies were assessed as a whole. It was considered that this approach allowed for a comprehensive view of the impact of the plan on each of the topic areas identified below.

3.3 In accordance with the relevant regulations, in October 2015 the Council consulted on a Draft Screening Determination for the need for a Strategic Environmental Assessment (SEA) for the Plan. The screening concluded that the Plan is likely to have a significant environmental effect and a Strategic Environmental Assessment (SEA) would therefore be required. This has been incorporated into the SA of the Plan.

3.4 At an early stage in the Plan's preparation, the Council prepared a SA scoping report. This brought together baseline information on a wide range of topics, highlighting key trends, issues and objectives for the area. It also included a list of the plans, programmes and strategies that might influence the preparation of the Plan.

3.5 The Council consulted on the initial draft SA scoping report in May 2014. Consultees included the statutory bodies for SEA⁽ⁱⁱ⁾. Amendments were made to take account of comments received and changes to baseline information and relevant documents.

3.6 The SA scoping report update was published in December 2015 to update the baseline position and it deals with a wide range of sustainability topics under the following headings:

- Climate change and energy
- Biodiversity, flora and fauna
- Water
- Air
- Land and resources
- Waste
- Cultural heritage and landscape
- Population and human health
- Housing
- Community safety
- Economic development

ii Environment Agency, English Heritage (now Historic England), Natural England, Natural Resources Wales (formerly Countryside Council for Wales), Cadw

How environmental and sustainability considerations have been integrated into the Local Plan (Part Two) 3

3.7 The scoping report identifies a series of 19 sustainability objectives and additional sub-objectives forming the sustainability framework which was used to appraise the policies and proposals of the emerging Plan.

3.8 The Local Plan (Part Two) Issues report and call for sites was published for consultation in May 2014. This document set out potential approaches to deal with key issues and asked questions about the proposed approach and asked for suggestions for alternative issues, approaches and policies. As this report was prepared at such an early stage and did not have specific, detailed policy or site options, SA was not undertaken at this stage.

3.9 In 2016 the Preferred Approach was produced and was subject to SA. The preferred policies and sites were appraised, as were reasonable alternative policies and sites. The Interim SA report was published for consultation alongside the Preferred Approach, in August 2016. At this stage the policies were still evolving and gaps, inconsistencies and in some cases repetition were found in the proposed policies. Where possible, this was flagged up during the appraisal process and the policies amended.

3.10 The findings of the Interim SA report, together with the comments received were taken into account when preparing the Local Plan (Part Two) Publication draft. The Publication draft report was subject to SA, which was undertaken as an iterative process, with SA work and policy development undertaken in parallel. SA was undertaken of the initial version of the Publication draft report, the findings of which were then taken into account in the final version of the Publication draft report. The SA report (November 2017) was published for consultation alongside the Publication draft Local Plan (Part Two). At the start of the process of preparation of the Local Plan Publication Draft, there were no reasonable alternatives to the preferred policies, but there were alternative sites and they were assessed through the SA report (November 2017). Chapter 4 of the SA report identified the sites and the reasons for discounting alternative sites.

3.11 Having considered the representations received on the Publication Draft plan, the Council carried forward the policies and allocations, without any changes, to the Submission Local Plan (Part Two). The SA report from November 2017 was reproduced as a March 2018 version, alongside the submission version of the Local Plan (Part Two).

3.12 The SA (March 2018) and associated non-technical summary (March 2018) formed part of the set of documents submitted for Examination.

3.13 The hearing sessions took place from Tuesday 18 September to Thursday 27 September 2018. Following the close of the hearing sessions, the Inspector identified main modifications considered necessary to make the plan sound and / or legally compliant. SA of the proposed modifications was undertaken, with an initial screening process to identify which modifications had the potential for significant sustainability implications. Those modifications with the potential for significant sustainability implications were then subject to more detailed appraisal and the findings were set out in the SA of Main Modifications (December 2018).

Habitats Regulations Assessment

3.14 In accordance with legislative requirements⁽ⁱⁱⁱ⁾ HRA was undertaken at key points during plan preparation (Preferred Approach and Publication Draft). The HRA was undertaken by independent consultants and was circulated to organisations including Natural England and the Environment Agency. These organisations were also involved in setting the initial scope of the HRA.

iii Conservation of Habitats and Species Regulations 2017

3 How environmental and sustainability considerations have been integrated into the Local Plan (Part Two)

3.15 HRA was undertaken as an iterative process, with findings at each stage informing decisions on policies and sites and resulting in improvements to wording of policies.

3.16 The HRA of the Publication Draft Plan (February 2018) formed part of the documents submitted for examination. However, in April 2018 in the case *People Over Wind and Sweetman v Coillte Teoranta*, the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. In light of this decision, an updated HRA was prepared and statutory bodies and other interested parties were consulted. The final HRA was published in August 2018.

3.17 The final HRA concluded that "Cheshire West and Chester Local Plan (Part Two), in the context of the over-arching strategic policies contained within the Local Plan (Part One) comprise a sufficient policy framework to enable the subsequent delivery of necessary measures that would avoid or adequately mitigate adverse effects on integrity." (paragraph 16.1.1 in the HRA, 2018)

3.18 The main modifications identified by the inspector were also subject to HRA. An initial screening process was undertaken for each modification to identify whether they are likely to change the previous screening conclusion on Likely Significant Effects in the HRA (August 2018). For those policies where the modification was considered likely to result in a change to the previous screening conclusion, further appropriate assessment was undertaken. The HRA of the modifications concluded that the modifications do not change the overall conclusion in the HRA (2018).

How the SA and HRA reports have been taken into account 4

4 How the SA and HRA reports have been taken into account

4.1 The SA of the Local Plan (Part Two) Preferred Approach informed decisions on which policies and sites to take forward and this is discussed in Chapter 6 'The reasons for choosing the plan as adopted, in the light of the other reasonable alternatives considered'.

4.2 The SA of the Preferred Approach identified a series of mitigation measures, which would either reduce the negative impacts of the sites or policies, or would enhance the positive impacts.

4.3 Key mitigation measures included:

- Adding criteria to policies and sites to protect air and water quality, biodiversity, geodiversity, green infrastructure and local heritage.
- Adding more detailed policies relating to sites, with site specific criteria covering issues such as flood risk, visual and residential amenity, sustainable transport, protection of landscape, ecological networks and heritage assets.
- Adding reference to Green Infrastructure.
- Undertaking Heritage Impact Assessment for relevant sites.
- Adding requirements to promote safe walking and cycling routes.
- Add reference to the need to improve linkages with rivers and the countryside.
- Refer to opportunities for habitat creation.
- Adding criteria relating to noise, road safety and sustainable transport.
- Adding flexibility to criteria within some policies to minimise potential impacts of added cost and restrictions upon development.
- Adding criteria referring to minimisation of gas emissions and landscape impact.
- Adding criteria referring to maximising opportunities for recycling and composting.

4.4 The SA process also formed an additional review process and assisted with identification of gaps, inconsistencies and repetition in policies.

4.5 The Publication Draft policies were drafted in light of the SA and were then subject to another round of SA. The table below sets out the key changes that were made to policies, including site specific policies in the Publication Draft Plan as a result of SA recommendations.

Policy	Amendments to Publication Plan resulting from SA
CH 1 Chester settlement area	Additional bullet point added referencing air quality. Information added to the explanatory text to refer to Chester city-wide AQMA and cross reference DM 31.
CH 4 University of Chester	Reference to GI and heritage added to policy to ensure developments respect natural and built environment.
EP 1 Ellesmere Port settlement Area	Policy amended to add bullet point on air quality impacts. Explanation amended to refer to AQMA and other relevant policies.
EP 2.A Land at Encirc Glass	Policy amended to cross-reference the policies on hazard consultation zones.

4 How the SA and HRA reports have been taken into account

Policy	Amendments to Publication Plan resulting from SA
EP 3 Stanlow Special Policy Area	Explanation amended to refer to air quality and other relevant policies.
R 2 Meeting the outstanding housing requirement in Tattenhall	Policy amended to refer to landscaping.
R 2.A Land west of Ravensholme	Text added to explanation highlighting likely need for archaeological programme of works.
R 3.D Oaklands office park	Policy criteria amended to cross refer to DM 40 flood risk and DM 44 natural environment.
GBC 1 C Dale Barracks Chester	Policy amended to clarify that redevelopment proposals for non-military use also need to meet STRAT 9 and GBC 1.
T 2 A56 Hoole Road corridor	Policy amended to include a bullet point requiring the inclusion of an appropriate flood risk and drainage strategy. Policy explanation updated to add a link to revised policy DM 41, which deals with Sustainable Drainage Systems.
DM 26 Specialist accommodation	Policy order amended and locational criteria now refers to all types of development to ensure sustainable development.
DM 37 Recreational routeways	Policy explanation amended to refer to safety improvements along recreational routeways.
DM 47 Listed buildings	Text added to explanatory text to address the issue of adaptation of Listed Buildings to provide disabled access.
DM 54 Waste management facilities	Reference added to the need to protect air quality and enhance where possible through the use of clean technologies.

4.6 In addition to appraisal of policies, all key sites and reasonable alternatives considered through the preparation of the Local Plan have been subject to SA. The appraisal used a methodology which was based on that used for the appraisal of policies but tailored specifically for sites. It took account of constraints such as land quality, flood risk and environmental designations that would need to be addressed as part of any specific development proposal.

4.7 Where alternatives sites were assessed, the outcome of the SA informed the decision on the final selection of sites to include in the Local Plan. More information on this is provided in section 6 'The reasons for choosing the plan as adopted, in the light of the other reasonable alternatives considered' of this report.

4.8 Further detail on the key sites and reasonable alternatives can be found in the Housing and Economic Land Availability Assessment (2017) and land allocations background paper (2017). The site appraisals for the sites and reasonable alternatives are set out in appendix B and C of the SA (March 2018), along with a commentary on the appraisal approach.

How the SA and HRA reports have been taken into account 4

Habitats Regulations Assessment

4.9 The HRA of the Preferred Approach and Publication Draft assisted with decisions on which sites to take forward (as described in Chapter 6 'The reasons for choosing the plan as adopted, in the light of the other reasonable alternatives considered') and also made recommendations on specific wording to be included in the Local Plan (Part Two) to ensure that the requirements of the Habitats Directive are met.

4.10 The HRA of the Preferred Approach resulted in the following changes to the policies and / or policy explanations:

- The explanation to policy DM 37 Recreational routeways was amended to make specific reference to the risk of adverse effects on internationally designated sites and the potential requirement for project level HRA.
- The policy and explanation to DM 38 Waterways and mooring facilities were strengthened by inclusion of explicit protection for internationally designated sites, highlighting that project level HRA may be required.
- Several site specific policies (or the policy explanations) were also amended to cross-refer to other policies that seek to protect designated sites. For example, the explanation for policy T 3 Railway stations was amended to refer to policy DM 44 Protecting the natural environment. The explanation to policy DM 8 was amended to ensure compliance with policy DM 44.
- Explanatory text was added to DM 54 Waste management facilities, to require that development at Ince Park has regard to policy EP 6.

4.11 The HRA of the Publication Draft resulted in the following changes to the policies and / or policy explanations:

- Wording of policy EP 2 Employment land provision in Ellesmere Port was amended to specifically refer to the Mersey Estuary SPA/Ramsar.
- Wording of policy EP 3 Stanlow special policy area amended to add a criteria to minimise and mitigate impacts on biodiversity. Wording of the explanation amended to refer to the need for bird surveys and link to policy DM 44.
- Policy EP 7 Ellesmere Port historic canal port amended to require ecological assessment including bird surveys where appropriate, to determine the potential for any likely significant effects on the designated features of the SPA / Ramsar.
- Policy M 5 amended to make it clear that proposals with appropriate restoration and aftercare will be supported, rather than all proposals will be supported.
- Added specific text to the explanation to policy M 6 Salt and brine to refer other nearby protected sites, as well as the impacts on the aquifer and SSSI.
- Reference added to the explanation to policy DM 6 New agricultural buildings to provide explicit protection for internationally designated sites.
- Link to policy DM 44 added to the explanation to policy DM 8 Equestrian development.
- Added description of buffer zones to policy DM 44 Protecting and enhancing the natural environment, to pick up that habitat that supports the SPA / Ramsar designated species are included within the ecological network.

5 How responses to consultation on the SA report have been taken into account

5 How responses to consultation on the SA report have been taken into account

5.1 Consultation on the SA was aligned with consultation at the main stages of preparation of the Local Plan (Part Two). Full details of comments received and the Council's consultation response at the three main stages of SA preparation (Scoping Report, Preferred Approach and Publication Draft) are set out in the Statement of Consultation (March 2018).

5.2 Many respondents provided helpful information, advice and guidance which was taken on board in the SA process, improving its robustness and supporting evidence base. Some respondents highlighted gaps in the range of documents. As a result, in relation to the Scoping Report, amendments were made to baseline data, the list of plans and programmes, key issues and SA objectives in light of consultation comments. Consultation responses played an important role in shaping and finalising the SA objectives and resultant SA framework, which formed the basis for the appraisal as a whole.

5.3 At Preferred Approach stage, only five comments related specifically to the SA or HRA. Natural England referred to the requirement for new development to enhance and protect surface and ground water quality and for this to be considered when assessing additional sites. The SA process included an objective relating to water quality. An issue was also raised regarding waste water facilities and confirmation from the water companies on delivery. The water companies were contacted throughout preparation of the Local Plan and did not raise any issues regarding wastewater treatment provision.

5.4 Natural England requested further evidence and explanation to support the view that additional policy wording / strengthening would be robust enough to ensure that the proposed allocations are unlikely to have any significant effects on designated sites. Natural England also suggested ways in which certain policies could be strengthened further.

5.5 One comment stated that the policies should be amended to include the HRA recommendations. The recommendations made in the draft HRA were taken into account in the draft Publication policies. An additional HRA of the policies was undertaken and they were updated before publication, as part of the iterative process.

5.6 Friends of the Earth questioned the SA outcomes for policy DM 50 Oil and gas development and felt the outcome of the assessments should be negative rather than positive. However, the SA assessed the situation with the policy, compared to the situation without the policy, rather than the impact of oil and gas developments themselves.

5.7 At Publication draft stage, Friends of the Earth commented on the SA of the hydrocarbon policies and highlighted the Committee on Climate Change's three tests to justify shale gas production should be taken into account in the SA. The tests relate to support for the principle of shale gas production in terms of meeting carbon budgets. The Local Plan (Part One) identified in policy ENV 7 that proposals to exploit the borough's hydrocarbon resources will be supported in accordance with specified criteria and other policies in the Local Plan. The Local Plan (Part Two) policies provide criteria for the assessment of hydrocarbon proposals and the SA assesses the impact of these policies and takes account of impacts on air quality and climate change.

5.8 The Mineral Products Association commented that the SA for individual sites should consider minerals safeguarding areas. This was highlighted in the SA.

How responses to consultation on the SA report have been taken into account 5

5.9 Some respondents promoting specific sites commented on the appraisals of these sites and the scoring.

5.10 The issues raised in the consultation responses are considered to have been fully addressed in the SA, HRA and submission version of the Local Plan (Part Two).

6 The reasons for choosing the plan as adopted, in the light of the other reasonable alternatives considered

6 The reasons for choosing the plan as adopted, in the light of the other reasonable alternatives considered

6.1 Reasonable alternative policy options were tested at Preferred Approach stage. Details of the alternatives assessed and the SA outcomes are set out in chapter 19 of the Interim Sustainability Report (August 2016).

6.2 Reasonable alternative policy options were identified and assessed for policy CH 7, EP 6, R 4, GBC 6, DM 8, DM 15, DM 18, DM 20, DM 23, DM 53, DM 60 and DM 61. The findings of the assessments are set out in chapter 19 of the Interim Sustainability Report (August 2016) and this informed the decision making process on the policies to take forward to the Publication Draft stage.

6.3 The land allocations background paper (2017) sets out the approach to the identification of land allocations for housing, employment, waste and minerals development. It refers to the SA and explains the key findings of the SA and how they have influenced the decision-making process.

6.4 The SA process identified potential negative sustainability impacts for a potential site at Bumpers Lane in Chester in terms of biodiversity, water and land objectives. This site was discounted, partly due to site specific constraints on delivery and was not taken forward into the Publication Draft Plan.

6.5 At the start of the process of preparation of the Publication Draft, there were no reasonable alternatives to the preferred policies, but there were alternative sites and they were assessed through the SA report (November 2017).

6.6 The sites in table 6.1 were considered as reasonable alternatives to the allocations at the start of the process of preparation of the Publication Draft. The table sets out the sites and the outcome, which was informed by the appraisal findings. The SA report (March 2018) provides a summary of the appraisals and reasons for discounting. The reasons for discounting are explained in more detail in the land allocations background paper (2017).

6.7 The site at Chapel Street, Wincham is a key site in STRAT 5 in the Local Plan (Part One) for housing led mixed use. However, SA was also undertaken for mixed uses, to accommodate further employment development within the site.

Table 6.1

Site	Outcome
Land east of Ince Park	Discounted on flood risk grounds
Longwood	Discounted due to issues relating to deliverability within the plan period, accessibility and transport, ecology, landscape harm and the countryside location
Land east of King Street	Discounted due to issues relating to deliverability within the plan period, accessibility and transport, landscape and the fact that the size of the site exceeds the employment requirement for Northwich

The reasons for choosing the plan as adopted, in the light of the other reasonable alternatives considered 6

Land to rear of 68-84 Castlefields	Identified as an allocation
Rear of 15-45 Greenlands	Discounted due to impacts on landscape and the setting of the village
Land adjacent to Mill Bank Cottages	Discounted due to potential for substantial harm to the conservation area and its setting and due to lack of safe pedestrian access
Land rear of Adari	Discounted due to need for site to be subdivided and difficulty creating a new, strong boundary for the village whilst retaining useable fields
Land to the west of Ravensholme, Chester Road	Identified as an allocation

6.8 It should be noted that the SA was only one consideration when making decisions about policy and site options. Planning judgements, supporting evidence, emerging data, consultation responses and the impact of other policies and programmes also influenced decision making.

7 The measures that are to be taken to monitor the significant environmental effects of the implementation of the plan

7 The measures that are to be taken to monitor the significant environmental effects of the implementation of the plan

7.1 An important part of the SA framework is the proposed monitoring framework. As the SA process is an iterative process, its success and effectiveness will be monitored by the collection of relevant data.

7.2 A cost effective and reasonable monitoring scheme has been developed during the plan making process for the Local Plan (Part One) and this has been continued during preparation of the Local Plan (Part Two). The monitoring framework includes a series of significant effects indicators to monitor the impact of the Local Plan policies.

7.3 The SA report (March 2018) sets out the monitoring indicators for the SA in each of the topic chapters. Monitoring of the SA will be incorporated in the overall monitoring arrangements for the Local Plan. This is currently done through the Annual Monitoring Report (AMR).

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