

MIDDLESBROUGH COUNCIL

LOCAL DEVELOPMENT FRAMEWORK

REGENERATION DEVELOPMENT PLAN DOCUMENT

**THE ENVIRONMENTAL ASSESSMENT OF PLANS
AND PROGRAMMES REGULATIONS 2004**

ENVIRONMENTAL STATEMENT

**(SUSTAINABILITY APPRAISAL / STRATEGIC
ENVIRONMENTAL ASSESSMENT)**

1.0 Introduction

- 1.1 The Middlesbrough Regeneration Development Plan Document (DPD) was adopted by the Council on 25th February 2009. As part of the adoption procedures under the Environmental Assessment of Plans and Programmes Regulations 2004, Regulation 16 (3) and (4) requires a Statement to be produced on the adoption of any plan or programme to which the regulations apply. The regulations specify that the Statement should explain how environmental considerations have been integrated into the plan or programme; how the environmental report has been taken into account; how public consultation responses have been taken into account; why the plan or programme has been adopted rather than the other options considered; and finally; how the significant environmental effects of implementing the plan or programme will be monitored.

2.0 Key Environmental Bodies

- 2.1 Throughout the process of carrying out a Sustainability Appraisal of the Regeneration DPD, three key bodies are required to be consulted – the Environment Agency, English Heritage and Natural England (formerly English Nature and the Countryside Agency). During the Sustainability Appraisal, comments from these bodies in particular have shaped the Appraisal and have been fed into the assessment of the Issues and Options (of the Local Development Framework), Preferred Options and formulation of the Regeneration DPD up to and including Submission.

3.0 Integrating Environmental Concerns into the Regeneration DPD

- 3.1 In the course of its preparation, the Regeneration DPD has been subject to a five-stage Sustainability Appraisal initially undertaken by appointed consultants, White Young Green (WYGE). The appraisal began with a Scoping report (June 2005) and consultation forum (14th July 2005) following new statutory requirements, including the Planning and Compulsory Purchase Act 2004. Sustainability Appraisals were then undertaken for the Local Development Framework Issues and Options, Regeneration DPD Preferred Options (February 2006), Regeneration DPD Preferred Options (September 2006), and finally the Regeneration DPD Submission Draft (January 2008). At all times the Sustainability Appraisal was carried out in accordance with the requirements of Strategic Environmental Assessment and Appraisal set out in European and UK legislation.

- 3.2 A Habitats Regulation Assessment of the Regeneration DPD was carried out by the Council in January 2008, to assess the impact of the Regeneration DPD on European sites within or near to the town boundary.

4.0 Taking the Environmental Report into Account

- 4.1 The Sustainability Appraisal was important in setting out baseline data and sustainability objectives, in the assessment of options for the Regeneration DPD. The Regeneration DPD was modified to take account of the results of the SA/SEA as well as responses from consultations. Section 2.4 of the Sustainability Report Addendum (January 2008) sets out how the SA/SEA has informed the development of the Regeneration DPD. The Sustainability Report Addendum also includes mitigation measures that have been developed to prevent, reduce or minimise any adverse effects that may arise during the implementation of the site specific proposals and allocations and opportunities for environmental enhancement.

5.0 Monitoring of the Sustainability Appraisal and the Regeneration

- 5.1 The Local Development Framework for Middlesbrough is to be kept under continuous review. In order for this to happen, an Annual Monitoring Report (AMR) will be prepared and submitted to Government Office. The AMR makes provision for monitoring the sustainability effects of the Regeneration DPD as they are implemented during the period of the Local Development Framework up to 2023. The Sustainability Appraisal includes a framework for monitoring the key effects of, and the specific targets set out within the Regeneration DPD.
- 5.2 The Annual Monitoring Report will review the overall baseline situation and consider whether those changes that have occurred have been as a result of the implementation of site specific proposals or were due to external influences beyond the control of the plan.

6.0 Public Examination of the Sustainability Appraisal and Appraisal of Significant Proposed Changes

- 6.1 The Council's Sustainability Appraisal was subject to Soundness Test 3 by a Planning Inspector, who undertook a public examination of the Regeneration DPD in November 2008. In his Final Report on the Regeneration DPD, the Inspector stated 'it was evident that the Council has carried out a parallel process of sustainability appraisal'. The Inspector was satisfied that 'an Appropriate Assessment was undertaken both at the Core Strategy DPD stage and again for the Regeneration DPD', and concluded that 'there would be no significant harm to the conservation of the Teesmouth and Cleveland Coast SPA / Ramsar Site and the North York Moors SPA/SAC as a result of the policies and proposals within the DPD'.

7.0 Public Consultation

- 7.1 The Regeneration DPD has been prepared in accordance with the Town and Country Planning (Local Development) (England) Regulations 2004, which requires that a Development Plan Document is accompanied by a statement regarding consultation. The Regeneration DPD has met those requirements and also complies with the Council's Statement of Community Involvement. Consultation on the Sustainability Appraisal was carried out during the same six-week period as the Preferred Options Consultation.
- 7.2 The majority of comments received on the Sustainability Report have been addressed, particularly those relating to additional relevant plan and programmes that

should have been identified as part of the SA/SEA process and recommendations / suggestions for SA/SEA indicators. The suggested indicators, where appropriate, have been incorporated into revised monitoring programme presented in the SA/SEA Report. Comments relating to suggested mitigation measures, where appropriate, have been discussed in detail in the Sustainability Report.

- 7.3 Comments were received on the Habitats Regulations Assessment from Natural England and RSPB. Some of these related to the detail contained in the Habitats Regulations Assessment and these were taken into account in the revised Assessment, which was prepared following the publication of governmental guidance. Others sought mitigation measures by way of revisions to policies and their supporting text to make additional reference to the European Habitats sites adjacent to the Borough. As a result of this, a number of pre-examination changes were proposed to the Regeneration DPD. These changes were accepted by the Inspector and have been incorporated into the adopted DPDs.