



**REPORT OF COUNCIL MEETING
15th SEPTEMBER 2009**

**CAERPHILLY COUNTY BOROUGH
DEPOSIT LOCAL DEVELOPMENT PLAN
UP TO 2021:**

**COUNCIL CONSIDERATION
OF REPRESENTATIONS**

**Part 8: Representations to the Strategic
Environmental Assessment and Sustainability
Appraisal (SA/SEA)**

**Part 9: Representations to the SA/SEA that are Not
Duly Made.**

Volume 6 of 6

- Volume 1** Executive Summary
 Part 1: Key Issues Paper – Population & Housing
- Volume 2:** Part 2: Cross Boundary Sites
 Part 2: Sites Specific Representations: Heads of the Valleys Strategy Area (by
 electoral ward)
- Volume 3:** Part 2: Sites Specific Representations: Northern Connections Corridor Area (by
 electoral ward)
- Volume 4:** Part 2: Sites Specific Representations: Southern Connections Corridor Area (by
 electoral ward)
- Volume 5:** Part 3: Minerals Policy & Sites
 Part 4: Policy Representations in Deposit Plan order
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 Duly Made
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- Volume 6 :** Part 8: Representations to the Strategic Environmental Assessment and
 Sustainability Appraisal (SA/SEA)
 Part 9: Representations to the SA/SEA that are Not Duly Made.

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**STRATEGIC ENVIRONMENTAL ASSESSMENT
SUSTAINABILITY APPRAISAL
HABITATS REGULATIONS ASSESSMENT**

Strategic Environmental Assessment (SEA) / Sustainability Appraisal (SA) & Habitats Regulations Assessment (HRA)

The SEA/SA & HRA (SEA) is required to be produced during and throughout the preparation of the Local Development Plan. Its purpose is to ensure environmental issues and sustainability considerations are prominent in decision-making in respect of the LDP. The SEA is an integral part of the plan preparation process, being iterative to the production of the policy framework in the LDP. The iterative process continued throughout the LDP preparation through to its placement on Deposit on 15 October 2008. The process and the findings of the SEA are contained in the 6 SEA documents.

Once the Deposit LDP was published there is no statutory provision allowing the council to actually amend the LDP. As a result the LDP remains unchanged to its submission to WAG for examination. Without any amendments being made to the LDP the SEA process effectively ceases as no further decisions upon the content of the LDP are formally taken.

The fact that the SEA is effectively completed when the LDP is placed on Deposit questions what relevance any comments submitted on it can have. An amended SEA cannot be used to amend the Deposit LDP as there is no statutory procedure to allow it. Therefore the any comments submitted on the SEA must be considered retrospectively. Therefore if any of the comments would, as part of the original procedure, have led to a change to SEA, it is necessary to assess the significance of the change and whether it would have affected the findings of the SEA in respect of the Deposit LDP. Where comments are of such significance, the LDP, or relevant parts of the LDP, would need to be re-assessed in context of the amended SEA.

This response adopts the approach of considering the comments on a document-by-document basis, considering whether changes should be made to the SEA documents and, if so, whether the changes were of such significance that it would necessitate the re-assessment of the LDP.

SUMMARY OF REPRESENTATIONS

General

2012.E4	Caerphilly Greendoorstep	Object	The Plan is unsound because the Sustainability Group was not constituted properly.
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Council Analysis

It has been claimed that whilst the consultation process set out in the Delivery Agreement was satisfactory, it was not implemented properly as the Sustainability Group was not properly constituted. The Representor, Caerphilly Greendoorstep, argues that the external members of the Sustainability Group were not drawn from groups with necessarily any expertise or interest in the broad concept of sustainability such as themselves. This argument, in itself, is not accurate as both Countryside Council for Wales and Environment Agency (Wales) are active representatives on the Group and both have significant experience and involvement in sustainability issues. However the argument fails to acknowledge the role and function of the Sustainability Group. Firstly it is a group set up by the council, and is not required by any guidance or statutory requirement. Secondly it is an advisory group to the Officers responsible for producing the Strategic Environmental Assessment/Sustainability Appraisal for the LDP. The Group was initially comprised of Council officers and external representatives (one of each) that reflected the 12 significant effect areas identified in Annex 1 to the SEA Directive. The role of members of the group was to provide information and share detailed experience and knowledge from their own fields, which related to one of the areas identified in the Annex to the SEA Directive. In this way expert knowledge and information on each and every issue could be fed into the SEA/SA, which in turn would be applied to the LDP. It is the combined knowledge and expertise of the members of the Sustainability Group that results in the comprehensive coverage of sustainability, as it applies to the Caerphilly LDP, which has been incorporated into the SEA/SA.

It was never the intention to form a group of “experts” on sustainability, as the detail necessary to address each of the SEA Directive areas would not have been available for the SEA/SA process. Consequently, when the council considered external representatives for the Group, the ability to provide information and knowledge and experience of that specific area were key factors. Without any disrespect to the Representor, the information and experience that members of the group like CCW, EA, BT and even the police can bring to the table, far exceeds what the Representor could bring.

OFFICER RECOMMENDATION

No amendment is required in respect of this Representation

COUNCIL RESOLUTION

Resolved to accept the officer recommendation

4045.E4	Envirowatch UK	Comment	There is no Non-Technical Summary of the SEA/SA
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COUNCIL ANALYSIS

In accordance with the requirements of the SEA Directive and national guidance on sustainability appraisal a document titled “Environmental Report: Non-Technical Summary” was produced for, and formed part of the documentation for, the LDP Deposit Consultation. The Representors assertion that the Non-Technical Summary was not produced is inaccurate

OFFICER RECOMMENDATION

No amendment is required in respect of this Representation

COUNCIL RESOLUTION

Resolved to accept the officer recommendation

Document 1 - Scoping Report

1056.E40	Countryside Council for Wales	Comment	Cultural Heritage - CH16 should be amended to read as "Figure 10"
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COUNCIL ANALYSIS

Paragraphs CH16 includes an inaccurate reference to "Figure 9"

OFFICER RECOMMENDATION

The reference should be amended to read "Figure 10".

Reason for Recommendation

The change is factual and is not significant.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation

1056.E50	Countryside Council for Wales	Comment	Biodiversity - FB2 should be amended to read as "Figure 18"
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COUNCIL ANALYSIS

Paragraph B2 includes an inaccurate reference to "Figure 15"

OFFICER RECOMMENDATION

The reference should be amended to read "Figure 18".

Reason for Recommendation

The change is factual and is not significant.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation

1056.E58	Countryside Council for Wales	Comment	Cultural Heritage - Support Target (e) but it may more appropriately be located in Biodiversity topic
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COUNCIL ANALYSIS

The target relates to areas of land under environmental management through S106 agreements. It is the case with many of the indicators and targets that they could be located in more than one topic area. This reflects that the SEA topics are themselves significantly overlapping. Whilst the target could easily be located in the Biodiversity topic, it forms part of a wider landscape issue within the Cultural heritage topic and it is considered appropriate to retain it there.

OFFICER RECOMMENDATION

No amendment is required in respect of this Representation.

COUNCIL RESOLUTION**Resolved to accept the officer recommendation**

1065.E1	CADW	Comment	Content with SEA/SA but point 3, page 36 should include reference to registered historic landscapes.
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COUNCIL ANALYSIS

Issue 3 relates to landscapes and features of cultural rather than historic importance, although it is accepted that there is only a slight distinction between them. Issue 1 deal with historic features and this issue would adequately cover historic landscapes, without requiring specific reference to it.

OFFICER RECOMMENDATION

No amendment is required in respect of this Representation.

COUNCIL RESOLUTION**Resolved to accept the officer recommendation**

4198.E5	Caerphilly Teaching Local Health Board	Comment	A health impact assessment should be undertaken in the SEA.
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COUNCIL ANALYSIS

The SEA Directive does not require a Health Impact Assessment to be undertaken as part of the SEA process, and there is no statutory requirement for one to be undertaken in respect of LDPs. The SEA Directive requires the SEA to consider “*the likely significant effects on the environment, including on issues such as human health, and the interrelationship between the above factors;*”. The SEA, therefore, needs to consider the effects the policies and allocations will have on human health and its interrelationships with the other SEA factors. In order to make the SEA more cohesive and simple a number of relating factors, including Population and Human Health, were linked together. The Population and Human Health topic covers the effects on human health, with 2 issues (9 Health and 11 Well-Being) and 5 indicators being identified. These issues and indicators provide the basis for the assessments that have been undertaken in respect of the LDP Strategy and the detailed assessment of the Deposit LDP.

In producing the SEA, care was taken to ensure that no single factor or issue was given more opportunity to influence the process than any other. All issues and were considered equally, each having equal weight, especially when applying the Assessment Tests to the LDP. This enables the SEA to consider the LDP in broad sustainability terms, rather than on the basis of focused issues. Given this, it would be inappropriate for the SEA to have included a full HIA, as it would have meant that health issues would have more influence over the process than the other factors, which would undermine the ability of the SEA to consider the LDP in a broadly sustainable manner.

Consequently it is considered that the issue of human health and the effects of the LDP in respect of human health have been adequately addressed in the SEA.

OFFICER RECOMMENDATION

No amendment is required in respect of this Representation.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation

1056.E35	Countryside Council for Wales	Objection	Cultural Heritage - An indicator in reference to LANDMAP should be included.
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COUNCIL ANALYSIS

The Representer seeks the inclusion of an indicator relating to Landmap in the Cultural Heritage and Landscape topic. However, the Indicators and their associated targets have been derived through a lengthy process of involvement and consultation. Indicators have been identified on the basis that they can provide a basis for monitoring, can be used to identify positive and negative trends and, most importantly, the information is available to enable its monitoring to take place. In addition, it was decided to restrict the number of Issues to around 20 to ensure that the task of undertaking and implementing the SEA/SA was not excessively onerous and maintained a manageable number of Indicators. Consequently the Indicators that have been identified are those that are thought to be most relevant and those that provide the most effective monitoring of LDP effects.

Landmap is a new landscape assessment tool that considers landscape in respect of its Visual, Historic, Cultural, Geological and Habitat qualities, rather than on the traditional consideration of landscape solely on its visual quality. Landmap includes both open and built up areas within its consideration of landscape and this presents a problem for including Landmap as a SEA indicator. Given that built up areas are included in the Landmap Assessment, all developments will have an impact upon one or more of the Landmap themes. Therefore negative or positive trends would be impossible to determine and therefore it is not suitable as an indicator .

It should be noted, however, that an indicator on Special landscape Areas (SLAs) is included (Indicator A) and the SLAs designations are based upon the Landmap tool. Therefore, whilst a direct indicator is not suitable for inclusion, an indirect indicator, relating to the most important Landmap elements, is already included.

OFFICER RECOMMENDATION

No amendment is required in respect of this Representation.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation

1056.E36	Countryside Council for Wales	Object	Water - Object to omission of an indicator making reference to SUDS in new developments.
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COUNCIL ANALYSIS

Whilst it is accepted that an indicator relating to the use of SUDS would be relevant in considering sustainable water usage, it should be noted that, at the present time the Council will not adopt SUDS when provided through any development. Consequently it is unlikely that developers will be willing to provide SUDS when the responsibility and maintenance of them will not be accepted by the council. Therefore it is envisaged that very few, if any, such systems will be proposed during the lifetime of the plan. Consequently the ability of the development plan to affect this situation is negligible and consequently an indicator on this issue would have little, if any value in assessing the LDP.

OFFICER RECOMMENDATION

No amendment is required in respect of this Representation.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation

1056.E37	Countryside Council for Wales	Object	Geology & Geomorphology - Indicator (b) should demonstrate development on Greenfield land.
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COUNCIL ANALYSIS

The intention of this indicator is to consider the Brownfield/Greenfield split of development. In order to provide a reasonable indicator it is necessary to utilise only one land type (in this instance Brownfield land). This is then considered against the total land developed, which is comprised of Brownfield and Greenfield land, to provide the target. As such Greenfield development is implicit in both the current indicator and target on Brownfield development and consequently it is unnecessary to include indicators in respect of both Brownfield and Greenfield land.

OFFICER RECOMMENDATION

No amendment is required in respect of this Representation.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation

1056.E38	Countryside Council for Wales	Object	Biodiversity - An additional indicator should be included that demonstrates the condition of features within designated sites.
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COUNCIL ANALYSIS

The Representor is seeking the inclusion of an indicator relating to the condition of features within designated biological SSSIs. However the condition of biological SSSIs are affected by many factors that are not within control of the development plan, e.g. agricultural operations, climate change. The SEA Indicators have been specifically chosen on the grounds that they reflect an effect the LDP may have on the environment. It would be inappropriate to include an indicator that can be affected by factors that are not within the remit of the LDP, as these effects would be inappropriately attributed to the plan. The SEA does include an indicator relating to the area of biological SSSI lost to development, and this indicator is considered appropriate to reflect the effects the development plan could have in respect of these designations.

OFFICER RECOMMENDATION

No amendment is required in respect of this Representation.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation

1056.E39	Countryside Council for Wales	Object	Climatic Factors - Include an indicator on percentage of housing stock meeting EcoHome standards.
1056.E64	Countryside Council for Wales	Object	Climatic Factors - Include a new indicator relating BREEAM Standards.

COUNCIL ANALYSIS

In producing the SEA previous suggestions for the inclusion of indicators relating to BREEAM or EcoHomes have been resisted on the grounds that Building Regulations provided the legal and enforceable standards for all landuses. Whilst the LDP could encourage the adoption of higher standards of building as outlined by BREEAM or EcoHomes, it could not enforce them and as such the issue was outside the remit of the LDP and an indicator would be inappropriate.

However in terms of BREEAM, which relates to non-residential development, and Code for Sustainable Homes, which has superseded EcoHome standards, WAG Has recently issued MIPPS 01/2009 – Planning for Sustainable Buildings. This MIPPS now requires all dwellings to meet Code for Sustainable Homes Level 3, whilst requiring non-residential development to meet the BREEAM Very Good Standard. The MIPPS now provides the legal and enforceable standard for all development, similar to the Building Regulations. Given this it would now be inappropriate to include indicators

based on these as the indicators would either realise 100% positive results by seeking the MIPPS requirement, or they would be seeking higher than MIPPS standards which would be outside the remit of the LDP.

OFFICER RECOMMENDATION

No amendment is required in respect of this Representation.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation

1056.E51	Countryside Council for Wales	Object	Biodiversity - B3 should be amended to read as "Appendix 4"
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COUNCIL ANALYSIS

Paragraphs B3 includes an inaccurate reference to "Appendix 5"

OFFICER RECOMMENDATION

The reference should be amended to read "Appendix 4".

Reason for Recommendation

The change is factual and is not significant.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation

1056.E57	Countryside Council for Wales	Object	Cultural Heritage - The first Indicator in Landscape should reflect planning permissions permitted in SLAs
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COUNCIL ANALYSIS

The purpose of allocating SLAs is to enable the LDP to provide protection policies for their protection. One of the main purposes of the SEA indicators is to provide monitoring factors against which the effect of the policies in the LDP can be monitored. To monitor the SLA policies it would be necessary to assess whether they were working, i.e. whether inappropriate development is being prevented, i.e. refused, within SLAs. The current indicator (Indicator A) reflects this position.

The Representor's suggested stance would monitor how many applications were approved within SLAs, with an assumption that such approvals were adverse impacts. However, it is more than feasible that some development proposals within SLAs could have a beneficial impact, by reinstating or improving important features for example. Such positive proposals would, by the nature of the suggested indicator, be reflected negatively in monitoring the policy.

Given this it is inappropriate to include the suggested indicator.

OFFICER RECOMMENDATION

No amendment is required in respect of this Representation.

COUNCIL RESOLUTION**Resolved to accept the officer recommendation**

1056.E59	Countryside Council for Wales	Object	Water - Include an additional indicator regarding the proportion of water bodies achieving Water Framework Directive standards.
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COUNCIL ANALYSIS

The Scoping Report contains indicators relating to both chemical and biological water quality, which adequately covers the issue of achieving the water framework directive. It is considered inappropriate to include an additional indicator that will effectively cover the same issue.

OFFICER RECOMMENDATION

No amendment is required in respect of this Representation.

COUNCIL RESOLUTION**Resolved to accept the officer recommendation**

1056.E60	Countryside Council for Wales	Object	Geology & Geomorphology - Indicator (c) should demonstrate favourable SSSI condition.
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COUNCIL ANALYSIS

The Representor is seeking the inclusion of an indicator relating to the condition of features within designated geological SSSIs. However the condition of geological SSSIs are affected by many factors that are not within control of the development plan, e.g. agricultural operations, climate change, public access. The SEA Indicators have been specifically chosen on the grounds that they reflect an effect the LDP may have on the environment. It would be inappropriate to include an indicator that can be affected by factors that are not within the remit of the LDP, as these effects would be inappropriately attributed to the plan. The SEA does include an indicator relating to the area of biological SSSI lost to development, and this indicator is considered appropriate to reflect the effects the development plan could have in respect of these designations.

OFFICER RECOMMENDATION

No amendment is required in respect of this Representation.

COUNCIL RESOLUTION**Resolved to accept the officer recommendation**

1056.E61	Countryside Council for Wales	Object	Biodiversity - An additional Indicator on habitat connectivity should be included.
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COUNCIL ANALYSIS

Whilst it is agreed that, if possible, an indicator relating to habitat connectivity or fragmentation would be valuable in assessing the effects of the LDP, it is almost impossible to monitor these aspects as the complete base information, i.e. identified connections and habitat patchworks, is not available. It is the case with many potentially useful indicators that either the base information or the mechanisms for monitoring and updating the information are not available.

With the SEA indicators being the basis of the Assessment Tests and the factors against which the LDP will be monitored, it would be inappropriate to include indicators that either have no base information (so could not be used for either monitoring or assessment) or have no mechanisms in place for monitoring or updating (which would prevent useful monitoring).

Unfortunately this is an issue that falls into this category and consequently it would be inappropriate to include this indicator, as it cannot currently perform the function of an SEA indicator.

OFFICER RECOMMENDATION

No amendment is required in respect of this Representation.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation

1056.E62	Countryside Council for Wales	Object	Biodiversity - Indicator (c) should be reworded to reflect the area of designated SINC/LNR lost to development.
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COUNCIL ANALYSIS

SINCs form part of a hierarchy of ecological designations, starting with European designations at the top and SINCs and LNRs at the lower end. In terms of LDP policy the protection afforded to each level of allocation reduces with a drop in hierarchy. As a result European designations, such as SACs, have extremely strong protection through legislation, whilst SINCs and LNRs are dependent upon development plans to set out their protection. As a result of this hierarchy it would be inappropriate for a development plan to afford SINCs and LNRs the same protection afforded SACs. Therefore the policies protecting SINCs and LNRs do not preclude development within the designations and, where development takes place with an adverse impact, it provides the opportunity for commensurate provision as mitigation.

It is the possibility of mitigation and commensurate provision that would mean that whilst land would be lost as part of a development, commensurate provision could realise an increase in habitat overall. The SEA indicators seek to monitor the effects of the LDP and its policies. In solely considering

the amount of designated land lost through development, the monitoring of the policy could be skewed by negative results where the habitat area could actually have been increased.

The indicator is, however, currently worded as a target rather than indicator. A minor rewording to the indicator to consider the net loss of land to development would adequately cover this issue.

OFFICER RECOMMENDATION

Biodiversity Indicator B1a to be amended to read as follows:

“Net area of LNR or SINC lost to development”.

Reason for recommendation

The change provides clearer wording for the indicator but does not materially affect the nature of the Indicator. The change is not, therefore, significant.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation

1056.E63	Countryside Council for Wales	Object	Biodiversity - Target (c) should be reworded to state no net loss of LNR or SINC.
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COUNCIL ANALYSIS

The purpose of the SEA Targets is to provide a constant or level against which the monitoring results can be assessed. In order to do this the target needs to set a specific and measurable level that represents an improvement from past trend. However, the issue then arises over whether the target should be desired end point, i.e. the position that would reflect true sustainability, or whether it should identify a point on the way toward the desired point.

The targets have generally reflected the latter stance, as achieving truly sustainable development patterns during the plan period is unrealistic. In respect of this specific target, it should be noted that the target for SSSIs (Target B1b), which are a higher level of designation, is the same as that suggested by the Representor for SINC and LNRs. Given the SSSI target and the lesser protection afforded by the policy hierarchy, it would be inappropriate to adopt a similar target for SSSIs as for LNRs and SINC.

OFFICER RECOMMENDATION

No amendment is required in respect of this Representation.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation

4045.E3	Envirowatch UK	Object	The SEA does not address issue of water need and loss and its environmental effects
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COUNCIL ANALYSIS

The issue of water need is addressed fully in the Scoping Report under the Water Chapter. The primary needs for water relate to abstraction from source and provision of formal water supply. Paragraph W4 considers water need through abstraction and is reflected in the Objective and Indicator W1d, whilst paragraph W7 considers water need through water supply and is also reflected in the Objective and Indicator W1c. The issue is adequately addressed and the Representors contention that the SEA does not address the issues is refuted.

OFFICER RECOMMENDATION

No amendment is required in respect of this Representation.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation

Supporting Representations

4203.E1	The Coal Authority	Support	The SEA Scoping Report clearly addresses issues of ground stability, mine water and other potential coal legacy issues.
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Document 2 - Review of Relevant Plans, Programmes and Policies

1056.E41	Countryside Council for Wales	Comment	<p>Welcome the level of detail in the review and are pleased that previous comments have been accommodated. However the following documents need to be included in the detailed review</p> <ul style="list-style-type: none"> • The European Landscape Convention 2000 • Halting the loss of Biodiversity By 2010 - and Beyond: Sustaining Ecosystem Services for Human Well-Being (EC 2006) • Conservation (natural habitats & c) Regulations 1994 (as amended) • Wildlife and Countryside Act 1981 (as amended) • Countryside and Rights of Way Act 2000 • Natural Environment and Rural Communities Act 2006 • Planning (Listed Buildings and Conservation Areas) Act 1990 • Protection of Badgers Act 1992 • Hedgerow Regulations 1997 • LBAPs for adjacent and relevant authorities • Tir Gofal 1999
4058.E6	Welsh Historic Gardens Trust	Object	<p>The Review of Relevant Plans & Programmes is incomplete in respect of the built environment. Suggest the inclusion of the following relevant WAG Circulars into the National/Regional Section of Document 2:</p> <p>60/96 - Planning and Historic Environment: Archaeology</p> <p>61/96 - Planning and Historic Environment: Listed Buildings and Conservation Areas</p>

			61/98 - Planning and Historic Environment: Directions by The Secretary of State
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COUNCIL ANALYSIS

The Review of Relevant Plans Policies and Programmes (RRPPP) will need to be the subject of ongoing review and updating. The council welcome the identification of the above documents that will be incorporated into the RRPPP.

OFFICER RECOMMENDATION

The identified document will be included in the document.

Reason for Recommendation

The changes are factual and are not significant.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation

Document 3 - The Assessment of the Preferred and Alternative Strategies

1056.E42	Countryside Council for Wales	Object	Justification and explanation of the alternatives and how they were identified should be included.
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COUNCIL ANALYSIS

The alternative strategies identified in the LDP Preferred Strategy April 2007 document (Preferred Strategy Document), were developed as through the community involvement process of the LDP preparation. Chapter 6 of the Preferred Strategy Document outlines the procedure and considerations used in determining the alternative strategies, whilst Appendix 5 outlines the content and nature of each strategy.

The SEA/SA is a large body of work and it was determined at an early stage that it needed to be produced in as succinct form as possible in order for it to be usable as part of the LDP set of documents. Consequently it was decided that information that was outlined elsewhere in the LDP documentation would not be repeated in the SEA/SA documentation. Consequently, as the alternative strategies are adequately outlined in the Preferred Strategy Document, it would be inappropriate to replicate this information in the SEA.

OFFICER RECOMMENDATION

No amendment is required in respect of this Representation.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation

1056.E56	Countryside Council for Wales	Object	Appendix 1 - Assessment tests 10 and 16, arguably, do not comprehensively reflect the SEA Objectives, as they did not address whether the options might enhance relevant features.
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COUNCIL ANALYSIS

It is accepted that Assessment Tests 10 and 16 do not replicate their respective objectives. However it should be noted that the Assessment Tests have been identified, with the involvement of the Sustainability Group, to provide a series of appropriate strategic level questions to ask of the alternative Strategies. In both instances the objectives look for enhancement, whilst the Assessment Tests asked whether protection was afforded. The differing wording of the Assessment Tests was identified in the knowledge of the method being adopted in terms of showing results, i.e. using green, blue and red symbols to identify positive, neutral or negative effects. If a result reflected the Assessment Test, i.e. in this instance it protected rather than enhanced, it would receive a single positive result. If the result reflected a result over and above the Assessment Test, i.e. in this instance enhanced

rather than protected, it would receive a double positive result. Consequently whilst not specifically asking for it, the results indicate whether, in terms of Assessment Tests 10 and 16, the alternative strategies merely protect or enhance relevant features.

In addition to this it should also be noted that the SEA was an ongoing process and that the detailed LDP was also tested. The Assessment Tests relating to this level of assessment were more detailed and included tests that questioned whether enhancement would take place.

Given the above it is considered that, whilst not directly reflected in wording, the issue of enhancement in the relevant Assessment Tests has been taken account of appropriately

OFFICER RECOMMENDATION

No amendment is required in respect of this Representation.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation

Document 4 - The Assessment of the Detailed LDP

1056.E43	Countryside Council for Wales	Comment	Biodiversity - Amendments to Policy SP7 would overcome some of the issues identified in the Scoping Report.
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COUNCIL ANALYSIS

The Representor's comments in respect of Policy SP7 proposes that Planning Obligations should be used to secure the protection and enhancement of the environment and biodiversity. Whilst it is not proposed to amend the LDP In this respect, it should be noted that policy does not preclude Obligations being used as the Representor suggests. Consequently the Representor's suggestion that some of the issues within the Scoping Report may be overcome could well be realised.

OFFICER RECOMMENDATION

The comments are noted and no change be made in respect of this representation.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation

1056.E67	Countryside Council for Wales	Object	Assessment tests Soil - Disappointed that no assessments were made with regard to the area of Greenfield land lost.
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COUNCIL ANALYSIS

Whilst Greenfield land is a finite resource and its loss is an indicator of sustainability, it is not an appropriate issue to address through the Assessment Tests. Despite the range of government Brownfield development targets, all of them openly acknowledge that Greenfield development will also be required. There are no Brownfield targets in Wales and, as such, there is no basis of assessing whether the amount of Greenfield land lost is better (positive effect) or worse (negative effect) than any other alternative. Considering the amount of Greenfield land lost to development is an Indicator rather than an Assessment Test, as it is best used to monitor how the plan is performing. However, in terms of the Indicators, Indicator G1b relates to Brownfield land, from which loss of Greenfield land can be extrapolated.

In terms of Assessment tests, Assessment Test 9 asks "Will it remove derelict (Brownfield) land?" which reflects both Objective G1 and Indicator G1b. It is considered, therefore, that the issue is already sufficiently covered and that an Assessment Test on loss of Greenfield land would be inappropriate.

OFFICER RECOMMENDATION

No amendment is required in respect of this Representation.

COUNCIL RESOLUTION**Resolved to accept the officer recommendation**

1056.E65	Countryside Council for Wales	Object	Climatic Factors - Supports policies CW8 and CW9 but seeks clarity on the critical issue for biodiversity being greenhouse gas emissions.
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COUNCIL ANALYSIS

Paragraph 5.9.6, to which the Representor refers, relates back to the Issues identified in the Climatic Factor section of the Scoping Report, specifically Issue 6 “Effect on bio-diversity”. It should be noted that the reference to the greenhouse gas emissions being critical to biodiversity, is taken from the Climatic Factor position, in that the critical climatic factor issue for biodiversity is how greenhouse gas emissions are addressed. In terms of global climatic change and its impacts upon biodiversity, the key issue is how the LDP addressed the issue of greenhouse gas emissions.

It is not intended to address this issue as the critical issue for biodiversity, as this is appropriately addressed in the Biodiversity section. Paragraph 5.8.8 considers the issue of climate change, via greenhouse gas emissions, in the context of biodiversity.

OFFICER RECOMMENDATION

No amendment is required in respect of this Representation.

COUNCIL RESOLUTION**Resolved to accept the officer recommendation**

4045.E2	Envirowatch UK	Object	The SEA/SA has not considered the cumulative effect of the HoV allocations
4045.E5	Envirowatch UK	Object	There is no consideration of cumulative or indirect impact.

COUNCIL ANALYSIS

In undertaking the SEA/SA a number of decisions on procedural and reporting matters were taken. These decisions reflected how the assessments were undertaken and how they were reported. In respect of reporting there are a huge variety of ways in which the results could be reports, and an almost innumerable number of ways of aggregating sets of results for comparative and cumulative reasons. However this would have lead to Document 4 being an immense size, it would be impenetrable and of little use for anyone seeking to consider the sustainability of the LDP.

In respect of reporting it was decided to report on a policy basis (Section 4) and on a cumulative assessment relating to the Scoping Report Issues, which consider how the issues are addressed through all of the policies. This decision reflected that there were few negative cumulative effects across

issues or strategy areas or settlements, and the individual policies and Issues based reporting provided the best vehicle for disseminating the findings.

The full findings of each and every assessment have been published as part of the Deposit Consultation documentation and a review of the result identifies little significant cumulative effects of the policies and where potential for this is present mitigation and change to the LDP has been identified. In addition Appendix 6 provides a matrix that identifies secondary, cumulative and synergistic relationships between the policies and their severity. It is noted that the Representor has not highlighted any cumulative impact upon which to base this objection.

In addition to the above, the purpose of the SEA/SA is to ensure that environmental, as well as economic and social, factors are integral to the decision-making processes in the production of the LDP. As outlined in Paragraph 6.7 this has been more than adequately done in the production of the LDP. However it should also be noted that it is not possible for the SEA/SA to enable the delivery of a truly sustainable plan. The LDP starts with an unsustainable settlement pattern and seeks to make it more sustainable, and the SEA/SA is integral to this process. In respect of the LDP, major changes have been made to the LDP from the findings of the SEA/SA assessments, and it is this that is critical to the improvement in sustainability in the LDP.

Overall the SEA/SA meets its requirements, has made the LDP more sustainable and reports the assessment findings in the most appropriate way.

OFFICER RECOMMENDATION

No amendment is required in respect of this Representation.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation

1056.E66	Countryside Council for Wales		Assessment Tests Soil - Disappointed no assessments were made with regard to soil permeability
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COUNCIL ANALYSIS

Assessment Test 51 directly addresses the issue of permeable surfaces. The Assessment Test was developed in conjunction with the Environment Agency to address issues relating to flooding and surface run-off. This adequately covers the issue of ground permeability within developments. It does not, however, address the issue of existing permeability, but the SEA/SA is required to consider the effects of the LDP, and the LDP would not be able to address existing permeability issues.

OFFICER RECOMMENDATION

No amendment is required in respect of this Representation.

COUNCIL RESOLUTION**Resolved to accept the officer recommendation****Supporting Representations**

1056.E68	Countryside Council for Wales	Support	Appendix 6 - Welcome the Secondary, Cumulative and Synergistic Matrix
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Document 4A - The Assessment of the Detailed LDP – Appendix 8 (Assessment Results)

Supporting Representations

1056.E69	Countryside Council for Wales	Support	Welcome the presentation of the predicted effects of policies
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Document 5 - Habitats Regulations Assessment

4045.E1	Envirowatch UK	Object	The council has not carried out an ecological survey of allocations in the HoV Strategy Area to meet the requirements of the Habitats Directive
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COUNCIL ANALYSIS

The Habitats Regulations Assessment (incorporating Appropriate Assessment) of the LDP is contained in SEA/SA Document 5. The HRA has been produced in accordance with the Habitats Directive and the relative guidance and has taken account of the whole of the county borough and a buffer area of 15km outside the county borough boundary.

The purpose of the HRA is to assess the impacts of a development plan against the conservation objectives of a European designated site. The HRA is, therefore, based upon European designated sites rather than LDP Strategy Area. Consequently the Representor is incorrect in the assumption that the HRA has not taken account of the Heads of the Valley Strategy Area.

OFFICER RECOMMENDATION

No amendment is required in respect of this Representation.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation

LDP – Appendix 18

2215.D39	Wildlife Trust of South and West Wales	Object	Include an indicator to monitor biodiversity enhancement as a result of the planning process.
1593.D39	Gwent Wildlife Trust	Object	Include an indicator to monitor biodiversity enhancement as a result of the planning process.

COUNCIL ANALYSIS

The Representor supports the existing monitoring indicators in Appendix 18, particularly those that relate to biodiversity, and this support is noted and welcomed.

The Objectives, Indicators and targets that comprise Appendix 18 are taken from the SEA/SA of the LDP, namely Document 1 – The Scoping Report. The purpose of the indicators and targets are to enable monitoring of the LDP against identified sustainability objectives, which again have been developed in the Scoping Report. They have been restricted in number to ensure that the yearly monitoring exercise is both manageable and produces appropriate results to assess the LDP. The Indicators have been developed as part of the SEA/SA process and have been the subject of significant consultation and involvement. The biodiversity Indicators have been selected to reflect the relevant aspects of the Objective, and are considered to be an appropriate range that neither out-weights the biodiversity topic, nor precludes the objective from being assessed in respect of the LDP.

In respect of the Representors' suggested indicator there is concern whether a consistent interpretation of "biodiversity enhancement" could be achieved, especially in respect of development and the planning process. Development invariably realises both positive and negative effects and it is likely that both positive and negative effects in terms of biodiversity could be realised in one development. Balancing the positive and negative effects is a subjective judgement that could unreasonably skew the findings of any monitoring exercise. In addition to this there is currently no mechanism for recording this information to enable easy collection to enable it to be used in a yearly monitoring exercise.

Overall there is insufficient justification to include the new Indicator

OFFICER RECOMMENDATION

No amendment is required in respect of this Representation.

In Summary

Whilst there are 4 issues that have resulted in recommended changes, three of the changes relate to minor changes and the fourth is an update to the Review of Relevant Plans, Policies and Programmes, none of them are significant in terms of the assessment work undertaken as part of the LDP preparation. Consequently the findings of the SEA/SA assessments and the changes made to the LDP as a result have not been undermined or compromised. Therefore the SEA/SA remains sound in respect of the LDP as the vehicle for demonstrating that the LDP has been produced in accordance with the provisions of the SEA Directive and the national requirement for sustainability appraisal.

No amendments are proposed in respect of the HRA and so the HRA remains sound in respect of the LDP as the vehicle for demonstrating that the LDP has been produced in accordance with the provisions of the Habitats Directive.

REPRESENTATIONS TO THE SUSTAINABILITY APPRAISAL (SA) / STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) AND HABITAT REGULATIONS ASSESSMENT

Altogether 33 representations were received to the SA/SEA from organisations, bodies and individuals, comprising 2 representations of support, 23 representations of objection and a further 8 representations containing comments. One representation was not duly made because it was submitted after the consultation deadline. This representation is listed below.

SEA / SA & HRA

1056.E2	Countryside Council for Wales	HRA - Comments on HRA of the LDP
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