

<b>Local Development Plan – Options for undertaking the LDP Sustainability Appraisal, including the Strategic Environmental Assessment.</b>	<b>22<sup>nd</sup> June 2016</b>
<b>Planning Committee</b>	

<b>Linkage to Council Strategy (2015-19)</b>	
<b>Strategic Theme</b>	<b>Outcome</b>
Leader & Champion	<ul style="list-style-type: none"> <li>We will establish key relationships with Government agencies and potential strategic partners in NI and external to it which helps us to deliver our vision for this Council area.</li> </ul>
Protect the environment in which we live	<ul style="list-style-type: none"> <li>All environments in the area will benefit from pro-active decision making which protects the natural features, characteristics and integrity of the Borough;</li> </ul>
<b>Lead Officer</b>	Sharon Mulhern
<b>Cost:</b>	Preferred option of approximately £50k over 6 year period

## **For Decision**

### **1.0 Background**

- 1.1 The purpose of this paper is to outline the key options available for undertaking the Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA) of the Local Development Plan and to seek Member views on the preferred option.
- 1.2 The Planning Act (Northern Ireland) 2011 places a statutory duty, on Councils producing an LDP, to undertake an SA. This appraisal examines the Social, Economic and Environmental impacts of the LDP. It must be carried out on each of the Development Plan Documents; the Plan Strategy and Local Policies Plan. As each document will incorporate an assessment of environmental effects of the LDP, they must also comply with the requirements set down in the European Directive 2001/42/EC; on the assessment of effects of certain plans and programmes on the environment (SEA Directive).
- 1.3 In NI, this Directive was transposed in the form of the 'Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004.

Council's LDP constitutes a qualifying plan under both this and regional legislation. As such it is a statutory requirement to undertake an SEA.

- 1.4 SA/SEA is an iterative process, ongoing throughout the LDP lifetime.
- 1.5 As work on the LDP preparation is now progressing well through the early evidence gathering stage, towards the preparation of the Preferred Options Paper, there is now a need to address the means of undertaking the required Sustainability Appraisal.

## **2.0 Detail**

- 2.1 The purpose of the SA Report is to present the findings of the appraisal and demonstrate that reasonable alternatives and any significant effects have been taken into account in developing the LDP through the various stages. The SA Report should provide the context to the policy approach and LDP development, and provide an outline of the measures envisaged to meet the monitoring requirements.
- 2.2 The SA and resulting reports will form important elements of the "test of soundness" of the LDP as part of the evidence base for the draft LDP. The reports will be subjected to very detailed scrutiny due to their importance in shaping the proposals within the draft LDP. Therefore this work, which is to be carried out in parallel with the LDP preparation, must above all be transparent, robust and consistent.
- 2.3 There are 5 Options presented for consideration, as follows:

**Option 1** - Prepare the entire SA In-house;

**Option 2** - Expand Council's LDP team to incorporate this specialism;

**Option 3** - Engage consultants to assist the LDP team to prepare the SA in-house by providing independent advice and guidance (as a "critical friend") during its production;

**Option 4** - Engage Consultants to prepare the SA and take it through the entire LDP process; or

**Option 5** - Engage the Shared Environmental Services (SES) to prepare the SA and take it through the entire LDP Process.

## **3.0 Review of Options**

**Option 1** - Prepare the entire SA in-house:

- 3.1 In this option the SA Report would be undertaken in-house entirely by the LDP team. The SA is a complex and wide ranging area of work that may be subject to particular public scrutiny and potential legal challenge. Given the current level of

expertise among staff within the team, and the considerable amount of LDP work to be undertaken, it is considered that it would be extremely difficult and time consuming to develop the necessary skills set required for such a specialised area. If not carried out to the highest standard the SA would be found to be 'unsound', thus delaying the entire LDP process. Although this option has the obvious benefit of building up necessary in-house expertise, it would have an adverse impact on the LDP timetable.

**Option 2** - Expand Council's LDP team to incorporate this specialism:

- 3.2 This option would have the benefit of securing a specialist officer within the LDP team, thereby allowing staff to benefit from this knowledge. However, the appointment would only be for a fixed term of 5 years. The officer would be expected to be at least a P01-P02 grade, at an annual cost to Council of approx. £38-£41K (includes employers National Insurance and Pensions contributions). The expertise would be lost following the termination of the 5 year contract.

**Option 3** - Engage consultants to assist the LDP team to prepare the SA in-house by providing independent advice and guidance during its production:

- 3.3 This option would involve the appointment of a consultant to provide an overseeing role, guidance and advice to the LDP team. Alternatively, a council official from another local authority may perform this role, and act as a 'critical friend' to the LDP team. Their role would be to ensure the SA was in accordance with current regulations, and to provide guidance and advice at critical times in the process. In this option the SA Report would be undertaken entirely by the LDP team. Whilst the benefit of having a third party provide an overseeing and critical role is recognised it would be extremely difficult and time consuming to develop the necessary in-house skills set required for such a specialised area. A further disadvantage of this option is that the council official from another local authority could, at any time in the process, become unavailable and this lies outside the LDP team's control. Research into indicative costs highlights that this option may cost from £25,000 - £50,000 although this would be spread over a number of years.

**Option 4** - Engage consultants to fully prepare the SA and take it through the entire LDP process:

- 3.4 The benefit of this approach is that an experienced consultant would already have the required expertise, allowing the preparation of a "sound" SA Report. A disadvantage of this option is the lack of opportunity to develop staff in-house. A further, more obvious, potential disadvantage is the potential cost this option may involve. Research into indicative costs highlights that this option may be upwards of £50,000, although this would be spread over a number of years.

**Option 5** - Engage the Shared Environmental Services (SES) to prepare the SA and take it through the entire LDP Process:

- 3.5 SES was originally established in line with the transfer of planning functions to local councils, to provide support in meeting their environmental responsibilities,

particularly in relation to the Habitats Regulation Assessment (HRA). SES proposes to extend its service to now provide assistance to councils in the full preparation of their SAs. SES will provide a dedicated officer to work with Council's LDP team. The service is designed to be responsive to the needs of each individual council, and could complement and build skills in-house. Although there would be a cost to Council for this service, SES has advised that it is not seeking to make a profit, only looking to provide a good value service which is reflected in its pricing. The cost of this option could be in the order of £50,000 (max) overall, again spread over a number of years.

#### **4.0 Preferred Option**

4.1 It is considered that the least cost-effective option is Option 2. The most cost-effective and advantageous option is Option 5: Engage the Shared Environmental Services (SES) to prepare the SA and take it through the entire LDP Process. SES operates its service on a "not for profit" basis, and this option allows the LDP team to develop its understanding of the SA process through regular contact with the SES dedicated officer, who will be locally accessible. SES is also charged with preparing the Borough's HRA, therefore, they will have prior knowledge of the Borough's environment.

#### **5.0 Financial Implications**

5.1 Contained within each of the 5 options detailed above.

#### **6.0 Other Implications**

6.1 Contained within each of the 5 options detailed above.

#### **7.0 Recommendation**

7.1 **IT IS RECOMMENDED** that Members note the contents of the paper and agree to the preferred Option (5) to employ SES to carry out the Sustainability Appraisal for Council's LDP.