

Toad's Hole Valley Supplementary Planning Document (SPD)

Strategic Environmental Assessment Post Adoption Statement, September 2017

Regulation 16 of The Environmental Assessment of Plans and Programmes Regulations 2004

1 Background

- 1.1 Brighton & Hove City Council adopted the Toad's Hole Valley SPD on 21st September 2017. In preparing the SPD, the Council undertook a parallel process of Strategic Environmental Assessment.
- 1.2 This statement has been published in order to comply with Regulation 16 (4) (Post Adoption Procedures) of the Environmental Assessment of Plan and Programmes Regulations (2004). This requires the council, as soon as reasonably practical following adoption, to produce a statement which contains the following:
- How environmental considerations have been integrated into the SPD (16(4a))
 - How the SEA report has been taken into account (16(4b))
 - How any opinions expressed by consultation bodies and the wider public have been taken into account (16(4c and 4d))
 - The reasons for choosing the SPD as adopted, in light of other reasonable alternatives (16(4e))
 - The measures that are to be taken to monitor the effects of implementation of the SPD (16(4f))
- 1.3 The Regulations set out the circumstances when SEA is required. Certain types of SPD only require SEA if they are likely to result in significant environmental effects, and in these cases, a screening determination is required to be produced on the likelihood of whether there will be significant environmental effects, and consulted upon.
- 1.4 As work on the screening commenced, it became apparent that the SPD fell under the description of a plan & programme within the Regulations that automatically required SEA. This is because:
- It is subject to preparation and adoption by a local authority (Reg. (2(1)(a) & (b)), and
 - It is regulated by legislative, regulatory or administrative provisions (Reg. 2(1)(c)), and
 - It is prepared for town & country planning purpose AND is a framework for consent of projects that will require an Environmental Impact Assessment, (Reg. 5(2)(a) & (b)), and
 - It does not determine the use of a small area at local level (Reg. 5(6)(a); 5(6)(b)), and
 - It is not prepared to serve national defence or civil emergency, nor is it a financial plan, nor is it a project financed by structural funds (Reg. 5(5)(a)(b) or (c)).
- 1.5 In cases where these criteria apply, then SEA is automatically required without needing to determine whether or not the SPD will result in significant environmental impacts. See Appendix A for flow chart. Although the wording regarding being a "framework" can be open to interpretation, as a planning guidance document, an SPD will form part of the adopted planning framework.

2 How environmental and wider sustainability considerations have been integrated into the SPD

- 2.1 The aspirations for development of a new community on the Toad's Hole Valley site were established in the City Plan Part 1 Policy DA7 Toad's Hole Valley. The purpose of the SPD is to assist in the delivery of this policy's vision for "a modern, high quality and sustainable mixed use development (that helps to) meet the future needs of the city, improve accessibility and provide new community facilities to share with adjacent neighbourhoods."
- 2.2 The SPD has undergone three main stages of preparation which are described in more detail in section 3. At each stage, either options for the SPD or sections of the SPD have been appraised against the

Sustainability Objectives Framework which has ensured environmental, economic and social considerations have been integrated into the plan.

- 2.3 The first stage of the Strategic Environmental Assessment process was the production of the Scoping Report at SPD pre-production stage. Within this report, information on relevant plans, strategies and programmes, as well as baseline data was collated in order to identify sustainability issues for the city and for the Toad’s Hole Valley area where available. These issues were used to inform the development of the Sustainability Framework which the emerging SPD was assessed. It should be noted that the Sustainability Framework largely draws upon that development as part of the City Plan Part 1 process. The Framework was initially set out in the Scoping report, and then was revised following consultation comments. The amended Framework was then applied throughout the subsequent stages.
- 2.4 The Sustainability Objectives included environmental and social objectives, as required by the Regulations, as well as economic objectives due to the link between economic and social issues. The Sustainability Objectives are presented in table 1. It should be noted that Decision Making Criteria were also developed to help guide the assessments.

Table 1 – Sustainability Framework

| Sustainability Objective |
|--|
| 1. To prevent harm to and achieve a net gain in biodiversity under conservation management as a result of development and improve understanding of local, urban biodiversity by local people. |
| 2. To improve air quality by continuing to work on the statutory review and assessment process and reducing pollution levels by means of transport and land use planning. |
| 3. To maintain local distinctiveness and preserve, enhance, restore and manage the city’s historic landscapes, townscapes, parks, buildings and their settings and archaeological sites effectively. |
| 4. To protect, conserve and enhance the South Downs and promote sustainable forms of economic and social development and provide better sustainable access. |
| 5. To meet the need for decent housing, particularly affordable housing. |
| 6. To reduce the amount of private car journeys and encourage more sustainable modes of transport via land use and urban development strategies that promote compact, mixed use, car-free and higher-density development. |
| 7. Minimise the risk of pollution to water resources in all development. |
| 8. Minimise water use in all development and promote the sustainable use of water for the benefit of people, wildlife and the environment. |
| 9. To promote the sustainable development of land affected by contamination. |
| 10. To balance the need for employment creation in the tourism sector and improvement of the quality of the leisure and business visitor experience with those of local residents, businesses and their shared interest in the environment. |
| 11. To support initiatives that combine economic development with environment protection, particularly those involving targeted assistance to the creative & digital industries, financial services, tourism, retail, leisure and hospitality sectors. |
| 12. To improve the health of all communities in Brighton & Hove, particularly focusing on reducing the gap between those with the poorest health and the rest of the city. |
| 13. To integrate health and community safety considerations into city urban planning and design processes, programmes and projects. |
| 14. To narrow the gap between the most deprived areas and the rest of the city so that no one should be seriously |

| Sustainability Objective |
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| disadvantaged by where they live. |
| 15. To engage local communities into the planning process |
| 16. To make the best use of land available |
| 17. To maximise sustainable energy use and mitigate the adverse effects of climate change through low/zero carbon development and maximise the use of renewable energy technologies in both new development and existing buildings. |
| 18. To ensure all developments have taken into account the changing climate and are adaptable and robust to extreme weather events. |
| 19. To encourage new developments to meet adopted sustainable building standards. |
| 20. To promote and improve integrated transport links and accessibility to health services, education, jobs and food stores. |
| 21. To reduce waste generation and increase material efficiency and reuse of discarded material by supporting and encouraging development, business and initiatives that promote these and other sustainability issues. |

2.5 This framework has been used to appraise the SPD at the various stages. It has enabled the identification of positive, negative and cumulative effects against a broad range of issues and has ensured the integration of sustainability considerations into the SPD.

3 How the SEA report has been taken into account

3.1 Production of the SPD has been carried out as an iterative process. The various sections of the SPD have been subject to a comparable assessment via the Sustainability Framework, with refinement to the SPD taking place.

3.2 The following table shows the various stages of the Toad’s Hole Valley SPD that have been undertaken. At each stage, there has been an equivalent stage of Strategic Environmental Assessment. At each stage, where appropriate, the SPD was developed and modified to take into consideration the Strategic Environmental Assessment findings.

Table 2: Stages of SEA / SPD Production

| Date | Stage | SEA stage |
|----------------|------------------------|-------------------------------|
| February 2015 | Pre-production | SEA Scoping Report |
| March 2016 | Issues & Options Stage | Issues and Options Assessment |
| January 2017 | Draft SPD stage | Draft SPD Assessment |
| September 2017 | Final SPD stage | Final SPD Assessment |

3.3 It should be noted that the Issues and Options Assessment was not published separately, but was included with the SEA report of the draft SPD, which was published in January 2017.

3.4 The following paragraphs briefly summarise how the SEA findings were taken into account. The summary is set out by SPD stage.

Issues & Options

3.5 Prior to this stage, the Scoping Report was produced. This report helped to identify the social, economic and environmental issues that needed to be addressed and considered by the SPD and

helped to identify which other plans and programmes had a bearing on the SPD. These issues fed into the SPD Issues and Options document.

3.6 At the issues and options stage the SPD set out the following issues as needing further consideration:

- Housing
- Office
- Education
- Community & Retail
- Environment
- Transport and Travel
- Public Realm and Blue/green Infrastructure

3.7 For each issue, the following options were put forward:

- City Plan only (option 1)
- Broad brush SPD (option 2)
- Detailed SPD (option 3)

3.8 The SEA carried out an assessment of the 3 options against the Sustainability Framework and concluded that although there wasn't any consistent preferred approach, that either of the options 2 or 3 seemed to provide greater potential for more significant positive impact than option 1 alone, as both would provide opportunities to include guidance on various measures which could result in greater positive effects if implemented.

3.9 The findings of the SEA were considered in the preparation of the draft SPD.

Draft SPD stage

3.10 At this stage, the SEA assessed the 10 topics within Section 6 of the SPD "Development Response" as these topics provided the main guidance for delivery. The other sections were considered to provide background information and were not subject to SEA appraisal.

- Quantum of development
- Master-planning and landscape-led design
- Place making
- Housing
- Office
- Education
- Community and Retail
- Environment
- Transport and travel
- Public realm and green-blue infrastructure

3.11 The SEA made a number of recommendations to the various sections which resulted in the following additional text:

- Reference to the potential need for ecological assessment
- Reference to opportunities to reduce/minimise light pollution in recognition of the SDNP Dark Skies Reserve status
- Reference to opportunities to reduce water demand

- Reference to ensuring road safety of those accessing the site for school
- Reference to ensuring any traffic-calming measures implemented don't result in air quality issues

Final SPD stage

- 3.12 At this stage, the SEA re-assessed the 10 topics within Section 6 "Development Response", all of which had undergone amendments resulting from consultation on the draft SPD.
- 3.13 The SEA made no further recommendations at this stage and noted that previous SEA recommendations had been implemented.
- 3.14 To summarise, the SEA has been integrated into the process of SPD production. It has helped to highlight key issues, has enabled a comparative assessment of options to be undertaken, has made recommendations to enhance and refine wording of the SPD, and has set out measures to monitor potential impacts.

4 How any consultation comments have been taken into account

- 4.1 There have been 2 main stages of consultation of the SEA; firstly at Scoping Stage, and secondly at draft SPD stage, where the SEA incorporated the results of the assessments of the Issues & Options and draft SPD stages. There have been 2 main stages of consultation on the SPD: the Issues & Options stage and the draft SPD stage.
- 4.2 Consultation was always in accordance with the relevant Town & Country Planning Regulations and the council's adopted Statement of Community Involvement 2015. Specifically, in accordance with Regulation 13 of the SEA Regulations, consultation always included the three statutory bodies; Natural England, Environment Agency and Historic England.
- 4.3 Following each stage of consultation on the SPD, a Consultation Statement was produced detailing what consultation was undertaken, where and with whom and providing a summary of the findings.
- 4.4 Consultation comments that related directly to the SEA were also included within the subsequent SEA Report; e.g. comments on the SEA Scoping Report were included within Appendix C of the SEA of the draft SPD (January 2017), and comments on the SEA of the draft SPD (January 2017) were included in Appendix C of the SEA of the final SPD (September 2017). These Appendices also provide a response to show how the comments have been taken into account. The brief summaries set out below indicate how some of the representations on the SEA were taken into account.

Scoping Report

- 4.5 The following sections were amended following consultation comments:
- Additional or updated Plans, Policies and Guidance included
 - Sustainability Issues section updated
 - Amendments to Sustainability Framework , with Decision Making Criteria added
 - Amendment to statement on the need for SEA (Appendix A of revised Scoping Report), with further explanation regarding the wording "setting the framework"

Draft SPD

- 4.6 There were no changes to the SEA resulting from the consultation comments received at this stage.

5 The reasons for choosing the SPD as adopted, in light of other reasonable alternatives

- 5.1 The Toad's Hole Valley SPD was prepared in an iterative way with the SEA helping to inform production of the SPD. There was one stage in the preparation of the SPD which involved the consideration of options; the Issues and Options stage. The draft and final SPD stages involved the SEA refining the policies presented.

Issues & Options Stage

- 5.2 The Issues and Options paper set out 7 issues which would need to be addressed in the SPD and 3 options for tackling these issues, including no SPD (option 1), broad brush SPD (option 2) and detailed SPD (option 3).
- 5.3 The SEA carried out an assessment of the 3 options against the Sustainability Framework. The SEA concluded that although there wasn't any consistent preferred approach, that either of the options 2 or 3 seemed to provide greater potential for more significant positive impacts against a range of sustainability objectives than option 1 alone, as both would provide opportunities to include guidance on various measures which could result in greater positive effects if implemented.
- 5.4 Production of the SPD was considered to be the most sustainable approach compared to not producing the SPD.

Conclusion of the SEA

- 5.5 The SEA found that the SPD could potentially have the following impacts, depending on how development is implemented and depending on how adverse impacts are mitigated:

Positive impacts:

- 5.6 The SPD may have significant positive effects on housing, economic development and employment. It may help facilitate delivery of a variety of housing types, provision of land for a variety of employment uses, and provision of other wider community uses including shops, health and education, all of which will provide employment opportunities.
- 5.7 The SPD may have significant positive effects by facilitating the creation of a locally distinctive neighbourhood through suggestions to cluster different uses together which may help form a focal point for the neighbourhood, including opportunities for play, community uses, retail and higher density housing. The SPD may also result in significant positive effects on increasing access through suggestions to deliver a network of paths and roads that connect the different uses within the site, as well as connecting the site itself with the wider area.
- 5.8 The SPD may have significant positive effects on making the best use of land through the amount of development anticipated, and through suggestions of measures which combine certain features which would help to use land efficiently, such as open space incorporating for play and food growing, and using nature based sustainable drainage systems that have benefits for health and the environment.
- 5.9 The SPD may have a range of positive effects for health through delivery of some of the wider determinants of health including housing, education and employment opportunities, may help to encourage active lifestyles through delivery of a network of public and open spaces as well as active travel, and through the suggestion to cluster uses together which could provide opportunities for social interaction.
- 5.10 The SPD may result in positive effects on health & safety through suggestions of measures which provide passive surveillance such as the clustering of uses, and through suggestions which may improve access particularly to adjacent areas.

- 5.11 The SPD may result in opportunities which reduce deprivation, including provision of housing, employment and education, depending on take-up by communities.

Mixed Impacts

- 5.12 The SPD may have mixed and uncertain impacts on biodiversity. Adverse impacts may arise due to the loss of a greenfield site which provides various ecosystem services as well as having potential ecological value, and due to the risk of increasing recreational pressure on the SNCI from the new community. However the SPD provides examples of measures which may provide mitigation to these effects such as suggestions for incorporating biodiversity across the site, as well as suggestions to ensure the appropriate management of the SNCI.
- 5.13 The SPD may result in mixed impacts on air quality and transport. Adverse impacts may arise due to the increase in journeys made to, from and within the area from the increased local population and also due to travel for work and education purposes. The SPD provides examples of measures which may provide mitigation to these effects such as suggestions which promote sustainable and active travel, such as pedestrian and cycle crossing points and extension of bus routes into the site.
- 5.14 The SPD may result in mixed impacts on the SDNP. Adverse impacts may arise resulting from the amounts of development delivered and the risk of adverse visual effects and light pollution. The SPD provides examples of measures which may provide mitigation to these effects such as the consideration of visual impacts and strategic views, the suggested possible locations for high density development, and through recommendations to limit light pollution and effects on the Dark Skies Reserve status.
- 5.15 The SPD may result in mixed impacts on water pollution/flooding and adapting to climate change. Adverse impacts may arise due to the urbanisation of a greenfield site and the increased risk in surface water flooding this may result in, as well as the potential for increased local temperatures due to increased massing and building form in this location. The SPD provides examples of measures which may provide mitigation to these effects such as guidance on suggestions for delivering opportunities to manage water, nature-based sustainable drainage systems, and suggestions of measures which help to regulate temperature, such as biodiverse features incorporated into buildings.
- 5.16 The SPD may result in mixed impacts on water and energy consumption and production of waste. Adverse impacts may arise due to the increased population and the resources consumed and waste generated. The SPD provides examples of measures which could help reduce the ecological footprint of the development and which may mitigate these effects such as the encouragement of high standards of building design, through guidance on water management and through guidance on opportunities which could reduce demand for water and energy.
- 5.17 The combination of implementation of the SPD with the City Plan Part 1 policies and other adopted policy should help to reduce the likelihood and significance of most of the adverse impacts identified above. Impacts which may be more difficult to mitigate are those related to transport which may be somewhat reliant on changing travel behaviour, and those arising from increased resource use due to an increased population.

6 The measures that are to be taken to monitor the effects of implementation of the SPD

- 6.1 The Environmental Assessment of Plans and Programmes Regulations 2004 require that local authorities *“monitor the significant environmental effects of the implementation of each plan or programme with the purpose of identifying unforeseen adverse effects at an early stage and being able to undertake appropriate remedial action.”*
- 6.2 The City Plan Part 1 includes a monitoring framework which identifies a clear method for managing and monitoring implementation of the Plan. This framework is set out in Annex 1 Implementation and Monitoring of the City Plan. This includes monitoring for Policy DA7 Toad’s Hole Valley.
- 6.3 Additionally, the SEA has put forward a number of indicators for monitoring the implementation of the Toad’s Hole SPD. These are presented in table 3.

Table 3: Monitoring Indicators

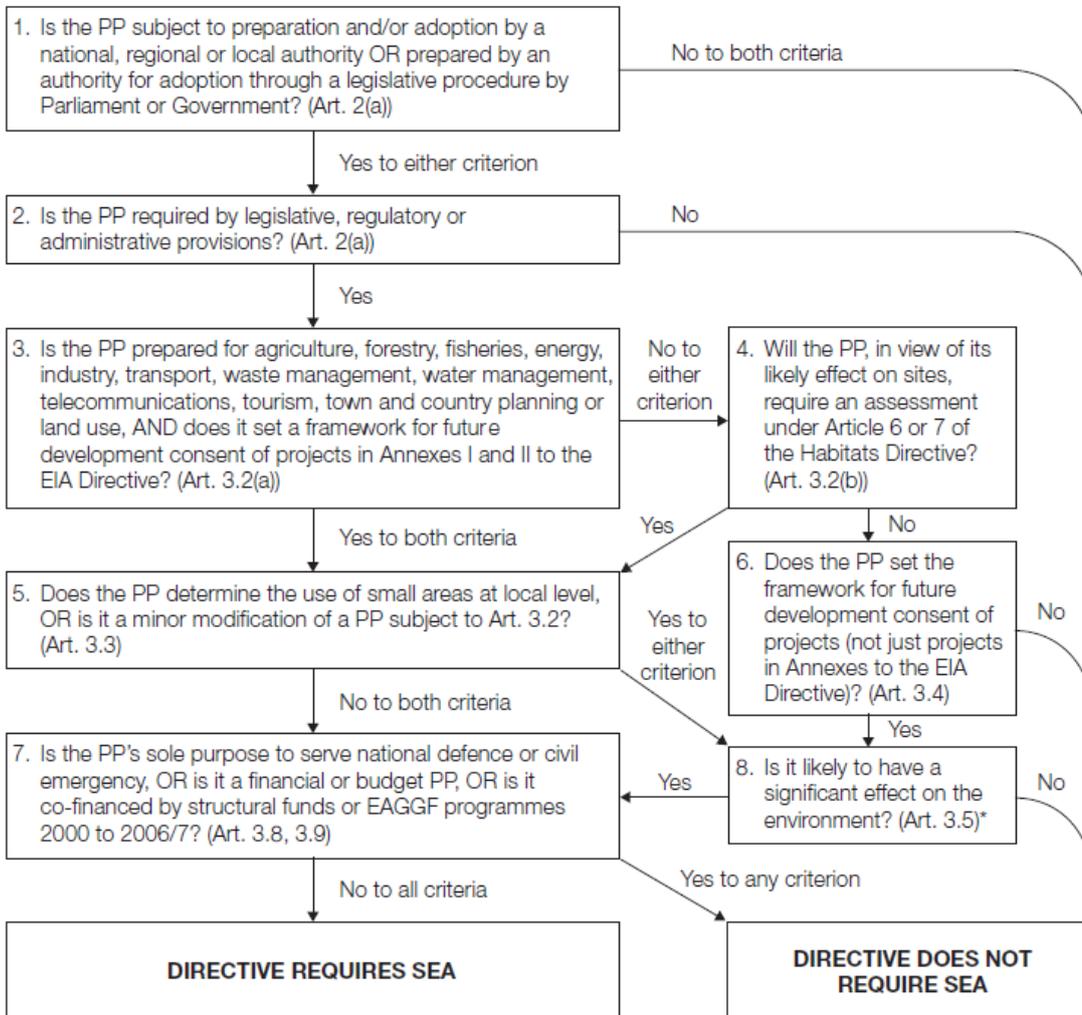
| Effect/SA objective | Proposed Monitoring Indicators |
|--|--|
| Housing | <ul style="list-style-type: none"> • Total number of units of dwellings delivered (on site) • Number of units and % (of total housing units) delivered that are affordable dwellings (on site) • Number and % (of total housing units) delivered that are 3+bedroomed (on site) |
| Employment/economic development | <ul style="list-style-type: none"> • Area (sqm) of B1 office space delivered (on site) |
| Local distinctiveness / Access | <ul style="list-style-type: none"> • Area (sqm) of A3 floorspace delivered (on site) • Area (sqm) of D1 floorspace delivered (on site) • Area (sqm) of open space provided (on site) |
| Making the best use of land | <ul style="list-style-type: none"> • Net housing density achieved (on site) |
| Flood Risk / Water pollution / Climate Change Adaptation | <ul style="list-style-type: none"> • % of residential development incorporating SUDS (on site) |
| Water consumption | <ul style="list-style-type: none"> • Number and % of residential development achieving CP8 policy target of 110l/p/day (on site) |
| Energy consumption | <ul style="list-style-type: none"> • Number of units and % of residential development achieving CP8 policy target of 19% energy reduction over Part L standards (on site) • Number of units and % non-residential development achieving CP8 policy requirement of BREEAM excellent (on site) |
| Transport | <ul style="list-style-type: none"> • Reductions in CO2 emissions from transport within Brighton & Hove |
| Biodiversity | <ul style="list-style-type: none"> • SQM habitat features added/lost (on site) |

- 6.4 The performance of the SPD will be reported annually in the Authorities Monitoring Report.

Appendix A –

Diagram to guide the criteria for the Application of the Directive to plans and programmes, taken from Strategic Environmental Assessment Directive: Guidance for Planning Authorities, ODPM 2003 (now withdrawn)

This diagram is intended as a guide to the criteria for application of the Directive to plans and programmes (PPs). It has no legal status.



*The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.