

Determination Statement on the need for a Sustainability Appraisal (SA) for the Established Employment Areas Supplementary Planning Document.

1.0 Introduction

- 1.1 Recent changes to the Planning and Compulsory Purchase Act 2004 made by the Planning Act 2008 and associated regulations have removed the Sustainability Appraisal from the list of documents that have to be prepared alongside an SPD.
- 1.2 An Explanatory Memorandum¹ similarly describes that, under the 2008 Act, local planning authorities (LPAs) will no longer have to prepare a SA report for their SPDs (paragraph 4.3). It goes on, at paragraph 7.6, to describe that the policy intention behind this change is “to bring to an end the duplication of effort and poor use of resources resulting from LPAs having to prepare a SA report even when a SA had already been prepared for an overarching DPD”.
- 1.3 However, at paragraph 8.29, it is indicated that LPAs will still need to screen their SPDs to ensure that legal requirements for SA are met where there are impacts that have not been covered in the appraisal of the parent Development Plan Document (DPD) or where an assessment is required by the Strategic Environmental Assessment (SEA) Directive².
- 1.4 This report constitutes a Determination Statement as to the need for a Sustainability Appraisal of the SPD. The report sets out the SA screening process of the Council’s proposed Established Employment Areas SPD along with the reasoning behind the determination that no significant additional sustainability issues are raised by the SPD that have not already been considered through the appraisal of the Unitary Development Plan (UDP).

2.0 Established Employment Areas Supplementary Planning Document and Unitary Development Plan (UDP) Policy E5

- 2.1 The city council is preparing an Employment Land Supplementary Planning Document (SPD). The SPD will supplement the guidance under UDP Policy E5 (Development Within Established Employment Areas) and also provides an explanation of the relationship between this policy and UDP Policy MX1 (Development in Mixed-Use Areas).

¹ Explanatory Memorandum to the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009 - http://www.opsi.gov.uk/si/si2009/em/uksiem_20090401_en.pdf

² European Directive 2001/42/EC transposed into United Kingdom law by the Environmental Assessment of Plans and Programmes Regulations 2004,

- 2.2 Policy E5 is specifically targeted at established employment areas across the city and provides a number of criteria with which these areas are defined. The policy allows for the development of employment uses within these areas and, in order to ensure the city maintains an adequate supply of employment land and premises, identifies a number of policy tests which proposals for non-employment uses have to meet in order to be deemed acceptable within employment areas.
- 2.3 The SPD will largely focus on these latter protective tests, providing further detail as to the types of evidence that should be submitted alongside relevant applications. The document will not therefore introduce new policy but will focus on implementation and evidence requirements in relation to an existing policy targeting established employment areas.

3.0 Sustainability Appraisal

- 3.1 As described above, the proposed Established Employment Areas Supplementary Planning Document supplements policies E5 (Established Employment Areas) and MX1 (Development within Mixed-use Areas) of the Adopted City of Salford UDP 2006.
- 3.2 The UDP was appraised at a number of stages during its production, specifically picking out both Policy E5 and Policy MX1.
- 3.3 In respect of Policy MX1 it is only intended that the SPD will clarify the relationship between the mixed-use aspirations of this policy and the protective guidance in respect of employment under Policy E5. The SPD is therefore primarily focused on UDP Policy E5 and will not add to the considerations under Policy MX1. Therefore, in respect of Policy MX1, the SPD will not raise any additional sustainability issues beyond those considered in the SA of the UDP.
- 3.4 As the primary focus of the SPD, it is in relation to the comments in respect of Policy E5 that there could be any significant sustainability issues. Below is a summary of the conclusions of the SA of the UDP in respect of Policy E5, along with a description of the potential impacts of the SPD in respect of each sustainability issue.

4.0 Policy E5

- 4.1 At the First Deposit Stage of the UDP³ the appraisal described that, consistent with its overall concern to add to the economy of the City, the Plan takes a fairly accommodating attitude to additional employment opportunities on sites not allocated for employment, and seeks to protect existing employment sites from other development, in

³ Baker Associates (February 2003) Sustainability Appraisal of the City of Salford UDP First Deposit Draft Replacement Plan 2002-2011.

each case with policies that set out sound criteria for the consideration of such proposals.

- 4.2 In summary, the appraisal describes that the Plan chapter on employment and the economy, in seeking to strengthen and diversify the local economy, is likely to be quite successful, but with some costs in terms of environmental impacts and resource use (this comment is policy unspecific). The Plan is aware of this perhaps inevitable trade off given the nature of the areas and its needs, and is seeking to manage the balance positively (Paragraphs 11.8 and 11.9).
- 4.3 The appraisal assessed each UDP Policy against a set of “sustainability objectives” which are shown in the table below. Against each objective the policy was assigned one of four ratings
- O = Likely to contribute to the achievement of greater sustainability according to the identified concern
 - ‘X’ = Likely to detract from the achievement of greater sustainability according to the identified concern
 - ‘?’ = Likely, but unpredictable effect
 - ‘-’ = No identified relationship between the topic covered in the policy and the sustainability concern.
- 4.4 The two columns to the right describe the potential impact of the SPD on each of the identified sustainability indicators and identifies whether there would be any additional significant sustainability issues raised by its production.

Concern		Explanation and desirable direction of change	Rating for Policy E5 in the SA of the UDP	Description of the potential impact of the SPD	Significant Sustainability Issues
SP1	Participation	To increase the sense amongst the community that the planning decisions made are the proper way forward to meet understood needs.	-	<p>The SPD will supplement Policy E5 of the Adopted UDP.</p> <p>The SPD will provide further guidance in respect of the sorts of evidence that will be required in order to consider planning applications against the requirements of the policy which could bring with it a greater level of transparency and consistency.</p> <p>The SPD could therefore contribute positively to this sustainability objective however, whilst important, this impact is not considered to create any significant issues of sustainability that need to be assessed through a full appraisal.</p>	No
SP2	Accessibility	To enable people all to have similar and sufficient levels of access to services, facilities and opportunities.	-	Policy E5 seeks to protect a portfolio of employment areas within the city in order to provide for businesses and jobs. In considering the future of employment areas the policy does not include any criteria related to equality of opportunity. It does however allow for the redevelopment of employment areas in order to contribute to the implementation of an approved regeneration strategy or plan (criterion 2c).	No

Concern		Explanation and desirable direction of change	Rating for Policy E5 in the SA of the UDP	Description of the potential impact of the SPD	Significant Sustainability Issues
				The SPD will ensure that a full and detailed evidence base is submitted alongside planning applications that seek to redevelop employment areas for alternative uses, including the criterion identified above. However, it does not introduce any additional issues that would act to ensure similar levels of access across the city.	
SP3	Housing	To provide the opportunity for people to meet their housing needs	?	<p>As described above, in respect of the protective criterion laid out under Policy E5, the SPD will ensure a full and detailed evidence base is considered. This could result in employment areas being protected that may otherwise have been released for alternative uses, such as housing. Equally, these same considerations may lead to employment areas being released for other uses that may otherwise have been protected in their current use.</p> <p>The overall impact of the SPD, whilst important in terms of proper decision making, is therefore not considered to raise any additional significant sustainability issues in relation to this objective.</p>	No
SP4	Skills	To assist people in gaining the skills to fulfil their potential	-	Policy E5 allows for improvement to, and seeks to protect, existing employment areas in order to provide for businesses and jobs. Whilst the availability, or	No

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		and increase their contribution.		<p>lack, of employment opportunities could contribute to the propensity of people to gain further skills, this is not the specific focus of UDP Policy E5. The SPD will not introduce any additional considerations in this regard.</p> <p>The provision of skills and educational provision is considered under separate policies within the UDP.</p>	
SP5	Health	To improve overall levels of health and reduce the disparities between different groups and different areas.	-	<p>Policy E5 includes a criterion that allows for a “strong environmental case for rationalising land uses or creating open space” to be considered in respect of proposals to redevelop employment areas for other uses. It is possible that such a case could include the impact of polluting uses on levels of health.</p> <p>No established employment areas have been identified as having specific problems in respect of impacts on levels of health. Employment areas could include uses that have impacts terms of, for example emissions and noise, but individual uses are controlled under environmental health and other legislation, and the SPD does not seek to introduce any further such activities.</p> <p>However, as described above, the SPD will help to</p>	No

Concern		Explanation and desirable direction of change	Rating for Policy E5 in the SA of the UDP	Description of the potential impact of the SPD	Significant Sustainability Issues
				<p>ensure full consideration is given to all of the issues raised in Policy E5 and this may result in certain industrial uses (which could impact on human health) being protected that would otherwise be lost to alternative uses, or vice versa. This is likely to only relate to a small number of cases and is not considered to be significant.</p> <p>As described above, Policy E5 does not include a specific focus on reducing disparities, however it does allow for the consideration of regeneration strategies and other plans. The SPD will not make changes in this regard.</p> <p>The SPD is not considered to have any significant impacts in terms of human health.</p>	
SP6	Community	To maintain and promote the culture and cohesion of the community	?	As described above in relation to Objective SP4, Policy E5 allows for improvements to, and seeks to protect existing employment areas in order to provide for businesses and jobs. The provision of employment opportunities is an important factor in community cohesion. However, the SPD will not introduce any additional considerations in this regard.	No

Concern		Explanation and desirable direction of change	Rating for Policy E5 in the SA of the UDP	Description of the potential impact of the SPD	Significant Sustainability Issues
EN1	Biodiversity	To maintain and enhance the diversity and abundance of species.	-	This issue is not addressed by Policy E5, nor will it be picked up through the SPD. Some employment areas may have some biodiversity interest, but this is protected under other policies.	No
EN2	Landscape Character	To maintain and enhance the quality and character of the landscape, including the special qualities of remoteness and tranquillity	-	<p>As described above, no established employment areas have been identified having specific environmental problems however a number of such areas could accommodate buildings that could be considered raise issues in respect of their impact on the landscape.</p> <p>Policy E5 includes criteria that support employment developments in established employment areas that would include the modernisation and refurbishment of existing buildings; that improve the environmental quality of an employment area and improvements to property and personal security consistent with the need to maintain high standards of design. Furthermore, as referred to above, Policy E5 includes a criterion relating to environment issues (criterion 2c).</p> <p>Furthermore, design and the impact of development on surrounding landscapes and/or areas/ buildings of</p>	No

Concern		Explanation and desirable direction of change	Rating for Policy E5 in the SA of the UDP	Description of the potential impact of the SPD	Significant Sustainability Issues
				<p>cultural importance are considered specifically under separate policies within the UDP.</p> <p>The SPD will not take away from the considerations identified above however, as noted above, it may result in certain industrial uses being protected that would otherwise be lost to alternative uses. Such uses may include buildings that are not considered to be aesthetically pleasing but it could equally apply to buildings of value in these terms and the industrial character of certain areas.</p> <p>The impact of the SPD, whilst important from a transparency and consistency point of view, is not considered to be significant in terms of the impact on the quality and character of the landscape.</p>	
EN3	Built Environment	To maintain and enhance the quality and distinctiveness of the built environment, including the cultural heritage.	?	<p>A number of established employment areas include buildings and structures of cultural importance (locally or nationally listed). The potential impact on these features is considered under separate policies within the UDP.</p> <p>As described in relation to SA objective EN2, the SPDs impact in these respects relate to a full consideration against the requirements of E5 and the</p>	No

				changes this could	
Concern		Explanation and desirable direction of change	Rating for Policy E5 in the SA of the UDP	Description of the potential impact of the SPD	Significant Sustainability Issues
				make to individual decisions.	
R1	Air	To reduce all forms of air pollution in the interests of local air quality and the integrity of the atmosphere	-	See discussion above in relation to Objective SP5.	No
R2	Water	To maintain and improve the quality of ground and surface waters	-	It is possible that certain uses within established employment areas have impacts in terms of the quality of ground and surface water but these can be controlled under other legislation without the loss of employment activity. The discussion above in relation to Objective SP5 is equally applicable in this regard.	No
R3	Land	To retain undeveloped land	O	<p>Policy E5 seeks to protect and improve those employment areas that have a continuing economic role, whilst allowing the redevelopment of those that do not for other uses.</p> <p>As noted above, the SPD will ensure decisions in respect of this policy are made from a full and proper evidence base. The SPD may result in certain industrial uses being protected that would otherwise be lost to alternative uses, resulting in greater</p>	No

Concern		Explanation and desirable direction of change	Rating for Policy E5 in the SA of the UDP	Description of the potential impact of the SPD	Significant Sustainability Issues
				pressure elsewhere. It is however important to recognise that the release of an employment area where demand remains could equally place pressure on other land resources including undeveloped land. Furthermore, the SPD could equally result in the redevelopment of employment sites which might otherwise have continued to be protected.	
R4	Soil	To maintain the resource of productive soil	-	This issue is not specifically addressed by Policy E5, nor is it proposed that the SPD will make any changes in this regard. However, the discussion above against Objective R3 is relevant.	No
R5	Minerals	To maintain the stock of minerals	-	This issue is not specifically addressed by Policy E5, nor is it proposed that the SPD will make any changes in this regard. However, the discussion above against Objective R3 is relevant.	No
R6	Energy Sources	To maintain the stock of non renewable energy sources.	-	This issue is not specifically addressed by Policy E5, nor is it proposed that the SPD will make any changes in this regard. However, the discussion above against Objective R3 is relevant.	No
E1	Employment	To maintain and enhance employment opportunities, and to reduce the	?	As described above, the SPD will help to ensure that the issues outlined under UDP Policy E5 are considered in full and that, where appropriate, existing employment uses are protected. Therefore, whilst important from a transparency and consistency	No

Concern		Explanation and desirable direction of change	Rating for Policy E5 in the SA of the UDP	Description of the potential impact of the SPD	Significant Sustainability Issues
		disparities arising from unequal access to jobs		<p>perspective, it is not considered that the SPD will have any significant impacts in these terms.</p> <p>Also as described above, whilst allowing for the consideration of regeneration and other plans, Policy E5 does not pick up issues of reducing disparities but does seek to protect local employment areas that could help to maintain access to local opportunities across the city. The SPD will not change the policy framework in these terms.</p>	
E2	Wealth Creation	To retain and enhance the factors which are conducive to wealth creation, including personal creativity and attractiveness to investors.	?	The discussion in relation to Objective E1 is equally relevant here in terms of providing a good supply of employment land and premises.	No

- 4.5 At the Revised Deposit Stage⁴, the appraisal described that through the expansion of Policy E5, it appears that the plan will focus on protecting and increasing the quality of existing employment sites rather than allowing more to be established while others are deteriorating. No change to Policy E5 was made during the pre-inquiry changes and as such no comment was made in the relevant sustainability appraisal.
- 4.6 Following the Examination into the Unitary Development Plan, the only change recommended by the Inspector was to introduce a definition of what constituted an “established employment area” into the reasoned justification to Policy E5, which was subsequently done.
- 4.7 As described above, the proposed SPD will supplement policy E5 of the UDP rather than changing policy. It is therefore focused on implementation and evidence requirements, primarily in respect of the requirements in terms of justifying the introduction of non-employment uses into established employment areas. The SPD does not therefore raise any additional sustainability issues beyond those considered through the SA of the UDP.

5.0 Consultation with Statutory Bodies

5.1 The process of screening of the SPD, outlined above, has led to a conclusion that an SA is not required. The following organisations were consulted on this conclusion and their comments are summarised below:

- The Historic Buildings and Monuments Commission for England (English Heritage);
- Natural England;
- The Environment Agency;
- Government Office North West.

Organisation	Comment
English Heritage	<p>For the purposes of this consultation, English Heritage will confine its advice to the question, “is it likely to have a significant effect on the environment?”</p> <p>The Council considers that the SPD will not affect any ‘special natural characteristics or cultural heritage’ in the area. On the basis of the information supplied, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of ‘SEA’ Directive], English Heritage concurs with the Council that the preparation of a</p>

⁴ Baker Associates (November 2003) Sustainability Appraisal of the City of Salford Unitary Development Plan Comments Received on Revised Deposit Draft UDP.

	<p>Strategic Environmental Assessment is not required.</p> <p>The views of the other three statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made.</p>
Environment Agency	<p>The Environment Agency is in agreement with the Council that the Supplementary Planning Document would not give rise to significant environmental effects.</p> <p>As such there will be no requirement to undertake a Strategic Environmental Assessment or a full Sustainability Appraisal.</p>
Government Office for the North West	No comment
Natural England	<p>We are satisfied with the conclusions of the Screening Statements in respect of the requirement for Strategic Environmental Assessment and Sustainability Appraisal for the Employment Land Supplementary Planning Document, and concur that SEA and SA are not required for the reasons stated.</p> <p>The advice given by Natural England in this letter is made for the purpose of the present consultation only. In accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England expects to be included as a consultee in relation to any additional matters to be determined by Salford City Council that may arise as a result of, or are related to, the present proposal. Natural England retains its statutory discretion to modify its present advice or opinion in view of any and all such additional matters or any additional information related to this consultation that may come to our attention.</p>

6.0 Conclusion

- 6.1 The Employment Land SPD supplements adopted policy in Salford's UDP, focusing on implementation and evidence requirements. A screening of the document has led to the conclusion that it is not likely that the SPD will have any additional significant sustainability impacts that have not already been assessed during the production of the UDP. This conclusion has been verified through a consultation with the bodies listed in section 5 above.

7.0 The Statement of Determination

- 7.1 It is considered that a full Sustainability Appraisal is NOT required for the Employment Land SPD for the reasons set out in Section 4 above.