

Local Plan (Examination) Revised Sustainability Appraisal Report Revised Schedule of representations and ESBC response

<u>Comment ID and Representer</u>	<u>Representation</u>	<u>ESBC Response</u>
<p>1 Persimmon West Midlands</p>	<p>Persimmon Homes are promoting a site located to the south of Uttoxeter off Highwood Road (SHLAA Site 67). The Sustainability Appraisal (SA) submitted as part of the East Staffordshire Local Plan Examination makes reference to this site and dismisses it. Page 154 of the Revised SA states:</p> <p><i>“Land South of Demontfort Way (SHLAA site 67)</i> <i>8.24 This is an edge of town greenfield site. There are positive impacts in terms of access to employment and services but several negative or uncertain impacts in terms of impact on the countryside, loss of greenfield land, biodiversity and the historic environment. For these reasons the site was not selected as part of the development strategy.”</i></p> <p>Persimmon Homes believe these are both unfounded and incorrect claims and a way of unduly dismissing the site. The biodiversity related evidence base provided by the Council for examination consists of the “East Staffordshire Biodiversity Opportunity Mapping (April 2013)” and does not provide the level of detail necessary to categorically dismiss a site on ecological grounds. The Council’s own words used as part of the SA state that these ecological impacts are <i>“negative or uncertain”</i> which indicates a more detailed level of work is required if this site is to be dismissed on a biodiversity basis. The evidence base to which the above claims are derived is lacking in terms of both its clarity and specificity, particularly with regards to the maps provided which are of low visual quality, providing only a generalised overview of the borough as a whole. Persimmon Homes assert that a more detailed site assessment is required by accredited specialists before such claims and decisions are to be taken by the Council. Persimmon Homes have carried out cursory work and site visits which indicate the land to be semi-improved grassland and of a low-moderate ecological value. The topography of the land south of Demontfort Way sits within a vale mitigating visual impacts at this location. Views from the countryside would be visually screened by the land form.</p> <p>2014 SHLAA</p> <p>SHLAA site 67, updated 2014, provides a summary of the site. The site is identified as being ‘developable’,</p>	<p>The SA used a combination of biodiversity evidence base including Biodiversity Opportunity Mapping and on site ecological record information. The reasons for site rejection were not purely those relating to biodiversity.</p> <p>The level of evidence used in the SA is considered adequate for the level of scope. The assessment is consistent across all sites.</p> <p>The Council has undertaken pre-application discussions with the applicant and at the time pointed out the position which was the site was contrary to the development strategy.</p> <p>The 2014 SHLAA was published in August 2014 and has been amended to be applicable to sites now. A further review and reassessment of sites will take place once the plan is adopted.</p>

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	<p>'achievable' and 'suitable'. Additionally the SHLAA states the site can not be identified as 'deliverable' because its availability is not known. Persimmon Homes can assure East Staffordshire Borough Council the site is available, and that a planning application could be submitted relatively quickly. It is uncertain exactly when in 2014 the SHLAA was updated, but a pre-application meeting was held with the Council on March 24th 2014 which seemed at the time to be positive and Persimmon stated their desire to submit a planning application relatively quickly on the site, or alongside the Local Plan process if preferred. This was also followed up by several emails and phone calls so it is uncertain why this information was not fed back into the SHLAA report. Moreover, the SHLAA does not make reference to any of the uncertain or negative impacts on the biodiversity of the area. Raising fundamental doubts over the conclusions of the SA report.</p> <p>East Staffordshire Borough Council Local Plan Examination Interim Findings by the Inspector (11th November 2014)</p> <p>Referring to the Inspector's interim findings to the initial hearings held in October 2014, and written representations the Inspector stated the following to ESBC:</p> <p><i>"In summary, I find that:</i></p> <p><i>b. the SA is inadequate as submitted and requires further work,</i></p> <p><i>c. the OAHN is insufficient to support a conclusion on the adequacy of the housing land requirement and further justification is required in response to detailed representations.</i></p> <p><i>d. the Site Selection Process requires further clarification, and</i></p> <p><i>e. consideration should be given to increasing the number and range of type and size of sites allocated and to adjusting the Housing Trajectory in the interest of the delivery of five year and overall housing land supply."</i></p> <p>In light of the above Inspector's concerns and with regards to the revised SA, Persimmon Homes feel that due</p>	

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	<p>consideration has not been given to key strategic sites, specifically SHLAA site 67. By allocating the site in Appendix A, which comprises SHLAA site 67, this would contribute to the “offset an apparent reliance upon a relatively small number of large strategic sites” (Inspector – Interim Findings). Additionally, this would address concerns over 5 year land supply in the early stages of the plan period and restore the five year supply to the necessary level such that the policies of the ESLP once adopted would have full effect under NPPF para 49 meaning ESBC would not be adopting a Local Plan that was technically out of date from its inception. Persimmon Homes believe the site could deliver up to 150 houses over the first 5 years, rectifying a fragile land supply position.</p>	
2 Lei Dodman	<p>With reference to the "Revised Sustainability Appraisal Report" I would like to comment as follows:- Where small brown field sites exist, whether urban or rural, they should be given priority for small scale housing development if they are in a derelict condition, unused for decades and a blight on the immediate surrounds.</p>	<p>Comments noted. Do not consider they relate to the Revised Sustainability Appraisal. The Strategy includes reference to brownfield sites.</p>
3 JMW on behalf of Mr T Campbell	<p>Response to the revised Sustainability Appraisal dated December 2014 (Examination document F41) on behalf of Mr T. Campbell, the owner of 10ha west of Derby Road Uttoxeter. (SHLAA site 372).</p> <p><u>Paragraphs in F41</u> 1.45. <i>This Revised SA Report (December 2014) has been prepared as a direct response to issues raised during the first week of examination hearings in October 2014. The changes clarify a number of elements of the SA process.</i></p> <p>The matter of this 10ha site being more appropriate for a mixed employment/residential use incorporating improvements to the highway network in Uttoxeter was raised during the hearings but does not appear to have been assessed in the revised Sustainability Assessment (SA).</p> <p>It was clear during the hearings that more housing sites needed to be found in the Borough and this has subsequently been confirmed by Mr Sims in document E.19 at 5e where he says “consideration should be given to increasing the number and range of type and sizes of sites allocated...”</p>	<p>The site in question has been appraised as both a housing site and employment site. The Council do not consider, due to its location that a mixed use scheme would be a reasonable alternative.</p>

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	<p data-bbox="333 309 1704 443"><i>1.46 The revisions do not appraise any main modifications proposed to date. These will be subject to SA following completion of the examination hearings. Nor do the revisions revisit the specific appraisal of sites already subject to SA or appraise any further sites. Revisions have been made to provide clarity, auditing and further information setting out the Councils approach through the plan making process.</i></p> <p data-bbox="333 488 1722 639">As Mr Sims makes clear in paragraph 7 of E19 “legislation and case law governing the preparation of SA...is clear that it must be conducted at each stage of plan evolution at the earliest possible opportunity. That is to provide a clear audit trail of the consideration and assessment of strategic options, and of the selection of sites for development in particular...”</p> <p data-bbox="333 695 1704 970">In the case of Mr Campbell’s land the opportunity should have been taken to revisit the appraisal of this site through the SHLAA process where it scores well in respect of housing. Comments such as “site could deliver a large quantity of housing which would require a mix of types and tenures”; “good access to the A50 and Uttoxeter town centre”; “development of this scale could create its own sense of identity” and “development of this scale could provide some highway improvements to this part of the town.” would suggest the site would be as good as, if not better than, other sites allocated for housing. It should have been re-appraised and its importance as a potential employment site re-examined in the light of the new employment allocation west of the town.</p> <p data-bbox="333 1026 757 1050">2.2 and 2.3 See comments for 1.46.</p> <p data-bbox="333 1110 1704 1209"><i>3.18 It was also the case that the refined location specific options were informed by land supply and so the Strategic Housing Land Availability Assessment (SHLAA) was a key document in determining what sites were assessed. The Council did not want to select a strategy where the availability of sites meant it could not be delivered.</i></p> <p data-bbox="333 1262 1626 1326">Representations made during the various stages of plan preparation will have made it clear that this site was available for housing.</p>	

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	<p data-bbox="331 272 1666 339"><i>3.23 The Interim SA identified Option 2 and a further refined option 2d as the most sustainable strategy with the following sites the most sustainable configuration of sites:</i></p> <p data-bbox="331 379 1693 451">These did not include Mr Campbell's land despite it being in close proximity to the town centre and already within the development envelope.</p> <p data-bbox="331 504 1711 608"><i>3.25 At the time a reduced percentage of housing growth at Burton reflected the re-direction of growth to Uttoxeter to meet local needs and assist with 32 regeneration, at their request and to the villages in accordance with the Sustainability Appraisal.</i></p> <p data-bbox="331 655 1697 767">Despite the increased emphasis on Uttoxeter the Borough Council still did not re-assess the contribution this site could make to the regeneration of the town either as a housing site in its own right or for a mixed use where some housing could be used to bring on the infrastructure needed to make a start on the allocated employment use.</p> <p data-bbox="331 820 1055 850">Figure 4.2 A key would be helpful in understanding this plan.</p> <p data-bbox="331 903 1435 933"><i>5.16 to 5.23 These sections show why the criteria used were changed as the Plan progressed.</i></p> <p data-bbox="331 986 1711 1182">What is not shown is why Mr Campbell's land was not regarded as a strategic site and shown with the others in Figure 5.7 and listed in table 5.3 despite meeting all of the relevant criteria listed in 5.17 and table 5.1. Professional judgement is mentioned in paragraph 5.19 and it is difficult to escape the conclusion that somewhere along the line the view was taken that this site should be retained as an employment site and therefore should not be considered as a potential housing site despite being eminently suitable for that use.</p> <p data-bbox="331 1235 1711 1347">That is at odds with the Sustainability Appraisal process and these paragraphs do not demonstrate a clear audit trail explaining why Mr Campbell's land was not considered for housing when the emerging Local Plan itself was being prepared.</p>	

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	<p>Table 6.4 <i>This lists the Sites Sustainability Appraisal Framework against which other potential housing sites but not Mr Campbell's land were assessed.</i></p> <p>At the risk of being repetitive, Mr Campbell's land scores highly against the list of site objectives and the decision making criteria listed. Taking the first three, for example:-</p> <p>1. Housing:</p> <p>Objective- To provide a suitable mix of decent housing available and affordable to everyone.</p> <p>Decision making criteria-Size of site, the larger the site the more opportunities available to deliver different housing choices.</p> <p>At 10ha Mr Campbell's land is larger than other sites being promoted in the Local Plan process in Uttoxeter and would give the opportunities sought. Even half the site would give those opportunities.</p> <p>2. Economic Opportunities:</p> <p>Objective- To provide access to economic opportunities for local residents.</p> <p>Decision making criteria- Provision of employment on site and access to existing employment sites</p> <p>A mixed use scheme on the site would comply with the first of these and housing would help fund the provision of infrastructure for employment uses. Even if the whole site were to be used for housing it is still so well related to the town centre and the A50 that the second criterion would be complied with.</p>	

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	<p>3. Transportation:</p> <p>Objective- To reduce the need to travel, encourage more sustainable modes of transport and make best use of existing transport infrastructure.</p> <p>Decision making criteria- Location of site, proximity to key routes and connectivity to town Centre.</p> <p>This site is close enough to the town centre and the services and transportation links it offers to make walking to those a practical proposition. It would, therefore, comply with the criteria and be an excellent housing site in locational terms. The recent cycle link along Derby Road, constructed with Mr Campbell's assistance, also provides an alternative sustainable means of getting into the town centre.</p> <p>Derby Road, with which the site has a long frontage, is an existing link between the town and the A50. The latter provides an effective link to employment opportunities further afield as well as the JCB works nearer to the town.</p> <p>At the hearings the matter of the improvements to the A50 were mentioned. It now appears that scheme A at the western edge of the town will be proceeding shortly and that will give the opportunity for access to be created to the 10ha employment allocation in the SUE to the west of the town.</p> <p>Discussions are still taking place about the detailed design of scheme B which will affect the two existing roundabouts on the A50. It is likely, however, that as part of the improvement of the A50 the Borough Council's idea of a road linking The Dove Way with Derby Road across Mr Campbell's land amongst other ownerships will come to fruition. That would be of benefit to the local transportation network and make this site an even more desirable development site that could assist with the regeneration of the town.</p> <p><u>Conclusion.</u></p> <p>Notwithstanding this criticism of the Borough Council's approach so far to the development of this site, Mr Campbell remains committed to seeing it developed.</p>	

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	<p>He would ask, however, for the Local Plan process to “start from scratch” rather than relying on the historic view that this was an employment site and should remain solely as such. Had the SA process not evolved in the way that it has he considers that the potential of his land to contribute to the regeneration of Uttoxeter would have been recognised by the Borough Council by now and he remains prepared to work with the Borough and County Councils to bring that about.</p> <p>What is needed now, before the hearings resume, is for the relevant officers at the Borough Council to accept the invitations that have been made to them to talk about the potential of this site.</p>	
<p>Rep 4 Delta Planning on behalf of Burton and South Derbyshire College</p>	<p>On behalf of our client, Burton and South Derbyshire College, we write in response to East Staffordshire Borough Council’s Revised Sustainability Appraisal (SA), which was published for consultation in December 2014. The Council has prepared a revised SA in order to address issues highlighted by the Local Plan Inspector over the adequacy of the submitted SA.</p> <p>As the Council is aware, the College’s interest in this matter relates to its land at Rolleston-on-Dove, known as the former College Sports Field site.</p> <p><u>Revised Sustainability Appraisal (SA)</u></p> <p>We note that the Revised SA includes a new Chapter 3, which describes the key stages in the preparation of the Local Plan and explains how the SA has informed the selected spatial strategy. Further information on why the spatial strategy and site allocations set out in the Pre-Submission Local Plan was chosen is provided in Chapter 8, which also includes an assessment of the reasonable alternatives.</p> <p>It is clear from the additional detail provided in the Revised SA that from the early stages of the Local Plan process Option 2 – urban extensions to Burton and Uttoxeter plus development in the strategic villages – was identified as the most sustainable strategic option. We agree with the SA’s conclusion that Option 2 provides a balanced approach to growth, addressing rural needs whilst placing the majority of growth in the main urban centres and areas of need.</p>	<p>Comments noted.</p>

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	<p>As outlined in the Revised SA a number of sub-options were assessed through the SA process promoting different distributions and locations of development in Burton, Uttoxeter and the strategic villages. Each of the four sub-options included development at Rolleston-on-Dove. We consider that the Revised SA helpfully clarifies that the chosen strategy is a 'hybrid' option which takes account of the outcomes of the SA process (i.e. Option 2d being the most sustainable sub-option) whilst also responding to changes in terms of policy, the Council's evidence base and new planning applications and permissions.</p> <p>Through the SA process sites have been assessed and selected for inclusion as strategic allocations in the Pre-Submission Local Plan. Sites were initially appraised in the Interim SA published in 2012. The conclusions of the Interim SA site appraisals are replicated at Chapter 7 of the Revised SA.</p> <p>With regard to the former College Sports Field site in Rolleston, the Revised SA states at Paragraph 7.143 that:</p> <p><i>"Representing a greenfield site on the southern edge of the village the site is capable for delivering a mix of housing types. The village is located just beyond the Burton upon Trent urban area which provides opportunities for villages to access employment opportunities, services and facilities in Burton town centre, by bus, as well as those in the village itself. Burton opportunities however are not on the doorstep unlike those in the village. There is considered to be no impact on the countryside owing to the enclosure experienced by the site due to existing residential development to the north and east, existing trees and the flatness of the topography."</i></p> <p>We note that additional reasoning has been included in the Revised SA to clarify why the site was selected as a strategic allocation. It states that:</p> <p><i>"At the time of assessing sites, few reasonable alternatives above the site threshold at Rolleston were identified through the site screening process. For these reasons the site was selected as part of the development strategy"</i>.</p> <p>We agree with the site appraisal set out in the Revised SA and consider that the site supports the Council's chosen spatial strategy and performs well against the SA objectives.</p>	

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	<p>We would further like to note that the site’s sustainability credentials have been thoroughly considered through a planning application and at appeal. As the Council is aware, an application for a development of the site for housing was submitted in May 2013. Although the application was refused by the Council’s Planning Committee in November 2013, the only refusal reason given related to prematurity of the proposals in relation to the Rolleston Neighbourhood Plan. With regard to the principle of development on the site the committee report (dated 25 November 2013) concluded Paragraph 11.1:</p> <p><i>“As the proposal, subject to conditions and consideration of details at reserved matters stage, should deliver high quality development on the edge of an existing village with access to local services, and would make provision to safeguard residential amenity and the natural environment, the application is considered to meet the requirements of the NPPF in terms of sustainable development.”</i></p> <p>At the subsequent appeal and consideration of the proposal by the Secretary of State it was accepted that the proposal constitutes sustainable development. The Inspector concluded at Paragraph 212 of his Report:</p> <p><i>“Having regard to the economic, social and environmental dimensions of sustainable development referred to in paragraph 7 of the Framework, and all of its policies in paragraphs 18 to 219 taken as a whole, the proposal can be regarded as sustainable development. This description was agreed by all main parties at the inquiry. The presumption in favour of sustainable development set out in the Framework therefore applies.”</i></p> <p>The Secretary of State in turn also concluded that the proposal constitutes sustainable development. Paragraph 18 of the Secretary of State’s decision states:</p> <p><i>“The Secretary of State agrees with the Inspector’s conclusions given at IR211-214 that on the whole the proposal can be regarded as sustainable development, in accordance with the Framework. The potential housing gain, deliverable within five years, the support to local services from the incoming population and contribution to economic growth from construction jobs during the course of the development would all bring forward benefits to which the Secretary of State accords substantial weight”</i></p> <p>Although the Secretary of State then refused the application on grounds of prematurity to the Neighbourhood Plan, it is clear that he concluded that the development of the site would constitute</p>	

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	<p>sustainable development. In any event, the College has submitted a Legal Challenge in the High Court seeking to overturn the Secretary of State's decision, which is ongoing.</p> <p>It is clear that the SA's conclusions in respect of the College Sports Fields site have been subsequently ratified by the planning application committee report, the planning committee's decision, the Inspector's Report and the Secretary of State. In essence, the site represents the most sustainable growth option for Rolleston, which can deliver housing in the short term. Should you wish to further discuss Burton and South Derbyshire College's representations, please do not hesitate to contact me or my colleague David Green.</p>	
Rep 5 Turley Associates on behalf of Gleeson Ltd	<p>We are acting on behalf of Gleeson Developments Ltd who have land interests in Uttoxeter.</p> <p>You will recall we were involved at the East Staffordshire EIP during October/November 2014 and commented during the hearing on the Sustainability Appraisal. We therefore welcome the opportunity to respond to the amendments made by the Borough Council to the revised East Staffordshire BC Local Plan Sustainability Appraisal (December 2014) following the Inspector's Interim Findings.</p> <ol style="list-style-type: none"> 1. We welcome the decision to make additions to the SA to explain the revisions which were made between the Preferred Options stage and the Submission stage and also the outcome of consultations at Pre-submission stage. This is very helpful. 2. We acknowledge the point made in paragraph 1.12 that the SA is simply the means to reaching a decision rather than the decision itself. However, it is self-evident that the outcome of the SA ought to guide the decision-making process. With respect to Uttoxeter, it was noted at the EIP that the decisions made by members in relation to certain sites appear to depart completely from the results of the SA. 3. We note the additional sites which have been included in the revised SA including those which have emerged thorough appeal decisions. Are these all above the 100 dwelling threshold? I notice that the Stone Road, Uttoxeter site is still included on the Uttoxeter map (Figure 1.2 and also in Figure 4.2 – which seems to be identical). Should this have been deleted since it was not ultimately chosen as an allocation? 4. The explanation behind the Revised December 2014 SA in the new Chapter 3 is helpful and it is noted that the SA 	<p>Where sites are below the 100 dwelling threshold this has been made clear in the report.</p> <p>The revisions do not appraise the proposed modifications to the plan. Removal of Stone Road is a proposed Modification to the plan.</p> <p>The appraisal recognises that the larger the site the more scope there is to provide a mix of house types and tenures which is more easily achievable on larger sites due to viability. See document F.46 on the approach to site selection, supply and consideration of smaller sites.</p> <p>Revisions have been made to the SA to clearly show the reasons for site selection and rejection.</p>

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	<p>does not re-appraise any sites which were assessed in the previous version of the SA – it simply provides clarification. However, the section which explains the shift in policy away from Option 2D to a combination of 2D and 2B in paragraphs 3.27-3.29 seems to comprise a <i>post hoc</i> political justification which is seemingly not borne out by any clear evidence. The change in approach in Uttoxeter was not (as is stated in para 3.28) due to permissions being granted, but a decision by the Borough Council (presumably due to pressure from the Town Council) to support the Hazelwalls site to the SW of the town which appears in Option 2B, and to drop the Stone Road site, on the western edge of the town. There is no clear and genuine explanation therefore for the decision to go for a ‘hybrid’ option in Uttoxeter, rather than choosing the Option 2D alternative which emerged as the most sustainable alternative. I worry therefore that the revised SA somewhat re-writes history.</p> <p>5. Para 3.16. Point 5: ‘bran’ should read ‘brand’.</p> <p>6. The Sustainability Framework in Table 1 suggests that <i>‘the larger the site the more opportunities are available to deliver different housing choices’</i>. This statement seems counter-intuitive in that a broader range of smaller site gives much more choice of housing – not to mention more flexibility in terms of delivery. This point is drawn out in the Inspector’s Interim report which concludes that a wider range of smaller sites is required to meet the Borough’s housing supply shortfall.</p> <p>7. Thank you for correcting the error in Table 5.3 to replace Rycroft with Roycroft.</p> <p>8. The additional statements at the end of each site description explaining why sites were selected (or not as the case may be) at the Preferred Options stage are helpful. We note however in para 7.132 that the Hazelwalls site was firmly rejected at Preferred Options stage for reasons which have not changed, yet the site was subsequently allocated, whilst in paragraph 7.136 the Stone Road site was firmly supported, but has subsequently been rejected, despite the circumstances remaining the same. In paragraph 7.133, the Roycroft Farm site was rejected despite development being feasible on the bulk of the land unaffected by flood risk.</p> <p>9. The explanation in Chapter 8 (paragraphs 8.1 – 8.4) is helpful in alluding to why certain decisions took place in the change from the Preferred Options to the Pre-allocation stage, although in relation to Uttoxeter the comment <i>‘Initial meetings by Uttoxeter Town Council on the Uttoxeter Neighbourhood Plan’</i>, in no way explains why Hazelwalls was added (against the earlier recommendation), Stone Road was deleted (also against the</p>	

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	<p>recommendation) and Roycroft Farm was ignored. This could not have been linked to the Neighbourhood Plan which has not even reached draft stage. A more candid explanation is needed here.</p> <p>10. The summary of the appraisal of alternative sites in Chapter 8 includes an explanation in paragraph 8.26 of why the Derby Road site has been retained as an employment site. However, although the paragraph explains why developing the whole of the site for residential development might conflict with the balance of housing and employment in Uttoxeter, it does not consider whether a mix of housing and employment development might not be suitable. Bearing in mind the forthcoming changes to the A50 involving the closure of the Derby Road junction and also the significant increase in employment land now being delivered through the JCB proposals at Beamhurst (and elsewhere) this now looks more logical.</p> <p>11. In assessing the sites within the Pre-submission plan it is puzzling that paragraph 9.18 highlights the Hazelwalls site as having such serious shortcomings (and it performs so poorly in Table 9.6 which compares the strategic housing allocations), and yet it has been selected by the Borough Council. The justification for its inclusion that <i>'there was a need to allocate additional sites to meet objectively assessed housing needs'</i> doesn't explain why one of the poorest performing sites, should have been chosen. In contrast, paragraph 9.19 shows that the Stone Road site performs well and was recommended for allocation (and yet was subsequently rejected). These decisions need to be properly explained.</p> <p>I hope these comments are helpful in shaping the emerging Revised East Staffs LP SA.</p>	
Rep 6 Uttoxeter Rural Parish Council	<p>Uttoxeter Rural Parish Council have met to discuss the Sustainability Appraisal and would like to make the following comments:</p> <p>The Parish Council is keen to ensure that Bramshall and Stramshall/Spath maintain their own individual identities apart from Uttoxeter town. We therefore consider that land between Uttoxeter and the neighbouring villages of Bramshall and Stramshall/Spath should not be developed upon, thereby ensuring that green space is preserved and maintained.</p>	Comments noted. Character of settlements and the open countryside are taken into account throughout the Sustainability Appraisal through site and policy sustainability criteria.

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Rep 7 RPS On behalf of David Wilson Mercia	<p>RPS Planning & Development (RPS) is retained by David Wilson Mercia (DWM) to submit representations to the revised Sustainability Appraisal (SA) consultation in respect of land under their control at Hazelwalls Farm and Blount's Green, Uttoxeter. Representations have been made to previous stages of the East Staffordshire Local Plan, Site Allocations DPD, and the Strategic Housing Land Availability Assessment (SHLAA) in relation to the site.</p> <p>The site lies at Hazelwalls Farm and extends to approximately 27.5 hectares over two parcels of land. The site was included in the Local Plan Pre-Submission consultation document under Strategic Policy 4 as a strategic allocation for 350 dwellings to provide a proportion of the 1,557 dwellings proposed for Uttoxeter to meet the overall requirement of 11,648 new homes to 2031 within the Borough.</p> <p>The SA October 2013 assessed the site satisfactorily. The SA has now been updated due to interim findings from the Local Plan Examination Inspector, and is subject to this consultation. The SA updated site assessment for Land at Hazelwalls Farm is set out below (Para. 7.132). The only addition to the site assessment is an explanation as to the reasons for originally rejecting the site through the Preferred Options as highlighted:</p> <p><i>"This is a large greenfield site located on the southern edge of Uttoxeter capable of delivering a mix of housing types. There are concerns over the capacity of the local road network in accommodating proposals. There is an impact on the countryside due to the large size of the site and the way in which it extends into the countryside. The prominent position that the site occupies is likely to detract from the sense of place in this part of Uttoxeter. There is a significant impact on biodiversity due to a number of habitats and species on the site. There is an unknown impact on historic assets. For these reasons the site was rejected as part of the development strategy at preferred options stage."</i></p> <p>DWM are to submit a planning application for 338 residential dwellings on the site at the end of January/beginning of February. The proposed development is to be appropriately designed to include a mix of different types, sizes,</p>	Comments noted. The Sustainability Appraisal represents the appraisal of sites made at each point of decision making and site selection. The appraisal does not reappraise sites in the context of new evidence or information prepared to support a planning application.

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	<p>tenures and densities of housing including family housing, public open space and appropriate infrastructure and access. The development is to come forward with development of the adjacent parcel of land off Sorrell Lane. RPS considers this location to the south of Uttoxeter to be the most sustainable location for an urban extension at the town. Hazelwalls Farm is a location where the infrastructure requirements for the development are limited and are not a threat to early delivery.</p> <p>The issues set out in the original SA have been fully addressed through pre-application discussions with the Council and the site can therefore be sustainably developed. RPS on behalf of DWM wishes to emphasise the site's suitability for development which is set out in further detail below.</p> <p>A Concept Masterplan at has been submitted to the Council with previous representations in relation to the Hazelwalls Farm site which demonstrates how the site can be effectively designed to achieve a sustainable and integrated development. The Masterplan is being refined for the planning application.</p> <p>Transportation</p> <p>There are references in the SA regarding the local road capacity in accommodating the proposals. A Transport Assessment and Travel Plan have been undertaken for the planning application which demonstrate that there is sufficient capacity to accommodate the proposed development and that no harm would be caused to the existing traffic flow and highway safety.</p> <p>RPS has assessed the transport network and has liaised with Staffordshire Highway Authority, and it has been concluded that the local road network can accommodate the traffic from the site. Uttoxeter Town Council has noted the site has good access to major roads, and the proposal can contribute to the delivery of enhanced public transport in the south of the town.</p> <p>In relation to access, it is proposed that the main vehicular access to the western parcel of land will be from the B5013 to the west via a new roundabout, with public transport, pedestrian and cycle links provided through to the</p>	

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	<p>existing residential area to the north. The smaller eastern parcel can be accessed off Sorrel Close which was designed for this purpose when the estate was constructed to allow for further development in the area.</p> <p>The site is in within walking distance to bus stops and rail links. There are a number of bus stops along the A518 and nearby Westlands Road, and Uttoxeter Railway Station is approximately 1.7km from the site. Therefore it is considered that the allocation is fully justified on highway matters.</p> <p><i>Countryside and Landscape Quality</i></p> <p>The identified a potential impact of the proposed development on the countryside, and the prominent position of the site in detracting from the sense of place of this part of Uttoxeter.</p> <p>The site is undulating, rising to a steep ridgeline which runs from the south-west to the north-east of the western parcel of land. The eastern parcel of land rises to higher ground to the east. A Landscape Visual Impact Assessment (LVIA) and Ecological Appraisal have been undertaken for the planning application to establish any existing and potential constraints to the site’s development. The Masterplan is to be landscape and ecology led and the level of information provided demonstrates that the site is sustainable.</p> <p>The LVIA concluded that due to existing wooded areas, vegetation along the stream, the visually obstructing ridgeline to the west running through the site, and buildings associated with Blount’s Hall to the north-west and properties along the Stafford Road to the north, the site is well contained and visual impact of any development on the public realm would be minimal.</p> <p>The majority of the site is largely visible from properties at the southernmost development edge of the town. Views of the site are mainly from rear-facing properties, and these houses block the views to the countryside from other dwellings within the estates. Therefore there are very few adverse visual impacts which would be caused from the proposed development, only properties directly adjacent to the site would be affected. The design of proposals have ensured that residential properties will be kept to the lower parts of the site to reduce the visual impact of the</p>	

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	<p>development, and to land which adjoins existing residential areas built on land of a similar character.</p> <p>In addition, significant areas of green space will be delivered as part of the development. Therefore, it can be demonstrated from the LVIA that impact on the landscape will be minimal and it is considered that the proposed development would not detract from the sense of place of this part of Uttoxeter. The allocation is therefore sound.</p> <p><i>Biodiversity and Geodiversity</i></p> <p>The SA states that development of the site would significantly impact biodiversity due to a number of habitats and species on the site. The ecology of the site is well understood with appropriate surveys undertaken, including an Ecological Appraisal and detailed bat and badger surveys which have been undertaken for the planning application. Features of importance which have been identified are to be retained and impacts appropriately mitigated against.</p> <p>A number of species and habitats of conservation importance have been identified on the site and these can be integrated effectively within the proposed development, and through appropriate landscaping additional habitats can be created. The loss of vegetation through the development will be mitigated through new planting and the areas of woodland within the site are to be protected. Therefore, impacts on biodiversity have been appropriately addressed.</p> <p><i>Historic Environment</i></p> <p>In relation to the SA's uncertainty regarding the impact of the Hazelwalls Farm development on heritage assets, a Desk Based Heritage Assessment has been undertaken for the planning application. The assessment indicates that there are no scheduled ancient monuments, listed buildings or other designated sites within the proposed development area. There is a Conservation Area 670m north-east of the site. However, the development would not cause any impact on the Conservation Area or its significance. There is no evidence that any other important assets and the historic environment would be adversely affected by the site's development.</p>	

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	<p>The existing view of the church spire in the Town Centre can be integrated within the development to enhance the sense of place rather than detract from the character of the area. Similarly, the extensive Green Infrastructure proposals will enhance the sense of place and create an attractive and sustainable residential environment. Therefore, the allocation remains sound.</p> <p>Conclusion</p> <p>Through the technical reports undertaken for the planning application on the site, concerns within the SA regarding the site’s development have been addressed. It can be demonstrated that the issues identified can be overcome and appropriate mitigation measures included through the design of the scheme to ensure that minimal harm is caused from the development.</p> <p>Therefore, while RPS considers that the additional text in the SA document is helpful clarification, the modification should also reflect the most recent position in respect of the matters raised. RPS proposed the following additional text:</p> <p><i>“However, in preparing the Submission Core Strategy further evidence has demonstrated that all the issues discounting the site in the Preferred Option can be satisfactorily overcome and that the allocation as proposed is sound.”</i></p>	
Rep 8 Alliance Planning	<p>Alliance Planning act on behalf of Barwood Strategic Land II LLP and Mr and Mrs G Skipper in respect of their land interests at Red House Farm, Burton-upon-Trent, to make representations to the Council’s Local Plan (Examination) Revised Sustainability Appraisal Report (December 2014).</p> <p>Detailed comments and representations have been made at all stages of the East Staffordshire Borough Council Local Plan process. This has included:</p>	<p>All reasonable alternatives have been appraised to the same level of detail.</p> <p>The ‘hybrid’ strategy was appraised in the Sustainability Appraisal which was published alongside the Pre-</p>

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	<ul style="list-style-type: none"> • Strategic Options Paper – August 2011 • Preferred Options Paper – July 2012 • Pre-Submission Local Plan – October 2013 • Local Plan Pre-Submission revised Sustainability Appraisal Report – March 2014 • Hearing Statements submitted for the Local Plan Examination Hearings in October 2014 <p>A copy of all previous representations made in reference to the Council’s Sustainability Appraisal work are attached at Appendix 1. These representations do not repeat wholesale those previously made but reiterate and update where necessary, as well as set out comments on the current consultation document.</p> <p>Following submission of the emerging Local Plan by East Staffordshire Borough Council for consideration, the Local Plan Hearings took place in October 2014. The Inspector’s Interim Findings in respect of the East Staffordshire Local Plan dated 11th November 2014 came to a number of conclusions in respect of the Council’s Revised Sustainability Appraisal.</p> <p>Para 9 concluded that the Sustainability Appraisal undertaken by the Council which supported the submission of the Local Plan was <i>“deficient as a source of evidence in support of the ESLP, both in respect of its technical adequacy and legal compliance. It will therefore require significant further work well beyond the scope of the established procedure for SA and public consultation upon MMs prior to the completion of my Report.”</i> (my emphasis)</p> <p>A number of inadequacies were highlighted by the Inspector in his Interim Findings and the Council’s revised Sustainability Appraisal has sought to undertake further work to address some of the failings.</p> <p>As set out at paras 2.1-2.3 the revised Sustainability Appraisal has sought to address:</p> <ul style="list-style-type: none"> • The sustainability criteria applied to the Strategic Options and the reformulation of some criteria • The appraisal of the chosen ‘hybrid’ version of Options against the assessment criteria • The selection of sites from the SHLAA for further appraisal • Site Assessments. 	<p>Submission Plan. The appraisal uses the sustainability appraisal framework to investigate impacts of the strategy. The evidence base used in the appraisal is set out in the appendices (Appendix J). The reasons for the increase in housing requirement and associated need to find additional sites are addressed in the Revised Sustainability Appraisal (December 2014). The Council considered all sites previously appraised. At the time of plan production, the site in question, Red House Farm had been refused by the Council and was at appeal. The appeal outcome did not come out until after the Pre-Submission and Sustainability Appraisal had been finalised.</p> <p>The Council are working closely with Parishes on Neighbourhood Plans and offer assistance in relation to meeting the SEA requirements. Where Neighbourhood Plans allocate sites or a policy direction an SEA would be required. In some cases the Council are using ‘healthcheck’ services to ensure all neighbourhood plans meet the</p>

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	<p>The SA does not appraise any main modifications, which will be subject to further appraisal following the completion of the Local Plan Hearings.</p> <p>Para 2.1 of the revised Sustainability Appraisal indicates that the document, in responding to the Inspector’s conclusions, sets out “<i>further explanation</i>”. This suggests that no ‘significant further work’ has been undertaken, rather the Council are seeking to justify the choices they have already made, and have not undertaken the necessary comparison of all reasonable alternatives including the preferred approach, assessing all at the same level of detail. It therefore appears that the Council persist with the “bolt on” approach to a strategy that was originally devised to meet a much lower housing requirement, and to which my client has previously objected.</p> <p>Sustainability Appraisals – Legislation and Guidance Under S19(5) of the Town and Country Planning Act and the SEA Regulations which came into force in England and Wales in July 2004, the undertaking of a Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) are mandatory for all Local Plans and SPDs. S19 of the Act requires Local Plans/SPDs to be prepared with a view to contributing to the achievement of sustainable development. SA is one way of helping fulfil this duty through a structured appraisal of the economic, social and environmental sustainability of the plan. The production of a SA is one of the “<i>tests of soundness</i>” on a Local Plan/SPD.</p> <p>The requirement to undertake SEA is established in the EU by the European Directive 2001/42/EC, ‘<i>the Assessment of the Effects of Certain Plans and Programmes on the Environment</i>’ (commonly known as the SEA Directive). The SEA Directive is transposed into English law by the SEA Regulations.</p> <p>Although the requirement to undertake both SA and SEA is mandatory, it is possible to satisfy the requirements of both parts of the legislation, through a single appraisal process, as confirmed at paragraph 165 of the Framework.</p> <p>A Sustainability Appraisal (SA) should meet all of the requirements of the Strategic Environmental Assessment (SEA) Directive and the Environmental Assessment of Plans and Programmes Regulations 2004, including that any likely significant effects of each policy/proposal, plus alterations have been assessed.</p>	<p>relevant legislation. Each SEA will be a fresh appraisal, using the SA framework if the Parish feel appropriate. The Borough Councils SA represents the appraisal at the time of decision making. Neighbourhood Plans will be expected to present an up to date appraisal proportionate to the neighbourhood plan.</p>

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	<p>Further guidance on the preparation of the SA in relation to the stages of Local Plan production together with the information to be covered within the SA Report is set out in the Planning Policy Guidance (PPG) dated March 2014. The PPG states at paragraph 11-009 that the Sustainability Appraisal should <i>“focus on the environmental, economic and social impacts that are likely to be significant.”</i></p> <p>The guidance goes on to state at paragraph 11-018 <i>“The sustainability appraisal must consider all reasonable alternatives and assess them in the same level of detail as the option the plan-maker proposes to take forward in the Local Plan (the preferred approach)”</i>.</p> <p>The PPG states at para 11-021 and 11-023 that if draft Local Plans are modified either following consultation or through independent examination, the local planning authority should decide if the Sustainability Appraisal also needs to be updated. Para 11-021 states that <i>“further assessment may be required if the changes have not previously been assessed and are likely to give rise to significant effects.”</i></p> <p>There were five options addressed in the original Sustainability Appraisal and re-identified in the Interim Sustainability Appraisal, with Option 2 (urban extensions plus villages) being further subdivided into four subsections 2a, 2b, 2c and 2d, each of which included a strategically different number of dwellings at Burton on Trent. The Authority had previously chosen to promote option 2d however, as indicated at para 8.4of the revised Sustainability Appraisal (December 2014), following a number of events which affected the housing and development scenario in the Borough, Options 2a-2d were revisited and as <i>“none of the options on their own could accommodate the growth and therefore a ‘hybrid’ was necessary.”</i> The revised Sustainability Appraisal (December 2014) states that the ‘hybrid’ option comprises a mix of options 2b, 2c and 2d. This differs from the Inspector’s understanding (para 8d of the Interim Findings) that the hybrid’ option emerging is a mix of Options 2c and 2d.</p> <p>Notwithstanding the mix of options which is proposed by the Council, whilst they have taken into account a number of factors affecting housing location and distribution there is a failure within the revised Sustainability Appraisal to update any Assessment of Sites that had been considered unsustainable by the Council but sustainable at planning appeal by an Inspector or indeed, the Secretary of State.</p> <p>Para 50 of the Inspector’s report on the Birmingham Development Plan states that <i>“In order to maintain</i></p>	

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	<p>the integrity of the SA process ... undertake this additional SA work <u>approach it with an open mind, and not on the basis of seeking to justify decisions previously taken.</u>” (my emphasis). In refusing to acknowledge the contribution or status of other sites within the revised Sustainability Appraisal process, for example, the previously undertaken Sustainability Appraisal for Red House Farm has not been updated since the Inspector’s appeal decision (ref: APP/B3410/A/13/2197299) as part of the further work undertaken on the Sustainability Appraisal by the Council. This is not just an academic exercise following the grant of consent for Phase I Red House Farm development. The absence of an accurate site assessment has wider implications, as the Local Plan promoted interest extends to land beyond the Secretary of State Decision letter, and as set out below, this unamended and inaccurate Sustainability Appraisal assessment is now being relied upon by Neighbourhood Plan groups as a basis for their own work. In failing to update the Sustainability Appraisal properly, the Council are prejudicing sound Neighbourhood Plan preparation by establishing a flawed evidence base.</p> <p>In commenting on Birmingham’s Development Plan the Inspector has requested further work be undertaken, to <i>“review the material previously prepared by the promoters of the alternative sites alongside material previously prepared on the Council’s behalf, as part of the preparations for carrying out the further SA work outlined below.”</i> (copy attached at Appendix 2). The Inspector for the Birmingham Plan suggested that all reasonable alternatives should be assessed at the same level of detail as the option taken forward. In East Staffordshire, the Council should be taking into account information available in relation to other sites that have been promoted or approved and so on, for example the appeal decision granting permission at Red House Farm. At present the Option taken forward, particularly the number of dwellings it seeks to provide for, has not taken into account the sustainability conclusions of all sites with planning permission which in turn means that not all reasonable alternatives can have either been a) identified or b) assessed, as the Council has based its considerations on incomplete and thus flawed information.</p> <p>It is of concern that the Council’s preferred strategy, set out in the Local Plan Pre-Submission Revised Sustainability Appraisal Report incorrectly sought to classify the Red House Farm site as not an appropriate location for development. Those concerns have already been raised by the landowner and subsequently been proved to be well founded given the support for the site through the Secretary of State’s appeal decision. Moreover, those concerns were not addressed in Appendix G to the current (December 2014) Sustainability Appraisal. The Council’s refusal to update the Sustainability Appraisal in this regard</p>	

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	<p>seems dogmatic.</p> <p>In adopting this strategy, which does not include the identification of my client's site at Red House Farm that has the benefit of planning permission, reference is made to paragraph 15 of the recent appeal decision for part of the Red House Farm Site, in which the Inspector concluded that <i>"the appeal site is in a sustainable location for housing development"</i>. The failure of the Sustainability Appraisal to update the Red House Farm site assessment is flawed.</p> <p>There is concern, therefore, that on a site found by the Secretary of State to be sustainably located for housing development, and capable of meeting the Borough Council's needs, the emerging plan strategy does not seek to identify this with a revised settlement boundary or a strategy which allocates the site for development, because it adopts a different view on sustainability than the Secretary of State. By implication the strategy, and thus the alternatives considered in the revised Sustainability Appraisal, are clearly still flawed. Given the opportunity afforded by the amended Sustainability Appraisal it is disappointing that this legitimate concern has been ignored.</p> <p>Overall, the SA does not appraise the growth of Burton as it is now proposed. As we have previously identified, planning permission now exists at Outwoods for 950 dwellings, at Red House Farm for some 250 dwellings (with a phase 2 application currently the subject of a planning application for up to 150 dwellings, ref: P/2014/01530), at Forest Road for 300 dwellings, and Lawns Farm for some 2500 dwellings. This growth scenario was never modelled in the SA and still has not been modelled.</p> <p>The Council may have identified other events which have led to a revision of the SA but have not included fundamentally, planning permissions which already shape the location of development in the Borough and the sustainability merits of areas are flawed. This is not adopting the "open mind" approach encouraged by the Birmingham Inspector.</p> <p>In addition, the revised Sustainability Appraisal still does not seek to revisit the options tested with specific regard to the 6,473 dwellings that are now being promoted for Burton, despite this figure being 2,573 dwellings more than has previously been tested within the Sustainability Appraisal process. As has been noted in all the representations made to the Council's SA documents, this scale of development has clearly not been assessed</p>	

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	<p>through <u>any</u> of the preceding strategic papers.</p> <p>Indeed, it has been a criticism of the process since the Preferred Options stage that the Authority had not, in accordance with the relevant legislation and clear guidance of the Framework, started from a position of having identified the objectively assessed need and then working back to an appropriate strategy. Rather, the Authority at that time was promoting a constraint led development strategy, for which the development target was established by the constraints rather than the need.</p> <p>The revised Sustainability Appraisal remains absent of any explanation as to how the impacts of an additional 2,573 dwellings in the emerging Local Plan have been accommodated. The original analysis of Options 2a-2d in the Sustainability Appraisal related to a substantially lower housing requirement and any revisiting of those options has not identified that the additional dwellings were considered as part of those proposals. The revised Sustainability Appraisal identifies that the housing requirement was substantially increased and additional sites were examined for allocation.</p> <p>However it still does not explain how this strategy has emerged, the testing or visioning which underlay it. It remains difficult to view the revised Sustainability Appraisal as anything other than a reaction to the identification of a significantly increased housing requirement without any coherent underlying vision or approach but with some additional text to seek to further justify the Council’s proposed approach to development. In our opinion the legislative requirements of the SEA process have not been met by this revision and the SA is a flawed part of the Local Plan’s evidence base.</p> <p>In effect, these additional dwellings have been identified as a “bolt on” to a strategy that was devised to meet a much lower housing requirement. It is not clear that in approaching this new strategy that the Authority have started with a wholly fresh review of their approach, they have certainly not taken into account all relevant information available that could affect the proposed development strategy Sustainability Appraisal testing of the proposed option, to reflect whether this strategy, related to the development requirements and settlement boundaries is the most appropriate, when assessed against the alternatives. On this basis, the Council’s revised Sustainability Appraisal is considered to fail the relevant tests and is not legally compliant.</p>	

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	<p><u>Effects on Neighbourhood Plan Preparation</u></p> <p>In failing in their duty to undertake a Sustainability Appraisal that is legally compliant, emerging Neighbourhood Plans which rely on this SA to justify their own strategies, will inevitably follow suit. For example, the Outwoods Neighbourhood Plan is currently out to consultation until 18th February 2015. Its Sustainability Appraisal states that it has drawn upon the Borough Council's Local Plan Sustainability Appraisal to steer the Neighbourhood Plan Sustainability Appraisal. However, if the Local Plan has failed in its duty to properly assess the potential effects of the distribution of development and strategy for growth, including the proper site and sustainability considerations of my Client's site at Red House Farm, then this failure can only be compounded in the emerging Outwoods Neighbourhood Plan. It is burdening the Neighbourhood Plan process with an unsound evidence base.</p> <p><u>Summary</u></p> <p>The Cogent Land judgement (copy attached at Appendix 3) does make it clear that defects in an Environmental Report may be resolved by a later document and the same principle applies to the SA process. In the Cogent case the Honourable Justice Mr Singh indicated that whilst any Sustainability Appraisal must set out adequately the reasons for preferring the alternatives selected, it was also acceptable that an Addendum or review of the process and independent review could be acceptable to cure any defects in the earlier stages of the process provided it is not undertaken solely to justify an earlier decision/strategy and takes into account all relevant alternatives and potential impacts.</p> <p>Whilst this position is accepted, the Council's failure to revisit matters fully and choose the proposed 'hybrid' growth strategy from a clear assessment of alternatives, all based on the incorrect level of housing growth proposed, means it should not be considered legally compliant, and as a result the Local Plan still cannot be considered to be soundly based.</p> <p>For the Local Plan to proceed in the absence of a proper assessment of the implications of the actual growth strategy, or a proper reflection of the merits of alternative sites being promoted through those strategies, including those granted permission at appeal, the conclusion must be that this is a flawed basis on which to progress the emerging Local Plan.</p>	

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	<p>It is also disappointing that with the opportunity of the revised Sustainability Appraisal report published in March 2014 and further revised in December 2014 to reflect upon recent appeal decisions and to more accurately reflect the merits of Red House Farm site (and for that matter the Forest Road, Burton-on-Trent site), the opportunity has not been taken. This can only reinforce the conclusion reached above that the Sustainability Appraisal review is flawed and not legally compliant.</p> <p>I would be grateful if you could please keep me advised of the Council's timetable for Local Plan progression.</p>	
<p>Rep 9 Pegasus Planning on behalf of Gallagher Estates Ltd</p>	<p>1.1 We are instructed by Gallagher Estates Ltd to submit representations on their behalf to the Revised Sustainability Appraisal (December 2014). Gallagher Estates Ltd have a controlling interest over a large part of the land that falls within the strategic site included within the Strategic Housing Land Availability Assessment (SHLAA) as 'Site Reference: 125a: Land at Henhurst Hill, Burton Upon Trent'. A plan showing the location of the Gallagher Estates Ltd land interest is enclosed at Appendix 1.</p> <p>1.2 In early December 2014 the Council were supplied with an evidence base document entitled "Postern Park, A Framework for Sustainable Development". A further copy of this document is provided separately as part of this submission. This provides information about the specifics of the site. The document draws on technical assessments across key disciplines including, in particular, landscape and topographical considerations which have fed into a Development Framework Plan showing how the site could be developed (Figure 17 of the document & attached at Appendix 2). The Framework Plan has been developed in such a way that it can sensibly come forward with the additional land identified as SHLAA site 125a part of which now has planning permission for 300 dwellings (Ref: P/2012/01359: land at Forest Road, Branston).</p> <p>1.3 The Inspector (Hearing Document E.19, part 5b) states in his Interim Findings that the SA is: "inadequate as submitted and requires further work". In paragraphs 7 to 11 of his Interim Findings he sets out, in greater detail, the specific concerns he has stating, in paragraph 9 that it is; "deficient as a source of evidence in support of the ESLP, both in respect of its technical adequacy and legal compliance". He is of the view that it requires; "significant further work" (paragraph 9) making the point that it must; "clearly demonstrate, by way of an explicit audit trail, the reasons for the judgements reached at each stage of the evolution</p>	<p>The Revisions to the Sustainability Appraisal aid clarification to the appraisal carried out to date. Where further work produced for the Local Plan examination leads to proposed main modifications to the plan, these will be subject to further appraisal and consultation.</p> <p>As made clear at the beginning of the document, the revisions to the SA are not identified to reappraise sites, but clarify the reasons for the selection or rejection at the point of decision making.</p> <p>The Council have adopted a Sites Appraisal Framework that ensures all effects are identified.</p> <p>Site 125a is effectively 125 taking out</p>

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	<p>of the ESLP” (paragraph 11). The Council set out, in a response to the Inspector’s findings (Document F.40), what they felt should be the focus of any SA revisions. This includes focusing on the way in which the sites have been selected from the SHLAA for further appraisal and the appraisal of individual sites.</p> <p>1.4 It is noted that further explanation / clarification is provided in the Revised SA through additions made in yellow and bold text. Having considered these we remain concerned that the SA does not provide a reliable piece of evidence. In particular we do not consider that the assessment of the Land at Henhurst Hill as a reasonable alternative has been given clear or proper consideration.</p> <p>2. CONSIDERATION OF THE REVISED SUSTAINABILITY APPRAISAL</p> <p>2.1 It is noted that the SA should be applied as an iterative process informing the development of the Plan. In this regard the Inspector noted that the Revised SA of March 2014 was still subject to consultation when the Local Plan was submitted for examination, and thus the Plan as submitted is not strictly legally compliant in this respect.</p> <p>2.2 We have concerns about the timing of the publication of this Revised SA for consultation. This has been published in advance of the Council undertaking further work to address matters raised by the Inspector in his Interim Findings. This includes (as evidenced by the Council in document F.40) the outcome of the Council’s additional work to establish the full Objectively Assessed Housing Need (OAHN). It also includes work on clarifying the site selection process and housing land supply. In document F.40 the Council has stated that work on these issues is expected to be completed by mid January 2015 (although not yet published) and therefore after the publication of this most recent iteration of the RSA. In short, this Revised RSA is not capable of taking into account the implications arising from the additional work undertaken by the Council.</p> <p>2.3 The Council has indicated that it does not consider it necessary to find additional housing sites due to recent consents on a number of sites, which they say, will be demonstrated under their as yet unavailable work on OAHN, site selection and housing land supply. The decision of the Council appears to be pre determined in advance of the production of evidence, is not transparent and serves to highlight the fact that the Council have prematurely consulted on the RSA, before the updated evidence has been completed.</p>	<p>the Forest Road application, which has permission. The appraisal recognises this and the effects are still relevant.</p> <p>The information provided in the representation and submitted to the Council previously for pre-application discussions was provided too late in the plan making process. However it is considered that the appraisal adequately identifies where mitigation would be required and this was taken into account at each plan making stage.</p>

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	<p>2.4 Furthermore, it is considered that the Council has not fully taken on board the interim findings of the Inspector. It is unclear at this stage whether the Council has considered the potential for increasing the range of sites to improve overall Plan delivery. Their wording within document F.40 suggests that they will not be considering additional housing sites, due to the volume of recent planning permissions. It therefore appears from the RSA document and the Council's stance as set out in document F.40 that references in the Inspector's interim findings to the Council considering further increases in the number and variety of size and location of housing sites to meet the five year supply have not and are not proposed to be acted upon.</p> <p>2.5 With regard to the SA process this potentially raises issues, not least the requirement in law to assess and give reasons for rejecting any reasonable alternatives (Heard v Broadland DC, South Norfolk DC, Norwich CC). The Council's approach appears to be effectively dismissing the consideration of reasonable alternatives capable of delivering housing as suggested by the Inspector.</p> <p>2.6 The Inspector also raised the issue of apparent inconsistencies between site assessments and the need to justify this through more explicit reasoning within the RSA. 2.7 It is noted, however, that the recent RSA explicitly states at para.1.46 that the revisions to the SA do not "revisit the specific appraisal of sites already subject to SA or appraise any further sites". It is contended that the interim findings of the Inspector presented a key opportunity to revisit site appraisals, particularly in the light of the Inspector's comments on the need to take a higher figure as the OAHN for the District (Document E.19 para.19). This is particularly pertinent in relation to SHLAA site 125a; Land at Henhurst Hill as discussed in section 3 below.</p> <p>3. LAND AT HENHURST HILL, BURTON ON TRENT (SHLAA site 125a) The Assessment Process</p> <p>3.1 The assessment of strategic site 125a as a reasonable alternative is not explained or justified within the revised SA. The revised SA seems to refer only to SHLAA site 125. This is evidenced at paragraphs 131, 7.126 and 7.127 and within the assessment table contained at page 103. This is a concern. SHLAA sites 125 and 125a are very different strategic development site propositions and, as presented, the revised SA provides no evidence that site 125a (incorporating SHLAA sites 45, 65, 71, 79, 80, 125 & 368) which has been known to the Council for a number of years has been subject to sustainability appraisal as a reasonable alternative.</p> <p>3.2 SHLAA site 125 does form part of the larger, comprehensive area of site 125a. Accordingly paragraphs 7.126</p>	

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	<p>and 7.127 of the Revised SA are noted. Two additions have been proposed to the text both of which are of concern. Firstly, it is stated that the site was rejected at Preferred Options of the Local Plan. This was some considerable time ago, back in 2012. Since that time there have been significant material changes to the evidence base relating to land at Henhurst Hill.</p> <p>3.3 Also, and as recognised in footnote 17, land south of Forest Hill now has planning permission for some 300 dwellings. This site (SHLAA site 45) forms part of SHLAA site 125a. Planning permission was granted by the Secretary of State in February 2014. In permitting the scheme the Secretary of State noted that the development would not have significant adverse effects on landscape character or visual amenity. The Secretary of State also concluded that the site is in a sustainable location for housing development. In essence the Secretary of State considered this an acceptable location for development. The Council has not sought to re-appraise the suitability of site 125 / 125a as a reasonable alternative through the iterative SA process even given the knowledge that the land at Forest Hill has permission and will be developed.</p> <p>3.4 In addition to the above the Council has added text to the Revised SA at paragraph 7.126. This states that the site has a very rural character with a variety of topography, differences in field size and enclosures which dominate the landscape. This may have been the Council view in 2012, when site 125 was rejected, however, as set out above, land at Forest Hill now has permission.</p> <p>Added to this, the Council has been in receipt (since early December 2014) of additional, up to date material relating to the majority of Site 125a in the form of the ‘Postern Park – A Framework for Sustainable Development’ which is provided separately as part of this submission.</p> <p>3.5 It is disappointing and arguably wrong that the Council has not reappraised the land at Henhurst Hill (site 125 / 125a) since Preferred Options stage as part of the iterative SA process. As evidenced in Section 4 below, when consideration is given to updated circumstances and material the land at Henhurst Hill performs very well as a reasonable alternative for development.</p> <p style="text-align: center;">Henhurst Hill – A Sustainable Alternative</p> <p>3.6 The ‘Postern Park Framework for Sustainable Development’ document promotes, in SHLAA area 125a, a proposal which could deliver some 450 dwellings in Phase 1 as a stand-alone development, with the potential for a</p>	

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	<p>further 300 dwellings in a second phase, set within a green infrastructure framework which would respect the character of the landscape.</p> <p>3.7 With regard to the Council’s 2014 Strategic Housing Land Availability Assessment (SHLAA) land at Henhurst Hill was identified as site number 125a for 90.9 ha of land, capable of yielding some 2,727 dwellings. The SHLAA identifies the site as being deliverable, developable, available, achievable and suitable, although significant infrastructure investment is identified as being required, but that these constraints could be overcome. In addition the SHLAA identifies potential physical problems on site which would affect residential development. These being: potential risk of contamination on part of the site, access constraints and a brook running along the edge of the site.</p> <p>3.8 The impact of residential development on the surrounding area, given the scale proposed by this site, has been assessed in the SHLAA as leading to the loss of landscape character. However this is based on a potential yield figure of 2,727 dwellings across the entire site, which appears to result from an assumed dph of 30, multiplied by 90.9 ha. This represents a completely different proposition to that promoted by Gallagher Estates which has given very careful consideration to the site’s opportunities and constraints.</p> <p>3.9 Further detail has been provided about the site in the form of the updated masterplan and information contained within the framework document. This also includes a Proposed Concept Plan (Figure 15), a Proposed Framework Plan (Figure 16) and a Proposed Development Framework (Figure 17), which demonstrate how the site could be developed which would result in a lower number of dwellings.</p> <p>3.10 In addition mitigation can be implemented to address the constraints identified in the SHLAA as summarised below.</p> <p>Contamination - ground investigations would take place prior to any planning application on those parts of the site where contamination may exist and any remediation necessary would be implemented.</p> <p>Access - The Proposed Development Framework (Figure 17) contained within the Framework Document demonstrates that all types of access can be adequately accommodated. A primary vehicular access is proposed from Postern Road to the north of the National Forest Adventure Farm, with a possible secondary vehicular access</p>	

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	<p>indicated further to the north, also from Postern Road. Other access points to the site are also indicated on the Proposed Development Framework (Figure 17) for non-motorised users and possible school access points to serve the potential new secondary school.</p> <p>Hydrology - With regard to the identified brook constraint the Proposed Development Framework (Figure 17) contained within the Framework document also demonstrates that the brook on the southern boundary of the site will not be impacted on by development and that new attenuation ponds are proposed in the southern area of the site to assist with surface water drainage.</p> <p>3.11 Despite the Framework Document and latest illustrative masterplan submitted to the Council in December 2014, it is noted that in relation to the assessment for land at Henhurst Hill, Burton, the results (albeit said to apply to SHLAA site 125 only), as set out in the Council’s sustainability appraisal, remain unchanged.</p> <p>3.12 In the light of the additional technical evidence contained within the appended Framework Document site 125a is considered below against the Council’s sustainability objectives.</p> <p>Economic and Social SA Objectives</p> <p>3.13 In relation to the sustainability objectives of ‘Economic Opportunities’ and ‘Accessibility to Services’ the SA has scored site 125 as being likely to have a positive impact on the achievement of sustainability objectives and for the SA objective of ‘Housing’ the option was assessed as being likely to have a very positive impact on the achievement of sustainability objectives.</p> <p>3.14 Gallagher Estates concurs with the general findings of the Council’s appraisal of the Henhurst Hill site for these sustainability objectives, in that the site would:</p> <ul style="list-style-type: none"> • deliver a significant amount of the required residential development for the Borough, including affordable housing, with house types and tenures informed by local need and demand, on the edge of Burton, in a sustainable location; • generate a substantial number of new residents, requiring access to employment opportunities and stimulating expenditure and growth of the local economy; • be in close proximity and have good links to the Centrum 100 Business park, which is located on the edge of 	

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	<p>Burton to the south of the site;</p> <ul style="list-style-type: none"> potentially provide a site for a much needed secondary school, together with community facilities and public open space, giving educational, social and recreational opportunities for new and existing local residents. <p>Transportation</p> <p>3.15 This falls under both economic and social sustainability appraisal criteria and has been given a negative score within the SA. However it is the case that the development of this site would put in place measures to mitigate the impact of the development on the surrounding road network.</p> <p>3.16 A range of measures to optimise the use of sustainable modes of travel would be implemented, and Gallagher Estates acknowledge that they will need to work with Staffordshire County Council to achieve a modal shift from private to public modes of travel. To assist in achieving this, such measures would include: provision for pedestrians and cyclists (both on and off-site); new bus routes within the scheme and financial contributions towards local bus services; and making facilities available within the site in order to “internalise” trips. In addition off-site improvements to the local highway network would be funded by the development, where justified and necessary.</p> <p>3.17 The inclusion of a site for a secondary school will help to maximise the opportunities for sustainable travel for both residents of the new development and the existing community. Measures to internalise trips within the development site and to reduce any potential impacts on the surrounding highways network will also be implemented. It is anticipated that overall the land at Henhurst Hill has the potential to assist in achieving a net benefit in terms of reductions in longer distance journeys to education within the wider area.</p> <p>3.18 Accordingly, with the range of measures proposed, it is not justified that this site should be afforded a negative score in relation to this transport criterion. Indeed it must be remembered that this score was based on a different proposition for the site and without the evidence that the Council now has before it.</p> <p>Environmental SA Objectives</p> <p>3.19 The Council’s Sustainability Appraisal includes several environmental sustainability objectives, including: Flood Risk, Countryside and Landscape Quality, Biodiversity and Geodiversity, Historic Environment and</p>	

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	<p>Heritage Assets and Local Distinctiveness. The text below considers the Council's score given in the SA and then takes into account the additional technical evidence contained within the appended Framework Document.</p> <p>Flood Risk</p> <p>3.20 The site lies in Flood Zone 1, where there is a low probability of fluvial flooding. However, there have been incidents of localised flooding due to surface water on parts of the site. The development scheme proposes a range of sustainable drainage systems (SuDS) i.e. swales and on site attenuation ponds which will discharge to existing watercourses.</p> <p>3.21 In relation to Flood Risk the Council's SA has scored this site 0, where the effects would either be not significant or neutral. However, the implementation of measures to alleviate surface water flooding is likely to have a positive impact on the achievement of sustainability objectives.</p> <p>Use of Land</p> <p>3.22 This criterion has been given a negative score within the SA on the basis that the development would extend the built form of the town into sensitive areas of the countryside, and would be visible from the wider area. This assessment is based on the assumption, presumably, that the site being considered would accommodate in the order of 2,700 dwellings. However, it is the case that Phase 1 of the proposals contained within the recently submitted framework document are not sensitive in landscape terms, being located in an area of the site bounded by existing development. In addition the most recent proposals for the site would in effect create a new neighbourhood, accessible to the existing urban area of Burton and services and facilities therein.</p> <p>Countryside and Landscape Quality</p> <p>3.23 The SA has scored the site as a double negative against this criterion. The indicative masterplan for the site includes a Green Infrastructure (GI) strategy which will minimise the potential effects upon landscape character and the visual impact of the development on the surrounding area. The vision for the proposed development aims to promote and enhance the site's existing landscape qualities, by creating a public parkland to its south and east; giving greater accessibility and creating a structured landscape pattern, retaining as much of the trees and hedgerows as possible, so that the development visibly defers to this landscape structure.</p>	

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	<p>3.24 The proposal promoted within the Framework Document is therefore sensitive to the environmental constraints of the site, particularly landscape, ecology and drainage, by placing development in locations well related to the existing built form and in the least sensitive environmental locations. It is therefore contended, in relation to this issue, that the Council's scoring is not justified.</p> <p>Biodiversity and Geodiversity</p> <p>3.25 The Sustainability Appraisal scores this site with a '?' as at the time of the original assessment (2013) there was uncertainty or insufficient information on which to determine impact. The SA states that the site is adjacent to Sinai Park and ancient woodland that forms part of the National Forest, in addition to a number of ponds and brooks and that Shobnall Dingle, an SBI, lies to the north of the site.</p> <p>3.26 Gallagher Estates commissioned an ecological appraisal of the site and the area which is assessed in the attached Framework Document. The site does not lie within or adjacent to any statutory or non-statutory wildlife sites and no direct impacts to any such sites are anticipated as a result of the proposed development. Whilst a number of non-statutory wildlife sites are present in the area any potential impacts would be indirect and can be mitigated.</p> <p>3.27 The proposals for the site incorporate substantial structural landscaping and a comprehensive Green Infrastructure (GI) strategy, in accordance with the objectives of the National Forest designation and Pre-Submission Local Plan strategic policies SP23 and SP26. The scheme incorporates the retention of areas of woodland, hedgerows and ponds of local value in the southern portion of the site, alongside an area proposed as future open space and SUDs. Ecological enhancement in line with the aims of the National Planning Policy Framework to take advantage of opportunities to incorporate biodiversity within the proposals will therefore be realised. Thus the development of this site, following the implementation of an appropriate mitigation strategy, would be considered highly unlikely to result in any significant adverse effects on any national or local nature conservation designations.</p> <p>3.28 There is considerable scope in any future proposals for this site to retain the majority of features of elevated value to wildlife which currently provide corridors through/around the perimeter of the site, including hedgerows, woodland, trees, tree lines and ponds. Safeguards could be implemented to ensure that these habitats are fully safeguarded throughout construction and enhancements delivered through</p>	

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	<p>implementation of the development, to improve connectivity through the site and beyond.</p> <p>3.29 The framework document demonstrates that the majority of the site is relatively unconstrained in terms of habitat and fauna, with the vast majority of potential constraints lying at the site margins, which can be readily accommodated within a sensitively designed masterplan. In addition, significant opportunities have been identified which could provide a range of enhancements and associated benefits for wildlife.</p> <p>3.30 The Proposed Development Framework (Figure 17) demonstrates how tree lined hedgerows and individual trees can be incorporated and strengthened successfully into a scheme on this site. Creation of new greenspaces can be provided that will provide local recreational opportunities that integrate with the wider environment.</p> <p>3.31 It is therefore considered that through a number of mitigation and enhancement measures there would be opportunities to create new and enhanced existing habitats, thereby being likely to have a positive impact on the achievement of sustainability objectives.</p> <p>Historic Environment and Heritage Assets</p> <p>3.32 The Sustainability Appraisal scores this site with a ‘?’ as at the time of the assessment there was uncertainty or insufficient information on which to determine impact.</p> <p>3.33 The accompanying framework document notes that there are six Listed Buildings and one Scheduled Ancient monument within 2 kilometres of the site, with the proposed development only relating to one of the Listed Buildings – Postern Farmhouse.</p> <p>3.34 The SA has also highlighted that the development would result in a permanent impact on the setting of a listed building, but that mitigation could help lessen the severity of the impact. The Proposed Development Framework (Figure 17) contained within the Framework Document serves to demonstrate that the development will be located some distance to the north of the listed farmhouse, with a green corridor/rural edge created to the southern boundary of the proposed first phase of the residential development. In addition a number of trees and hedgerows are proposed to be retained and new tree planting also proposed. The masterplan demonstrates that the development is unlikely to harm the significance of the setting of the listed building, but that it will benefit from an enhanced setting by virtue of a parkland entrance providing</p>	

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	<p>greater distinction from the built-up area to the north, and a better quality entrance.</p> <p>3.35 With regard to archaeology, a schedule of findings is contained within the framework document, but these are not perceived to be a restriction on development of the site.</p> <p>3.36 In conclusion, there are no heritage issues that would render the site unsuitable for future development. Overall it is considered that the technical information contained within the appended Framework Document would give more certainty with regard to the protection of heritage assets and would not therefore lead to a negative score for this sustainability objective within the SA.</p> <p>Local Distinctiveness</p> <p>3.37 The SA gives the site a single negative score stating that the existing area includes a distinct rural environment with local heritage, biodiversity and open space. Whilst some of the issues of local heritage assets and biodiversity have been dealt with above the Proposed Development Framework (Figure 17) shows that the development would be physically and visually contained within the overall context and landscape setting of Burton upon Trent, and will ensure that the site can accommodate a level and mix of development that can be successfully integrated with a commensurate level of Green Infrastructure (GI) including a variety of diverse landscape resources; open spaces; access links; and recreational value.</p> <p>3.38 Within the open spaces the green infrastructure can seek to enhance those areas of limited landscape quality e.g. through the use of sustainable urban drainage systems; and protect those of some value e.g. by integrating them into the open spaces.</p> <p>3.39 Within the areas of built form, the creation of an attractive public realm can be realised through the delivery of quality streetscapes that can be used to contribute to different levels and types of townscape character within different parts of the development framework; green links and corridors that can also provide the attractive physical thresholds between different uses of built form; play areas and similar nodal points; as well as open spaces for active and passive recreation. The site planning of such elements can also, given the scale of the site, be constructively and creatively used to provide elements of essential mitigation e.g. between the wider site and heritage assets.</p>	

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	<p>3.40 Given its current landscape, townscape and visual baseline it is considered that there is opportunity to provide overall benefits in terms of landscape resources; high quality landscape and townscape character through considered design and a diverse mix of building use and open spaces; whilst at the same time visual amenity will be retained through the introduction of consistent land uses on the existing urban edge, in a visually discrete setting. On this basis, it is considered that the site offers an excellent opportunity to maintain and enhance landscape and townscape quality and thus it is considered that the SA scoring could be more positive to reflect this more accurately.</p> <p>4. DELIVERABILITY & VIABILITY</p> <p>i) Deliverability</p> <p>4.1 Land at Henhurst Hill is deliverable/developable in the terms identified at footnotes 11 and 12 of Paragraph 47 of the NPPF. Gallagher Estates is a major strategic land promotion company operating across the UK with a track record for successfully delivering many large scale developments. The company has a specific focus on the residential sector, and acts as a ‘Master Developer’ by retaining responsibility through all stages of the development process. The company is not a house builder, but instead facilitates development through the provision of infrastructure and community facilities to enable serviced land parcels to be offered for sale to the house building industry.</p> <p>4.2 Gallagher Estates is appointed by the land owners to exclusively promote this site for a residential led development and have the full support of the landowner whom they have a working relationship with and have a long-term agreement to promote the site.</p> <p>4.3 All identified constraints of the site can be properly taken into account and a development incorporating in the order of 750 homes, a potential site for a secondary school, provision for the retention/re-location of the Adventure Farm, and some 45 hectares of open space can be provided. Phase 1 of the site, which could accommodate in the order of 450 dwellings and a potential site for a secondary school, is available now, offers a suitable and sustainable location for development and there is every prospect that a number of the homes could be delivered on the site in the next five years. The delivery of this site will direct growth in a sustainable manner, in the spirit of the NPPF and its clear presumption in favour of sustainable development.</p> <p>4.4 Gallagher Estates are of a strong opinion that land at Henhurst Hill would be highly desirable from a</p>	

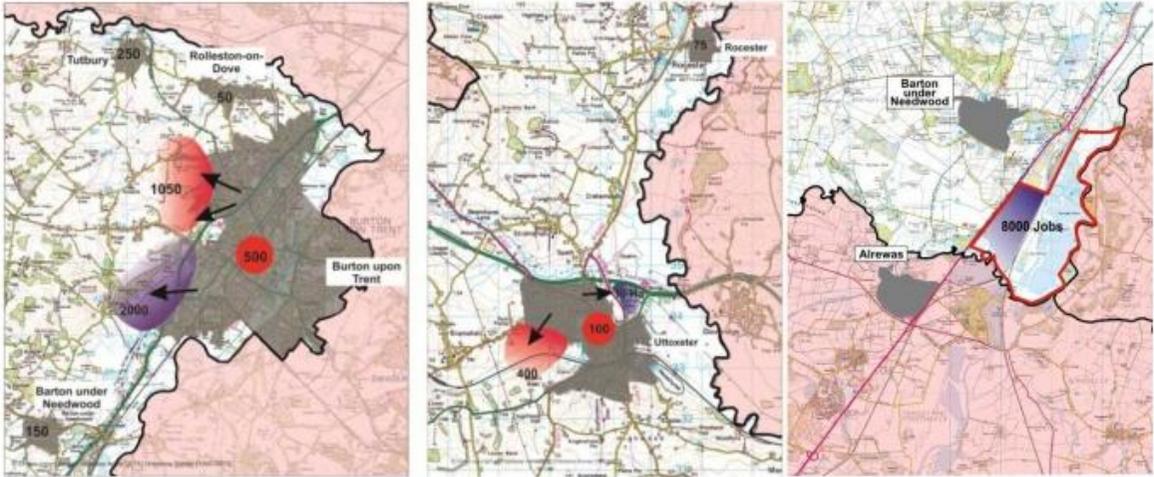
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	<p>house buyers perspective, being located within an area well served by a wide range of services and facilities, set within a high quality environment and with good access to public transport and employment opportunities.</p> <p>ii) Viability</p> <p>4.5 The Harman Report relating to viability recognises that at a Local Plan level, viability is very closely linked to the concept of deliverability. It is noted that the Council has undertaken a report (November 2013) on the viability of development within East Staffordshire Borough to inform the Local Plan and future CIL. This report concluded that greenfield development can be viable within the Borough.</p> <p>4.6 Whilst it is acknowledged that the development of the site at Henhurst Hill would require mitigation to be secured by way of a Section 106 agreement, or CIL charge, Gallagher Estates view is that the development of this site would be viable and deliverable.</p> <p>5. CONCLUSION</p> <p>5.1 Given the points raised in this submission we remain concerned that the SA process is flawed and does not provide a robust piece of evidence at this stage. In particular we are concerned that an assessment of SHLAA site 125a as a reasonable alternative is not evidenced within the SA. The Revised SA clearly shows that Site 125a has not been assessed appropriately as part of the iterative SA process. This is particularly the case given the references to Site 125 only, with no mention of Site 125a and in light of the considerable evidence now before the Council in relation to this area and the change of circumstances since the site was rejected in 2012 including, in particular, the granting of permission for 300 dwellings at Forest Road and the submission of a Framework Document with attendant Development Framework Plan.</p>	
Rep 10 Wardell Armstrong on behalf of BDW Trading Ltd	<p>1 INTRODUCTION</p> <p>1.1 The Planning Inspector has published his Interim Findings on the East Staffordshire Local Plan. As part of these Interim Findings the Inspector considered that the Revised Sustainability Appraisal (RSA) on the East Staffordshire Local Plan was inadequate as a source of evidence in support of the plan. The Inspector outlines</p>	The revisions to the SA are points of clarity. The purpose of the revisions are not to justify any modifications. All main modifications will be subject to further appraisal following the

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	<p>a number of fundamental flaws associated SA. These include;</p> <ul style="list-style-type: none"> • “As the Revised SA (RSA) was still subject to public consultation when the ESLP was submitted for examination, the ESLP as submitted is strictly not legally compliant in that aspect of procedure • the RSA has inevitably not taken into account proposed changes (potential Main Modifications - MMs) published since the ESLP was submitted for examination, • the 16 sustainability criteria identified at the scoping stage and applied to strategic options in the RSA are not carried forward to the consideration of the selection and assessment of sites for development, where a reduced and reformulated set of 11 criteria is substituted, apparently without explanation, • although the several options for the overall spatial strategy are considered, the chosen ‘hybrid’ version of Options 2c and 2d does not appear to be properly tested against the assessment criteria, • the selection of sites from the Strategic Housing Land Availability Assessment (SHLAA) for further appraisal and SA is apparently undocumented and therefore not articulated in the RSA, and • there are apparent inconsistencies between site assessments which, whilst necessarily subjective, justify more explicit reasoning.” <p>1.2 It was also stated that the significant weaknesses associated with the RSA sustainability work should not be regarded as seeking to retrospectively justify modifications to the ESLP for adoption.</p> <p>1.3 The above weaknesses have been previously referenced in representations by BDW Trading Ltd at both the consultation stages of the Pre-Submission Sustainability Appraisal (Ref: Rep LP241) and the Revised Sustainability Appraisal (Ref: Rep RSA13).</p> <p>1.4 This representation draws attention to the continuing significant flaws to the Local Plan (Examination) Revised Sustainability Appraisal – December 2014 in the context of the assessment of the Twin Rivers site, and the reasons why BDW Trading Ltd considers the SA process to still be legally deficient.</p> <p>1.5 Review of this ‘further SA’ compounds the fact that the SA process overall is unsubstantiated in that the flaws identified in previous BDW representations still stand (see representations highlighted in 1.2). The apparent attempt to retrofit the SA process during its passage is evident in the inadequate and non-transparent way that representations have been materially used and how they have been not been positively or properly used</p>	<p>examination hearings.</p> <p>Revisions made to the SA Report in both the March 2014 document and December 2014 document are clearly recorded.</p> <p>Explanation regarding the SA Objectives has been added. The revisions clearly show how the SEA Topics have been met. The Twin Rivers proposal has been appraised using the same criteria as other sites.</p> <p>The SA, Local Plan and other supporting documents clearly set out the justification for option 2d with the revisions to the SA clearly showing which options have been subject to appraisal as ‘reasonable alternatives’. The SA adequately appraises the draft plan (preferred option) and final plan (pre-submission Local Plan).</p> <p>Amendments to the appraisal of the Twin Rivers proposal have been made and a separate note setting these out will be produced prior to the re-opening of the examination hearings.</p>

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	<p>in site analysis.</p> <p>1.6 The assessment of ‘the Twin Rivers site’ remains flawed, despite formal consultation submissions with evidence in September 2012, 28 November 2013 (pre-submission SA) and 2 May 2014 (revised SA) and submissions to the Inquiry by way of the Project Information Timeline and the Project Prospectus, which has set out the substantive information required during the SA process .</p> <p>1.7 The level of inconsistency, lack of reference to information provided and highly subjective analysis demonstrates that the SA process cannot be considered credible, robust or justified and is not fit for purpose in making well-reasoned consideration of the most appropriate strategy.</p> <p>1.8 The contention remains, consistent with the representations to the Revised SA of March 2014, that the levels of inconsistency, lack of reference to evidence in favour of unsubstantiated commentary, and lack of objectivity and justification leaves the RSA process deficient as a reliable source of evidence in support of the plan in respect of its technical adequacy.</p> <p>1.9 It is expected that the resumed Examination will again assess the Sustainability Appraisal in the context of the Local Plan, and question how the procedure promoted at 1.45 and 1.46 of the further revised SA the subject of this representation has and will subsequently deal with the substantive matters raised by the Inspector.</p> <p>2 THE SUSTAINABILITY FRAMEWORK</p> <p>2.1 The Revised Sustainability Appraisal Report (RSA) indicates at Par 5.22 ‘The 16 objectives overall cover all of the SEA topics and were derived in consultation with external consultants. However upon early appraisal of the sites it was apparent that several of the objectives were not suitable for using to assess sites, or would not help to differentiate between sites due to their broad strategic nature. It was decided to identify in the Interim SA that a different framework would be used for assessing specific sites. This would allow a more meaningful assessment to take place and identify key site specific effects. The sites sustainability appraisal framework is identified below. The table below has been amended to clearly show how the sites criteria relate to the 16 SA criteria and also demonstrate that the SEA Topics’.</p> <p>2.2 The SA Framework used for the assessment of strategic sites is therefore still different to the SA Framework</p>	<p>The Council consider the SA meets the legal requirements and has made a meaningful attempt to correct anomalies.</p> <p>The Lichfield Local Plan Inspectors Report has been added to the Examination library and the Council have closely followed the authorities position regarding the Twin Rivers proposal as part of Duty To Cooperate and also to ensure a consistent approach to the appraisal of the site.</p>

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	<p>set out in the subsequent Scoping Report, which was issued for consultation.</p> <p>2.3 Only 11 Sustainability Objectives continue to be used. As before, objectives removed include:</p> <ul style="list-style-type: none"> • Climate Change, Energy and Air Quality - To reduce the causes and impacts of climate change, improve air quality, promote energy efficiency and encourage the use of renewable energy • High Quality Design and Sustainability - To encourage sustainable design and practice and create a high quality built environment • Green Infrastructure and Open Space - To protect, enhance and provide new Green Infrastructure assets • Town Centre - To sustain the vitality and viability of Burton and Uttoxeter town centres • Rural Communities - To sustain vibrant rural communities • Natural Resources - To ensure the prudent use of natural resources and the sustainable management of existing resources • Quality of life - To improve the quality of life, including the health, safety and wellbeing of those living and working in the borough • Water Quality - To protect and enhance water quality of the Borough's rivers whilst maximising their carrying capacity through achieving sustainable water resource management <p>2.4 In addition the following objectives have been added and they include;</p> <ul style="list-style-type: none"> • Countryside and Landscape Quality - To protect, maintain and enhance the character and appearance of the landscape and townscape quality, maintaining and strengthening local distinctiveness and sense of place. • Accessibility to Services - To provide access to services and facilities • Local Distinctiveness - Creating a sense of place, incorporating high quality design and quality of life, contributing to existing settlement character • Existing Settlements - To sustain the vitality and viability of existing settlements <p>2.5 There remains no adequate justification or explanation for such changes in the Revised Sustainability Appraisal process and how it has been transparently taken forward in to decision making. Matters put forward in sections 5.16 to 5.23 do not adequately explain the issue raised by the Inspector in point 8C of his Interim Findings of 11 November 2014. It is considered that the Section 5.22 assertion that 'all the SEA topic areas and 16 SA objectives are covered' is inadequate justification for the matters exposed at Plan Examination.</p>	

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	<p>2.6 Those SA objectives which have been removed through the SA process can be applied to specific sites and have in fact been applied to BV&TRP. Our previous submission to the Pre-Submission Sustainability Appraisal (Ref: Rep LP241) has successfully applied all 16 SA objectives to the</p> <p>3 THE OVERALL SPATIAL STRATEGY</p> <p>3.1 It is clear from the Planning Inspector’s Interim Findings that the SA process has not previously tested the Plan’s preferred spatial strategy. Therefore Option 2d has not been properly assessed from a sustainability perspective. Therefore, in this key area, the SA process still has not properly influenced the emerging Local Plan and has not outlined the relative sustainability benefits and weaknesses of the chosen spatial strategy.</p> <p>3.2 No additional SA work has been undertaken with regard to the proper assessment of this preferred spatial option. Therefore the weaknesses identified by the Planning Inspector still stand. Our previous conclusions on the representations made on the Pre-Submission and Revised Sustainability Appraisals also still stand.</p> <p>3.3 It remains unclear why Option 2d should be the preferred option with no clear and justified sustainability reasons been put forward to support this conclusion. The purpose of a SA is clear. Its role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives. Therefore, the SA must fully consider reasonable alternatives.</p> <p>Proposed Option 2e – Concentrating Growth in the South of Burton and some development in to the west of Uttoxeter, strategic villages and Twin Rivers</p> <p>3.4 This option would include the proposals contained within option 2d but would also include the employment and leisure proposals contained within the Twin Rivers project which along with many other sustainability measures would provide further economic and social and environmental benefits to both ESBC and Lichfield District in addition to option 2d. This amended spatial option would provide flexibility to the spatial strategy and would secure significant cross-boundary benefits.</p> <p>3.5 It is recommended that in the required SA re-assessment this reasonable alternative be properly assessed in</p>	

Comment ID and Representor	Representation	ESBC Response
	<p>light of other spatial options proposed, not least to recognise its strategic economic benefits. The figure below outlines proposed Option 2e.</p> <p>Figure 1: Proposed Spatial Option 2e</p>  <p>4 REVIEW OF BROOKHAY VILLAGES AND TWIN RIVERS SA ASSESSMENT</p> <p>4.1 The amendments made to the RSA and the amendments made to the appraisal of Strategic Sites, in particular the assessment that relates to BV&TRP (para. 8.31 to 8.36) have been reviewed. The amendments put forward rely on the SA carried out as part of the Lichfield Plan. This is not an effective basis for undertaking a compliant and sound SA as part of the East Staffordshire Local Plan. The weaknesses that have been previously highlighted in the previous representations are still valid and can be summarised as follows;</p> <ul style="list-style-type: none"> The assessment does not appropriately reflect the information provided through submissions and representations 	

<u>Comment ID and Representor</u>	<u>Representation</u>	<u>ESBC Response</u>
	<ul style="list-style-type: none"> • There are no links to evidence to support the assumptions made. • Inaccurate assessments of the proposal are made which cannot be relied upon • The findings of a number of submitted assessments are not recognised. <p>4.2 In addition there is no mention of the following specific issues in relation to the strategic cross-boundary site:</p> <ul style="list-style-type: none"> • The development proposed • The significant transport (strategic road and rail) infrastructure proposals - (double negative score given) • Inadequate reporting of potential benefits • Inadequate reporting of proposed mitigation • No reference to Local Plan policies that will manage development <p>BV&TRP Assessment</p> <p>4.3 There have been no meaningful attempts to correct anomalies within the SA assessment since the pre-submission SA.</p> <p>4.4 The pre-submission SA, the results given in Table 7.4 (p.125) of the RSA and that in Table 8.5 Appraisal of alternative sites (P. 150-151) and Appendix G (P. 176-180) all give exactly the same assessment. The only change within the latest SA is the addition of further text on Twin Rivers on P. 156-157, comprising Sections 8.34 – 8.36.</p> <p>4.5 An accurate SA of BV&TRP as previously submitted in representations to both the Pre-submission and Revised SA's is included in Appendix 1 Lichfield Local Plan Context</p> <p>4.6 The Inspector's report of 16 th January sets a strong context, which identified anomalies and inconsistencies in the current Examination SA beyond any necessarily subjective matters in to those of principle and erroneous judgements.</p> <p>4.7 The Inspector at Para 177 states 'The settlement would include housing, retail, leisure, health, sports, recreational and employment uses together with the construction of two new rail stations, major junction improvements on the A38 and improved bus services and cycle/footpath links.' And at Para 178 'It is common</p>	

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	<p>ground that the site is developable’ At Para 180 he states ‘The evidence is that Brookhay Villages would be a sustainable proposal and there is no evidence to suggest that it would face insurmountable technical or environmental objections’.</p> <p>4.8 The Inspector at Para 184 acknowledges the development as ‘a strategic matter of importance’ and sets out a wider context. Twin Rivers (Para 8.31 – 8.36 of the RSA Report)</p> <p>4.9 Paragraphs 8.31 to 8.33 inclusive remain unaltered and illustrate clearly that despite the Project Information Timeline clearly setting out the submission of further information since that outdates and renders inappropriate a significant number of matters.</p> <p>4.10 The matters in 8.34 to 8.36 are appropriate to Lichfield and do not portray an effective or realistic analysis, in particular the wholly unrealistic statements regarding ‘a standalone scheme without delivering any of the associated infrastructure’ and ‘not considered suitably advanced or certain to be progressed as a comprehensive scheme’. The Plan Inspector has recently set the accurate context.</p> <p>4.11 Paragraph 8.36 of the RSA accepts ‘many positive effects for the development’ but also refers to ‘the additional information provided by the site promoters there are many negative and uncertain effects identified in the appraisal’.</p> <p>4.12 A substantial number of important points of assessment continue to have been dealt with in an erroneous way, as set out in Appendix G – Task B Strategic Sites Appraisal. Twin Rivers is dealt with at P. 176 – 178. The following comments are a demonstration of how unspecific and inaccurate the Appraisal undertaken remains, even after extensive interpreted information being submitted at previous stages of engagement in the SA process.</p> <p>4.13 Economic opportunities - The RSA correctly accepts that the proposal will provide a very positive impact in terms of providing economic opportunities (see Table 8.5 of the RSA). However, it would appear that in order to justify exclusion of BV&TRP from the Local Plan the ESBC have claimed that the BV&TRP scheme would undermine other employment areas in Burton on Trent and Lichfield District. There is no evidence that the supply of employment as part of the BV&TRP scheme would undermine other employment areas in Burton on Trent and Lichfield District. Notwithstanding the above, it is clear that such a consideration is not a SA objective.</p>	

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	<p>4.14 The economic objective of the SA is to provide economic opportunities for local residents. The BV&TRP strongly adheres to this objective and is likely to have a very positive impact. The proposal will assist in promoting choice in terms of well accessed employment land on the A38 Trunk road. The scheme is focused on specific economic sectors including sport and leisure and Hi-Tech industry.</p> <p>4.15 The East Staffordshire Employment Land Strategy recognises the scheme’s ambition to diversify and improve the current narrow based economic offer.</p> <p>4.16 Housing opportunities: The RSA correctly accepts that the proposal will provide a very positive impact in terms of housing (see Table 8.5 of the RSA). However, in order to justify exclusion it is indicated that “there remain a number of issues which mean that there would be concerns with this option as the short term deliverable solution the Council is currently required to produce in order to gain a ‘sound’ plan”.</p> <p>4.17 The Revised Sustainability Appraisal is not a test of plan soundness. It is a sustainability assessment of reasonable alternatives. The RSA housing objective “is to provide a suitable mix of decent housing available and affordable to everyone.” The BV&TRP will strongly meet this SA objective.</p> <p>4.18 Transportation: The RSA assessment of BV&TRP from a transport perspective is contradictory. Paragraph 8.32 indicates that “There will be significant improvements to transport infrastructure with improved choice and accessibility, but the proposal is likely to increase demand for road space on the A38 and promote commuting to/from other settlements.” Paragraph 8.33 indicates that “The Sustainability Appraisal carried out to support the Lichfield Local Plan shows the proposal scoring reasonably well given that its size would allow for delivery of a range of services and facilities including public transport and rail access.”</p> <p>4.19 Despite the above, the RSA indicates that the scheme will perform very poorly from a transport perspective (see Table 8.5). It is completely unclear as to how this conclusion is reached.</p> <p>4.20 The SA of BV&TRP is included at Appendix 1. It is clear that both East Staffordshire and Lichfield suffer from poor levels of self-containment in comparison to other areas of the West Midlands. That is there are high numbers of residents commuting to other areas for employment. The BV&TRP seeks to address this by providing local</p>	

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	<p>employment opportunities helping to reduce the need for as much travel to other major employment destinations including Birmingham.</p> <p>Table 1: Commuting Patterns</p> <table border="1" data-bbox="450 480 1010 826"> <thead> <tr> <th data-bbox="450 480 725 600">Local Authority Area</th> <th data-bbox="725 480 1010 600">Level of Residents Self Containment</th> </tr> </thead> <tbody> <tr> <td data-bbox="450 600 725 675">Birmingham</td> <td data-bbox="725 600 1010 675">81%</td> </tr> <tr> <td data-bbox="450 675 725 750">East Staffordshire</td> <td data-bbox="725 675 1010 750">66%</td> </tr> <tr> <td data-bbox="450 750 725 826">Lichfield</td> <td data-bbox="725 750 1010 826">47%</td> </tr> </tbody> </table> <p>Source: A study of commuting patterns in Great Britain based on the Annual Population Survey 2008</p> <p>4.21 A detailed strategy for strategic highway improvements including 3no upgraded junctions to the A38, an A38 Traffic Management Strategy, and other matters approved in principle by the Highways Agency and the Highways Authority have been provided to ESBC. The scheme also includes two new rail stations; one Parkway station within the Twin Rivers area including Commercial / major outdoor sports facility.</p> <p>4.22 The BV&TRP will therefore have a very positive impact in transport terms.</p> <p>4.23 Countryside / Landscape Quality: The RSA indicates that the scheme will perform very poorly from a Countryside & Landscape Character (see Table 8.5 of the RSA). No evidence or commentary has been put forward as to how this conclusion has been reached.</p>	Local Authority Area	Level of Residents Self Containment	Birmingham	81%	East Staffordshire	66%	Lichfield	47%	
Local Authority Area	Level of Residents Self Containment									
Birmingham	81%									
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	<p>4.24 The SA of the BV&TRP is included at Appendix 1 which includes a clear consideration of the proposal appropriately using this SA objective. The proposal is likely to have a positive impact.</p> <p>4.25 Historic Environment and Heritage Assets: The RSA indicates that from a historic environment and heritage assets perspective the proposal will have uncertain impacts and that the “area is rich in historic assets”. However, the assessment continues to ignore the fact that both English Heritage and the County Council have approved a strategy for retention, enhancement of setting and site wide interpretation of the existing Scheduled Ancient Monuments.</p> <p>4.26 The proposal is likely to have a positive impact on the Historic Environment and Biodiversity.</p> <p>5 SUSTAINABILITY APPRAISAL BV &TRP - COMPARISON TO ESBC SCORES</p> <p>5.1 A robust Sustainability Appraisal of BV&TRP (See Appendix 1) has already been carried out and submitted under previous representations. Despite the weaknesses identified above with regard the RSA, this has then been compared to East Staffordshire Borough Council appraisal of the Strategic Site Allocations Appraisal – Uttoxeter and Strategic Villages (RSA Table 9.6 page 167-168).</p> <p>5.2 What is evident from this comparison is that BV&TRP is either as sustainable or more sustainable than those Strategic Site allocations that have been put forward for inclusion as allocations in the Local Plan. The main findings with regard the BV&TRP include;</p> <ul style="list-style-type: none"> • Housing - The BV&TRP site outperforms many Strategic Site Allocations including Stone Road, Dove Way/Derby Road Employment Site and Land South of Rocester. • Economic Opportunities - The BV&TRP site outperforms many Strategic Site Allocations including Hazelwalls, Brookside, College Fields Rolleston and Land South of Rocester. • Transportation - The BV&TRP site outperforms many Strategic Site Allocations including Stone Road, Hazelwalls, Brookside, Dove Way/Derby Road Employment Site, College Fields Rolleston, Efflinch Lane Barton, Land south west of Tutbury and Land South of Rocester. • Flood Risk - The BV&TRP site outperforms all the Strategic Site Allocations. • Countryside & Landscape - The BV&TRP site outperforms most Strategic Site Allocations including Uttoxeter West, Stone Road, Hazelwalls, Brookside, Dove Way/Derby Road Employment Site, College Fields Rolleston, Efflinch Lane Barton, Land south west of Tutbury and Land South of Rocester. 	

<u>Comment ID and Representor</u>	<u>Representation</u>	<u>ESBC Response</u>
	<ul style="list-style-type: none"> • Historic Environment and Heritage Assets - The BV&TRP site outperforms all Strategic Site Allocations except College Fields Rolleston. • Accessibility to Services - The BV&TRP site outperforms some Strategic Site Allocations including Hazelwalls, Dove Way/Derby Road Employment Site, College Fields Rolleston, Efflinch Lane Barton and Land South of Rocester. • Local Distinctness - The BV&TRP site outperforms some Strategic Site Allocations including Hazelwall, Dove Way/Derby Road Employment Site and College Fields Rolleston. <p>6 CONCLUSIONS</p> <p>6.1 The position remains that despite the matters contained in the Local Plan (Examination) Revised Sustainability Report, the SA process remains flawed and partial. Primarily, the partial and evidently defective approach to assessment cannot be considered the most appropriate, resulting in a lack of objectivity and justification.</p> <p>6.2 This further review of the SA continues to illustrate that the majority of the flaws pointed out in the consultation representation on the pre-submission SA still stand. Robust reasoning and sound technical evidence is still inadequate to clearly demonstrate reasons for a wide range of judgements, pointed out in this representation.</p> <p>6.3 This representation promotes a further more sustainable and robust spatial strategy option which is most appropriate when properly tested against the assessment criteria, after correcting inaccurate and inconsistent results. The site assessment process put forward remains deficient in terms of its technical adequacy. The assessment of the Twin Rivers site is still inaccurate; the required corrections pointed out through two sets of representations and through the Plan Examination process. Further 'commentary' provided in this latest SA revision is inconsistent with the findings of the Lichfield Plan Inspector, and the lack of objective and accurate assessment is contrary to regulations and guidance.</p> <p>6.4 BV&TRP perform as a sustainable site. There is therefore no demonstrable reason why it should not be taken forward as a Strategic site Allocation.</p> <p>6.5 The revised SA cannot be considered credible, robust or justified and remains flawed in that it still fails to</p>	

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	<p>provide a clear audit trail of the proper consideration and assessment of strategic options. The revision does not bring the required level of change to provide adequacy, but can be read as an attempt to retrospectively seek to justify the lack of objectivity within the SA process in properly informing the Plan.</p> <p>APPENDIX 1 – SUSTAINABILITY APPRAISAL OF BV&TRP AND COMPARISON TO ESBC EVALUATION</p>	
Rep 11 Environment Agency	<p>Thank you for referring the above consultation which was received on 18 December 2015.</p> <p>The Environment Agency has reviewed the revisions made to the March 2014 Sustainability Appraisal (SA) Report and considers them adequate to address the issues 8C-F raised by the inspector in his Interim Findings document E.19, following hearings 1-4.</p> <p>We understand any changes made to the plan as Main Modifications will undergo separate SA once the hearings have been completed.</p>	Comments noted.