
Review of Comments on Pendle Scoping Report

1. Introduction

Entec was appointed by Pendle Borough Council (PBC) to undertake the integrated Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA) of Pendle Borough Council's Core Strategy and Land Use Allocations Development Plan Document (DPD). These documents form part of the Local Development Framework (LDF).

2. The Scoping Report

The scoping report was the first stage of the SEA/ SA process. It outlined Entec's proposed methodology for undertaking the sustainability appraisal and it set out the baseline social, economic and environmental issues that Pendle faces and identified those that are considered to be most significant. The baseline provides the basis for prediction and monitoring of significant environmental or other sustainability effects that may derive from the implementation of the Local Development Framework. It provides the evidence base that will be used in the assessment of the DPDs, and ultimately reported within the Sustainability Report.

3. Consultation

The scoping report which was agreed by Members of the Executive on 19 October 2006 was placed on the Council's website for public comment and sent to the statutory consultation bodies for their comments. The statutory consultation bodies comprise:

- Natural England;
- English Heritage;
- Environment Agency.

In line with the SEA/ SA guidance the consultation took place over a 5 week period from 30 November until 4 December 2006. Natural England asked for an extension of time until December 18 which was agreed by Pendle Borough Council. Comments were received from all statutory consultees and from no others.

A series of questions was raised with consultees to help to structure their responses. They are set out below:

- Have we identified the relevant plans and programmes;
- What other information, facts and figures may be suitable for inclusion?
- Do you agree that the main sustainability issues facing Pendle Borough have been identified?
- Are we using appropriate indicators?

- Is the appraisal matrix appropriate?

4. Summary of Comments Received and Consultant's Response

A full schedule of comments is included in Appendix A.

4.1 Have We Identified the Relevant Plans and Programmes?

Natural England and English Heritage both identified a number of plans and programmes which had not been considered. Some of these are relevant to the Borough-wide documents. Others will be useful as Area Action Plans and smaller scale documents are produced.

The Environment Agency was not aware of any plans or programmes that had not been considered.

4.2 What Other Information, Facts and Figures May Be Suitable for Inclusion?

None was identified by the Environment Agency. Natural England outlines the data that it can provide, including web-links to published and interactive information. They consider that the baseline data could be expanded to include information from the above sources as appropriate to Pendle but do not identify any areas where they consider baseline data to be lacking.

There will also be information, facts and figures within the other plans and strategies identified by English Heritage which may be relevant as documents are developed.

4.3 Do You Agree that the Main Sustainability Issues facing Pendle Borough Have Been Identified?

The Environment Agency commented that the scoping report does not address the problems associated with culverts. The issue of de-culverting is considered important, but more appropriate for inclusion in Local Development Documents rather than an objective or criteria within a sustainability appraisal. It is included within the Pendle Strategic Flood Risk Assessment which will inform the content of forthcoming Development Plan Documents, as part of the evidence base.

A second comment from the Environment Agency referred to brownfield sites which often have water quality implications arising from contamination. The Agency felt that remediation should be considered as a sustainability issue. Again, whilst this issue is clearly important, it is considered to be more appropriate for inclusion in Local Development Documents rather than an objective or criteria within a sustainability appraisal.

Natural England suggests that although urban and rural development eroding local character has been raised as an issue, this is not carried through fully as an objective.

The following issues are also suggested for inclusion:

- erosion of local character by urban and rural development;
- easy access to and between all green or open spaces in the borough;

- impact on protected species and biodiversity through developing brownfield sites; and
- conservation and enhancement of the landscape where there are pressures for development on green field sites or urban fringe brownfield sites.

Of these, the first and fourth are considered to be included within Objective C3 on spaces, places and landscapes and the second within Objective C4 on green spaces. The third is considered to be included within Objective P7, although it is recommended that the wording of criteria b is altered to better reflect this.

4.4 Are We Using Appropriate Indicators?

Natural England considers that there ought to be separate objectives for buildings and landscapes and suggest that Objective C3 could be reworded to this effect: ‘to protect and enhance places, spaces and landscape character’. They have offered to work with the Council to develop criteria and indicators. Furthermore, they consider this objective would be better placed within the environment section rather than the social/ cultural section. English Heritage also suggested including the words “enhance and manage” and again that the historic environment should be referred to the physical environment section. English Heritage also suggests a new indicator for this objective: “The number of characterisation studies informing development proposals.”

It is considered that the historic environment fits into both cultural heritage and physical environment since there is little in the UK which has not been affected by people over time. Repetition is unnecessary, and it is suggested that the indicator remains where it is, and as a single objective but to ensure that it is cross-referenced from the physical environment section of any assessment which is undertaken. However, it is recommended that the new indicator (the number of characterisation studies informing development proposals) suggested by English Heritage should be incorporated into the sustainability appraisal.

Natural England welcome the inclusion of objective C4 and the criteria for green spaces, but would further welcome the criteria to include a network of green spaces or green infrastructure to ensure planned provision and enhancement of a linked network of green space. Rights of way and access land data could be used to support this. This is considered to be a proposal for Local Development Documents rather than sustainability appraisal and should be taken into account in appropriate documents. Furthermore, no appropriate datasets have yet been identified.

English Heritage also suggests a new indicator for Objective C5 “To develop strong and positive relationships between people from different backgrounds and communities and to value the diversity of cultural traditions found in Pendle”. Their suggested indicator is “The number of communities engaged in identifying culturally important features of their area”. Whilst the value of such an indicator is noted, there is no means of collecting such data at this time, and it is not recommended that it is included.

English Heritage suggests a new objective: “Identify, assess and incorporate the physical, social, economic and environmental value of the historic environment in the regeneration of Pendle”. This is considered to be more appropriate as a DPD objective than a sustainability objective and as such should be a key policy driver in appropriate development plan documents.

The Environment Agency suggests another indicator for Objective P6: “The number of developments approved in the flood plain contrary to a sustained Environment Agency objection”. This is noted and recommended for inclusion when the assessment is undertaken.

4.5 Is the Appraisal Matrix Appropriate?

No comment from Natural England or English Heritage.

The Environment Agency considers the matrix to be appropriate, but notes that care must be taken to ensure a fair appraisal of policies based on the perceptions of people undertaking the assessment. The assessments will be undertaken by experienced professionals and independently validated.

5. Recommended Actions and Next Steps

The consultant’s response to the consultees’ comments will need to be confirmed by Pendle Borough Council. If the Council agrees with the consultants, then the amendments will be made to the objectives, criteria and indicators and the Scoping Report finalised.

As the Core Strategy and Land Use Allocations Development Plan Document and their supplementary planning documents are prepared, they will be subject to the agreed appraisal framework to assess the likely sustainability effects that would arise if the plan were to be implemented. This technical note will be included in an annex to the SA report when it is produced.

The following issues should be borne in mind where appropriate when preparing DPDs:

- Identification, assessment and incorporation of the physical, social, economic and environmental value of the historic environment in the regeneration of Pendle;
- The environmental problems associated with culverts, in line with the Pendle Strategic Flood Risk Assessment;
- The consideration of a network of green spaces or green infrastructure to ensure planned provision and enhancement of a linked network of green space.

Author

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Reviewer

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Appendix A

Summary of Respondent's Comments

5 Pages

Representee	Comment	Consultant's Response	Recommended action for SA
English Heritage	Include the following plans and programmes: UK Sustainable Development Strategy (2005)	Included on page B3.	Include in table 4.1
	A Landscape Strategy for Lancashire	Include in table 4.1 and use to inform baseline.	Include in table 4.1 and use to inform baseline.
	Joint Lancashire Structure Plan Landscape & Heritage SPD	Included on page B44. Include in table 4.1	Include in table 4.1
	Lancashire Extensive Urban Survey	Unable to find	
	Lancashire Historic Landscape Characterisation	Output of this work underpins the landscape policies within the Replacement Joint Lancashire Structure Plan: 2001-2016 and hence the policy elements have already been included in the Scoping Report.	None
	Forest of Bowland AONB Management Plan	Include in Table 4.1 and in Appendix B.	Include in Table 4.1 and in Appendix B.
	Conservation Area Appraisals and management Plans	These documents will be taken into account in appropriate LDDs	
	Urban Characterisation Studies (HMRP)	These documents will be taken into account in appropriate LDDs	
	Pendle Textile Mills, architectural survey report EH 2000	This document will be taken into account in appropriate LDDs	

Representee	Comment	Consultant's Response	Recommended action for SA
English Heritage continued	Include the following plans and programmes continued : Building Sustainable Communities: Actions for Housing Market Renewal	This is a guidance document rather than a policy document. Its content will be considered through the LDF but it is not thought necessary to include it in the Sustainability Appraisal.	No action.
	Low Demand Housing and the Historic Environment	This is a guidance document rather than a policy document. Its content will be considered through the LDF but it is not thought necessary to include it in the Sustainability Appraisal.	No action.
	Refer to sustainable economic development' rather than continued economic growth' as PPS1	Noted	Alter refs in future documentation
	Refer to historic environment in physical environment section	Arguably, historic environment fits into both cultural heritage and physical environment. However repetition is unnecessary.	Include a reference in future documents to the relationship between the historic environment and the physical environment.
	Alter objective C3 to read " enhance and manage"	Recommendation means that C3 would be worded: "To protect, enhance and manage places, spaces, landscapes and buildings of historic, cultural and archaeological value	Change Objective C3 text.
	Include new objective: "Identify, assess and incorporate the physical, social, economic and environmental value of the historic environment in the regeneration of Pendle"	This is considered to be more appropriate as a DPD objective than a sustainability objective.	No action.
	Include new indicator for C3: The number of characterisation studies informing development proposals	Noted	Include indicator.
	Include new indicator for C5: "The number of communities engaged in identifying culturally important features of their area"	Whilst the value of such an indicator is noted, there is no means of collecting such data at this time.	No action.

Representee	Comment	Consultant's Response	Recommended action for SA
Environment Agency	Plans and programmes identified are considered appropriate	Noted	None required.
	The scoping report does not address the problems associated with culverts	This is considered to be more appropriate for a DPD than a sustainability appraisal.	No action.
	Brownfield sites often have water quality implications arising from contamination. Remediation should be considered as a sustainability issue.	This is considered to be more appropriate for a DPD than a sustainability appraisal.	No action.
	Another indicator is suggested for Objective P6: Number of developments approved in the flood plain contrary to a sustained Environment Agency objection.	Noted	Include indicator.
	Appraisal matrix is appropriate, but care must be taken to ensure a fair appraisal of policies based on the perceptions of people undertaking the assessment.	Noted	No action.
Natural England	Changes to the Habitats Regulations means that if a land-use plan is likely to have a significant effect, alone or in combination, on one or more European sites (SACs, SPAs) it must be subject to an 'appropriate assessment'. Natural England is awaiting further guidance on how Habitats Regulations assessment procedures will need to be applied specifically in the case of Local Development Frameworks	The need for Appropriate Assessment is identified in paragraph 4.2.6 of the scoping report.	No action.
	The Natural Environment and Rural Communities Act came into force in England on 1 October. Section 40 of the Act states that: "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". This is a new duty for Local Authorities and the Council may wish to make this obligation clearer within the document.	This will be included where appropriate in future documents.	Include reference in appropriate future documents.

Representee	Comment	Consultant's Response	Recommended action for SA
Natural England continued	Suggest inclusion of the following plans and programmes: North West Biodiversity Action Plan.	Unable to find. However, it is assumed that much of this detail has been incorporated into the Lancashire BAP which has been taken into account in the scoping report.	No action.
	A Geodiversity Action Plan for Lancashire	Include in table 4.1 and use to inform baseline.	Include in table 4.1 and use to inform baseline.
	Include the following plans and programmes continued: 'Landscape Character Assessment Guidance for England and Scotland'	Whilst this guidance provides valuable advice on Landscape Character Assessment, the requirements for SEA and SA are to consider plans and programmes. It is therefore not considered to include methodologies in the Scoping Report even where such methodologies will underpin any assessments which will be undertaken as part of the LDF.	No action
	'Countryside Character, Volume 2: North West England'	This was used to inform the scoping report, but omitted from Table 4.1	Include in table 4.1
	'The Countryside In and around Towns – a vision for Connecting Town and Country in Pursuit of Sustainable Development',	Include in table 4.1 and use to inform baseline.	Include in table 4.1 and use to inform baseline.
	'Environmental Quality in Spatial Planning'.	This is a guidance document rather than a policy document. Its content will be considered through the LDF but it is not thought necessary to include it in the Sustainability Appraisal.	No action.
	Objective C3 could be reworded to this effect: 'to protect and enhance places, spaces and landscape character'	See EH comment above	No further change required.
	Welcome the inclusion of objective C4 and the criteria for green spaces. Suggest inclusion of a network of green spaces or green infrastructure to ensure planned provision and enhancement of a linked network of green space.	Noted. This is considered to be more appropriate for a DPD than a sustainability appraisal	No action.

Representee	Comment	Consultant's Response	Recommended action for SA
Natural England continued	Objective C3 appears to lack landscape indicators and targets. Natural England's State of the Countryside Reports provide facts and trends about the social, economic and environmental issues encountered in England's countryside. They present evidence against 20 key indicator themes, which include a number on environment and recreation.	Regional documents such as this were considered for baseline information, but without a breakdown of data to Borough level, regional figures may not be representative.	No action.
	For open space/ recreation objectives Pendle could include data for public rights of way and access land. There may be indicators relevant to these data sets that you could utilise. Could green space secured as part of development approvals be used here?	No such datasets have been identified. If they were to be made available, they would certainly be considered.	No action.
	Urban and rural development eroding local character has been raised as an issue but this is not carried through fully as an objective.	This is considered to be included within Objective C3.	No action.
	Consideration should be given to the following issues:	No such dataset has been identified. If they were to be made available, they would certainly be considered.	
	easy access to and between all green or open spaces in the borough;		No action.
	impact on protected species and biodiversity through developing brownfield sites; and	This is considered in Objective P7 and criteria b which protects the biodiversity of all sites. It could be clarified by altering the wording of criteria b.	Revise criteria b to read: "Protect and enhance existing wildlife/landscape designated and non-designated habitats and protected species and provide opportunities for new habitat creation
	conservation and enhancement of the landscape where there are pressures for development on green field sites or urban fringe brownfield sites.	See EH's proposed changes to Objective C3.	No further change required.