

**Torfaen County Borough Council**

**Local Development Plan**  
**(to 2021)**

**ADOPTION STATEMENT**

**December 2013**

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## **SECTION 1 - TOWN & COUNTRY PLANNING (LOCAL DEVELOPMENT PLANS) (WALES) REGULATIONS 2005**

### **Background**

In line with LDP Regulation 25 of the Town and Country Planning (Local Development Plans) (Wales) Regulations 2005 the Council is required to prepare an Adoption Statement for the Local Development Plan. Regulation 16 of the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 (SEA Regulations), requires the Council to produce a Sustainability Appraisal/Strategic Environmental Assessment Adoption Statement as part of the formal adoption process. This document has been produced to satisfy both these requirements.

### **1.0 LDP Statement of Adoption**

- 1.1 The Torfaen County Borough Council Local Development Plan (LDP) was adopted on 3<sup>rd</sup> December 2013. The LDP became operative on this date. The Torfaen LDP replaces the Gwent Structure Plan (1996) and the Adopted Local Plan (2000) as the land use plan for Torfaen County Borough. It sets out the development strategy and detailed policies and proposals for the future development and use of land in the local authority administrative area.
- 1.2 Copies of the Adopted LDP, the recommendations of the person appointed to hold the Independent Examination, the Sustainability Appraisal Report documents and Habitats Regulations Assessment Report documents, the Consultation Report and this Adoption Statement are available for public inspection free of charge during normal office / opening hours at the following locations: -
  - Planning & Public Protection Offices, Ty Blaen Torfaen, New Inn;
  - Main Reception, Civic Centre Pontypool; and
  - All public and mobile libraries in Torfaen
- 1.3 The documents are also online at the Council's LDP webpages at: -  
<http://www.torfaen.gov.uk/en/Business/Planning/Planningpolicy/LocalDevelopmentPlan/Local-Development-Plan.aspx>
- 1.4 A charge will be made for hard copies of these documents.
- 1.5 A person who is aggrieved by the LDP who desires to question its validity on the ground that it is not within the powers conferred by Part 6 of the Planning and Compulsory Purchase Act 2004 or that Act or any regulation made under it has not been complied with in relation to the adoption of the LDP, may, within six weeks from 11<sup>th</sup> December 2013 (date of the Notice of Adoption being published), make an application to the High Court under Section 113 of the 2004 Act.

## **SECTION 2 - ENVIRONMENTAL ASSESSMENT OF PLANS AND PROGRAMS (WALES) REGULATIONS 2004**

### **2.0 SA/SEA Statement of Adoption**

- 2.01 This section of the Adoption Statement describes how the SA/SEA process has influenced the development of the LDP and how environmental considerations and consultation responses have been taken into account during the development of the LDP. It also outlines why the Deposit LDP was progressed in the light of other

reasonable alternatives and highlights the monitoring measures that have been developed to track the effects of the plan.

### **Local Development Plan**

- 2.02 Local Development Plans are a requirement of the Planning and Compulsory Purchase Act 2004. The LDP provides the development strategy and land use planning policy framework for the LDP Area (excluding Brecon Beacons National park) to 2021. Sustainable Development principles underpin land use planning and the LDP provides a policy framework that integrates social, environmental and economic issues that are relevant to people who live work and visit the County Borough.

### **Sustainability Appraisal and Strategic Environmental Assessment**

- 2.03 Planning legislation require that Development Plans are subject to Sustainability Appraisal. This is a systematic process designed to evaluate the predicted social, economic and environmental effects of development planning. European and UK legislation also require that LDP's are subject to Strategic Environmental Assessment which considers the effects of the plan on the environment. The process of SEA aims to predict the significant effects of the plan on the environment and where significant adverse effects are predicted, the SEA aims to identify means to mitigate those effects. Government guidance indicates it is best practise to carry out the process of Sustainability Appraisal and Strategic Environment Assessment together through a single appraisal process.
- 2.04 When a plan is adopted the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 (Regulation 16(4)) require a statement be made available to accompany the Adopted Plan or Programme. The Regulations require this post adoption statement to provide the following information: -
- How environmental considerations have been integrated into the plan or programme;
  - How the Environmental Report has been taken into account;
  - How opinions expressed in relation to the consultation on the plan/programme and Environmental Report have been taken into account;
  - How the results of any trans boundary consultations have been taken into account;
  - The reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives; and
  - The measures that are to be taken to monitor the significant environmental effects of the implementation of the plan or programme.
- 2.05 The LDP was also subject to a Habitats Regulations Assessment (HRA) including Appropriate Assessment (AA). The HRA assessed the impacts of the LDP in combination with the effects of other plans and projects on the ecological status of European sites of nature conservation. This assessment also accompanied the Deposit LDP and was reported separately.
- 2.06 The remainder of this document addresses each of the matters outlined in paragraph 2.04 in turn. Whilst this document will set out the position in respect of the issues, it is not intended to repeat information relating to these matters already contained within existing documents such as the iterative SA/SEA reports, Consultation Report and Inspectors' Report. In accordance with paragraph 8.5.2 of the Local Development Plan Manual (June 2006), rather than duplicate this

material, appropriate cross references are made to relevant documents within this statement.

## **2.1 HOW ENVIRONMENTAL CONSIDERATIONS HAVE BEEN INTEGRATED INTO THE PLAN OR PROGRAMME**

- 2.1 A requirement of the LDP process is that Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA) informs the production of the LDP. The SA/SEA process has been integral to the development of the LDP to ensure that the LDP promotes Sustainable Development through integration of the key economic, social and environmental objectives in the development of the LDP policies and proposals. SA/SEA has been undertaken to inform all stages of plan preparation. The appraisal has included several stages and reports. These demonstrate the feedback process between plan making and the sustainability appraisal, allowing sustainability considerations to be integrated into the LDP during preparation.
- 2.12 The aim of Strategic Environmental Assessment is to ensure that environmental considerations are taken into account in the decision making processes for the LDP. Relevant environmental information is contained within existing published SA/SEA documents. For ease of reference the document number from the Torfaen LDP Examination Library has been attached to each document listed below:

### **SA/SEA Scoping Process**

*SD26 Sustainability Appraisal (inc SEA) Draft Scoping Report (July 2006)*

### **Pre Deposit Consultation Stage**

*SD18 Initial Sustainability Appraisal Report (Jan 2008)*

*SD18a Initial Sustainability Appraisal Report Appendices (Jan 2008)*

*Sd18b Initial Sustainability Appraisal Report Non Tech Summary (Jan 2008)*

### **Deposit LDP Consultation Stage**

*SD03 Sustainability Appraisal Report (March 2011)*

*SD03a Sustainability Appraisal Report Appendices (March 2011)*

*SD03b Sustainability Appraisal Report Non Technical Summary (March 2011)*

*SD30 Candidate Sites Assessment Report*

*SD30a/b Candidate Sites Assessment Report Stage 1 Assessment Forms*

### **Focused Changes Stage**

*SD12 Updated Sustainability Appraisal Report (incorporating Focused Changes) (March 2012)*

*SD12a Updated Sustainability Appraisal Report (incorporating Focused Changes) Appendices (March 2012)*

*SD12b Updated Sustainability Appraisal Report (incorporating Focused Changes) Non Tech Summary (March 2012)*

## **Examination Stages**

### **Further Focused Changes**

ED06 Sustainability Appraisal Report Addendum and Habitats Regulations Assessment Screening - Assessment of Further Focused Changes (December 2012)

### **Matters Arising Changes**

ED118 Sustainability Appraisal Report Assessment of recommended Matters Arising Changes and Matters Arising Changes (July 2013)

### **Inspector's Changes**

Sustainability Appraisal Addendum Screening of Inspector's Changes (December 2013)

## **2.2 HOW THE ENVIRONMENTAL REPORT (SA REPORT) HAS BEEN TAKEN INTO ACCOUNT**

- 2.21 The SA/SEA and the LDP were developed in parallel, with each stage of the SA/SEA informing and influencing the preparation and progression of the LDP. The key stages are outlined in more detail below.

### **SA Scoping (2006)**

- 2.22 The first stage of the Sustainability Appraisal was to produce a Draft Sustainability Appraisal Scoping Report which covered both the SA and SEA processes. The Scoping Report firstly provided a review of existing baseline information, considered relevant to inform the emerging LDP. From this, it identified key sustainability issues relevant to Torfaen, and these key issues have been developed into sustainability objectives, indicators and targets which have been used to assess the policies, proposals and objectives of the LDP. This stage was undertaken during 2005-2006 and the report (SD26 SA Scoping Report) was subject of consultation in 2006.
- 2.23 There is a statutory requirement in the SEA Directive for named environmental consultation bodies (Environment Agency, Cadw and Countryside Council for Wales) to be consulted at this scoping stage. This was the case for the SA for the LDP; however it was decided to widen this consultation to the other key stakeholders and the general public.

### **Testing the LDP Objectives against the SA Objectives (2007)**

- 2.24 Following on from the SA Scoping, the LDP team prepared the LDP Vision and Objectives. As part of this process a compatibility assessment of the LDP Objectives against the SA Objectives was undertaken. The findings and recommendations of the appraisal were published in Chapter 5 of the Initial Sustainability Appraisal Report (SD18) as part of consultation on the LDP Preferred Strategy in January 2008.

### **SA of LDP Strategic Options (2007)**

- 2.25 Following on from the assessment of the LDP Objectives an SA Assessment was undertaken as part of the generation of potential strategic options to inform the selection of the Preferred Strategy of the LDP. The purpose of the SA at this stage

was to assess the sustainability impacts of the different options which was undertaken to assist in identifying a Preferred Option for the LDP Preferred Strategy. The findings and recommendations of the appraisal was published in Chapter 6 of the Initial Sustainability Appraisal Report (SD18) as part of consultation on the LDP Preferred Strategy in January 2008.

### **SA of LDP Preferred Strategy Strategic Policies (2007)**

- 2.26 To accompany the Preferred Strategy 'The Network of Integrated Communities Strategy' chosen through the SA of Strategic Options, an initial set of Strategic Policies were produced. These were subject to an SA Assessment as part of this process. The findings and recommendations of the appraisal was published in Chapter 7 of the Initial Sustainability Appraisal Report (SD18) as part of consultation on the LDP Preferred Strategy in January 2008.
- 2.27 The Initial Sustainability Appraisal Report (ISAR) identifies the social, economic and environmental implications of the Preferred Strategy options and proposals and was the second stage in the Sustainability Appraisal of the plan.

### **Testing the Candidate Sites against the SA Objectives (2010)**

- 2.28 As part of the site selection process, sites that had passed the developability assessment were assessed against the LDP and SA Objectives. The process of assessment against the SA Objectives is outlined in the Candidate Sites Assessment Report (2010) (SD30). The results of this assessment against the SA Objectives, which assessed the sustainability credentials of Candidate Sites, informed the detailed assessment of the Deposit LDP in 2010.

### **SA of Deposit LDP (2010-2011)**

- 2.29 This stage involved the assessment of the detailed Policies and proposals of the LDP namely the Amended Strategic Policies, Borough Wide, Strategic Action Area and Topic Based Policies. The Plan was appraised in 2010 and policies amended as a result of this assessment for the final Deposit LDP. The SA Assessment and subsequent amendments is identified in Chapters 10 and 11 of the Sustainability Appraisal Report (2011) (SD03). The Sustainability Appraisal Report was published for consultation alongside the Deposit LDP in March 2011.

### **SA of Focused Changes (2012)**

- 2.30 Following consultation on the Deposit Plan the Council developed the plan further through a number of Focused Changes. In addition a significant change to the LDP was proposed to the LDP at the Council meeting of 23/2/12 where the Focused Changes were discussed. The SA Assessment of the Focused Changes is contained within Chapter 12 of the Sustainability Appraisal Report (incorporating Focused Changes (2012) (SD12).

### **SA of Further Focused Changes (2012)**

- 2.31 The Deposit LDP as amended by Focused Changes and associated documents were submitted to the Welsh / Planning Inspectorate for 'Examination' on 16 May 2012. The Inspector held an Exploratory Meeting on 24<sup>th</sup> July 2012, to address matters of concern with some of the Focused Changes and additional matters as he considered it unlikely that the Plan could be found sound as it stood. In light of this and the Inspectors subsequent letter setting out his concerns and recommending

that the Plan be withdrawn, the Council sought to address such matters and presented Further Focused Changes to the LDP. These were agreed by Council on 23<sup>rd</sup> October 2012 and 20<sup>th</sup> November 2012 and the examination resumed on 3<sup>rd</sup> December 2012. The SA Assessment of the Further Focused Changes is contained within the document 'Sustainability Appraisal Report Addendum & Habitats Regulations Assessment Screening - Assessment of Further Focused Changes (December 2012) (ED06).

### **SA of recommended Matters Arising Changes and Matters Arising Changes (July 2013)**

- 2.32 As a result of the Examination hearing sessions the Council prepared a number of Matters Arising Changes to the plan that arose during the hearing sessions. These alongside previously submitted recommended Matters Arising Changes that the Council proposed to the Inspector in advance of the Hearing Sessions were consulted on in July 2013. The SA Assessment of the Matters Arising Changes is contained within the document 'Sustainability Appraisal Report Addendum & Habitats Regulations Assessment Screening - Assessment of recommended Matters Arising Changes and Matters Arising Changes (July 2013) (ED118).

### **SA of Inspector's Changes (December 2013)**

- 2.33 The Inspector has made 7 binding changes to the LDP and he concludes that these alongside the previous recommended MAC's and MAC's *'are in line with the substance of the overall plan and its policies, and do not undermine the Sustainability Appraisal and participatory processes that have been undertaken'*. The Council has undertaken its own screening assessment of the Inspector's Changes against the SA and agrees that none of the changes proposed are considered to have significant impacts on sustainability issues and affect the overall SA of the LDP. The SA Assessment of the Inspector's Changes is contained within the document 'Sustainability Appraisal Report Addendum & Habitats Regulations Assessment Screening - Assessment of Inspector's Changes (December 2013). This is the final stage of the SA process.
- 2.34 The Sustainability Appraisal Report (incorporating Focused Changes) (March 2012) as amended by the SA Addendum of Further Focused Changes (December 2012), SA Addendum of recommended Matters Arising Changes and Matters Arising Changes (July 2013) and the SA Addendum of Inspector's Changes (December 2013) comprise the Sustainability Appraisal Report of the final LDP.

## **2.4 HOW OPINIONS EXPRESSED IN RELATION TO THE CONSULTATION ON THE PLAN / PROGRAMME AND ENVIRONMENT REPORT HAVE BEEN TAKEN INTO ACCOUNT**

- 2.41 Consultation is a key component of the SA/SEA process and consultation for the SA/SEA of the LDP has been undertaken in accordance with: Article 6 of the EU Directive 2001/42/EC; the Environmental Assessment of Plans and Programmes Regulations 2004 and the Councils Community Involvement Scheme.
- 2.42 For SA/SEA there is a statutory requirement to consult authorities with environmental responsibilities, which in Wales are: the Countryside Council for Wales (CCW); Environment Agency Wales (EAW) and CADW. In the approach to the Examination Hearing sessions CCW and EAW were amalgamated into the new

organisation Natural Resources Wales (NRW). In addition consultation should be undertaken with the public and a range of interested stakeholders.

- 2.43 Consultation with the statutory environmental bodies, stakeholders and the wider public was undertaken at the following key stages of the SA/SEA. The consultation responses and the actions taken are reported in the SA Report (March 2012).
- SA Scoping Report (2006) - Details of workshops to inform the Scoping Report are set out in Section 4 of this document. Consultation comments on the Draft Scoping Report along with Council responses and proposed changes are included in the Appendix A of the Initial Sustainability Appraisal Report (January 2008)
  - Initial Sustainability Appraisal Report (ISAR) (2008) - Consultation comments on the ISAR along with Council responses and proposed changes are included in Appendix B of the Sustainability Appraisal Report (March 2011)
  - Sustainability Appraisal Report (SAR) (2011) - Consultation comments on the SAR with Council responses and proposed changes are included in Appendix D of the Main Issues Report (March 2012) (SD06)
  - Sustainability Appraisal Report including Focused Changes (2012) - Consultation comments on this document were submitted to the Inspector for his consideration
  - Sustainability Appraisal Report Addendum - Assessment of Further Focused Changes (Dec 2012) - Consultation comments on this document were submitted to the Inspector for his consideration
  - Sustainability Appraisal Report Addendum - Assessment of recommended Matters Arising Changes and Matters Arising Changes (July 2013) - Consultation comments on this document were submitted to the Inspector for his consideration

## **2.5 HOW THE RESULTS OF ANY TRANSBOUNDARY CONSULTATIONS HAVE BEEN TAKEN INTO ACCOUNT**

- 2.51 No transboundary issues were raised through the SA/SEA process.
- 2.52 The Habitats Regulations Assessment of the LDP considered effects of the LDP beyond the County Borough in respect of impacts on European sites of nature conservation importance. It was concluded that with the mitigation and monitoring measures incorporated into the plan the implementation of the LDP would not result in a likely significant effect on any European Site either alone or in combination with other plans and projects.

## **2.6 THE REASONS FOR CHOOSING THE PLAN OR PROGRAMME AS ADOPTED IN THE LIGHT OF THE OTHER REASONABLE ALTERNATIVES**

- 2.61 As part of the development of the LDP, the Council considered a range of spatial growth and policy options.
- 2.62 **Spatial Strategy** - The Council developed a range of Spatial Strategy Options during 2007 to inform development of a Preferred Strategy. The generation of Strategic Options is contained in the 'Report on the generation of Strategic Options (2007) (SD25). To inform the generation of these options an initial SA Assessment was undertaken as outlined in Appendix 6 of this document. The full SA/SEA Assessment of the Spatial Options is contained in Chapter 6 and Appendix E of the Initial Sustainability Appraisal Report (January 2008). In order to deliver the LDP

Vision and Objectives the authority chose to implement the Network of Integrated Communities Strategy.

- 2.63 **Sites** - As part of the process the Council assessed over 200 Candidate Sites submitted for consideration. The Council developed a candidate site methodology to ensure that candidate sites were developable and met the aims and objectives of the LDP. Sustainability Appraisal was also integral to this process with sites that had progressed past the developability assessments being assessed against the SA Objectives to assess their sustainability performance against economic, social and environmental objectives. This process is documented in the Candidate Sites Assessment Report (2010). Further detailed SA of the chosen sites and respective policies where relevant was assessed as part of the SA/SEA of the detailed LDP as documented in the Sustainability Appraisal Report (March 2011).
- 2.64 **Policies** - More detail on the consideration and development of policies is contained in the assessment of Strategic Policies in Chapter 7 of the ISAR (2008) and Chapters 10 and 11 of the SAR (March 2011).

## **2.7 THE MEASURES THAT ARE TO BE TAKEN TO MONITOR THE SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE IMPLEMENTATION OF THE PLAN OR PROGRAMME**

- 2.71 LDP Regulation 37 requires the Council to prepare, and subsequently submit to the Welsh Government, an Annual Monitoring Report that is required to monitor delivery of the LDP and specific items as well as identifying policies that are not being implemented. In addition to this Regulation 17 of the SEA regulations requires that the Council must monitor the significant effects of the plan. Therefore monitoring the plan and its significant environmental effects are statutory requirements and will be undertaken through the AMR. The first AMR will be submitted by 31<sup>st</sup> October 2015.
- 2.72 Appendix 8 of the LDP contains the Monitoring Framework that provides the basis for monitoring the effectiveness of the policy framework in the LDP. The proposed SA/SEA monitoring framework to monitor the significant environmental effects was reported at each stage of the SA/SEA Reporting and was open to consultation. The SA of the Focused Changes (March 2012) included an update to the proposed Monitoring framework. In light of substantial amendments to the LDP Monitoring Framework during the LDP Hearing Sessions relevant amendments have been made to the SA Monitoring Framework to ensure consistency. This updated table sets out the indicators that will be used to monitor the significant effects of the LDP, and also set out environmental targets and source data for each of the indicators to provide a basis for consideration of the significance of any effect. The revised SA Monitoring Framework is contained within Appendix 9 of the LDP.