

Swansea Local Development Plan

2010 to 2025

Adoption Statement

28th February 2019

Background

In accordance with the requirements of Regulations 25 (2) of the Town & Country Planning (Local Development Plan) (Wales) Regulations 2005 and Regulation 16 of the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004, the Council is required to prepare an Adoption Statement for the Swansea Local Development Plan.

Part 1 of the statement addresses the requirements of the Town & Country Planning (Local Development Plan) (Wales) Regulations 2005 and **Part 2** accords with the requirements of the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004.

Part 1: Requirements of the TOWN AND COUNTRY PLANNING (LOCAL DEVELOPMENT PLANS) (WALES) REGULATIONS 2005 (AS AMENDED)

- 1.1 The Swansea Local Development Plan (LDP) was adopted on the 28th February 2019. The LDP became operative on its adoption.
- 1.2 The Swansea LDP is the planning policy document for the City and County of Swansea. It sets out key policies and land use allocations that will shape the future of Swansea and guide development up to 2025. The Swansea LDP replaces the adopted Swansea Unitary Development Plan.
- 1.3 Copies of the adopted LDP, the report of the Planning Inspectors appointed to hold the independent examination, the Sustainability Appraisal (SA) report (incorporating the Strategic Environmental Assessment [SEA]) and Habitats Regulations Assessment (HRA Report), together with this Adoption Statement, are available for inspection at:
Civic Centre, Oystermouth Road, Swansea, SA1 3SN between the hours of 9.00am and 4.30pm Monday to Fridays, online at all Public Libraries during normal opening hours and on the Council's website at: www.swansea.gov.uk/ldp
- 1.4 A person 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 any requirement of 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 the date specified on the adoption notice make an application to the High Court under Section 113 of the 2004 Act.

Part 2 : Requirements of the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004

Introduction

- 2.1 The LDP provides a spatial framework which is underpinned by the principles of sustainable development. The LDP provides a policy framework that integrates social, environmental and economic issues that are relevant to the people who live, work and visit the City and County of Swansea.

Sustainability Appraisal and Strategic Environmental Assessment

- 2.2 Planning legislation requires that Development Plans are subject to a Sustainability Appraisal (SA). This is a systematic process that is designed to evaluate the predicted social, economic and environmental effects of development planning and to inform the decision making process. European and UK legislation requires that LDPs are also subject to a Strategic Environmental Assessment (SEA), a process that considers the effects of development planning on the environment. Where significant adverse effects are predicted, the SEA aims to identify means to avoid or mitigate such effects. Government guidance advises that these two processes should be carried out together as part of an iterative process and requires that Plans are subject to SA incorporating SEA through a single appraisal process. The term referred to as 'SA' throughout this report should therefore be taken to include the requirements of SEA.
- 2.3 This section of the Adoption Statement describes how the SA process has influenced the progression of the Swansea LDP and how environmental considerations and consultation responses have been taken into account during the development of the Plan. It also outlines why the Deposit LDP was progressed in the light of other reasonable alternatives and highlights the measures that have been developed to track the effects of the Plan.
- 2.4 The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 require when a Plan that is subject to an SA is adopted, a 'statement' is made available to accompany the adopted plan or programme. Section 16(4) of the Regulations require that this post 'Adoption Statement' provides the following information:
- a) *How environmental considerations have been integrated into the LDP;*
 - b) *How the Environmental Report (the SA Report) has been taken into account;*
 - c) *How opinions expressed in relation to the consultations on the plan and Environmental Report (the SA) have been taken into account;*
 - d) *How the results of any transboundary consultation have been taken into account;*
 - e) *The reasons for choosing the plan as adopted, in the light of the other reasonable alternatives dealt with; and*
 - f) *The measures that are to be taken to monitor the significant environmental effects of the implementation of the Plan.*
- 2.5 Each of the above requirements are dealt with in turn below. It should be noted

that a substantial amount of information relating to these matters is contained within documents published throughout the plan preparation process, such as the SA Report 2018 (ED096) and the updated SA Report which takes into account the binding recommendations of the Report on the Examination into the Swansea Local Development Plan 2010 – 2025, 2019 (hereafter known as the 'Inspectors Report'). The LDP Initial Consultation Report and Deposit Consultation Report (submitted documents LDP 16 & LDP 17) refer to the changes made to the LDP during the plan making process. In accordance with paragraph 8.4.2.3 of the Local Development Plan Manual (Edition 2, August 2015), rather than duplicate this material, appropriate cross references are made to relevant documents within this Adoption statement.

- 2.6 The LDP was also subject to a Habitats Regulations Assessment (HRA), which followed an iterative process and was carried out in parallel to the SA process. The HRA assessed the impacts of the LDP in combination with the effects of other plans and projects on European sites, designated for their ecological status. The findings of the HRA have informed the preparation of the LDP and the SA. The Final HRA is reported alongside the Adopted Plan. Details of the HRA are also available on the Council's website.

a) How environmental considerations have been integrated into the Local Development Plan

- 2.7 The LDP has been subject to a Strategic Environmental Assessment (SEA) in order to consider the potential impact of the Plan on the environment and to improve the LDP's environmental performance.
- 2.8 The SA has been prepared by the Council. The SA process is intended to assist in the implementation of the LDP with a view to delivering sustainable development in Swansea through the integration of the key social, economic and environmental objectives. The SA has run in parallel with the development of the LDP, from the earliest stage of the plan making process through to adoption. The process has been iterative, with the SA informing the development of the LDP and ensuring that sustainability (including environmental) considerations are integrated into the LDP.
- 2.9 Shadow Habitats Regulations Assessments, have been undertaken throughout the Plan making process and have informed each stage of the process. This integrated HRA approach has ensured that, subject to certain identified mitigation measures, the LDP will not affect the integrity of European sites, alone or in-combination with any other plans or projects.
- 2.10 Table 1 below illustrates the stages of the LDP process and the corresponding stages of SA and HRA, together with dates of the consultation stages.

Table 1: Stages of the LDP, SA and HRA Process and Consultation

SA Stage	HRA	LDP Stage	Consultation/Time scale
Scoping Report		Pre-Deposit Plan Preparation	September 2010 2 months
Sustainability Appraisal of Vision, Objectives & Strategic Options	Preliminary Screening		2012 23 rd July to 12 th October 2012
SA of Preferred Strategy 2012	Screening of Preferred Strategy		N/A
SA of Preferred Strategy 2013	Screening of Preferred Strategy		12 th August to 31 st October 2013
SA of Deposit	Screening of Deposit 2016 Updates October 2017 and February 2018. Update to include, Appropriate Assessment June 2018	Deposit Plan	18 th July to 31 st August 2016
SA of Matters Arising Changes	Screening of MACs, as an addendum to the Main HRA July 2018 Update to include IMACs November 2018	Matters Arising Changes	6 weeks ending 14 th December 2018
Final LDP Sustainability Report	Screening of the binding recommendations of the Inspectors Report. Final HRA report endorsed by Council.	Inspector's Report	Inspectors Report 31 st January 2019

b) How the environmental report has been taken into account

2.11 The SA and LDP were developed in parallel, with each stage of the SA informing and influencing the preparation and progression of the LDP. The following sections summarise how the issues identified through the key stages of SA/SEA process have influenced and informed the LDP. Chapter 10 of the Updated SA Report (ED096) provides further details of each of the Stages and how the SA has influenced the development of the LDP.

SA Scoping Report

- 2.12 The initial stage of the SA process involved the preparation of a 'Scoping Report' which reviewed the existing relevant baseline information considered relevant to inform the emerging LDP. The scoping exercise identified the key sustainability issues for the plan area and established a baseline for Swansea. The Scoping Report also set out the Sustainability Framework, which contains the SA objectives and indicators which are used to assess the plan's policies and proposals. The components of the SA framework reflect the issues highlighted within the Scoping Report.
- 2.13 Public consultation on the SA Scoping Report took place from 27th September 2010 for two months. In accordance with the statutory requirements of the SEA directive, the relevant named Consultation Bodies were consulted. However, the Scoping Report was also published for wider public consultation. The Scoping Report was updated in 2012 to take account of the consultation responses received and the latest available data. The updated Scoping report was finalised in February 2012.

Sustainability Appraisal of the Emerging Plan

Vision, Strategic Objectives and Strategic Options

- 2.14 Draft versions of the LDP Vision and Strategic Objectives were assessed against the SA Framework at the non-statutory Vision Objective and Strategic Options (VOSO) stage in 2012. The SA was not undertaken on the Strategic Options which were presented in the VOSO due to the large number of variables that would have to be assessed and the fact that many of them would not realistically be taken forward. Instead, the growth options were assessed at Preferred Strategy Stage following the public consultation exercise and subsequent revision of the Strategic Options to focus on realistically viable and sustainable options and reducing the total number of variables.
- 2.15 The recommendations from the SA of the VOSO with regard to the Vision and Strategic Objectives were contained within the Appendices of the SA Report, together with action taken. The iterative process resulted in amendments to 11 objectives.

The SA Report of the Preferred Strategy, 2013

- 2.16 The SA Report 2013 contained an appraisal of the Vision, Objectives, Strategic Growth Options, Spatial Options and Strategic Policies against the SA objectives in the SA Framework; updated the environmental baseline and the predicted

effects with and without the implementation of the LDP. The SA of the Preferred Strategy was subject to public consultation in 2013 alongside the Preferred Strategy document (LDP10a and 10b). Appendix 7 of the SA Report tables the SA comments and recommendations together with the response (action taken) of planning policy team, demonstrating the iterative nature of the SA process. The SA process resulted in amendments to the Plan's Vision, Objectives, Growth Strategy, Spatial Strategy and Strategic Policies.

2.17 The HRA (LDP13) resulted in the inclusion of several mitigation measures in the Final Preferred Strategy of the final Preferred Strategy, 2014 recommended further mitigation measures for the Deposit Plan to address identified issues for European sites.

Revised SA of the Final Preferred Strategy, 2014

2.18 The Revised SA Report 2014 (LDP11) concluded that the amendments to the Preferred Strategy following public consultation were relatively minor, focusing on housing figures and spatial strategy together with amendments as a result of the HRA. The Report recommended an additional Growth Option which blended the most sustainable spatial elements of the presented strategies, as well as the importance of mitigation being properly addressed by the Deposit Plan. Due to the minor changes to the Preferred Strategy it was considered unlikely that the effects on the County's environment, economy or people's health and well-being with implementation of the Preferred Strategy would be significantly different from those outlined within the initial SA Report. Appendix 7 of the SA Report tables the SA comments and recommendations together with the response (action taken) of planning policy team, once again demonstrating the iterative nature of the SA process.

2.19 The HRA of the final Preferred Strategy, 2014 recommended further mitigation measures for the Deposit Plan to address identified issues for European sites.

Deposit SA

2.20 The SA Report of the Deposit LDP (LDP 08, 09a and 09b) provides an update to the previous SA Reports and was published in July 2016 alongside the Deposit Plan as part of the Deposit Plan public consultation. During the formulation of the Deposit Plan the SA provided an iterative framework which allowed for the development of a robust Plan and policy framework, ensuring sustainability considerations were embedded throughout the Plan, including allocated site selection. Appendix 7 of the Report tables SA recommendations and the response (actions) of the strategic planning team and how the comments were taken in to account during Plan formulation.

2.21 The HRA (LDP14) was able to screen out several earlier issues, because of the implementation of previously recommended mitigation measures. The overall HRA conclusion was that with the incorporation of certain identified mitigation measures, implementation of the Plan would not have an effect on any European site.

Updates to Deposit SA – December 2017

- 2.22 Updates were made to the SA Report in response to Inspectors' questions and this was published in December 2017 (reference ED006.8) prior to the start of the Examination in Public (EiP).
- 2.23 The HRA was updated in October 2017 (LDP14), February 2018 (ED017) and again in June 2018 (ED095), the latter involved an Appropriate Assessment. As a result of these updates the overall conclusion of the HRA remained unchanged.

The Assessment and Selection of Sites

- 2.24 Reasonable alternatives were considered during the SA of Housing Growth Options, SA of Spatial Growth options and SA of Site Options. The Council undertook an extensive process which considered a whole range of Candidate sites in accordance with a detailed site assessment methodology. Some sites were screened out in the early stages of the assessment process, those that progressed to the final stage of the process had a full site appraisal in accordance with with candidate site methodology which incorporated SA of sites using the **Council's SA Candidate Site Scoring Guide (see Appendix 2 of SA Report)** from which the final site allocations in the Deposit Plan were selected. The consideration of site options was an iterative process that was been carried out simultaneously to Plan preparation.
- 2.25 The process of considering site options through the SA are outlined within Deposit SA Report 2016, Revised SA Report 2017 and Updated SA Report 2018 Chapter 9 (ED096).

Matters Arising Changes and Inspectors Matters Arising Changes 2018

- 2.26 In response to agreed action points at the Examination hearing sessions, the Council published Matters Arising Changes (MACs) together with Inspectors Matters Arising Changes (IMACS) which have been made to the Deposit Plan for consultation between 31st October and 14th December 2018. The SA Report has been updated to take them into account (ED096), together with SA recommendations and actions from the Strategic Planning Team detailing how they have been taken into account.
- 2.27 The HRA of the MACs and IMACs, as an addendum to the main HRA (ED095a), screened out any likely significant effects for European sites. This assessment was also made available during the MAC consultation.

Adopted LDP

- 2.28 The SA of the Adopted Plan is the final stage of the process. The majority of the MACs published for consultation are recommended by the Inspector within the Inspectors Report. All MACs were subject to SA and considered within the 2018 SA Report, see Appendix 11 for full details of the screening and reassessment of Policies subject to MACs. The process identified a small number of further minor amendments to provide further clarity to the Plan. The Inspector's Report includes a further seven Inspector proposed changes (IMACs) (including 5 which had previously been made [ED097] and were subject to SA within the 2018 SA

Report) which the Inspectors concluded are needed to make the Plan sound. These are acknowledged in the final SA Report. The Inspectors concluded that: *'these changes are in line with the substance of the overall Plan and its policies, and do not undermine the Sustainability Appraisal (SA) and the participatory processes undertaken.'*

- 2.29 The HRA of the adopted Plan considered the Inspector's binding recommendations to the MACs, including IMACs. It takes the form of an update to the original addendum (ED095a) and the overall screened out conclusion resulting from the assessment of the MACs and IMACS remains unchanged. The final HRA consists of the latest updates of both the HRA of the Deposit Plan [ED095] and the addendum relating to the MACs and IMACs ([ED095a] as amended following the Inspectors' Report.)
- 2.30 The SA and HRA of the Adopted Plan is available for viewing alongside the other statutory documents, including the Inspector's Report.
- 2.31 The integration of environmental considerations into the LDP has, therefore, been undertaken progressively and iteratively as the Plan has developed. The Scoping Report ensured that the sustainability issues most relevant to the Plan area were identified; and the Strategy and individual policies have been appraised against this framework of Sustainability Objectives. In this respect, the Inspectors, within their Report confirm that: *'we are satisfied that the general approach to SA/SEA is robust and that the procedural and legal requirements have been met.'*

In respect of the HRA, the inspectors state that:

'In accordance with the Habitats Directive a shadow Habitats Regulations Assessment (HRA) of the deposit Plan was undertaken. The corresponding report as originally submitted was updated to respond to representations made by Natural Resources Wales (NRW), including in relation to the Carmarthen Bay and Estuaries European Marine Site (CBEEMS). The HRA was again revised during the examination to take account of likely future updates to the CBEEMS Memorandum of Understanding.'

The European Court of Justice ruled in April 2018 that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of a plan on a European site at the screening stage. In response to this Court judgment the Council revisited the HRA. As certain elements of the Plan have the potential to result in likely significant effects on the CBEEMS and Crymlyn Bog Special Area of Conservation, the revised HRA Report incorporates an Appropriate Assessment (AA). The AA identifies that, subject to certain identified mitigation measures, the Plan would have no adverse effect on the integrity of European Protected Sites, either alone or in combination with other plans and projects. As the mitigation measures identified in the AA would be incorporated within the Plan via six MACs, we are content that the Habitats Directive has been complied with.'

c) How opinions expressed in relation to the consultations on the Plan and environmental report have been taken into account

- 2.32 The SA process and 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 Council's Community Involvement Scheme (CIS).
- 2.33 The statutory Consultation Bodies (namely NRW and Cadw) were consulted in accordance with the Regulations. In addition the public and a wider range of interested stakeholders were also consulted. In this respect, the Council's Delivery Agreement and CIS identified other relevant specific and general consultees in addition to others who had requested to be consulted and who were contained on the council's LDP consultation database
- 2.34 Consultation with the Consultation Bodies, range of stakeholders and members of the public was undertaken at the following key statutory stages:
- SA Scoping (2010)
 - SA Preferred Strategy (2013 and 2014)
 - SA of Deposit LDP (2016)
 - SA of MACs and IMACs (2018)
- 2.35 Responses to the consultations are contained within the Council's Consultation Reports (Initial Consultation Report LDP016a, Initial Consultation Report Appendices LDP016b and Deposit Consultation Report LDP 017). The SA Report was updated in 2017 following initial questions from the Inspector (Updated SA Report ED006.8) and further updated in 2018 following the Examination in Public in order to take in to account evidence which had been updated since the Deposit SA was undertaken and to clarify the content of the Report, ensuring it was expressed in a clear and transparent manner.
- 2.36 The Inspectors considered comments in relation to the SA Report, SA of MACs and IMACs and concluded that:
"we are satisfied that the general approach to SA/SEA is robust and that the procedural and legal requirements have been met".
- 2.37 Further Inspectors binding recommendations contained within the Inspectors Report are considered by the Inspectors to be:
"in line with the substance of the overall Plan and its policies, and do not undermine the Sustainability Appraisal (SA) and the participatory processes undertaken."
- 2.38 Similarly, consultation on the HRA with the full range of stakeholders was undertaken at the pre-deposit (2013 & 2014), deposit (2016) and MACs and IMACs (2018) stages. Consultation responses to the HRA of the deposit Plan [LDP14] are contained within the Council's consultation Report [LDP17] and demonstrate that all comments received were duly taken into account.

d) How the results of any transboundary consultation have been taken into account

- 2.39 Adjoining authorities were consulted during the SA process but no transboundary issues were raised through the SA process apart from potential issues relating to air quality along major transport corridors and water quality within the CBEEMS. These issues were examined in more detail via HRA and resulted in amendments to the Plan.
- 2.40 The HRA considered the effects of the LDP beyond the Swansea administrative boundary in respect of the impacts on European sites. It was concluded that subject to certain identified mitigation measures, the implementation of the LDP would not result in a likely significant effect on the integrity of any European Site (including those beyond the Swansea administrative boundary) either alone or in combination with other plans and projects.

e) The reasons for choosing the Plan as adopted in the light of the other reasonable alternatives dealt with

- 2.41 Reasonable alternatives were considered at three specific stages of the SA process: SA of Housing Growth Options; SA of Spatial Growth Options; and SA of Site Options.
- 2.42 Details on the consideration of both Housing Growth Options and Spatial Options at the Preferred Strategy Stage, are set out within the Chapter 6 of the SA Report. Five Growth Options were identified in the Draft Preferred Strategy, all of which were subject to SA. Growth option 3 (16,700 dwellings) was considered the preferred option, however consultation responses considered that the figure was too low. Following the publication of the 2011-based Welsh Government household projections in February 2014, the growth options were revisited. The revised options were also subject to SA and the Council considered a preferred option of 17,100 dwellings, which would help support the Council's regeneration and economic aspirations, whilst meeting the Welsh Governments projected growth figures.
- 2.43 The SA process helped to inform the selections of the spatial strategy contained within the Preferred Strategy and provided a mechanism through which reasonable alternatives were considered. The draft Preferred Strategy considered 4 alternative spatial growth options, together with a 'business as usual' option. Using the SA framework, the SA considered the 4 alternative spatial growth Options presented in the Preferred Strategy and predicted the likely positive and negative effects of each. Specific sites were not assessed at this stage. The SA process recommended that the approach required in order to achieve the most sustainable form of development and address existing capacity issues was therefore to pursue a blend of a limited number of strategic development sites, supported elsewhere by small to large-scale edge of settlement allocations, including limited rural/semirural extensions.
- 2.44 The SA process has been iterative, and has helped to inform the selection of sustainable sites, from the first candidate site submission to the continual review and development of the sites as Strategic Development Areas and allocations

within the Plan. Whilst it is not the role of the SA to decide on the alternative to be chosen for the LDP, the SA has provided information to make the decision making process more reliable and transparent. Chapter 6 sets out how site options were considered during the emerging plan stages and explains how Stages 1 and 2 of the candidate site process effectively filtered out sites which were not considered to be realistic alternatives. This included sites which failed to meet the Preferred Spatial Strategy. Chapter 7 sets out the process of appraisal of all sites which progressed to Stage 3 which as a result of the earlier screening process were considered to have a realistic prospect of being found sound. A detailed appraisal was undertaken of all Stage 3 sites using the Council's Candidate Site Scoring Guide (see Appendix 2). This included a consideration of the viability and deliverability of each site. Full details of the results of the appraisal are set out in Table 17 of the Report.

2.45 Chapter 9 of the SA Report (ED096) summarises the consideration of reasonable alternatives throughout the whole plan process and outlines the reasons for selecting the strategy and sites contained in the Plan as adopted.

2.46 On the issue of consideration of reasonable alternatives the Inspectors' Report concluded that:

"Prior to the examination the deposit Plan was subjected to SA incorporating SEA. The SA Report as originally submitted provides a summary of the strategic alternatives considered and outlines the reasons for selecting the deposit Plan's strategy, site allocations and policies. Parts of the SA Report were updated during the examination to provide further clarity about the candidate site assessment process. The report has been further updated to take account of changes to the Plan arising from the examination."

"The detail provided in the SA Report in relation to specific sites is proportionate and the reasons for selecting site allocations are sufficiently outlined. There is little evidence of other realistic site-specific alternative being available."

f) The measures that are to be taken to monitor the significant environmental effects of the implementation of the Plan
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2.47 LDP Regulation 37 of the Town and Country Planning (LDP) (Wales) Regulations 2005, requires that the Council prepare, and subsequently submit to Welsh Government, an Annual Monitoring Report (AMR). This is required to monitor specific items, as well as identifying where and why policies of the Plan are not being implemented.

2.48 In addition, Regulation 17 of the SEA regulations requires that the Council must monitor the most significant effects of the Plan. Chapter 12 of the Updated SA Report (ED096) details how the key issues for monitoring will be those areas of the environment where the SA has indicated that implementation of the LDP will have the most significant likely effect. In order to avoid duplication between the monitoring undertaken for the SEA and LDP, some indicators have been combined for the two processes to aid clarity.

2.49 The LDP Monitoring Framework, as set out within Chapter 4 of the Adopted LDP, provides the basis for measuring policy performance. In this respect, the

implementation of the LDP will be monitored with appropriate regard to the objectives and outcomes of the SA.

2.50 Monitoring the Plan and its significant environmental effects are statutory requirements that will be undertaken through the AMR. The first AMR will be submitted to Welsh Government by 31st October 2020.

2.51 On the issue of monitoring, the Inspectors have concluded that the Monitoring Framework proposed for inclusion within the Adopted Plan:
“would include relevant targets and trigger points for core indicators. These would be complemented by a number of local indicators that would be used to monitor specific policies. Overall, we are satisfied that these proposed amended indicators, targets and trigger points are appropriate. They would allow the Council to accurately monitor the Plan’s implementation, and to identify whether individual policies and allocations should be revised or whether the Plan strategy requires more comprehensive updating. On the basis of the foregoing, we are satisfied that the Plan’s monitoring and review mechanisms are soundly based.”

Further Information

2.51 If you have any queries or would like further information please contact a member of the Strategic Planning Team on 01792 635081 or email ldp@swansea.gov.uk