

## Title of Plan or Programme

Full Review of the 1<sup>st</sup> Bridgend Local Development Plan

## Responsible Authority

Bridgend County Borough Council

## Record of Determination

This document provides a record of determination regarding the need or otherwise to incorporate a statutory strategic environmental assessment (SEA) within the wider Sustainability Appraisal (SA) being undertaken in respect of the review of the 1<sup>st</sup> Bridgend Local Development Plan (LDP), referred to as the LDP Review.

### Overview

In Spring 2018, Bridgend County Borough Council consulted on a draft Delivery Agreement to underpin a review of the 1<sup>st</sup> Bridgend LDP (2013) in accordance with statutory requirements. The finalised Bridgend Replacement LDP Delivery Agreement ('the finalised Delivery Agreement') was subsequently agreed with the Welsh Assembly Government on 25<sup>th</sup> June 2018. This sets out the process, timescales and consultation arrangements to undertake a 'Full Review' of the existing Bridgend LDP and in doing so to prepare and adopt a replacement LDP by September 2021.

Section 1.4 of the finalised Delivery Agreement outlines the proposed approach to undertaking a statutory Sustainability Appraisal (SA), incorporating Strategic Environmental Assessment (SEA), of the LDP Review in accordance with relevant statutory requirements. Pursuant to this, and in accordance with section 9(2)(b) of the Environmental Assessment of Plans and Programmes (Wales) Regulations (2004 ('the SEA Regulations'), on 16<sup>th</sup> July 2018 Bridgend County Borough Council submitted for consultation a report (the Bridgend LDP Review SA Scoping Report) which:

1. Outlined the proposed approach to undertaking a Sustainability Appraisal (SA), incorporating Strategic Environmental Assessment (SEA) of the LDP Review; and,
2. Set out its draft view as to whether the LDP Review (leading to the preparation and adoption of the replacement LDP for the Council area) is likely to have significant effects on the environment and therefore requires a statutory SEA to be incorporated within the wider SA being carried out (as required by separate development planning legislation).

### The Need for SEA

Regulation 5(6) of the SEA Regulations identifies when a SEA does not need to be carried out, which includes minor modifications to existing plans or programmes unless it has been determined that the proposed modification is likely to have significant environmental effects. Having regard to the screening criteria specified in Schedule 1 of the SEA Regulations, the Bridgend LDP SA Scoping Report concluded that the LDP Review (which for the purposes of the SEA Regulations is a form of modification to the adopted LDP<sup>1</sup>) has the potential to result in significant environmental effects and that a formal SEA should therefore be undertaken. This conclusion was reached on the basis that:

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<sup>1</sup> The 1<sup>st</sup> Bridgend LDP (adopted September 2013) falls within the scope of Regulation 5(2) of the SEA Regulations as a relevant and qualifying plan for SEA purposes, as it was prepared for town and country planning and land use purposes and is likely to set the framework for future consent of developments listed in Annex I or II to Council Directive 85/337/EEC as amended. Any review of the 1<sup>st</sup> LDP therefore falls within the scope of Regulation 5(6) as a potential "minor modification" of the existing LDP. The Welsh LDP Manual 2nd Edition (2015) advises that as the term "minor modification" is not statutorily defined, any review of an

- A. **Geographical Coverage:** As the Full Review procedure is being adopted for the LDP Review, it will apply to the entire BCBC area rather than only to discrete sites or sub-areas. In consequence, the LDP Review will consider proposals for the management of environmentally sensitive areas, including sites designated at local, national and international levels for reasons of biodiversity conservation, geological importance, heritage importance or architectural value. As such, the development of a replacement LDP is likely to result in likely significant effects on the environment in relation to sensitive areas;
- B. **Statutory Requirements:** Any replacement LDP resulting from the LDP Review will have a high degree of influence in determining planning applications and therefore setting a consenting framework for all development activities within the Bridgend County Borough Council area, include any projects of a type listed in Annex I or II to Council Directive 85/337/EEC<sup>2</sup> as amended. The replacement LDP will also be of particular importance in determining the acceptability, including in environmental terms, of the proposed location, nature, size and operating conditions of development proposals. The approach taken within a replacement LDP to plan for these factors may differ from the approach set out within the existing LDP in order to to reflect changes in baseline conditions and in relevant higher level legislative and policy frameworks. Any such changes within a replacement LDP could affect the distribution or key characteristics of development proposals and could therefore give rise to new or different likely significant effects from those predicted to arise from existing LDP policies;
- C. **New Spatial Issues and Site Allocations:** The preparation of a replacement LDP should address pertinent socio-economic and environmental issues through the development of new policy approaches and site allocations. Whilst some policy options and candidate site allocations may have previously been subject to SA (incorporating SEA) in relation to the 1<sup>st</sup> Bridgend LDP, due to the time that has elapsed and the need to allocate additional housing land it is likely that a range of new candidate sites will be proposed, each of which could generate environmental effects not previously assessed;
- D. **Plan Hierarchy:** As with the existing Bridgend LDP, the replacement LDP should seek to direct particular types of development proposals to particular locations, and this may require lower level plans, for example Development Briefs, Masterplans, Regeneration Strategies or Supplementary Planning Guidance (SPG) to be prepared to provide more locally specific guidance in conformity with the LDP. The LDP Review is therefore likely to have a high degree of influence on other plans within the Welsh planning policy hierarchy and this could result in a range of likely significant effects on the environment; and,
- E. **Potential for Likely Significant Effects on European Sites:** An Initial Habitats Regulations Assessment (HRA) Screening Report has been subject to consultation with Natural Resources Wales to identify European sites which have the potential to experience likely significant effects from the development of a replacement LDP. The possibility of these identified European Sites experiencing likely significant effects from a replacement LDP cannot be ruled out at this stage and therefore requires further examination through undertaking a HRA as part of the LDP Review. The HRA would include an Appropriate Assessment if sufficient evidence becomes available to indicate that any European Site would indeed experience likely significant effects. Under Regulation 5(3) of the SEA Regulations, this alone would trigger the need for a statutory SEA in respect of the LDP Review.

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existing LDP (and thus any revisions to or replacement of it) should be subject to SEA screening to determine the need for a full SEA.

<sup>2</sup> European Council Directive 85/337/EEC is the original EIA Directive.

## Conclusion and SEA Determination

The Bridgend LDP Review SA Scoping Report, which included the reasoning set out above, was subject to statutory consultation with the SEA Consultation Bodies<sup>3</sup> and non-statutory consultation with other interested stakeholders until 27<sup>th</sup> August 2018.

Whilst all of the SEA Consultation Bodies responded and responses were also received from other stakeholders by the consultation deadline, none of the responses addressed the question of whether a statutory SEA should be undertaken on account of likely significant effects on the environment. In this case, the absence of any contrasting views or evidence being provided is considered to support the view of Bridgend County Borough Council that a statutory SEA should be undertaken as part of the LDP Review. Appendix C of the Bridgend LDP SA Scoping Report (Updated Post Consultation – August 2018) provides a schedule of responses to substantive issues raised within the SA Scoping consultation responses.

For the reasons stated above and within the Bridgend LDP SA Scoping Report, Bridgend County Borough Council hereby confirms that a statutory strategic environmental assessment (SEA) will be incorporated within the wider SA being undertaken for the LDP Review.

## Publicity

This SEA Screening Determination can be viewed online here:

<https://www.bridgend.gov.uk/residents/planning-and-building-control/development-planning/>

A copy will also be available for inspection by the public at the Principal Offices of Bridgend County Borough Council:

Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend, CF31 4WB.

If you require any further assistance, please contact Bridgend County Borough Council on 01656 643162 or email [ldp@bridgend.gov.uk](mailto:ldp@bridgend.gov.uk).

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<sup>3</sup> Natural Resources Wales, Cadw and the Welsh Assembly Government