



Bath and North East Somerset  
Gypsy and Traveller Site  
Allocations DPD  
Sustainability Appraisal  
Critical Friend

Review of Scoping Report

Prepared for:

**Bath and North East Somerset**

Prepared by:



**ENVIRON  
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Project Manager/Director (signature):	J Curran 
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Annex A: Review Checklist

# 1 Introduction

This report presents a review of the Sustainability Appraisal (SA) Scoping Report prepared in-house by Bath and North East Somerset Council. The Scoping Report relates to the SA of the Gypsy and Traveller Site Allocations DPD. It was prepared in July 2010 and consulted on between Monday 19<sup>th</sup> 2010 and Friday 27<sup>th</sup> August 2010.

An amended version of the Scoping Report was prepared in July 2011 which takes account of the consultation responses. This version of the Scoping Report has been reviewed against the ENVIRON Sustainability Checklist in September 2011 as part of our role as a Critical Friend for the SA process.

The purpose of this quality review is:

- To help ensure that the SA Scoping Report meets the requirements of the SEA Directive and government SA guidance (as far as is possible at this stage of the process); and
- Highlight any problems with the report and advise Bath and North East Somerset Council on how these can be rectified in the next stage of the SA.

This report outlines the results of this review. The content of the rest of this report is as follows:

- Section 2 provides the methodology of the review;
- Section 3 provides the results of the review; and
- Section 4 summarises the main recommendations for the next stage of the SA process.

## 2 Methodology of the Review

The review has been undertaken using a bespoke review checklist that has been developed by ENVIRON UK Ltd. The checklist covers both the technical and procedural steps of SA and is designed to test the report against both legal requirements and known best practice. The following sources have been used in designing the checklist:

- Statutory Instrument 2004 No. 1633 the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations);
- ODPM (2005) A Practical Guide to the Strategic Environmental Assessment Directive;
- The quality assurance checklist included in Appendix 9 of the ODPM guidance on SEA;
- IEMA (Institute of Environmental Management and Assessment) checklist on SEA / SA reports;
- The IAIA Strategic Environmental Assessment Performance Criteria; and
- ENVIRON staff knowledge and experience of undertaking SEA and SA.

For completeness, the whole checklist has been presented in Section 3, however, not all sections of the checklist are relevant to the Scoping Report and Scoping stage and therefore rows which are considered not to be relevant at this stage have been blocked out in grey. The greyed out elements of the checklist will be relevant to later stages of the SA and have been included as a checklist for the plan-making team.

The SA Scoping Report has been reviewed by senior ENVIRON staff with over 10 years experience of environmental appraisal and sustainability appraisal / SEA.

The review distinguishes between elements that are required for best practice and those that are required in order to gain compliance with the SEA Directive<sup>1</sup> and the SEA Regulations<sup>2</sup> (shown in bold italics). ENVIRON has used the information presented within the SA Scoping Report to make a judgement as to whether the elements of the SA process which should be covered as part of Stage A of the SEA guidance<sup>3</sup> have been adequately addressed.

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<sup>1</sup> EU Directive 2001/42/EC (known as the SEA Directive)

<sup>2</sup> Statutory Instrument 2004 No. 1633: The Environmental Assessment of Plans and Programmes Regulations 2004

<sup>3</sup> ODPM (2005) A Practical Guide to the Strategic Environmental Directive

### 3 Results of the Review

<b>Table 1: Performance of the SA Report</b>		
<b>Criteria (those in bold italic are required by the SEA regulations)</b>	<b>Performance of the Scoping Report</b>	<b>Recommendations</b>
<b>Objectives and context</b>		
<b><i>The plan's purpose and objectives are made clear.</i></b>	This is provided in Section 1 of the Scoping Report.	None.
Environmental / Sustainability issues, including international and EC objectives, are considered in developing objectives and targets.	Sustainability issues are identified in Section 4 of the Scoping Report and these have been used to develop appraisal questions within the SA Framework which will be used to appraise options and the draft DPD as it is developed.	Page 15 of the Scoping Report – text should be added to explain that the appraisal questions have been amended on the basis of the baseline data so that the SA Framework is targeted and more relevant to the appraisal of the Gypsy and Traveller Site Allocations DPD.
The purpose of the SEA/SA has been described, with details of the legal requirement and the key statutory stages.	This information is provided in Section 1 of the Scoping Report.	None.
SEA/SA objectives are clearly set out and linked to indicators and targets wherever appropriate.	The Sustainability objectives are presented within Section 5 of the Scoping Report and targets are presented within Appendix C.	The relevant targets should be added to the SA Framework where appropriate. This will assist in the development of the monitoring framework at a later stage of the SA process.
ENVIRON best practice: The scope of the SA and components of the SA framework are linked to the nature of the plan's likely effects.	The Scoping Report describes how the SA Framework presented in the Section 5 of the Gypsy and Traveller Site Allocations DPD Scoping Report was developed with consideration of local sustainability issues identified within the Core Strategy and Site Allocations Scoping Report (June 2007). The SA objectives are the same as those within the Core Strategy and Site Allocations DPD SA Framework but the appraisal questions have been changed to make them more relevant to the issues	Although the detailed appraisal questions within the SA Framework have been tailored to the issues relating to the Gypsy and Traveller Site Allocations DPD, it is recommended that they are reviewed to ensure that they can be used in an appraisal and will produce meaningful results that allow for differentiation between options. For example, some questions repeat each other and others relate to issues which are outside of the control of the plan.

<b>Criteria (those in bold italic are required by the SEA regulations)</b>	<b>Performance of the Scoping Report</b>	<b>Recommendations</b>
	relating to the Gypsy and Traveller Site Allocations DPD The SA Framework presented within the Core Strategy and Site Allocations DPD Scoping Report (June 2007), demonstrates that the coverage of SA Objectives meet the requirements of the SEA Directive (see page 74). Although this framework was subsequently amended slightly in response to consultation responses on the Core Strategy and Site Allocations DPD Scoping Report (June 2007), the scope of the objectives has not changed. The scoping process does not appear to have 'scoped out' any issues.	
<b><i>Links with other related plans, programmes and policies are identified, explained and used to inform the SEA/SA framework and assessment process.</i></b>	The review of PPP used in the Core Strategy and Site Allocations DPD Scoping Report (2007) have been used as the basis for this task and this PPP review has been expanded to include some more recent documents and documents which are specifically relevant to the Gypsy and Traveller Site Allocations DPD. The review of the additional documents is presented within Appendix A of the Scoping Report, however, how this information has been used to inform the SA Framework has not been explained.	<p>More information on the links between the PPP review within Appendix A and the SA Framework in Section 5 (i.e. the amended appraisal questions and targets which it is advised above should be added) needs to be provided. It is suggested that this is done through the addition of a column to the table in Appendix A.</p> <p>In addition, the PPPs reviewed for the Core Strategy SA were updated in 2010 and this information is presented within the Core Strategy SA Report (April 2011). It is recommended that the full list of PPPs reviewed for the Core Strategy SA are referred to rather than those presented within the Core Strategy and Site Allocations DPD SA Scoping Report (2007). This is dependent on the SA Report being made available on the Council website so that the reader can refer to it.</p>
<b><i>Conflicts and synergies that exist between SEA/SA objectives,</i></b>	This has not been done through the scoping stage and it is explained within the Core Strategy and Site	A similar statement to that included in Core Strategy and Site Allocations DPD Scoping report (reproduced in the column to

<b>Table 1: Performance of the SA Report</b>		
<b>Criteria (those in bold italic are required by the SEA regulations)</b>	<b>Performance of the Scoping Report</b>	<b>Recommendations</b>
<b><i>between SEA/SA and plan objectives, and between SEA/SA and other plan objectives are identified and described.</i></b>	Allocations DPD SA Scoping Report (2007) that “There may be conflicts between objectives within the SA, and between objectives within the Core Strategy and Site Allocation DPD. The appraisal undertaken through the SA will aim to identify these conflicts and possible incompatibilities and will make clear recommendations for each case identified”. This needs to be addressed.	the left) should be added to the Gypsy and Traveller Site Allocations DPD Scoping Report.  See recommendation directly above regarding the objectives of other plans, programmes and policies.
<b><i>The report addresses the link to appropriate assessment under the habitats regulations. An appropriate assessment screening opinion is provided or programmed.</i></b>	The link to appropriate assessment under the habitats regulations is not included within the Scoping Report.	This needs to be addressed. Habitats Regulations Assessment screening should be undertaken and the results of any Habitats Regulations Assessment work (as appropriate) should be taken into account within the appraisal of options and policies and documented within the SA Report.
<b>Scoping</b>		
<b><i>The environmental consultation bodies are consulted in appropriate ways and at appropriate times on the content and scope of the ER/SA Report.</i></b>	The Scoping report has been consulted on with the Environmental Consultation Bodies and other identified interested parties for a period of 6 weeks between Monday 19 <sup>th</sup> July and Friday 27 <sup>th</sup> August 2010.  The Scoping Report has been amended taking into account the responses received from the consultees and the changes made have been clearly marked.  A separate report of the consultation comments and actions taken in response has also been prepared.	None.
The appraisal focuses on significant	The SA Framework is both consistent with that used for the SA of the Core Strategy DPD (with regard to	See comment relating to the explanation of the changes to appraisal questions in the section dealing with the scope of the



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issues.	the SA Objectives) but it has also been tailored to make it more relevant to the Gypsy and Traveller Site Allocations DPD through the alteration of the appraisal questions.	SA.
<b><i>Technical, procedural and other difficulties encountered are discussed; assumptions and uncertainties are made explicit.</i></b>	This has not been discussed specifically within the Scoping Report with regards to the additional / specific data relating to this DPD and therefore this area of compliance is weak. This needs to be addressed.	Text relating to difficulties encountered in collecting baseline data, uncertainties and any gaps in data relating to this DPD should be added to Section 3 and / or data gaps should be identified in Appendix C. If there are no gaps in data then this should be made clear.
Reasons are given for eliminating issues from further consideration.	The scoping process does not appear to have 'scoped out' any issues.	It is recommended that the SA Framework is reviewed with a view to amending appraisal questions to ensure that they reflect the influence of the Gypsy and Traveller Site Allocations DPD and to ensure that duplication is reduced.  For example, questions including the words "through the provision of authorized sites?" are numerous. In addition, the appraisal questions to Objective 2 could be rationalized into one question, because the answers to the questions as the currently stand would be the same.
<b>Options/Alternatives</b>		
<b><i>Realistic alternatives are considered for key issues, and the reasons for choosing them are documented.</i></b>	No information relating to alternatives is provided within the Scoping Report. This is not a requirement at this stage, but could be useful.	It is recommended that information regarding the options assessment is prepared as soon as possible. This can be included in the scoping report (if another iteration is planned) and will need to be included in the SA Report.
Alternatives include 'do nothing' and/or 'business as usual' scenarios wherever relevant.	No information relating to alternatives is provided within the Scoping Report. This is not a requirement at this stage, but could be useful.	Options appraised need to include a 'do nothing' or 'business as usual' option and this needs to be defined as soon as possible.
<b><i>The sustainability effects (both</i></b>		

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<b><i>adverse and beneficial) of each alternative are identified and compared.</i></b>		
Inconsistencies between the alternatives and other relevant plans, programmes or policies are identified and explained.	No information relating to alternatives is provided within the Scoping Report. This is not a requirement at this stage, but could be useful.	Inconsistencies between alternatives and PPPs should be identified and explained when alternatives are developed and information relating to this should be included in the SA Report.
ENVIRON best practice: All alternatives and options assessed are documented, the assessments are consistent with each other and this is reviewed at each stage of the SEA/SA.		
<b><i>Reasons are given for selection or elimination of alternatives.</i></b>		
<b>Baseline information</b>		
<b><i>The relevant aspects of the current state of the environment (and sustainability aspects) and the likely evolution without the plan are described.</i></b>	<p>The Scoping Report refers to baseline data collated for the whole district which is presented within the Core Strategy and Site Allocations DPD SA Scoping Report (2007) and in addition, includes data specifically relevant to the Gypsy and Traveller Site Allocations DPD. Baseline data is provided within Section 3 and Appendix C.</p> <p>The evolution of the environment without the plan has not been described although information on trends is provided within Appendix C with regards to the additional baseline data.</p>	The SA Report also needs to include commentary on the likely evolution of the environment (including socio-economic topics e.g. in relation to unauthorized sites and existing issues) without the Gypsy and Traveller Site Allocations DPD. It is suggested that information about trends is used to inform this commentary. This commentary could be written at the present time in order that it can be referred to in the appraisal of options.
<b><i>Characteristics of areas likely to</i></b>	This is not a requirement of the Scoping Report,	This will need to be made explicit within the SA Report once

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<b>Criteria (those in bold italic are required by the SEA regulations)</b>	<b>Performance of the Scoping Report</b>	<b>Recommendations</b>
<b><i>be significantly affected are described, including areas wider than the physical boundary of the plan area where it is likely to be affected by the plan where practicable.</i></b>	however, baseline data has been referred to within the Core Strategy and Site Allocations DPD SA Scoping report and additional baseline data has been presented within the Gypsy and Traveller Site Allocations DPD Scoping Report, which will help to determine the characteristics of sites likely to be significantly affected, during the appraisal of options and the draft DPD.	the appraisal of the draft DPD is undertaken. This should be discussed within the appraisal section of the SA Report when it is written.
<b>Prediction and evaluation of likely significant effects</b>		
<b><i>Likely significant social, environmental and economic effects are identified, including those listed in the SEA Directive (biodiversity, population, human health, fauna, flora, soil, water, air, climate factors, material assets, cultural heritage and landscape), as relevant.</i></b>		
<b><i>Both positive and negative effects are considered, and where practicable, the duration of effects (short, medium or long-term) is addressed.</i></b>		
<b><i>Likely secondary, cumulative and synergistic effects are identified where practicable.</i></b>		
<b><i>Inter-relationships between effects are considered where practicable.</i></b>		

<b>Table 1: Performance of the SA Report</b>		
<b>Criteria (those in bold italic are required by the SEA regulations)</b>	<b>Performance of the Scoping Report</b>	<b>Recommendations</b>
Where relevant, the prediction and evaluation of effects makes use of accepted standards, regulations, and thresholds.		
Methods used to evaluate the effects are described.		
<b>Mitigation measures</b>		
<b><i>Measures envisaged to prevent, reduce and offset any significant adverse implementing the plan are indicated.</i></b>		
Issues to be taken into account in project consents are identified.		
<b>The Environmental Report/Sustainability Appraisal Report</b>		
Is clear and concise in its layout and presentation.		
Uses simple, clear language and avoids or explains technical terms.		
Uses maps and other illustrations where appropriate.		
Explains the methodology used.		
Explains who was consulted and what methods of consultation were used.		
<b><i>Identifies sources of information, including expert judgement and matters of opinion.</i></b>		
<b><i>Contains a non-technical summary.</i></b>		

<b>Table 1: Performance of the SA Report</b>		
<b>Criteria (those in bold italic are required by the SEA regulations)</b>	<b>Performance of the Scoping Report</b>	<b>Recommendations</b>
<b>Consultation</b>		
<i>The SEA/SA is consulted on as an integral part of the plan-making process.</i>		
<i>The consultation bodies, other consultees and the public are consulted in ways which give them an early and effective opportunity within appropriate time frames to express their opinions on the draft plan and ER/SA Report.</i>		
<b>Decision-making and information on the decision</b>		
<i>The ER/SA Report and the opinions of those consulted are taken into account in finalising and adopting the plan.</i>		
<i>An explanation is given of how they have been taken into account</i>		
Reasons are given for choosing the plan as adopted, in the light of other reasonable options considered.		
<b>Monitoring measures</b>		
<i>Measures proposed for monitoring are clear, practicable and linked to the indicators and</i>		

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<i>objectives used in the SEA/SA.</i>		
<b><i>Monitoring is used, where appropriate, during implementation of the plan to make good deficiencies in baseline information in the SEA/SA</i></b>		
Monitoring enables unforeseen adverse effects to be identified at an early stage. (These effects may include predictions which prove to be incorrect.)		
Proposals are made for action in response to significant adverse effects.		

## 4 Recommendations and Verification Statement

The working draft of the SA Scoping Report produced for the Gypsy and Traveller Site Allocation DPD is concise and well structured. It makes use of existing SA work for the Core Strategy, maintaining consistency between the two SA processes and does not unnecessarily duplicate effort.

There are some issues which may cause a potential compliance issue and these should be addressed. These issues are:

- Text relating to difficulties encountered in collecting baseline data, uncertainties and any gaps in data relating to this DPD should be added to Section 3 and / or data gaps should be identified in Appendix C. If there are no gaps in data then this should be made clear;
- A similar statement to that stated below should be added to the Gypsy and Traveller Site Allocations DPD Scoping Report: *“There may be conflicts between objectives within the SA, and between objectives within the Core Strategy and Site Allocation DPD. The appraisal undertaken through the SA will aim to identify these conflicts and possible incompatibilities and will make clear recommendations for each case identified”*;
- More information on the links between the PPP review within Appendix A and the SA Framework in Section 5 (i.e. the amended appraisal questions and targets - see Table 1) needs to be provided. It is suggested that this is done through the addition of a column to the table in Appendix A; and
- Habitats Regulations Assessment screening should be undertaken and the results of any Habitats Regulations Assessment work (as appropriate) should be taken into account within the appraisal of options and policies and documented within the SA Report.

If the above are taken on board, then the Scoping stage of the SA will adhere to the legislative requirements of the SEA Directive and Regulations.

In addition, the following issues should be addressed as soon as possible with regards to the forthcoming options appraisal and when the SA Report is written. These issues relate to both legislative requirements and best practice:

- Although the detailed appraisal questions within the SA Framework have been tailored to the issues relating to the Gypsy and Traveller Site Allocations DPD, it is recommended that they are reviewed to ensure that they can be used in an appraisal and will produce meaningful results that allow for differentiation between options;
- It is recommended that information regarding the options assessment is prepared as soon as possible. This can be included in the scoping report (if another iteration is planned) and will need to be included in the SA Report;

- Options appraised need to include a 'do nothing' or 'business as usual' option and this needs to be defined as soon as possible.
- Inconsistencies between alternatives and PPP should be identified and explained when alternatives are developed and information relating to this should be included in the SA Report;
- The SA Report also needs to include commentary on the likely evolution of the environment (including socio-economic topics e.g. in relation to unauthorized sites and existing issues) without the Gypsy and Traveller Site Allocations DPD. It is suggested that information about trends is used to inform this commentary. This commentary could be written at the present time in order that it can be referred to in the appraisal of options; and
- Characteristics of areas likely to be significantly affected, including areas wider than the physical boundary of the plan area where it is likely to be affected by the plan where practicable will need to be made explicit within the SA Report. This should be discussed within the appraisal section of the SA Report when it is written.

Additional recommendations have been made in Table 1 in order to ensure that the Scoping stage is in accordance with guidance and best practice.