



Department for  
Communities and  
Local Government

# Strategic Environmental Assessment of the Revocation of the East Midlands Regional Strategy

Post Adoption Statement

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## **Summary of Key Facts**

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# Preface

This document is the Post Adoption Statement for the plan to revoke the Regional Strategy for the East Midlands (“the Plan to Revoke”). The Post Adoption Statement is a requirement of the Strategic Environmental Assessment process to which the Plan to Revoke the Regional Strategy has been subject.<sup>1</sup> Strategic Environmental Assessment is an assessment process that supports decision making by identifying, characterising and evaluating the likely significant effects of a plan or programme on the environment and determining how any adverse effects may be mitigated or where any beneficial effects may be enhanced.

The Regional Strategy for the East Midlands comprises the regional spatial strategy for the region (the East Midlands Regional Plan published by the then Secretary of State in March 2009, together with The Part A Statement of the March 2005 Milton Keynes & South Midlands Sub-Regional Strategy) and the regional economic strategy for the region (published by the East Midlands Development Agency in 2006).

The Post Adoption Statement is being published in parallel with the laying of The Regional Strategy for the East Midlands (Revocation) Order 2013 (S.I. 2013/629), which will come into force on 12 April 2013.<sup>2</sup>

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<sup>1</sup> Article 9 of the European Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment and Part 4 of The Environmental Assessment of Plans and Programmes Regulations 2004 (S.I. 2004/1633).

<sup>2</sup> The Order also revokes all directions preserving policies contained in saved structure plans in the region.

# Chapter 1

## Introduction

### 1.1 Regional Strategies

The policy to abolish regional strategies fits into the Government's overall public commitment to deliver a fundamental shift of power from Westminster. For planning, this has meant radically reforming the planning system to give local councils and the communities that they represent more control in shaping the places in which they live. The policy to revoke regional strategies is a key element of the Government's decentralisation agenda.

The Coalition Agreement makes clear the Government's priority to promote decentralisation and democratic engagement and to end the era of top-down government by giving new powers to local councils, communities, neighbourhoods and individuals. Regional strategies imposed development upon local communities; the Government wants to return decision-making powers on housing and planning to local councils.

Currently, the East Midlands Regional Strategy provides the statutory regional framework for development and investment across the region, including setting targets for housing delivery that apply to constituent local councils.

Since their creation by the Planning and Compulsory Purchase Act 2004, regional strategies, sitting alongside local plans prepared by local authorities, form the statutory development plan for an area. This means that the East Midlands Regional Strategy sets the framework for local plan-making and local councils in the region must ensure that their local plan is in general conformity with the Strategy at the time their local plan is submitted for examination. It also means that planning applications should be determined in accordance with the development plan (which includes the relevant regional strategy in the local planning authority's region) unless material considerations indicate otherwise.

In order to localise the planning system, section 109 of the Localism Act provides for the abolition of the regional planning tier as a two-stage process. The first stage, to remove the framework of regional planning, took effect when the Act received Royal Assent on 15 November 2011. This prevents further regional strategies from being created or revised. Section 109 also removed the responsible regional authorities. The second stage is the proposal to abolish each of the existing regional strategies outside London by secondary legislation, subject to the outcomes of the environmental assessment process.

The revocation of the East Midlands Regional Strategy would leave a more localist planning system comprising of local and where adopted neighbourhood plans and give local councils responsibility for strategic planning. It makes the local plan the keystone of the planning system, becoming the vehicle for strategic planning and the framework for neighbourhood plans.

On revocation of the East Midlands Regional Strategy (and any saved structure plan policies), the statutory development plan would comprise any saved local plan policies and adopted development plan documents. The statutory development plan may in future include any adopted neighbourhood plans that are prepared under the Planning and Compulsory Purchase Act 2004, inserted by the Localism Act.

In developing local plans, local planning authorities must have regard to national policies and advice contained in guidance issued by the Secretary of State:

- The **National Planning Policy Framework** was published in March 2012. This sets out the Government's planning policies for England and provides a framework within which local communities can produce their own distinctive local and neighbourhood plans reflective of the needs and priorities of their communities. Accordingly, local planning authorities and communities will continue to determine the quantum and location of development, albeit without the additional tier of regional direction. It includes Government's expectations for planning strategically across local boundaries and within that the role of the planning system in protecting the environment.
- The **planning policy for traveller sites** which was published in March 2012.
- The **planning policy statement 10: Planning for Sustainable Waste Management (PPS10)** until it is replaced with the national waste planning policy, to be published as part of the National Waste Management Plan for England.

In addition, local councils will need to comply with existing national and European legislation in preparing their plans. Importantly, councils also need to comply with the duty to co-operate introduced in section 33A of the Planning and Compulsory Purchase Act 2004 (inserted by the Localism Act 2011) in order for their plan to be found sound at examination.

## 1.2 The Plan to Revoke the East Midlands Regional Strategy

The East Midlands Regional Strategy combines the regional spatial strategy for the region and the regional economic strategy for the region.

The regional spatial strategy (which comprises the East Midlands Regional Plan published in March 2009, together with the Part A Statement of the March 2005 Milton Keynes & South Midlands Sub-Regional Strategy) was introduced under the Planning and Compulsory Purchase Act 2004 and, in accordance with Government policy at the time, provides a broad development strategy for the region for 15 to 20 years. The East Midlands Regional Plan sets out policies and proposals for the East Midlands providing the framework for meeting the Region's development needs in a way that promotes a more sustainable pattern of development. Its main aim is to locate new growth and regeneration in the areas which can most sustainably provide good sites for development. It proposed, to maximise the development of key elements of the economy and to build on the existing infrastructure, to concentrate a major proportion of the new growth in urban areas, including promoting a closer alignment between jobs and homes in order to reduce the need to travel. The East Midlands Regional Plan includes a housing target of 324,100 net additional dwellings covering the period 2006 to 2026, and includes policies to address issues such as housing, environmental protection and management, transport, minerals, renewable energy and waste, as well as sub-regional policies. It also takes account of and builds on the regional economic strategy produced by the East Midlands Development Agency and the Regional Sustainable Development Framework, which provides a high level statement of the regional vision for achieving sustainable development.

The regional economic strategy was produced by the East Midlands Development Agency in 2006 in compliance with the Section 7 of the Regional Development Act 1998. It provides a vision for the East Midlands economy to 2020. This includes the vision that the East Midlands will be “a flourishing region - with growing and innovative businesses, skilled people in good quality jobs, participating in healthy, inclusive communities and living in thriving and attractive places.” This is to be achieved through attention on three main themes:

- **Raising productivity:** enabling our people and businesses to become more competitive and innovative.
- **Ensuring sustainability:** investing in and protecting our natural resources, environment and other assets such as infrastructure.
- **Achieving equality:** helping all people to realise their full potential and work effectively together to enrich our lives and our communities.



Revocation of the East Midlands Regional Strategy (and the single saved structure plan policy) would leave the statutory development plan as comprising of any saved local plan policies and adopted development plan documents. Some 13 of the 41 local planning authorities in the East Midlands have adopted development plan documents under the Planning and Compulsory Purchase Act 2004. The remaining 28 local planning authorities in the East Midlands, who were yet to adopt a development plan document under the Planning and Compulsory Purchase Act 2004 have local plans and saved structure plan policies, developed under the earlier requirements of the Town and Country Planning Act 1990. These authorities are more likely to be affected by the revocation of the Regional Strategy.

Once the regional strategy is revoked, local councils should, in line with the presumption in favour of sustainable development set out in the National Planning Policy Framework, and in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, approve development that accords with the local plan unless material considerations indicate otherwise. Where that plan is out of date, councils must, unless material considerations indicate otherwise, grant planning permission for development that is sustainable without delay. Out of date local plans will leave councils vulnerable to speculative development; the Government is encouraging local councils to put in place local plans as soon as possible.

In the absence of the East Midlands Regional Strategy, strategic and cross authority working will be driven by local councils who must now show the leadership required to work across boundaries to plan for strategic matters. The new duty to co-operate requires local councils and other public bodies to work together actively constructively and on an ongoing basis when planning for strategic matters in local and marine plans. This might involve both formal arrangements, such as joint plan-making or joint working partnerships, and less formal processes of close and ongoing dialogue to work through planning for strategic matters.

In the East Midlands region, there are already good examples of joint working through a variety of legislative and non statutory means.

- **Nottingham Housing Market Areas aligned core strategies:** Nottingham City, Erewash, Gedling, Ashfield, Broxtowe and Rushcliffe authorities are working together with the support of Nottinghamshire and Derbyshire County Councils to produce aligned core strategies through a joint advisory committee of members and officers.
- **Nottinghamshire Sustainability Appraisal evidence base:** Authorities in Nottinghamshire have worked together to provide a common approach to monitoring and collecting baseline information for the sustainability appraisal/ strategic environmental assessment processes.

- **Derby Housing Market Assessment Aligned Core Strategies:** Authorities covering Derby City, South Derbyshire and Amber Valley, with support from the County Council, are working together to produce adopted core strategies with joint working at officer level.
- **East Midlands Energy Opportunities Mapping Study:** East Midlands Councils used funding from the Department of Energy and Climate Change to undertake renewable energy and heat mapping for each local planning authority and joint planning unit areas to provide a common basis to inform local plan policies.
- **Leicester and Leicestershire Housing Requirements Project:** The councils in Leicester and Leicestershire jointly commissioned a range of household and population projections under different scenarios. The study is being used as one of a number of factors to inform housing requirements in the development of local plans across the county.
- **East Midlands Airport Joint Working Group:** The County Council has set up a Joint Working Group made up of local District Councils in Leicestershire and with councils from outside of Leicestershire. The Joint Working Group first met in July 2004 to see what can be done to persuade the airport to have better controls over noise impacts. It has met with the airport and other interested parties to discuss the issues, and provided evidence to the House of Commons Transport Committee on their inquiry into the work of the Civil Aviation Authority (CAA).

In addition, there are non-statutory Local Enterprise Partnerships (of which there are 4 in the region). The combination of long standing and more recent formal and informal measures will ensure that strategic planning continues to operate effectively in the absence of the Regional Strategies.

## 1.3 Applying Strategic Environmental Assessment to the Revocation of the Regional Strategies

The Plan for the purposes of the Strategic Environmental Assessment is the Plan to Revoke the East Midlands Regional Strategy and to leave in place a more localist planning system, together with incentives such as the New Homes Bonus, to encourage local authorities and communities to increase their aspirations for housing and economic growth. The Plan to Revoke is set out in more detail in Section 2 of the Environmental Report published in October 2012.

As part of its stated commitment to protecting the environment, the Government initially carried out environmental assessments of the revocation of the Regional Strategies. These first assessments were undertaken to be compliant with the procedure set out in the Strategic Environmental Assessment Directive (2001/42/EC). A 12 week consultation on the

Environmental Reports of these assessments commenced on 20 October 2011 and ended on 20 January 2012.

Since the completion of the consultation, the Government has published the final version of the National Planning Policy Framework and a planning policy on Travellers sites, and has commenced the duty to co-operate provided for in the Localism Act. In addition, in a judgement by the Court of Justice of the European Union,<sup>3</sup> the Court held that ‘ in as much as the repeal of a plan may modify the state of the environment as examined at the time of adoption, it must be taken into consideration with a view to subsequent effects that it might have on the environment’. The Government therefore decided to use the additional information gained through the public consultation process, as well as the developments in policy and recent case law, to update and build on the assessments which were described in the previous Environmental Reports.

AMEC Environment and Infrastructure Ltd were commissioned to carry out the further assessment and to prepare updated Environmental Reports. A public consultation exercise undertaken on the updated Environmental Report for the East Midlands ran from 23 October 2012 until 19 December 2012. Updating of, and consultation on, the Environmental Reports for the other seven regions has been staggered. The East Midlands Regional Strategy is the fourth of the eight to have completed consultation on the Environmental Report. This has enabled the Secretary of State to understand the environmental effects of revoking the regional strategy and to consider the views of the statutory bodies and the public who responded to two public consultations.

In accordance with Article 8 of the Strategic Environmental Assessment Directive, the Government has taken into account findings of the two Environmental Reports (on the revocation of the Regional Strategy and the reasonable alternatives assessed as part of that process) and the consultation responses to those reports in coming to its decision to revoke the Regional Strategy.

## 1.4 Purpose of the Post Adoption Statement

Article 9 of the Strategic Environmental Assessment Directive requires that when a plan or programme is adopted (in this case, the Plan to Revoke the Regional Strategy), the consultation bodies, the public and any other Member States consulted on the Environmental Report are informed and the following specific information is made available:

- the plan as adopted;
- a statement summarising:

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<sup>3</sup> The judgment in Case C-567/10 Inter-Environnement Bruxelles ASBL v Région de Bruxelles-Capitale.

- (i) how environmental considerations have been integrated into the Plan to Revoke the East Midlands Regional Strategy;
- (ii) how the Environmental Report has been taken into account;
- (iii) how opinions expressed in response to the consultation on the Environmental Report have been taken into account;
- (iv) the reasons for choosing the Plan to Revoke the East Midlands Regional Strategy, as adopted, in the light of the other reasonable alternatives dealt with; and
- (v) the measures that are to be taken to monitor the significant environmental effects of the implementation of the Plan to Revoke the East Midlands Regional Strategy.

The purpose of this Post Adoption Statement is to provide the specific information outlined under each of the points listed (i) to (v) above and which is presented in the following sections of this statement.

# Chapter 2

## How environmental considerations have been integrated into the plan

### 2.1 Environmental Considerations in the Plan to Revoke the East Midlands Regional Strategy

Environmental considerations have been integral to the Plan to Revoke the East Midlands Regional Strategy. Policy changes developed alongside the Plan to Revoke provide protections in the context of revocation. For example, within the National Planning Policy Framework, sustainable development is described as a 'golden thread' running through both plan making and decision making. The National Planning Policy Framework makes clear that the planning system should contribute to and enhance the natural environment, including by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains in biodiversity where possible. The Framework underlines that pursuing sustainable development means moving from a net loss of biodiversity to achieving net gains for nature.

During its development, the National Planning Policy Framework was also subject to consultation, with many of the responses focusing on aspects of environmental protection and enhancement.

Environmental considerations are also key to other ongoing regional planning processes identified in the region. For example, water companies and their respective Water Resource Management Plans which set out how future demand for water resources will be met. Similarly, River Basin Management Plans for the region identify the pressures that the water environment faces and include action plans requiring cross boundary co-operation and input from a range of organisations. The duty to co-operate came into force on 15 November 2011. This statutory duty, inserted by the Localism Act 2011 into the Planning and Compulsory Purchase Act 2004, requires local planning authorities and other public bodies to work together constructively, actively and on an ongoing basis when planning for strategic cross boundary matters.

The Government expects authorities to be working collaboratively whatever stage of local plan preparation they are at. The National Planning Policy Framework makes clear that the planning system should be genuinely plan led, and that plans should be kept up to date and based on joint working and co-operation to address larger than local issues.

## 2.2 Environmental Considerations in the Strategic Environmental Assessment

To provide the context for the assessment, and in compliance with the Strategic Environmental Assessment Directive, the relevant aspects of the current state of the environment and its evolution without the Plan to Revoke were considered, along with the environmental characteristics likely to be significantly affected. Key environmental considerations identified from this process included:

- Biodiversity levels in the region are the lowest of any region in England. However, the region has a number of ecological sites of national and international importance which support a number of key habitats and species – particularly in two large areas on the periphery of the region. Nationally significant heathlands occur in Nottinghamshire and the Lincolnshire Cover Sands (10,536 hectares designated as Sites of Special Scientific Interest). Other areas supporting biodiversity are often small, geographically isolated and surrounded by areas with little natural or semi-natural habitat. Nevertheless, in September 2010, 98 per cent of the Site of Special Scientific Interest areas in the East Midlands were in favourable condition.
- The East Midlands has a population of around 4.5 million with a growth rate of around 3.5% per annum. Population growth will be accompanied by changing age structure comparable to that of the UK. The East Midlands housing situation reflects the national polarising of north and south; with lower demand and the need for regeneration in the north due to declining traditional industries and high house prices and growth pressures in the south due to good transport links and proximity to London and the South East. The most pressing affordable housing gaps are in the Eastern and Southern sub-regions.
- Deprivation in the East Midlands is highly concentrated in the cities and coalfield areas as well as some parts of the Lincolnshire coast. Deprivation is also found in rural areas, where opportunities for employment and access to key, basic services are limited.
- Overall, the health of the population in the East Midlands is similar to that of the UK as a whole, but this masks wide inequalities in health levels. Male life expectancy across the region is around 78 years which is very close to the national average. Life expectancy for women across the region is around 82 which is also very close to the UK average.
- Pressure on land. Agriculture occupies nearly 80% of the land area in the East Midlands. Over 1.2 million hectares of land are used for agriculture with over 22,000 farms in the region; 43 per cent of these are small farms with less than five hectares of land. Lincolnshire accounts for over 85 per cent of the region's horticulture and around half of the region's arable crops and fallow area.

- There is a large concentration of previously developed land across the region, which are different in character and can have important historic remains. For example Lincolnshire has a high proportion of former military bases and Nottinghamshire has a high level of mining extraction sites.
- Parts of the East Midlands are among the driest in England. Surface water across the majority of the East Midlands is already fully committed to existing abstractions so no significant additional resource is reliably available - with the possible exception of the River Trent and the River Soar. Approximately 17% of the region's land area is at risk of flooding. This affects over 350,000 people in 143,000 homes and a significant number of businesses.
- Air quality issues can be linked to two main sources of pollutants: transport and industry. Several important transport corridors (e.g. A1, M1, A14) run through the region with industry concentrated towards the north. Transport is currently the most important source of pollution as nitrogen dioxide from traffic is the main reason for failing to meet air quality standards in the region.
- The extent of car dependency is above, and use of public transport is below, the national average. A significant concern for the region is the level of growth of transport linked to the anticipated level of growth in homes and employment. This could contribute significantly to air pollution particularly in those areas which are already subject to Air Quality Management Areas.
- Climate change is likely to cause reductions in water resources, problems with water quality due to declining summer flows, and increase flooding both from sea level rise and heavier storms. This is likely to have an impact on the region's biodiversity and historical heritage, health and its economy.
- Major development, bypasses and insensitive developments have resulted in a loss of historical assets. More generally, a higher proportion of grade I and II\* listed buildings (140 entries or 4.5% of grade I/II\* buildings) are at risk than the national average (3%). However only 7% of scheduled monuments are at risk – the lowest of any region well below the national figure of 17.2 per cent.
- The East Midlands has two areas designated for their landscape value: the Peak District National Park and the Lincolnshire Wolds Area of Outstanding Natural Beauty together cover 9% of the region. This is the lowest percentage of designated landscape coverage in any region. Outside the designated landscapes, the character of much of the region's landscape is classified as changing or in a neglected state being under pressure from development, agriculture and poor management and this has led to a reduction in heather, flower rich hay meadows, hedgerows, heathland and ancient semi natural woodland.

These factors were then reflected in the range of topics that were considered in detail by the Strategic Environmental Assessment, as are outlined in **Table 2.1**.

**Table 2.1 Environmental topics which were considered in the Strategic Environmental Assessment**

Topics included in the Strategic Environmental Assessment of the revocation of regional strategies
Biodiversity and Nature Conservation (which includes flora and fauna, and the functioning of ecosystems)
Population (including socio-economic effects and accessibility)
Human Health
Soil and Geology (including land use, important geological sites, and the contamination of soils)
Water Quality and Resources (including inland surface freshwater and groundwater resources, and inland surface freshwater, groundwater, estuarine, coastal and marine water quality)
Air Quality
Climate Change (including greenhouse gas emissions, predicted effects of climate change such as flooding and the ability to adapt)
Material Assets (including waste management and minerals)
Cultural Heritage (including architectural and archaeological heritage)
Landscape and Townscape

All the environmental topics listed in the Strategic Environmental Assessment Directive and the Environmental Assessment of Plans and Programmes Regulations 2004 were found to be relevant for the assessment of the revocation plan.

In line with the requirements of the Directive and Regulations and the guidance in the Office of the Deputy Prime Minister (now Department for Communities and Local Government) Practical Guide to the Strategic Environmental Assessment Directive, the assessment process predicted the significant environmental effects of the Plan to Revoke the East Midlands Regional Strategy against all of the topic areas listed in **Table 2.1**. This was done by identifying the likely changes to the baseline conditions as a result of the implementing the proposed plan (or reasonable alternative). These changes are described (where possible) in terms of their geographic scale, the timescale over which they could occur, whether the effects would be



temporary or permanent, positive or negative, likely or unlikely, frequent or rare. Where numerical information was not available, the assessment was based on professional judgement and with reference to relevant legislation, regulations and policy.

Where it was identified that revocation of a Regional Strategy policy would have an effect on the environment and that this would have a consequence for Local Plan policies and/or local areas, the assessment examined those effects in more detail. Comparisons were made between the policies in the East Midlands Plan on housing allocations, allocations of pitches for gypsies, travellers and travelling showpeople, employment (both jobs and employment land), renewable energy, land won aggregates and rock, waste apportionment and policies on the green belt and the heritage environment with the equivalent policies in local plans and /or core strategies in the region. This analysis was set out in Appendix C of the updated Environmental Report and was reflected, where relevant in the assessment of individual plan policies in Appendix D of the updated Environmental Report.

The designated consultation bodies for strategic environmental assessment in England (the Environment Agency, English Heritage and Natural England) were consulted for a period of five weeks on the scope and level of detail to be included in the Environmental Reports in May 2011. The corresponding bodies for Scotland and Wales were also consulted on the reports for regions on their boundaries.

Both Environmental Reports (issued in October 2011 and in October 2012) documented the findings of the assessment, outlining where any likely significant effects were identified and proposing where appropriate mitigation measures. These findings have then been taken into account during the preparation of the Plan to Revoke and before the final decision was taken to adopt the Plan.

# Chapter 3

## How the Environmental Reports have been taken into account

The Environmental Reports and Plan to Revoke the East Midlands Regional Strategy have developed in tandem. **Table 3.1** details key stages of the Strategic Environmental Assessment and its relationship with the development of the Plan to Revoke the Regional Strategy.

**Table 3.1 Key stages in the development of the Environmental Report and its relationship with the Plan to Revoke the Regional Strategy**

Strategic Environmental Assessment	Plan to Revoke	Relationship
<b>Scoping</b>		
The scoping stage of the Strategic Environmental Assessment identified other relevant plans, programmes and environmental protection objectives which could be affected by, or which could affect the Plan to Revoke the Regional Strategy.	The development of the National Planning Policy Framework and its adoption in March 2012 removed the need to reference the planning policy statements (listed in Annex 3 of the National Planning Policy Framework, 'Documents replaced by this Framework')	The links between the other relevant plans, programmes, policies and strategies that were applicable to the Plan to Revoke were outlined. These included plans and programmes at an international, European or national level covering a variety of topics (including spatial and resource planning).
<b>Assessment</b>		
Initial assessment of the impact of revocation of the regional strategies undertaken before the National Planning Policy Framework was	The Government published the National Planning Policy Framework in March 2012. The analysis presented in the	Assumptions that underpin the National Planning Policy Framework are clarified in the updated assessment,

<b>Strategic Environmental Assessment</b>	<b>Plan to Revoke</b>	<b>Relationship</b>
adopted resulting in assumptions over the final contents of the National Planning Policy Framework and its influence.	updated Environmental Report takes account of the policies set out in the Framework.	documented in the updated Environmental Report (published in October 2012).
Initial assessment of the impact of the duty to co-operate took place prior to the commencement of the new duty and required outline of assumptions with regard to operation.	The provisions which create a new duty to co-operate were commenced when the Localism Act received Royal Assent on the 15th November 2011. They require local planning authorities to work collaboratively to ensure that strategic priorities across local boundaries are properly co-ordinated and clearly reflected in Local Plans.	Commencement of the duty to co-operate provided greater certainty to the assessment, reflected in updated assessment, documented in the updated Environmental Report (published in October 2012).
Assessment considered the effects of revocation on local planning authorities and provided analysis of local plans highlighting where plans were out of date or silent on key planning policy matters.	The National Planning Policy Framework states that it is 'highly desirable that local planning authorities should have an up-to-date plan in place'.	The updated Strategic Environmental Assessment provided up to date summary of current position on the adoption and status of local plans, with indication of the number of authorities who needed to take action within each region regarding the revision and update of local plan policies.
<b>Reporting</b>		
The key findings of the updated Environmental Report are presented along with the Government's responses in Table 3.2 below. The extent to which the findings have informed the final Plan to Revoke, as adopted, is detailed in section 5 of this Post Adoption Statement.		
<b>Consultation</b>		

Strategic Environmental Assessment	Plan to Revoke	Relationship
<p>Responses to the consultation on the initial and updated Environmental Reports are presented along with the Government's responses in Tables 4.1 and 4.2 in the following section. The extent to which the consultation has informed the final Plan to Revoke, as adopted, is detailed in Chapter 5 of this Post Adoption Statement.</p>		
Monitoring		
Proposals for monitoring	<p>Section 5 'Put Communities in charge of planning' of the Department for Communities and Local Government business plan 2012 – 2015 includes specific monitoring actions for the Department regarding the local plan making progress by authorities and on compliance with the duty to co-operate.</p>	<p>The Department for Communities and Local Government is able to jointly meet requirements for monitoring environmental effects of the implementation of the Plan to Revoke with business plan commitments and by undertaking periodic review of data for specific monitoring information.</p>

Key findings of the updated Environmental Report are summarised in **Table 3.2** together with the Government response and how these have been taken into account in the Plan to Revoke, as adopted.

**Table 3.2 Key findings of the Environmental Report**

No	Key Environmental Report findings	Response
1.	<p>There will be significant positive environmental effects from the revocation of the East Midlands Regional Strategy, although these will be largely similar to those if the Regional Strategy were retained.</p>	<p>The Government notes the findings of the updated Environmental Report and considers that the Plan to Revoke is largely positive in its effect although it is acknowledged that these effects are largely similar to those of retention.</p>

No	Key Environmental Report findings	Response
2.	<p>The areas where revocation of the East Midlands Regional Strategy would lead to significant negative effects is in relation to the potential effects of road and air transport development on biodiversity, air quality, climate and landscape. However, it should be noted that a similar policy performance is recorded for the retention alternative.</p>	<p>The Government notes these effects and that they are similar to those for retention.</p> <p>The Government considers that these potentially negative impacts on the environment can be positively addressed by authorities, including local planning authorities, working collaboratively through the duty to co-operate within the policy context set by the National Planning Policy Framework. It notes the finding in the updated Environmental Report that a locally-led approach could ensure that the adverse effects are more effectively mitigated, possibly through a more detailed understanding of local environmental capacity issues and more diverse and locally-specific spatial distributions of development.</p> <p>The National Planning Policy Framework sets out a set of core land use planning policies which should underpin both plan-making and decision-taking – including that planning should: support the transition to a low carbon future in a changing climate taking account of flood risk and coastal change, and encourage the re-use of existing resources, including conversion of existing buildings, and encourage the use of renewable resources. To be found sound, local plans need to reflect this principle and enable the delivery of sustainable development in accordance with the National Planning Policy Framework’s policies and the statutory duty to co-operate. The Framework says that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change. To support the move to a low carbon future, the Framework asks local planning authorities to plan for new development in locations and ways which reduce greenhouse gas emissions.</p> <p>The National Planning Policy Framework’s proactive plan-led approach sits within a wider set of requirements to mitigate and adapt to climate change. There is a specific</p>

No	Key Environmental Report findings	Response
		<p>duty on Local Planning Authorities to ensure their local plan includes policies designed to mitigate climate change.</p> <p>The Local Transport White Paper (published January 2011) sets out the Government's vision for a sustainable local transport system that supports the economy and reduces carbon emissions. It explains how the Government is taking measures to empower local authorities when it comes to tackling these issues in their areas, as well as underlining central government's direct support to local authorities, including through the Local Sustainable Transport Fund.</p> <p>In addition, the National Planning Policy Framework states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It encourages transport solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plans, local planning authorities should support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.</p> <p>The duty to co-operate should assist in ensuring that local authorities work in partnership with relevant public authorities to improve the quality and provision of public transport services, and across boundaries where appropriate on strategic transport issues, including for integrated networks for walking and cycling.</p> <p>The National Planning Policy Framework also sets out a core planning principle that local planning authorities should contribute to conserving and enhancing the natural environment and reducing pollution. It also makes clear that, to minimise impacts on biodiversity, planning policies should plan for biodiversity at a landscape-scale across local authority boundaries. In addition, delivery of environmental protection on biodiversity may be through other measures,</p>

No	Key Environmental Report findings	Response
		<p>including:</p> <ul style="list-style-type: none"> <li>• existing legislation (such as the Habitats Directive); and</li> <li>• other government policy (such as that articulated by the Natural Environment White Paper).</li> </ul> <p>The Government notes that the updated Environmental Report finds that the cumulative effects of revocation do not affect the current trend in air quality or localised effects. Within the East Midlands 17 local authorities have declared one or more Air Quality Management Areas (AQMAs).</p> <p>The main risk to air quality is traffic congestion but also, in this case, the expansion of East Midlands airport. Government has put in place policies to reduce air pollution in the National Planning Policy Framework, for example, that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. The National Planning Policy Framework also expects any proposal for development in Air Quality Management Areas to be consistent with local authority measures to improve air quality standards.</p> <p>Any applications for airports which meet the thresholds in the Planning Act 2008 will be determined by the Secretary of State for Transport. Until a National Policy Statement is in place any such applications will be determined having regard to any Local Impact Report and any other matters the Secretary of State considers are both important and relevant. This includes matters such as air quality impacts, and the impact on biodiversity and landscape.</p> <p>The Government notes that the significant effect on landscape identified in the findings arises from the revocation of policy 56 and the potential effect on tranquillity from the development of Nottingham East Midlands Airport. It notes the inconsistency in the</p>

No	Key Environmental Report findings	Response
		<p>assessment, including between the main report (which reported significant negative effects) and Appendices D and E (which reported minor negative effects) in recording this effect for policy 56. Following further discussion with AMEC, the Government concludes that the effect on landscape arising from impacts on tranquillity, whilst locally important, were not regionally significant and so should be considered in a manner equivalent to many of the other minor negative effects recorded through the assessment.</p> <p>The Government considers that any adverse effect on landscape would be addressed through various statutory and policy requirements. This includes the National Planning Policy Framework, which is consistent with the Government's Natural Environment White Paper, and makes it clear that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, and sets out as a core planning principle that planning should recognise the intrinsic character and beauty of the countryside. The Framework also maintains protection for designated areas such as the Green Belt, Areas of Outstanding Natural Beauty National Parks, and Sites of Special Scientific Interest (paragraph 115). It also states that local planning authorities should set criteria based policies against which proposals for any development on or affecting protected landscape areas will be judged (paragraph 113), while landscape character assessments should be prepared where appropriate (paragraph 170).</p>
3.	For revocation, there may be more uncertainty about the nature and scale of positive and negative impacts on the Strategic Environmental Assessment topics in the	The Government notes the findings of the updated Environmental Report on the progress of plan-making in the East Midlands. In noting the findings of the Environmental Report, the Government considers uncertainty of impacts until plans are in place are mitigated by measures



No	Key Environmental Report findings	Response
	<p>short and medium term due to the transition period for those local planning authorities that need to establish Local Plan policies that reflect the objectively assessed and up to date needs of their respective local communities</p>	<p>outside the Plan to Revoke</p> <p>The National Planning Policy Framework states that it is 'highly desirable that local planning authorities should have an up-to-date plan in place'. In particular, where a local authority cannot deliver a five year supply of deliverable sites, the relevant local policies for the supply of housing should not be considered up to date. In such cases the decision taker will apply the presumption in favour of sustainable development, taking into account all relevant planning considerations. The presumption in favour of sustainable development is clearly set out at paragraph 14 of the National Planning Policy Framework in respect of both plan-making and decision taking. From the end of March 2013 transitional arrangements on the implementation of the National Planning Policy Framework will cease to apply. From that point, in considering all decisions for planning permission, due weight will be given to relevant policies in all existing plans according to the degree of consistency with the policies in the National Planning Policy Framework. The closer policies are to policies in the National Planning Policy Framework the greater the weight that may be given.</p> <p>Delivery of plans is increasing: across the East Midlands 4 councils have adopted Local Plans since May 2011, compared with 9 councils that had adopted local plans over the previous 7 years. 37% of councils have a plan adopted post-2004. And overall 61% of councils now have a published plan.</p> <p>There is a package of advice and support being offered to all councils, from the Local Government Association, the Planning Inspectorate and the Department, to support councils to get local plans updated or in place. The Planning Inspectorate is working in particular with authorities with published plans about to be examined, and the Local Government Association's Planning Advisory Service is offering support to councils</p>

No	Key Environmental Report findings	Response
		<p>working towards plan publication. The Inspectorate continues to work quickly to examine plans already submitted, and the focus now is on maintaining a strong pipeline of plans coming through for examination.</p> <p>Furthermore, the Government has already introduced, or is introducing, a range of measures to make the planning system work more effectively and efficiently. These measures are designed to create the conditions that support local economic growth, increase building and remove barriers that stop local businesses creating jobs. Specific measures build on the measures in the Localism Act and the introduction of the National Planning Policy Framework and include:</p> <ul style="list-style-type: none"> <li>• proposals to extend permitted development rights for a trial period of 3 years;</li> <li>• instructing the Planning Inspectorate to respond quickly to all major economic and housing-related appeals;</li> <li>• proposals to speed up the process for determining planning appeals;</li> <li>• giving developers extra time to get their sites up and running before planning permission expires; and</li> <li>• through the Growth and Infrastructure Bill, giving new powers to the Planning Inspectorate to take over the role of making planning decisions in an area if the local authority has a record of consistently slow or poor quality decisions.</li> </ul> <p>In conclusion, the Government considers that any uncertainty of impacts until local plans are in place is mitigated by measures outside the Plan to Revoke the East Midlands Regional Strategy. Implementation of the Plan to Revoke will remove any uncertainty about the regional policy framework and the status of the Regional Strategy and potential uncertainties and delays to Local Plan-making.</p>

No	Key Environmental Report findings	Response
4.	<p>The effects of revocation of policies which provide strategic direction whose requirements extend beyond the boundaries of a single authority, such as strategic employment sites will be more uncertain until all participating local authorities define and agree areas of co-operation and implement the duty to co-operate and then reflect them in their adopted plans.</p>	<p>The Government notes the findings of the updated Environmental Report.</p> <p>In noting the findings of the updated Environmental Report, the Government considers that the uncertain nature of the effects is mitigated by measures outside the Plan to Revoke.</p> <p>The statutory duty to co-operate set out in section 33A of the Planning and Compulsory Purchase Act 2004 (inserted by the Localism Act 2011), requires local planning authorities and other public bodies to work together constructively, actively and on an ongoing basis when planning for strategic cross boundary matters. The Government expects authorities to be working collaboratively whatever stage of local plan preparation they are at. The National Planning Policy Framework makes clear that the planning system should be genuinely plan led, and that plans should be kept up to date and based on joint working and co-operation to address larger than local issues, including those set out in paragraph 156 of the Framework (homes and jobs needed in the area; the provision of retail, leisure and other commercial development; the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat); the provision of health, security, community and cultural infrastructure and other local facilities; and climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape) and taking account of paragraph 160. Local Plans are prepared in this context – in addition to the tests of soundness the examination will determine whether the local planning authority has complied with the duty to co-operate in preparing the development plan.</p> <p>The duty to co-operate reflects the</p>

No	Key Environmental Report findings	Response
		<p>Government's broader approach to locally-driven co-operation to address the challenges of growth, including the strategic role played by Local Enterprise Partnerships. There are four Local Enterprise Partnerships in the East Midlands region: Derby, Derbyshire, Nottingham and Nottinghamshire (D2N2); Greater Lincolnshire; Leicester and Leicestershire; and South East Midlands. Their remit is to drive growth across their area making the most of its inherent strengths.</p> <p>For example, the D2N2 Local Enterprise Partnership has set up the Nottingham Enterprise Zone, covering 116 hectares in the heart of Nottingham to focus across a range of sectors including Healthcare, Biotechnology, Low Carbon Technologies and ICT and also offers a mixture of business space from offices, development land and manufacturing space.</p>
5.	<p>Whilst the duty to co-operate could well address a wide range of strategic issues, such as the delivery of green infrastructure, there is uncertainty as to how this might work, particularly in the short to medium term, both by topic and geographically. Some issues such as renewable energy, biodiversity enhancement or landscape conservation, which typically benefit from being planned at a wider geographical scale, may not have their full potential realised.</p>	<p>The Government notes the findings of the updated Environmental Report.</p> <p>In noting the findings of the updated Environmental Report, the Government considers that it has put in place measures to reduce the uncertainty of effects.</p> <p>The duty to co-operate came into force on 15 November 2011. This statutory duty, set out in section 33A of the Planning and Compulsory Purchase Act 2004 Act (inserted by the Localism Act 2011), requires local planning authorities and other public bodies to work together constructively, actively and on an ongoing basis when planning for strategic cross boundary matters. The National Planning Policy Framework makes clear cross boundary co-operation should apply in particular to the strategic priorities set out in paragraph 156. These matters include climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape. The duty to co-operate not only means that authorities are required to work collaboratively when</p>

No	Key Environmental Report findings	Response
		<p>developing their local plans, but also that they will be held accountable for their cross-boundary working when their plan is examined. The examination of Local Plans will determine whether the local planning authority has complied with the duty to co-operate.</p> <p>The National Planning Policy Framework sets out a set of core land use planning principles which should underpin both plan-making and decision-taking – including encouraging the use of renewable resources. To be found sound, local plans need to reflect this principle and enable the delivery of sustainable development in accordance with the National Planning Policy Framework’s policies and the statutory duty to co-operate. These include the requirements for local authorities to have a positive strategy to promote energy from renewable sources; design their policies to maximise renewable energy developments while ensuring that adverse impacts are addressed satisfactorily; approve applications for renewable energy if the impacts are or can be made acceptable; and co-operate to deliver strategic outcomes which include mitigating climate change. The National Planning Policy Framework’s proactive, plan-led approach sits within a wider set of requirements and policy initiatives to deliver renewable energy. These include the UK’s legally binding target that by 2020 15% of energy should come from renewable energy. Additionally, there is a specific duty on Local Planning Authorities to ensure their local plan includes policies designed to mitigate climate change.</p> <p>Existing legislation concerning environmental protection remains (legislation includes the Habitats Directive (92/43/EEC), Water Framework Directive (2000/60/EC) and the Floods and Water Management Act 2010 – which includes a duty to co-operate). Local Planning Authorities are required by the National Planning Policy Framework to undertake a Strategic Flood Risk</p>

No	Key Environmental Report findings	Response
		<p>Assessment, preferably at a catchments level through joint co-operation.</p> <p>Six Energy National Policy Statements (including one on nationally significant renewable energy infrastructure) set out the need for certain infrastructure and policies against which applications for development consent for energy projects will be considered. These documents include the requirements for applicants to address economic, social and environmental impacts of a scheme; they also enable potential mitigating measures to be considered and, in some cases, built into the project before an application is submitted.</p> <p>Cross-boundary policy arrangements are also in place on minerals and waste issues. Mineral planning authorities work together to provide a steady and adequate supply of aggregate minerals. Additionally, there are a number of authorities who are working together to produce joint minerals and/or waste plans, for example Derbyshire and Derby, Leicestershire and Leicester, and Nottinghamshire and Nottingham.</p> <p>The National Planning Policy Framework expects the planning system to protect and enhance valued landscapes. It states that planning should protect and enhance valued landscapes, minimise impacts on biodiversity and provide net gains in biodiversity where possible. It makes clear that local planning authorities should plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure, and that to minimise impacts on biodiversity, planning policies should plan for biodiversity at a landscape-scale across local authority boundaries.</p> <p>Nature Improvement Areas provide cross-boundary projects where partners work to improve biodiversity and can be expected also to contribute significantly to landscape conservation. The initial 12 Nature Improvement Areas included one for the</p>

No	Key Environmental Report findings	Response
		<p>Humberhead Levels which is part of the vast flatlands straddling the borders of Yorkshire, Lincolnshire and Nottinghamshire. The area, covering 49,700 hectares seeks to develop a major multi-functional wetland landscape in a largely unrecognised biodiversity hotspot.</p> <p>Reforming the planning system to give local councils and the communities that they represent more control in shaping the places in which they live is part of the Government's broader approach set out in, for example, 'Enabling the transition to a green economy', and the Government's 'Biodiversity 2020' strategy, and in the context of statutory requirements. Strategic partnerships, including Local Nature Partnerships such as those for Leicestershire, Northamptonshire and Lowland Derbyshire and Nottinghamshire, Climate Local, and the new arrangements for Lead Local Flood Authorities, are examples of how co-operation is already a key part of the wider framework addressing the issues raised.</p>
6.	<p>In respect of setting local housing targets, over the medium and longer term, reliance on locally-generated housing figures could yield an increasing difference between authority areas within regions. Tensions may arise, where the duty to co-operate and housing market assessments require an agreed strategy to accommodate growth that is not viewed as equitable by the co-operating authorities. This could create or exacerbate socio-economic disparities (reflected in the Strategic Environmental</p>	<p>The Government notes the findings of the updated Environmental Report.</p> <p>Section 2.4 of the updated Environmental Report makes clear that Regional Strategies have not led to the level of plan provision or delivery of housing that was expected.</p> <p>In noting the findings of the updated Environmental Report, the Government considers that the effects on the population and health Strategic Environmental Assessment topics are mitigated by measures outside the plan to revoke.</p> <p>The National Planning Policy Framework asks authorities to use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with policies set out in the Framework. They should prepare Strategic Housing Market Assessment to assess their full housing needs, working with neighbouring authorities where housing</p>

No	Key Environmental Report findings	Response
	<p>Assessment as effects on the population and health topics) which are difficult to reconcile without significant interventions.</p>	<p>market areas cross administrative boundaries. The National Planning Policy Framework states that it is 'highly desirable that local planning authorities should have an up-to-date plan in place' and, where plans are absent, silent or out of date, the National Planning Policy Framework's presumption in favour of sustainable development will apply.</p> <p>The New Homes Bonus is a powerful and permanent incentive for local authorities and communities to increase their aspirations for housing growth. New Homes Bonus is based on the additional council tax raised - using the national average in each band - for additional homes (new builds and conversions) and long term empty properties brought back into use.</p> <p>The National Planning Policy Framework makes clear that cross boundary co-operation should apply in particular to the strategic priorities set out in paragraph 156 which include strategic policies to deliver the homes needed in the area. Local Plans are prepared in this context – in addition to the tests of soundness the examination will determine whether the local planning authority has complied with the statutory duty to co-operate in preparing the development plan.</p>
7.	<p>Over the medium and longer term, there could be increasing differences between regions with growth concentrated in those areas of greatest demand with consequential effects for infrastructure and environmental assets (such as increased demand for travel, waste management facilities and water resources and the effects from land take and disturbance on</p>	<p>The Government notes the findings of the updated Environmental Report and judgements made on the potential wider effects.</p> <p>The Government has introduced broader policy measures outside of the Plan to Revoke, for example, the New Homes Bonus is designed to ensure that communities which are growing can mitigate the strain of increased housing and respond to community ambitions, for example by providing local services, unlocking infrastructure and community facilities. The provisional allocations for all of England's local authorities were published in December 2012. The New Homes Bonus complements</p>



No	Key Environmental Report findings	Response
	biodiversity and landscapes).	<p>broader policy on growth, including the role of Local Enterprise Partnerships whose remit is to drive growth across their area making the most of its inherent strengths.</p> <p>The National Planning Policy Framework asks authorities to use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with policies set out in the Framework (such as the protections on Green Belt, high grade agricultural land and Areas of Outstanding Natural Beauty). They should prepare Strategic Housing Market Assessment to assess this need, working with neighbouring authorities where housing market areas cross administrative boundaries.</p> <p>They should also prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period. The practice guidance on Strategic Housing Land Availability Assessment states that the study area should preferably be a sub regional housing market area, but may be a local planning authority area, where necessary.</p> <p>The National Planning Policy Framework makes clear that cross boundary co-operation should apply in particular to the strategic priorities set out in paragraph 156 which include strategic policies to deliver the homes needed in the area. Local Plans are prepared in this context – in addition to the tests of soundness the examination will determine whether the local planning authority has complied with the statutory duty to co-operate in preparing the local plan.</p> <p>The National Planning Policy Framework directs significant development towards the most sustainable locations. For example, developments that generate significant</p>

No	Key Environmental Report findings	Response
		<p>movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised</p> <p>An evidence and local plan-led approach towards identifying and meeting the future infrastructure requirements of an area is essential. The tariff-based, and locally set, Community Infrastructure Levy provides a faster, more certain and transparent way of helping localities fund that infrastructure than the system of planning obligations where lengthy negotiations often create severe delays.</p> <p>Other statutory and policy measures are in place to address the consequential effects on biodiversity, landscape and water resources), such as:</p> <ul style="list-style-type: none"> <li>• existing legislation concerning environmental protection (such as the Habitats Directive (92/43/EEC), Water Framework Directive (2000/60/EC), the Floods and Water Management Act 2010);</li> <li>• existing planning policy (such as the National Planning Policy Framework, in this context particularly sections 10 and 11, and Planning Policy Statement 10);</li> <li>• other government policy (such as that articulated in the Natural Environment White Paper);</li> <li>• actions by other organisations subject to statutory requirements such as water companies and requirements under the Water Industry Act 1991, as amended by the Water Act 2003 concerning water resource management planning.</li> </ul>
8.	At a broader scale, there could be an increasing diversification of regional circumstances across the country, accentuating issues such as the north-south divide with wider	The Government notes the findings of the updated Environmental Report. The Government considers that there are other, broader drivers of spatial change. For instance, there are four Local Enterprise Partnerships in the East Midlands whose remit is to drive growth across their area

No	Key Environmental Report findings	Response
	<p>socio-economic consequences and reliance on other policy instruments for their resolution.</p>	<p>making the most of its inherent strengths. These cover: Derby, Derbyshire, Nottingham and Nottinghamshire (D2N2); Greater Lincolnshire; Leicester and Leicestershire; and South East Midlands.</p> <p>We note the judgement that there could be a reliance on other policy instruments. The Local Growth White Paper 2010, "Realising Every Place's Potential" established the Government's position on regional economic circumstances and set the framework for the ongoing activity of Local Enterprise Partnerships and investments such as the Growing Places Fund and the Regional Growth Fund.</p>

# Chapter 4

## How consultation on the Environmental Reports has been taken into account

### 4.1 Overview

As part of the environmental assessment of the revocation of the Regional Strategies, there has been consultation with the statutory consultation bodies on the scope and level of detail of the Environmental Reports, followed by a public consultation on the Environmental Reports on the effects of revoking each of the eight regional strategies.

Detailed responses to the initial Environmental Report on the East Midlands, published in October 2011, were provided by consultees and summarised in the updated Environmental Report, published in October 2012.

The consultations and how they have been taken into account is summarised below.

### 4.2 Scoping Consultation

The designated consultation bodies for strategic environmental assessment in England (the Environment Agency, English Heritage and Natural England) were consulted on the scope and level of detail to be included in the Environmental Reports in May 2011 for five weeks. The corresponding bodies for Scotland and Wales were also consulted on the reports for regions on their boundaries. Their comments on individual regions have been taken into account in the Environmental Reports for each region.

The Environment Agency agreed that the scope and level of detail proposed for the analysis of environmental effects of revocation of the regional strategies was appropriate. Natural England recognised that the Strategic Environmental Assessment was unusual in that it applied to the revocation, rather than the creation of a plan, and that therefore many of the usual aspects of Strategic Environmental Assessment did not apply. English Heritage focussed their comments on the implications for Heritage on the proposed revocation. Scottish Natural Heritage considered that the implications for strategic planning for green infrastructure and the interface with the marine environment should be considered.

**Annex A** provides more detailed information on the responses to the scoping consultation and the Government response (which has been updated for inclusion in this post adoption statement).

### 4.3 Public Consultation on the initial Environmental Report

As part of the assessment of the revocation of the Regional Strategies a public consultation on the initial Environmental Reports on the effects of revoking each of the eight regional strategies was undertaken. Consultation on the initial Environmental Reports was announced in both Houses of Parliament through a Written Ministerial Statement and copies were sent by email to the statutory consultation bodies, the equivalent organisations in the devolved administrations, all local planning authorities and organisations thought to have an interest in the process. Copies of the reports were also published on the Department for Communities and Local Government website. The consultations ran from 20 October 2011 to 20 January 2012.

A total of 103 responses were received, of which 24 contained comments that were common to all the reports. The remaining responses made specific comments on the initial Environmental Reports for particular regions. The Woodland Trust provided individual responses for each of the eight regions as did the Scottish Government Strategic Environmental Assessment Gateway (enclosing responses from Scottish Heritage, the Scottish Environmental Protection Agency and Scottish Natural Heritage). Five responses were received from local planning authorities within the East Midlands. A further 64 dealt solely with Environmental Reports for regions other than the East Midlands. A summary of the 34 consultation responses relevant to the initial East Midlands Environmental Report is set out at Appendix F of the updated Environmental Report.

A high level summary of the issues raised on the first report and the response to those is set out in **Table 4.1** below. **Annex A** presents more detailed information and the responses.

**Table 4.1 Summary of consultation responses to the first Environmental Report and the Government response**

Issue	Summary of consultation responses to the October 2011 Environmental Report	Response
The overall approach taken to Strategic	The Statutory Consultees supported the broad approach to the analysis presented in the October	Chapter 1 of the updated Environmental Report sets out how the report meets the requirements of the Strategic

Issue	Summary of consultation responses to the October 2011 Environmental Report	Response
Environmental Assessment	2011 Environmental Reports. English Heritage however had concerns about the potential impacts of the revocation of the East Midlands Regional Strategy on heritage assets. Other respondents thought the analysis was undertaken too late in the plan making process and was not consistent with the requirements of the Directive.	Environmental Assessment Directive. The impacts of revoking, retaining or partially revoking the East Midlands Regional Strategy have been assessed in detail in the short, medium and long term against the 12 Strategic Environmental Assessment topics. This includes Cultural Heritage – including architectural and archaeological heritage.
Assessment	The Statutory Consultees drew attention to more up to date data that could be included in the Environmental Report, for instance in River Basin Management Plans. Other respondents asked for a revised non-technical summary, for baseline data to be updated, for a more extensive analysis of the potential effects taking into account the content of local plans, the reconsideration of the likelihood of effects and, where significant effects were identified, to set out mitigation measures and give more consideration to monitoring the impacts.	The updated Environmental Report updates the baseline evidence and provides a detailed analysis of the retention, partial revocation and revocation of the East Midlands Regional Strategy in the short, medium and long term against all 12 Strategic Environmental Assessment topics, taking into account the content of local plans. Mitigation measures are proposed where significant impacts are predicted. Arrangements for monitoring possible effects are set out and a non-technical summary is provided.
Reliance on the National Planning Policy Framework	A number of respondents thought that it was difficult to assess the impact of revocation of the Regional Strategies before the National Planning Policy Framework was finalised.	The Government published the National Planning Policy Framework in March 2012. The analysis presented in the updated Environmental Report takes account of the policies set out in the National

Issue	Summary of consultation responses to the October 2011 Environmental Report	Response
		Planning Policy Framework.
Policy Change	Several respondents thought that the revocation of the East Midlands Regional Strategy would weaken certain policies particularly the delivery of strategic policies.	The National Planning Policy Framework states that local planning authorities should set out the strategic priorities for their area in their Local Plan. This should include strategic policies to deliver homes and jobs and other development needed in the area, the provision of infrastructure, minerals and energy as well as the provision of health, security, community and cultural infrastructure and other local facilities; and climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.
Reliance on the duty to co-operate	Some respondents thought that it was unlikely that the duty to co-operate would be able to provide a framework robust enough to enable strategic planning across local government boundaries at a sufficiently large scale.	The Government has introduced a new duty to co-operate and supporting regulations are now in place. Councils which cannot demonstrate that they have complied with the duty may fail the local plan independent examination. In addition, the National Planning Policy Framework sets out the strategic priorities on which the Government expects joint working to be undertaken by local authorities. The National Planning Policy Framework also sets out the requirements for sound local plans, including that plans are deliverable and based on effective joint working on

Issue	Summary of consultation responses to the October 2011 Environmental Report	Response
		cross-boundary strategic priorities.
Individual Topics	Respondents raised a number of questions about individual topics. In particular, respondents thought that the impact of the revocation of the East Midlands Regional Strategy could impact on Green Belt, the provision of gypsy and traveller pitches, housing allocations, heritage, waste management, biodiversity, renewable energy, transport, water, brownfield land, coast, flooding and managed woodland.	Individual policies for the planning of individual topics are described in the updated Environmental Report, drawing on the policies set out in the National Planning Policy Framework.

As a result of considering the responses received, the changes made to the approach to the updated assessment were as follows:

- Providing additional contextual information for the assessment including the review of plans and programmes and updated baseline for each of the 12 Strategic Environmental Assessment Annex I(f) topics and presenting this in separate topic chapters.
- Providing additional information on the details of the Plan to Revoke the regional strategies and the reasonable alternatives to them, including reasons for the selection of some alternatives and the discontinuation of others.
- Providing additional information in the assessment of revocation and retention of each regional strategy policy explicitly against all 12 of the Strategic Environmental Assessment Annex I(f) topics.
- Identifying, characterising and assessing any likely significant effects of the plan and the reasonable alternatives, based on a common interpretation of what constitutes a significant effect for each topic and reflecting the possible timing effects.



- Providing additional information on likely secondary, cumulative and synergistic effects of the Plan to Revoke the regional strategies.
- Assessing the likely significant effects at a number of geographic levels (national, regional, sub-regional and local) depending on the content, intent and specificity of the individual policy.
- Providing further information that includes proposals to mitigate effects including more sub-regional information on an understanding of the duty to co-operate.
- Providing further information that includes proposals to monitor any significant effects.

The updated Strategic Environmental Assessment of the Plan to Revoke the East Midlands Regional Strategy was undertaken in 2012 by AMEC on behalf of the Department for Communities and Local Government.

## 4.4 The Updated Environmental Report

Public consultation on the updated Environmental Report on the revocation of the East Midlands Regional Strategy ran from 23 October 2012 until 19 December 2012.

The updated Environmental Report indicated that the Government welcomed, in particular, views on:

- whether there is any additional information that should be contained with the baseline or review of plans and programmes;
- whether the likely significant effects on the environment from revoking the Regional Strategy for the East Midlands have been identified, described and assessed;
- whether the likely significant effects on the environment from considering the reasonable alternatives to revoking the Regional Strategy for the East Midlands have been identified, described and assessed; and,
- the arrangements for monitoring.

In total 11 detailed written responses were received summarised by interest group:

- 3 Strategic Environmental Assessment consultation bodies (Environment Agency, Natural England, English Heritage);

- 3 Local planning authorities (Derbyshire County Council, Nottinghamshire County Council and the Peak District National Park Authority);
- 2 Non Government Organisations and local pressure groups (Town and Country Planning Association and Campaign to Protect Rural England, East Midlands Branch);
- 1 Industry representative (RenewableUK); and
- 2 Developers and planning consultants (Iceni Projects (on behalf of Cogent Land LLP) and Pegasus Planning Group (on behalf of Redrow Homes).

In addition 2 statutory consultees (Scottish Natural Heritage and Historic Scotland) responded that they had no detailed comments to make on the Environmental Report and they anticipated no effects from the Plan on environmental assets in Scotland.

A summary of the comments and the Government's response is presented in **Table 4.2** below. Comments are structured by the questions asked above. Details of the comments are set out in **Annex B**.

**Table 4.2 Summary of consultation responses to the updated Environmental Report**

Issue	Summary of consultation responses to the updated Environmental Report	Response
<p><b>The overall approach taken to Strategic Environmental Assessment</b></p>	<p><b>Natural England, the Environment Agency and English Heritage</b> agreed with the overall approach and welcomed the updated Environmental Report as much more detailed and clearer document than the previous one. The <b>Town and Country Planning Association</b> welcomes the fact that the Strategic Environmental Assessment process has been repeated with a methodology more closely aligned to the</p>	<p>The Government welcomes the comments on the updated Environmental Report and notes that the opportunity to use the additional information gained through the public consultation process, as well as the developments in policy and Court of Justice of the European Union jurisprudence, to update and build on the earlier assessments have been an important contribution to making the final decision on the Plan to Revoke the East</p>

Issue	Summary of consultation responses to the updated Environmental Report	Response
	<p>requirements of the Strategic Environmental Assessment Directive.</p> <p>The <b>Campaign to Protect Rural England</b> stated that the Strategic Environmental Assessment was flawed as it:</p> <ul style="list-style-type: none"> <li>• relies on an optimistic view of the delivery of environmental protection in local plans and the National Planning Policy Framework</li> <li>• relies on untested processes for co-operation between local authorities</li> <li>• fails to address how the current arrangements might be improved to ensure an approach to strategic planning which is rigorous and engages all sectors.</li> <li>• fails to address how the Government should tackle the acknowledged regional and national disparities which it envisages emerging</li> </ul>	<p>Midlands Regional Strategy.</p> <p>The assessment does not rely only on the delivery of environmental protection in local plans and the National Planning Policy Framework but refers to a hierarchy of measures that will apply in the absence of the Regional Strategy. These include:</p> <ul style="list-style-type: none"> <li>• existing legislation concerning environmental protection (such as the Habitats Directive (92/43/EEC), Water Framework Directive (2000/60/EC), the Floods and Water Management Act 2010);</li> <li>• existing planning policy (such as the National Planning Policy Framework and Planning Policy Statement 10);</li> <li>• other government policy (such as that articulated in the Natural Environment White Paper); and</li> <li>• actions by other organisations subject to statutory requirements such as water companies and requirements under the Water Industry Act 1991, as amended by the Water Act 2003 concerning water resource management</li> </ul>

Issue	Summary of consultation responses to the updated Environmental Report	Response
	<p><b>Redrow Homes</b> considers that the benefits of revocation to the achievement of sustainable development cannot be observed and the impression is that the report represents a veneer for a political decision without the benefit of an objectively assessed evidence base.</p>	<p>planning.</p> <p>Section 3 of the updated Environmental Report sets out the Strategic Environmental Assessment methodology used in the assessment. Assumptions and uncertainties are described. Appendix E of the updated Environmental Report presents the detailed information that makes up the baseline for the 12 Strategic Environmental Assessment topics considered in the assessment of the Plan to Revoke the East Midlands Regional Strategy. Significance thresholds are defined for effects for each of the topics considered to ensure transparency, consistency and robustness in the assessment. This is consistent with the requirements of Annex I (b) to (e) of the Strategic Environmental Assessment Directive. Necessarily, the baseline will reflect information available at the time of completion.</p>
<p><b>Additional information</b></p>	<p><b>English Heritage</b> considers that the overview of the historic environment for the region is poorly presented and has significant omissions, such as any reference to the historic environment of Northamptonshire. There</p>	<p>Appendix E of the updated Environmental Report presents the detailed information that makes up the baseline for the 12 Strategic Environmental Assessment topics considered in the assessment of the Plan to</p>

Issue	Summary of consultation responses to the updated Environmental Report	Response
	<p>is no reference to the importance of locally important and undesignated assets, such as the survival of medieval field systems (ridge and furrow).</p>	<p>Revoke the East Midlands Regional Strategy. Proportionate to a regional plan, the information presented is national and regional in nature. Section 9.3.2 of Appendix E describes the cultural heritage baseline for the East Midlands, including reference to the 6,448 grade I and II listed buildings; 174 scheduled monuments; 29 registered parks, gardens and battlefields and 159 Conservation Areas found in the East Midlands region. We are grateful for the additional information highlighted, although note it does not materially affect the assessment.</p>
<p><b>Likely significant effects</b></p>	<p><b>Iceni Projects Ltd</b> commented that the assessment had not considered the likely impacts on surrounding regions.</p>	<p>Page 114 of section 4.5 'Secondary, Cumulative and Synergistic Effects' outlines the effects on other regions. For example, the text includes the following:</p> <p><i>'..under revocation there is also the opportunity for adjacent authorities in previously different regions to explore joint working which may help address some of the potential issues that could arise.</i></p> <p><i>At a broader scale, there could be an increasing diversification of regional circumstances across the country, accentuating issues such as the north-</i></p>

Issue	Summary of consultation responses to the updated Environmental Report	Response
	<p><b>Campaign to Protect Rural England</b> considers that revocation of the Regional Strategy will lead to increased development in areas attractive to housing developers which will increase pressure in areas with an identified</p>	<p><i>south divide with wider socio-economic consequences and reliance on other policy instruments for their resolution.”</i></p> <p>Page 116 of Section 4.6 includes the following concluding remarks:</p> <p><i>‘More widely, and over the longer term, inter- and intra-regional differences could be magnified as a result of the sum of local decisions which reflect strongly varying circumstances such as housing demand.’</i></p> <p>The Government recognises the importance of strategic planning and the National Planning Policy Framework makes it clear that strategic priorities across local boundaries should be properly co-ordinated and clearly reflected in individual local plans. This should include strategic policies to deliver: the homes and jobs needed in the area.</p> <p>The Government recognises the importance of strategic planning and the National Planning Policy Framework makes it clear that strategic priorities across local boundaries should be properly co-ordinated and clearly</p>

Issue	Summary of consultation responses to the updated Environmental Report	Response
	<p>shortage of water capacity and sewage capacity, damage undesignated valued and distinctive landscapes in these areas, while also risking the delivery of much needed affordable housing and undermining regeneration in other parts of the Region.</p> <p><b>Redrow Homes</b> considers that the Environmental Report is not an adequate, appropriate or robust evaluation of the implications of the revocation of the Regional Strategy upon housing and economic aspirations of the existing and future population.</p> <p><b>Redrow Homes</b> considers that revocation will increase uncertainty to deliver new homes through local opposition to development.</p>	<p>reflected in individual local plans. This should include strategic policies to deliver the provision of infrastructure for water supply and wastewater. In addition, existing legislation concerning environmental protection (such as the Habitats Directive (92/43/EEC), Water Framework Directive (2000/60/EC), the Floods and Water Management Act 2010 – which includes a duty to co-operate) is part of the hierarchy of measures that will apply in the short to long term in the absence of the East Midlands Regional Strategy. Section 2 of Appendix E of the updated Environmental Report presents contextual information under the heading of Population. In the absence of detailed SEA guidance on the content of the population topic, ‘population’ includes information on demographics and generic socio-economic issues. Section 2.3.3 of Appendix E describes the baseline for the East Midlands demographics and housing. Section 2.5.3 of Appendix E describes the evolution of this baseline with particular reference to housing need. Where relevant, the likely significant effects of the Plan to Revoke the East</p>

Issue	Summary of consultation responses to the updated Environmental Report	Response
	<p><b>Nottinghamshire County Council</b> considers that it is unreasonable to conclude that the loss of plan policies would not lead to some significant environmental effects without substantial alternatives being identified. Some significant environmental impacts have been understated and value to the environment of planning at a strategic level has not been sufficiently identified.</p> <p><b>RenewablesUK</b> suggested that further consideration needs to be given on how strategic issues such as renewable energy production, biodiversity enhancement and landscape conservation, will be tackled locally.</p>	<p>Midlands Regional Strategy on the population topic are then described.</p> <p>The Government considers that the National Planning Policy Framework and the duty to co-operate, combined with other initiatives, will boost significantly the supply of new housing. The National Planning Policy Framework and the duty to co-operate require that local planning authorities use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with policies set out in the Framework.</p> <p>A key finding of the updated Environmental Report (page xvi of the NTS) was that revocation of the East Midlands Regional Strategy would lead to significant negative effects in relation to the potential effects of road and air transport development on biodiversity, air quality, climate and landscape. However, it should be noted that a similar policy performance is recorded for the retention alternative. There were also differences</p>



Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>in scale and timing of the effects for 17 of the 82 policies assessed. These include policies for employment land, housing provision and sub-regional centres and were not just in relation to the operation of the duty to co-operate.</p> <p>The Government has provided a response to the findings of the Strategic Environmental Assessment (Table 4.2 of this Post Adoption Statement).</p>
<p><b>Reliance on the presumption in favour of sustainable development</b></p>	<p><b>The Town and Country Planning Association</b> consider that the reliance on the presumption in favour of sustainable development in the National Planning Policy Framework to reduce delays in preparing up-to-date plans fails to acknowledge possible differences in the location of such development.</p>	<p>The National Planning Policy Framework states that it is 'highly desirable that local planning authorities should have an up-to-date plan in place' and, where plans are absent, silent or out of date, the National Planning Policy Framework's presumption in favour of sustainable development will apply. In particular, where a local authority cannot deliver a five year supply of deliverable sites, the relevant local policies for the supply of housing should not be considered up to date. In such cases, the decision taker will apply the presumption in favour of sustainable development, taking into account all relevant planning</p>

Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>considerations. The presumption is clearly set out at paragraph 14 of the National Planning Policy Framework in respect of both plan-making and decision taking.</p>
<p><b>Reliance on the duty to co-operate</b></p>	<p>Some respondents (<b>Natural England, Campaign to Protect Rural England, Peak District National Park Authority, Derbyshire County Council</b>) thought that it was unlikely that the duty to co-operate would be able to provide a framework robust enough to enable strategic planning across local government boundaries at a sufficiently large scale.</p>	<p>The Government has introduced a new duty to co-operate and supporting regulations are now in place. Councils who cannot demonstrate that they have complied with the duty may fail the local plan independent examination. In addition the National Planning Policy Framework sets out the strategic priorities on which the Government expects joint working to be undertaken by authorities. The National Planning Policy Framework also sets out the requirements for sound local plans, including that plans are deliverable and based on effective joint working on cross boundary strategic priorities.</p> <p>Revocation of the East Midlands Regional Strategy does not signal an end to strategic planning, but a shift towards a locally-led approach to planning for cross-boundary matters in local plans. The duty to co-operate requires local authorities and other public bodies (such as the Environment Agency and</p>

Issue	Summary of consultation responses to the updated Environmental Report	Response
		Natural England) to work together constructively, actively and on an on-going basis in relation to planning for strategic, cross-boundary matters in local plans.
<b>Monitoring</b>	The <b>Environment Agency, Town and Country Planning Association, RenewableUK</b> and <b>English Heritage</b> supported the proposed monitoring, whilst <b>Natural England</b> and the <b>Peak District National Park</b> proposed additional indicators.	The measures that are to be taken to monitor the significant environmental effects of the implementation of the Plan to Revoke the East Midlands Regional Strategy are contained in this Post Adoption Statement (Chapter 6 and Annex C).
<b>Individual Topics</b>	Respondents raised a number of questions about individual topics in relation to: biodiversity, water management, flood risk, minerals and waste management, cultural heritage and the application of the Habitats Regulations Assessment.	Appendix D of the updated Environmental Report contains the assessment of the effects of retention and revocation against all Strategic Environmental Assessment topics in the short, medium and long term and includes of consideration of permanent and temporary and positive and negative effects.  Appendix E presents information covering all assessment topics at national, regional and sub-regional levels, consistent with the requirements of Annex I (b) to (e) of the Strategic Environmental Assessment Directive and focuses on those likely significant effects identified

Issue	Summary of consultation responses to the updated Environmental Report	Response
		in Appendix D.

In light of the findings of the assessment as reported in the Environment Report, the comments received from consultees and the framework for environmental protection and planning that is in place, the Government is content that environmental considerations have been adequately incorporated into the Plan to Revoke the Regional Strategy. As explained in Chapter 5 below, where significant effects and/or uncertainty have been identified, a programme of monitoring has been proposed to enable future consideration of whether any further mitigation or intervention is needed.

# Chapter 5

## **The reasons for choosing the plan as adopted, in the light of the other reasonable alternatives dealt with**

### 5.1 Policy background

The Government proposed the Plan to Revoke the East Midlands Regional Strategy because it believes that planning works best when the people it affects are placed at the heart of the system – and that when they are empowered, there is a greater stimulus for growth.

Every local area has its own set of needs and priorities, its aspirations, unique features and heritage. Only local people understand this so when they have the tools to plan, development happens through consensus by recognition of the benefits of development to the community and with wider benefits for growth. Local empowerment can lead to development that is more sensitive and responsive to the character of the communities in which we live, including to habitats and the natural environment.

While the Government believes that local empowerment can support growth, it also recognises that cross-boundary development, such as housing or transport, are critical to driving economic growth. So, the revocation of the East Midlands Regional Strategy does not signal an end to strategic planning, but a shift towards a locally-led approach to planning for cross-boundary matters in local plans.

The Localism Act 2011 has complemented the powers to remove regional strategies with a new statutory duty to co-operate (inserting a new section 33A of the Planning and Compulsory Purchase Act 2004). The duty to co-operate requires local councils and other public bodies to work together constructively, actively and on an ongoing basis when planning for strategic matters in local and marine plans.

Through national planning policy, we will ensure that local plans are effective vehicles for strategic planning and growth. Local plans, produced by local people, are the keystone of the planning system. They are now the channel for strategic planning and set the framework for neighbourhood plans. In particular, the National Planning Policy Framework is clear that:

- the planning system should be genuinely plan-led and support sustainable economic growth, proactively driving the homes and jobs that we need.

- local councils should plan to meet their housing need, based upon objectively assessed evidence, and should identify a 5 year supply of deliverable sites.
- in line with the presumption in favour of sustainable development, local councils should approve development that accords with the local plan. Where that plan is out of date, councils must grant planning permission for development that is sustainable without delay.
- local councils must plan in their local plans for strategic development, reflecting the strategic priorities set out at paragraph 156 of the Framework.

The policies in the National Planning Policy Framework, and in particular the presumption in favour of sustainable development, provide certainty for local councils, developers and communities about the role of local plans in planning for growth and planning decisions.

The new **Planning policy for traveller sites** (March 2012) requires that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites. It asks local authorities to:

- use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions.
- co-operate with travellers, their representative bodies and local support groups, other local authorities and relevant interest groups to prepare and maintain an up-to-date understanding of the likely permanent and transit accommodation needs of their areas over the lifespan of their development plan working collaboratively with neighbouring local planning authorities.
- set pitch targets for Gypsies and Travellers which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities.
- identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets, and a supply of specific, deliverable sites or broad locations for growth for six to ten and where possible for years 11-15.

The Government's planning reforms also include a package of incentives to encourage growth. These include the New Homes Bonus which rewards communities for each new home built; the Community Infrastructure Levy which enables councils to levy money on new development; and the Business Rates Retention which allows authorities to directly profit from business rates raised in their area.

This policy background sets in context the reasons for the Government's preferred option to revoke the Regional Strategy and illustrates the structure of the planning system that will be left in place post revocation.

## 5.2 The Reasonable Alternatives

The initial Environmental Report on the proposed revocation of the East Midlands Regional Strategy, published for consultation in October 2011, suggested two alternatives – either to revoke the Regional Strategy entirely, or to retain it. Responses to the consultation suggested a number of other alternatives (see Appendix F to the updated Environmental Report) including partial revocation. In considering these responses and following the application of Article 5(1) of the Strategic Environmental Assessment Directive, the following alternatives to the Plan to Revoke were taken forward for the updated assessment within the updated Strategic Environmental Assessment:

- **Retention** of the East Midlands Regional Strategy but not updating it in the future.
- **Partial revocation of the East Midlands Regional Strategy either by:**
  - Revoking all the quantified and spatially specific policies (for instance where a quantum of development, land for development or amounts of minerals to be extracted or waste disposal is allocated to a particular location in the region) and retaining for a transitional period the non spatial policies, ambitions and priorities; or
  - Retaining for a transitional period all the spatially specific policies (for instance where a quantum of development, land for development or amounts of minerals to be extracted or waste disposal is allocated to a particular location in the region) and revoking the non spatial policies, ambitions and priorities; or
  - Retaining for a transitional period policies, ambitions and/or priorities, the revocation of which may lead to likely significant negative environmental effects.

## 5.3 Reasons for Choosing the Plan as Adopted in light of the other Reasonable Alternatives dealt with

The Government has carefully considered each of the reasonable alternatives and the environmental effects assessed in relation to those reasonable alternatives, set out in the updated Environmental Report<sup>4</sup>. In doing this the Government has taken account of the consultation responses to both the initial and the updated Environmental Reports. The Government welcomes the comments on both of those reports and notes that the opportunity to use the additional information gained through the public consultation process, as well as the developments in policy and Court of Justice of the European Union jurisprudence to update and build on the earlier assessments, have been an important contribution to making the final decision on the Plan to Revoke the East Midlands Regional Strategy. The summary of consultation responses set out in this report show that consultees welcomed the rigorous approach to assessment of environmental effects.

One respondent considered that the baseline for cultural heritage had significant omissions, whilst another respondent considered that the updated Environmental Report as a whole did not present a robust evaluation of the full implications of revocation of the East Midlands Regional Strategy upon housing and the economic aspiration of the existing and future population. The Government considers that the updated Environmental Report provides substantial and sufficient information on the environmental baseline of the East Midlands region, and to assess the likely significant effects (by Strategic Environmental Assessment topic) of revocation and retention of individual policies, including those on principally on housing (such as policies 13 and 13a).

Some respondents questioned the assessment concerning assumptions and uncertainty about the impacts on, and arising from, housing delivery; the impacts on surrounding regions; and the consideration of strategic issues. The Government considers that all these issues have been dealt with rigorously in the updated Environmental Report.

Some respondents thought it unlikely that the duty to co-operate would be able to provide a framework robust enough to enable strategic planning across local government boundaries at sufficiently large scale, and that the National Planning Policy Framework would not provide sufficient protections in the event of more detailed policies in the East Midlands Regional Strategy being revoked. Three respondents raised concerns about the potential for a policy gap in the short to medium term between revocation and the detailed local plan policies being in place, which they did not consider being filled by the National Planning Policy Framework. The Government disagrees with this view in light of the policies on strategic planning set out in the National Planning Policy Framework, the fact that councils that have not complied with

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<sup>4</sup> Strategic Environmental Assessment of the Revocation of the East Midlands Regional Strategy: AMEC Environment & Infrastructure UK Limited: October 2012



the duty may fail the local plan independent examination and that from 27 March 2013 transitional arrangements on implementation of the National Planning Policy Framework will cease to apply. The Government also notes that key environmental protections remain in place (which are set out in more detail in table 3.2 and Annex B of this Post Adoption Statement). The Government considers that all these issues have been dealt with rigorously in the updated Environmental Report.

Two respondents asked for individual policies to be retained (either permanently or for a transitional period) to deliver Regional Strategy outcomes including those on renewable energy, and a number which impact on the Peak District National Park. As detailed in this Post Adoption Statement (including at Table 3.2 and Annex B), the Government considers that these have been adequately covered in the updated Environmental Report, including the assessment at Chapter 4 of the updated Report. The reasons for adopting the Plan to Revoke the East Midlands Regional Strategy are set out in this Post Adoption Statement in accordance with the requirements of the Strategic Environmental Assessment Directive.

Two respondents thought the Government had decided on the preferred option before the assessment was undertaken and thus predetermined the issue. The Government considers that although it has presented its preferred option (as is standard in a Strategic Environmental Assessment) it has not been inflexible in its approach and has maintained an open mind. This is evidenced by: the extensive and detailed environmental reports (including the assessment of the revocation and retention of each policy in the Regional Strategy and the assessment of reasonable alternatives), the extensive consultation and consideration of consultation responses in the final decision to revoke the East Midlands Regional Strategy.

Two respondents suggested additional monitoring measures. The proposals for monitoring, which take account of these responses, are set out in Chapter 6 and Annex C of this Post Adoption Statement.

Lastly, there were also some questions from some respondents on individual topics such as housing, biodiversity, heritage, water management and efficiency, and renewable energy. The Government considers that these issues have all been adequately addressed in Appendix D and Appendix E of the updated Environmental Report.

In conclusion, none of the responses to the consultation on the updated Environmental Report has led the Government to reconsider the adequacy of the assessment of the environmental effects of the Plan to Revoke the East Midlands Regional Strategy, and the reasonable alternatives to the Plan, set out in the updated Environmental Report.

In light of this conclusion the Government considered each of the reasonable alternatives, and the environmental effects assessed in relation to those reasonable alternatives, as follows:

(i) On the **retention** of the East Midlands Regional Strategy but not updating it in the future it was noted in the updated Environmental Report that there will be significant positive environmental effects, although these will be largely similar to those if the Regional Strategy were revoked. The only area where retention of the Regional Strategy would lead to significant negative effects is in relation to the potential effects of road and air transport development on biodiversity, air quality and climate although the Government notes that a similar policy performance is recorded for the revocation alternative. For the majority of policies, the updated Environmental Report found it difficult to identify clear differences between the effects of retention and revocation. The Government considers that the retention of the Regional Strategy would lead to a strategy that was a part of the development plan and a consideration in plan-making and decision taking but with policies based on increasingly out of date evidence or which run contrary to the National Planning Policy Framework and fail to promote a locally-led approach to planning. The Government does not therefore consider that it should pursue this alternative.

(ii) On **partial revocation**, the updated Environmental Report noted that there were very few policies where potential significant negative environmental effects were identified for the **revocation of the quantified and spatially specific policies**. However, the effects were also identified for retention of the Regional Strategy. The Government does not therefore consider that it should pursue this alternative, in particular given that those policies retained would become increasingly out of date or run contrary to the National Planning Policy Framework and fail to promote a locally-led approach to planning. The National Planning Policy Framework makes clear the evidence on which Local Plans should be based, including quantified demand for housing and other uses, and where the duty to co-operate is particularly relevant.

(iii) Specific effects for **retention for a transitional period of policies which set the quantum for development or which are spatially specific** were identified in the updated Environmental Report. These include potential significant negative environmental effects on biodiversity, air quality and climate from very few policies, and significant positive effects of some policies on biodiversity, air, landscape and cultural heritage. The Environmental Report also noted that retention of these policies for a transitional period may result in some confusion with the intent of the National Planning Policy Framework and how they are to be applied. The Government does not therefore consider that it should pursue this alternative, in particular given that those policies retained would be based on increasingly out of date evidence or run contrary to the National Planning Policy Framework and fail to promote a locally-led approach to planning.

(iv) **Regarding retention of policies, the revocation of which may lead to likely significant negative environmental effects**, the updated Environmental Report found that there are no policies in the Regional Strategy where the act of revocation will cause a significant negative effect whilst retaining the same policy will maintain a significant environmental benefit. Where there is a potential significant negative effect this is the same

issue for retention and revocation and will require a similar concerted effort by all interested parties to resolve, irrespective of the presence of the Regional Strategy.

Therefore in light of the policy background and reasons for the Plan to Revoke the East Midlands Regional Strategy, consideration of the environmental effects of the Plan to Revoke and the reasonable alternatives, and consideration of responses to the Environmental Reports, the Government has decided to proceed with its preferred option to revoke the East Midlands Regional Strategy.

The updated Environmental Report set out that the Government was proposing to revoke the single saved structure plan policy in the region, SDA1 of the Northamptonshire Structure Plan. No comments were received on the proposal to revoke this policy and given that it has been superseded by policies in local plans and reflected in national policy, the Government will proceed to revoke this policy.

# Chapter 6

## The measures decided concerning monitoring

Monitoring of the effects of the Plan to Revoke the East Midlands Regional Strategy will focus on:

- The significant effects identified in the assessment that may give rise to irreversible damage, where appropriate, relevant mitigating measures can be taken; and
- Uncertain effects where monitoring would enable preventative or mitigating measures to be undertaken.

Consistent with the proposals of the updated Environmental Report, potential effects against all the environmental topics have been included in the monitoring framework. Specific additional monitoring suggestions were made by consultees and are outlined in the summary of consultation in **Annex B**. The final measures are presented in **Annex C**.

The monitoring programme will use existing regulatory regimes and data collection processes to provide information for these potential environmental impacts. For example, the Environment Agency's requirements under the Water Framework Directive, the Department for Environment, Food and Rural Affairs' requirements with regard to Air Quality Management Areas and the Department for Communities and Local Government's commitments regarding the local plan making progress by authorities and on compliance with the duty to co-operate. The metrics are proposed in part to minimise any additional burdens associated with collection and analysis of monitoring data.

The Department for Communities and Local Government will make periodic reference to the metrics and sources of information contained in **Annex C** to review the effects of revocation.

# Consultation and Partner Engagement – Initial Environmental Report

## Responses to scoping stage of the preparation of the Initial Environmental Report

The designated consultation bodies for strategic environmental assessment in England (the Environment Agency, English Heritage and Natural England) were consulted on the scope and level of detail to be included in the Environmental Reports in May 2011 for five weeks. The corresponding bodies for Scotland and Wales were also consulted on the reports for regions on their boundaries. The statutory bodies agreed that the scope and level of detail proposed for the analysis of environmental effects of revocation of the regional strategies was appropriate.

**Table A1 Summary of statutory body’s responses at the Strategic Environmental Assessment scoping stage (this Table has been revised following the close of consultation on the updated Environmental Report)**

No	General	Detailed comments	Raised by	Response
1.	<b>Scope and Detail</b>	The Environment Agency agreed that the scope and level of detail proposed for the analysis of environmental effects of revocation of the regional strategies was appropriate. Natural England recognised that the Strategic Environmental Assessment was unusual in that it applied to the revocation, rather than the creation of a plan, and that therefore many of the usual aspects of Strategic Environmental Assessment did not apply. English Heritage focussed their comments on the implications for Heritage on the proposed revocation.	<b>Environment Agency, Natural England, English Heritage</b>	The updated Environmental Report has been produced consistent with the requirements of the Strategic Environmental Assessment Directive. Responses to the detailed points raised at scoping stage are set out in the rest of the Table.
2	<b>Reliance on the duty to co-operate and the National</b>	The Environment Agency, Natural England and English Heritage questioned whether the reliance on the draft duty to co-operate was sufficient	<b>Environment Agency, Natural England, English Heritage, Scottish</b>	Since the scoping report was prepared the Government has published the National Planning Policy Framework in March 2012 and commenced provisions

No	General	Detailed comments	Raised by	Response
	<b>Planning Policy Framework</b>	<p>to capture and address cross-boundary issues or cumulative effects of multiple local authorities' local plans. Scottish Natural Heritage thought there should be consideration of the impacts on the protection and enhancement of networks to allow species dispersal throughout Britain.</p> <p>They also commented that references to planning policy assumed existing policies would be carried forward to the new National Planning Policy Framework. Since the National Planning Policy Framework was still in its draft form, this needs to be more fully considered. It is also difficult to predict what local authorities will do post revocation of regional strategies so that the environmental effects of their revocation is more likely to be "uncertain" rather than positive.</p>	<b>Natural Heritage</b>	in the Localism Act 2011 implementing the duty to co-operate.
3	<b>Topics to be considered</b>	The Environment Agency considered that the impacts on climate change, water quality and water resources should be fully assessed. The Water	<b>Environment Agency</b>	Appendix D of the updated Environmental Report published for consultation in July 2012 contains an assessment of the effects of retention and revocation of

No	General	Detailed comments	Raised by	Response
		<p>Framework Directive should be considered as well as strategic planning of water resources.</p>		<p>individual policies on climate change, water quality and water resources. Appendix E reviews the baseline condition for each of the Strategic Environmental Assessment topics (including climatic factors and water) and assesses the likely effects on the baseline of retaining and revoking individual policies, the Regional Strategy as a whole and reasonable alternatives.</p>
4	<b>Water Quality</b>	<p>There are currently issues around accommodating growth within existing Waste Water Treatment Works consent limits, and without compromising Water Framework Directive requirements. This issue should be acknowledged in the assessment. The assessment could usefully inform the allocation of growth across catchments, which are likely to be wider than an individual local authority boundary. The assessment should also consider how strategic cross-boundary water quality issues will be dealt with following the revocation of the Regional Strategy.</p>	<b>Environment Agency</b>	<p>In accordance with Annex 1(f) of the Strategic Environmental Assessment Directive water quality issues have been assessed. This assessment includes the consideration of the topics in Appendix E of the updated Environmental Report, as part of the assessment of the retention and revocation of individual policies, the overall assessment of the revocation of the East Midlands Regional Strategy and reasonable alternatives.</p> <p>This analysis also takes account of how the duty to co-operate will underpin strategic cross-boundary planning by local planning authorities on issues such</p>



No	General	Detailed comments	Raised by	Response
				as water management.
5	<b>Water resources</b>	<p>The Environment Agency considered that the demand for water is dependent on the number of households, number of occupants and the per capita consumption of occupants. If the post Regional Strategy forecast housing numbers increase, even with the same population and thus lower occupancy, then per capita consumption of water is likely to be higher, resulting in a higher demand for water. Similarly, if the number of houses forecast remained the same and the per capita consumption of water increased, or occupancy increased, then this would also increase the demand for water.</p> <p>Change in water use will be influenced by the post Regional Strategy policies of individual local authorities. These effects may not be uniform for all local authorities. Therefore, the net effects on water resources of having a regional strategy or not could be zero, more or less. Increases in housing numbers</p>	<b>Environment Agency</b>	<p>Water resources have been assessed under the Strategic Environmental Assessment topic water in Chapter 3 of the updated Environmental Report. This includes the consideration of the topics in Appendix E of the report, as part of the assessment of the retention and revocation of individual policies and the overall assessment of the revocation of the East Midlands Regional Strategy and reasonable alternatives. This also takes account of the strategic planning cross-boundary issues which the water companies' Water Resources Management Plans address. Further statutory requirements on water companies under the Water Industry Act 1991, as amended by the Water Act 2003 concerning water resource management planning are designed to ensure a sustainable supply of water over the next 25 years.</p>

No	General	Detailed comments	Raised by	Response
		<p>could be considered against the relevant water companies Water Resources Management Plan to ensure that the company is able to supply the additional households. The same applies to any redistribution of households within the existing overall housing numbers. Moving planned builds to another local authority area or within a local authority area may shift the demand into a different water company water resource zone. The effects of this on the company's ability to supply the 'additional' houses should be considered.</p>		
6	<b>Waste</b>	<p>Waste plans, required to meet the requirements of the Waste Framework Directive, will need a strong evidence base to support them. The East Midlands study on commercial and industrial waste arisings was carried out within the Regional Strategy framework. The resulting data and Regional Strategy policies on construction and industrial waste were used by Waste</p>	<b>Environment Agency</b>	<p>Paragraph 153 of the National Planning Policy Framework makes clear the expectation that local planning authorities should produce a local plan for the area, whilst the Planning and Compulsory Purchase Act 2004 provides for two or more local planning authorities to prepare joint local plans either through joint working under Section 28 or through the establishment of a joint committee under</p>

No	General	Detailed comments	Raised by	Response
		<p>Planning Authorities to determine the future need and location for waste facilities. Upgraded and agreed evidence could be shared between local authorities at a strategic level, to ensure that facilities are built in the right location and potentially at the right scale.</p> <p>The Environment Agency noted that the local authorities in the East Midlands are continuing to meet to discuss waste planning.</p> <p>The East Midlands Regional Strategy provided clear direction on the management of waste in the East Midlands. The agreed apportionment figures and related policy allowed waste planning authorities to plan and monitor consistently for the management of imported waste. Ways could be found to maintain this evidence base which local authorities rely on to address and monitor strategic waste issues. The assessment should consider the impact of the loss of regional waste data on</p>		<p>Section 29. This allows unitary authorities and county councils to work together if they wish. However such plans must still meet the legal and procedural requirements, including the test of soundness required under section 20 of the 2004 Act and Paragraph 182 of the National Planning Policy Framework including for the planning of waste infrastructure.</p> <p>The National Planning Policy Framework also makes it clear that local planning authorities may continue to draw on evidence that informed the preparation of regional strategies to support Local Plan policies, supplemented as needed by up-to-date, robust local evidence. The National Planning Policy Framework (paragraphs 158-177) also sets out in detail the evidence base that is required to underpin the development of local plans and planning decisions. The National Planning Policy Framework (paragraph 156) states that local planning authorities should work with other authorities and providers to assess the</p>

No	General	Detailed comments	Raised by	Response
		waste planning authorities.		quality and capacity of infrastructure for waste and its ability to meet forecast demands. Further PPS10 The Waste Planning Policy Statement will remain in place until the National Waste Management Plan is published. Appendix C of the updated Environmental Report illustrates the progress that local authorities have made in the East Midlands to prepare Waste Management Plans.
7	<b>Climate Change</b>	<p>Climate risk and associated adaptation actions should be assessed to help ensure resilience to future climate change. Local authorities could put monitoring mechanisms in place, as action or inaction by one local authority could impact on neighbouring authorities. We suggest that possible mechanisms for monitoring resilience to climate change are considered within the assessment.</p> <p>The first Environmental Report stated that local authorities may find it useful to draw on regional data including</p>	<b>Environment Agency, Scottish Natural Heritage</b>	<p>Climate change issues are assessed as part of the climatic factors Strategic Environmental Assessment topic in Chapter 3 of the updated Environmental Report and also set out in Appendix E. We have considered mechanisms for monitoring resilience to climate change and the proposals for monitoring, including for climatic factors, and were also considered in Chapter 5 and Appendix C.</p> <p>Data prepared at a regional level to inform the preparation of regional strategies is still available for local</p>

No	General	Detailed comments	Raised by	Response
		<p>assessments of the potential for renewable and low carbon energy. This should be considered in greater detail at the next stage of the environmental assessment. Strategic issues need to be addressed</p>		<p>planning authorities to use, individually or collectively were they have decided to prepare joint local plans or development plan documents on strategic planning issues such as waste management, transport infrastructure or large scale housing development. Local planning authorities will also commission additional research when necessary on a variety of key planning issues including assessment of the potential for renewable and low carbon energy.</p>
8	<b>Growth</b>	<p>Assumptions on future growth, including for housing allocations, are important when making assessments of the potential impacts of revocation of the regional strategies. An assumption that lower levels of growth (than that proposed by the Regional Strategy) may be pursued by local authorities may lessen pressures on negative regional trends. However the majority of local authorities in the East Midlands are planning to retain the Regional Strategy figures and some authorities</p>	<b>Environment Agency and English Heritage</b>	<p>In order to better understand the content of local plans, the updated Environmental Report has taken into account local plan policies as illustrated in Appendix C on housing, pitches for gypsies and traveller sites, renewable energy, employment, minerals and waste.</p> <p>Baseline data has been expanded and updated in the updated Environmental Report, including for heritage assets and river basin management plans.</p> <p>In the absence of the East Midlands Regional Strategy, this does not mean</p>

No	General	Detailed comments	Raised by	Response
		<p>have already adopted Core Strategies that are in line with the Regional Strategy figures. It is possible that some local authorities may decide to increase their housing figures above Regional Strategy targets which could potentially result in significant environmental effects.</p> <p>It may become more challenging to accommodate growth in certain river catchments - all available, up-to-date information should be utilised when carrying out the next stage of the assessment.</p>		<p>the end of a strategic approach to planning and development plan preparation. Strategic planning will be taken forward by local planning authorities, this represents a shift towards a locally-led approach to planning for cross-boundary matters in local plans. This approach to development will be more sensitive and responsive to the character of communities, including the habitats and the natural environment of localities.</p>
9	<b>Marine Planning</b>	<p>The East Midlands Regional Strategy was adopted before the marine planning process started. It therefore did not account for the role that marine planning can play, not just within the marine environment, but also on land. Many of the Sustainability Appraisal objectives could be compared to the aims of the marine planning process. It was suggested that the Marine Management Organisation (MMO) be</p>	<b>Environment Agency</b>	<p>The consultation on the Environmental Report is a public one and comments from all parties with an interest are welcome. The Environmental Report published in October 2011 and the updated Environmental Report published in October 2012 were sent to the MMO for comment.</p>

No	General	Detailed comments	Raised by	Response
		consulted at all stages of the assessment, given that their plans could potentially apply to the areas covered by this environmental assessment.		
10	<b>Cumulative Effects</b>	The Environmental Report should effectively assess cumulative impacts and mitigation measures of many small adverse impacts on the environment for instance on climate change including greenhouse gas emissions.	<b>Environment Agency</b>	Cumulative impacts are taken into account in the assessment presented in the Environmental Reports. The approach to the analysis is set out in the methodology in Chapter 3, and a discussion of the impacts is included in Chapter 4. Mitigation measures are considered throughout the updated Environmental report including for individual Strategic Environmental Assessment topics, and the retention and revocation of individual regional policies.
11	<b>Regional Heritage Policies</b>	English Heritage noted that some policies are only in regional strategies, not in local plans hence the risk of “policy gaps” if these regional policies are not saved. They questioned the assumption that local authorities will carry forward regional policies to secure	<b>Environment Agency</b>	The National Planning Policy Framework, published in March 2012, continues to provide protection for heritage assets and designated heritage assets throughout the country. By definition, heritage assets include areas and landscapes, as well as individual buildings and monuments,

No	General	Detailed comments	Raised by	Response
		<p>the boundaries of Green Belts around historic settlements, and whether existing national heritage policies will be carried forward to the National Planning Policy Framework. They thought that regional heritage policies do not just repeat national policy, but include regionally specific detail. They asked for more material to be included in the historic environment baseline data.</p> <p>They considered that the revocation of the regional strategies will result in significant adverse effects which should be mitigated, in particular:</p> <p>The national/regional overview of the significance of historic assets (summarised in the Historic Environment policy) will be lost, although the National Planning Policy Framework could underline English Heritage's role in identifying historic character of more than local significance; and</p> <p>The uncertainty in relation to housing</p>		<p>which have a degree of significance meriting consideration in planning decisions, because of their heritage interest. The significance of a heritage asset is stated to derive not only from its physical presence, but also from its setting.</p> <p>The Government attaches great importance to Green Belts and has maintained strong protection for them in the National Planning Policy Framework. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.</p> <p>The National Planning Policy Framework makes clear, as with previous Green Belt policy, that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any</p>



No	General	Detailed comments	Raised by	Response
		<p>numbers could result in planning by appeal, which is more likely to be harmful to historic environment interests. Transitional arrangements should be considered.</p> <p>Many of the sub-regional policies identify sensitive the historic environments of settlements and their regeneration needs. The loss of such references will affect the extent to which these issues are clearly flagged for local plan preparation work. It is vital that the PPS5 advice on understanding place and the positive contribution of heritage to regeneration is retained in the National Planning Policy Framework.</p>		<p>harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.</p> <p>The National Planning Policy Framework also states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Limited exceptions to this are set out in the National Planning Policy Framework, together with other forms of development that are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.</p> <p>The National Planning Policy Framework is also clear that once established, Green Belt boundaries should only be altered in exceptional circumstances. A change to a Green Belt boundary would need to take place through the local plan process, which would involve public consultation</p>

No	General	Detailed comments	Raised by	Response
				<p>and an independent examination. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.</p> <p>When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. Additional policies are set out to be applied when defining boundaries. Policies for the development of a village in a Green Belt are also included.</p> <p>The National Planning Policy Framework states that once Green Belts have been defined, local planning authorities should</p>

No	General	Detailed comments	Raised by	Response
				plan positively to enhance the beneficial use of the Green Belt.

# Representations received in response to the initial public consultation on the proposed revocation of the East Midlands Regional Strategy

The consultation on the initial Environmental Report ran from 20 October 2011 to 20 January 2012.

The representations received on the proposed revocation of the East Midlands Regional Strategy have been summarised in the two following tables. The first provides a headline summary of the issues. The responses are grouped under the following themes:

- The Overall Approach to Strategic Environmental Assessment;
- Assessment;
- Reliance on the National Planning Policy Framework;
- Policy Change;
- Reliance on the duty to co-operate;
- Individual Topics (covering greenbelt, gypsies and travellers, housing supply and growth, heritage, waste, biodiversity, renewable energy, transport, water, Brownfield land, the coast, flooding and woodland).

Since the responses received to the consultation of the initial report, a significant amount of policy and legislation has been developed (for instance the publication of National Planning Policy Framework and the introduction of the duty to co-operate) and so some of these comments have inevitably been overtaken by events. The comments relevant to the initial Environmental report for the East Midlands (i.e. responses specifically to the East Midlands report and comments that applied to all regions including the East Midlands) are presented in summary below, together with how they have been addressed in the updated Environmental Report.

**Table A2 Responses to the consultation on the initial Environmental Report (published in October 2011) (this table has been revised following the close of consultation on the updated Environmental Report)**

<b>No</b>	<b>General</b>	<b>Detailed comments on the initial Environmental Report</b>	<b>Raised by</b>	<b>Response</b>
1	<b>The Overall Approach to Strategic Environmental Assessment</b>	The statutory Strategic Environmental Assessment Bodies agreed with the overall approach taken to assess the likely environmental impacts of revoking the regional strategies. Many of their scoping comments had been taken into account in the environmental reports, although English Heritage, in particular, had concerns that not all the potential impacts on the historic environment were fully assessed. The Environment Agency regarded the assessments as an opportunity to highlight issues that local authorities could address in partnership to achieve sustainable development.	<b>Environment Agency, Natural England and English Heritage</b>	Noted. The impact of retaining, partially revoking and revoking the East Midlands Plan has been assessed in detail in the short, medium and long term against the 12 Strategic Environmental Assessment topics. This includes an assessment of Cultural Heritage – including architectural and archaeological heritage.
2	<b>The Overall Approach to Strategic Environmental Assessment</b>	The October 2011 consultation on the assessment of the revocation of regional strategies was contrary to the requirements of Article 6(5) of the Directive.	<b>Clyde and Co LLP and Iceni Projects</b>	The Government disagrees that the consultation process undertaken in October 2011 was contrary to the requirements of Article 6(5) of the Directive which states that the “detailed arrangements for the information and consultation of the authorities and the public shall be determined by Member States”. This requirement is transposed into

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
				<p>English law by regulation 13.</p> <p>The environmental report which was published for public consultation in October 2011, and the updated environmental report, which takes account of consultation responses, demonstrates the Government's desire to consult fully on the revocation and the assessment of the impacts.</p> <p>Chapter 1 of the updated environmental report sets out the purpose of the consultation and sets out a number of questions on which the Government would particularly welcome responses.</p>
3	<p><b>The Overall Approach to Strategic Environmental Assessment</b></p>	<p><b>Campaign for the Protection of Rural England East Midlands</b> disagreed with the Government's view that Strategic Environmental Assessment was not necessary and therefore considered that Government was not at liberty to undertake the assessment voluntarily. The Environment Report should have considered the need for strategic planning for the environment at a spatial tier above the individual local authority.</p>	<p><b>Campaign for the Protection of Rural England East Midlands</b></p>	<p>On 22 March 2012 in the case of Bruxelles the Court of Justice of the European Union (CJEU) considered whether the Strategic Environmental Assessment Directive applied to a procedure for the total or partial revocation of a land use plan. The Court concluded that where revocation of a plan may modify the state of the environment as examined at the time of adoption of the plan, an Strategic Environmental Assessment will be required to aid consideration of such effects.</p> <p>The updated environmental report assesses the retention, partial revocation and revocation of the East Midlands Plan which includes a</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
				<p>consideration of the impact of removing regional scale environmental strategic policies.</p> <p>This report is prepared in accordance with the Strategic Environmental Assessment Directive</p>
4	<p><b>The Overall Approach to Strategic Environmental Assessment</b></p>	<p>The environmental assessment had been carried out too late in the process, and should have been conducted prior to the initial decisions to revoke the regional strategies. Strategic Environmental Assessment carried out at an early stage and with an open mind helps to identify the environmental consequences of revocation and steps which could be taken to mitigate any adverse impacts (such as saving significant environmental policies).</p>	<p><b>RenewableUK, Royal Society for the Protection of Birds, Wildlife and Countryside Link</b></p>	<p>The Government signalled its proposed intention to remove the regional tier of Government and return decision making on housing and planning to local authorities in the coalition agreement. Parliament subsequently agreed to the removal of the legal framework for Regional Strategies through the repeal of Part 5 of the Local Democracy, Economic Development and Construction Act 2009 (through section 109 of the Localism Act 2011) and gave the Secretary of State powers to revoke the whole or any part of a regional strategy by order.</p> <p>Any decision to revoke the regional strategies has always been dependent on and subject to the outcome of the environmental assessments.</p> <p>The environmental report which was published for public consultation in October 2011, and the updated environmental report, which takes account of responses, demonstrates this and is in accordance with the requirements of the Strategic</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
				<p>Environmental Assessment Directive and its purpose.</p> <p>The outcome of the consultations on the updated environmental reports will form part of the matters that will be taken into account in deciding whether or not to revoke the regional strategies.</p>
5	<p><b>The Overall Approach to Strategic Environmental Assessment</b></p>	<p>The <b>Town and Country Planning Association</b> were concerned that the environmental reports did not represent an analytically robust and rigorous assessment of the likely impacts or how they may be mitigated. They considered that not all of the Directive's provisions had been addressed with sufficient robustness to provide an appropriate means of assessment, with – e.g. reasons for selecting the alternatives dealt with and a description of how the assessment was undertaken. The environmental reports did not explore the potential short-term impacts that could arise in the interim period while the Regional Strategy is revoked, but before adopted local plans are in place. The reports do not project what the future might be like under local plans prepared with a minimum of national guidelines. The reports should contain more analysis of minerals and</p>	<p><b>Town and Country Planning Association</b></p>	<p>The October 2011 environmental report was structured around the individual requirements of the Strategic Environmental Assessment Directive. Chapter 1 of the updated environmental report sets out which parts of the report address the requirements of the Directive.</p>



No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		waste, infrastructure, town centre development, new settlements and major urban expansions.		
6	<b>Assessment – likelihood of effects</b>	<p>The assessment had placed unquestioning faith in the environmental benefits of the Government’s planning reforms, and seemed to be a justification for revocation rather than objective analysis. The assumptions within the Environmental Report that revocation of the regional plan will have no significant adverse environmental effects were untested and unsupported by evidence.</p> <p><b>Nottinghamshire County Council</b> thought it was unreasonable for the report to conclude that loss of Regional Strategy policies would not lead to some significant environmental effects without substantial alternative being identified. They also felt the Report was too one sided in presenting future impacts, such as removal of top down targets not being countered by Government’s intentions to increase house building, meaning that pressure on development would be maintained. Future changes to environmental regulations and controls were also suggested to be positive when this may not be the case,</p>	<p><b>Hives Planning Ltd; Levett-Therivel; Treweek Environmental Consultants; Collingwood Environmental Planning, Nottinghamshire County Council</b></p>	<p>The impact of retaining, partially revoking and revoking the East Midlands Plan has been assessed in detail in the short, medium and long term for the 12 Strategic Environmental Assessment topics.</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		depending on Government decisions, especially in relation to supporting the economy.		
7	<b>Assessment – cumulative impacts</b>	The environmental report should assess the cumulative effects of revocation, in particular the consequent capacity for 'linked or cumulative, synergistic or secondary effects' coupled with the need for environmental assessment to adapt to the scale and nature of the plan in question. The assessment should include a consideration of the impact of the revocation of all the Regional Strategies.	<b>Clyde and Co LLP; Levett-Therivel; Tweek Environmental Consultants; Collingwood Environmental Planning</b>	Chapter 3 of the report sets out the assessment methodology for cumulative, synergistic or secondary effects. Chapter 4 of the updated Environmental report contains a consideration of these effects.
8	<b>Assessment – mitigation</b>	No mitigation measures are presented in the environmental reports because no impacts have been identified. Every section or policy of the Regional Strategy except one (the core spatial strategy) Annex A of the Environmental Report stated that 'These policies could be delivered by other means than through a regional strategy.' However, no evidence had been provided to show that this would actually take place.	<b>Levett-Therivel; Tweek Environmental Consultants; Collingwood Environmental Planning</b>	Mitigations measures are set out in Chapter 4 of the reports, as well as for individual regional policies in Annex D.
9	<b>Assessment – strategic</b>	The Regional Strategies provided strategic policies to ensure that development can be planned in a way that is compatible with	<b>Levett-Therivel; Tweek</b>	The National Planning Policy Framework, published in March 2012, states that local planning authorities should set out the strategic

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
	<p><b>planning</b></p>	<p>biodiversity targets. There are similar issues with water supply/demand e.g. under the Water Framework Directive to ensure that housing development will be compatible with the requirements for favourable status and there are knock on implications for European sites.</p> <p>The <b>Town and Country Planning Association</b> considered that the environmental reports understated the benefits of regional policy which all the original Strategic Environmental Assessments had identified. They also considered that there was insufficient detail to show how the new planning reform measures would deal effectively with strategic spatial issues.</p>	<p><b>Environmental Consultants; Collingwood Environmental Planning, Town and Country Planning Association</b></p>	<p>priorities for the area in the Local Plan. This should include strategic policies to deliver: the homes and jobs needed in the area; the provision of retail, leisure and other commercial development; the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat); the provision of health, security, community and cultural infrastructure and other local facilities; and climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.</p> <p>The impact of retaining, partially revoking and revoking the East Midlands Plan has been assessed in detail in the short, medium and long term for the 12 Strategic Environmental Assessment topics.</p>
<p><b>10</b></p>	<p><b>Assessment - Baseline Data</b></p>	<p>Statutory Agencies identified more recent environmental data than that used in the environmental reports - such as data used to inform the preparation of the River Basin Management Plans, and on climate change and sea level rise. Other respondents asked for other baseline data to be updated, for data</p>	<p><b>Natural England, Environment Agency, Treweek Environmental Consultants</b></p>	<p>The baseline data has been updated and expanded in the updated environmental report, and described for the 12 Strategic Environmental Assessment topics in Annex E. Maps have been included. This data has been used to inform the assessment the strategic environmental impacts of the revocation of the East Midlands Plan and a</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		on human health to be included and for data to better reflect the economic climate. Some respondents asked for maps to be included to better illustrate spatial impacts.	<b>(TEC), Clyde and Co LLP, Town and Country Planning Association, Levett- Therivel</b>	number of alternatives.
<b>11</b>	<b>Assessment – material assets</b>	The analysis of material assets could include the full range of infrastructure, employment sites, waste, energy and water use etc.	<b>Levett-Therivel; Treweek Environmental Consultants</b>	The updated environmental report includes an assessment of all 12 Strategic Environmental Assessment topics. This incorporates assessment of waste and minerals, energy, water use, and employment land.
<b>12</b>	<b>Assessment – likely evolution of the environment.</b>	The likely evolution of the environment in the absence of the plan should be set out.	<b>Levett-Therivel; Treweek Environmental Consultants; Collingwood Environmental Planning</b>	In compliance with Annex 1(b) of the Strategic Environmental Assessment Directive, the updated Environmental Report presents for all 12 of the Strategic Environmental Assessment topics considered in the assessment, the likely evolution of the baseline without implementation of the plan or programme. Uniquely (to date) in this case, “without implementation of the proposed plan or programme” actually refers to the plan to revoke the regional strategy. So the evolution of the environmental baseline without the plan will mean in this instance, the evolution of the baseline with the retention of the existing regional strategy on place. Therefore, and where appropriate in

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
				addition to using projections, the assessment has used the findings of the relevant sustainability appraisal and appropriate assessment to help provide an informed understanding of the likely future evolution of the baseline. This information is contained in Appendix E and presented within each topic chapter.
13	<b>Assessment – Special Protection Areas and Special Areas of Conservation</b>	Information on the existing impacts on Special Protection Areas and Special Areas of Conservation should be provided.	<b>Levett-Therivel; Trewick Environmental Consultants; Collingwood Environmental Planning</b>	The updated environmental report contains an Appendix G listing all Special Protection Areas and Special Areas of Conservation and the impact on particular sites is drawn out in the reports where relevant.
14	<b>Assessment – method statement</b>	Information should be provided on who has carried out the assessments, details of the consultation with statutory agencies, responses to scoping responses and what problems were faced.	<b>Levett-Therivel; Trewick Environmental Consultants; Collingwood Environmental Planning</b>	Detail of the preparation of the report, consultation with the statutory agencies, response to scoping comments, and difficulties faced with the analysis are set out in Chapters 1 and 3 of the updated environmental report and Appendix F.
15	<b>Assessment – non technical</b>	The non- technical summaries are not consistent with the Strategic Environment	<b>Levett-Therivel;</b>	A non-technical summary is provided with the

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
	<b>summary</b>	Assessment Directive requirements. They are generic and make assertions that are not based on evidence.	<b>Treweek Environmental Consultants; Collingwood Environmental Planning</b>	updated environmental report.
16	<b>Assessment – local plans</b>	<p><b>The Woodland Trust</b> thought that the baseline information in the original Strategic Environmental Assessment of the Regional Strategy identified increasing environmental pressures arising from development. It felt these still needed to be addressed in the absence of the strategy. As a result of this, they believed there should be much more emphasis on the Strategic Environmental Assessment process for Development Plan Documents, with particular emphasis on the effect of cumulative impacts.</p> <p><b>Campaign to Protect Rural England</b> stated that the reports should have considered appropriate evidence that currently exist, such as changes to Core Strategies made subsequent to the announcement that regional plans would be abolished. They suggested that no such assessment had been made. As a result there were no recommendations about</p>	<b>The Woodland Trust, Friends of the Earth, Campaign to Protect Rural England, Professor Alan Townsend,</b>	<p>The Government agrees that Local Plans are subject, and will continue to be subject, to Strategic Environmental Assessment consistent with the requirements of the Strategic Environmental Assessment Directive.</p> <p>The updated Environmental Report includes an analysis of the content of local plans at Appendix C, focussing on housing allocation, gypsies and traveller pitches, renewable energy, employment land, minerals and waste.</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>how the plan making process might be improved to address environmental issues, for example, by strengthening the Sustainability Appraisal process at local authority level.</p> <p><b>Friends of the Earth</b> were concerned that the statement in the environmental reports that local authorities would deal with environmental issues was not based on a full analysis of whether local plans do have strong local environmental policies in place similar to those in the regional strategies in a situation where they were specifically not supposed to duplicate regional policy; or in areas where there are no local plans. In addition, the assumption that there are 'strong protections' for the environment in national planning policy had been disputed by several Non Government Organisations.</p> <p><b>Professor Alan Townsend</b> considered the reference in the reports that the removal of the regional strategies would create 'opportunities for securing environmental benefits' to be unfounded. Referring to the North East he commented that the experience of <b>Campaign to Protect Rural England</b> was that economic and commercial pressures would act as a serious threat to a balanced approach to the</p>		

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>environment and to development. He also referred to paragraph 1.25 in the environmental report where it is stated that environmental effects cannot be predicted for certain because they depend on local decisions, but disagreed with the view that decisions taken locally will look to maximise positive environmental outcomes for the local area.</p>		
17	<b>Assessment – Reasonable Alternatives</b>	<p>The environmental assessment had considered too narrow a range of alternatives. The only alternative considered was no revocation. This in turn means that there are no clear recommendations to address the practical question of whether the proposed planning system, centred on the National Planning Policy Framework and local plans, should be modified to address environmental issues that arise from the abolition of regional planning.</p> <p>Other alternatives suggested were:</p> <ul style="list-style-type: none"> <li>• reviewing the regional strategies;</li> <li>• revoking the regional strategies but saving key policies;</li> <li>• the retention of the regional strategy</li> </ul>	<p><b>Royal Society for the Protection of Birds, Wildlife and Countryside Link, Campaign to Protect Rural England, Renewable UK, Clyde and Co LLP, Irish Travellers Movement in Britain; Levett-Therivel; Treweek</b></p>	<p>The updated environmental report draws on the consultation responses to develop a number of alternatives and identifies 3 reasonable alternatives to complete revocation for assessment.</p>



No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>system with regional groupings of local authorities responsible for drafting them and adoption by the Secretary of State;</p> <ul style="list-style-type: none"> <li>maintaining the plans and revising certain policies in order to make the plans more acceptable, as well as the possibility of local authorities producing joint development plans to cover specific issues;</li> <li>revoking certain chapters or parts of the strategies and introducing transitional arrangements.</li> </ul>	<p><b>Environmental Consultants; Collingwood Environmental Planning</b></p>	
18	<p><b>Assessment - monitoring</b></p>	<p><b>Natural England, Campaign to Protect Rural England and Town and Country Planning Association</b> considered that it was not clear whether the local authorities, Government or any other body would collate the authorities' monitoring information and assess it to determine where more than local gaps in policy or problem areas were arising.</p> <p>The <b>Town and Country Planning Association</b> suggested that there was a need to monitor the general impact of the Government's planning changes. Consistent</p>	<p><b>Natural England, Campaign to Protect Rural England, Town and Country Planning Association, Levett-Therivel; Treweek Environmental Consultants;</b></p>	<p>Proposals for monitoring are set out in Chapter 5 of the updated environmental report.</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>and effective monitoring on the effects of the 'duty to cooperate' over the next 2-3 years was particularly important, e.g. by tracking local plan progress on local authority websites in a systematic but simple way.</p> <p><b>Levett- Therivel; Treweek Environmental Consultants; Collingwood Environmental Planning</b> suggested that the effects of revocation should be monitored e.g. to track housing completions and development on greenbelt.</p> <p><b>Clyde and Co LLP</b> considered that not clearly identifying additional, specific methods of monitoring undermined the consultation process.</p> <p>The <b>Forestry Commission</b> commented that the monitoring and sharing of information was far easier with the Monitoring Group established by the Regional Assembly. Local Authorities were unlikely to monitor if this is not a requirement given funding constraints. The Annual Monitoring report was extremely valuable for seeing what was being achieved, and believed that it was unclear now how national targets for carbon reduction could be met. Whilst Local Authorities may be</p>	<p><b>Collingwood Environmental Planning, Clyde and Co LLP, Forestry Commission</b></p>	

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		responsible for monitoring: they asked who they reported to and how (a) cumulative effects or (b) actions in one authority being undermined in another could be assessed.		
19	<b>Reliance on the draft National Planning Policy Framework</b>	<p><b>Natural England, the Environment Agency, the Town and Country Planning Association and Campaign to Protect Rural England</b> noted that it was difficult to come to a view on the significance of the environmental effects of revocation, prior to the publication of the final National Planning Policy Framework and the implementation of the new “duty to co-operate”. <b>Campaign to Protect Rural England</b> for example, commented that as a result of the wider changes in planning it was inherently difficult to assess the likely impact of the revocation of regional plans. In particular, the content of the final National Planning Policy Framework and future local plans were uncertain and neither of these statements could currently be fully tested. They expressed concern that the environmental reports did not give a comprehensive overview of the potential environmental impact of the Government’s intentions.</p> <p><b>Levett- Therivel; Treweek Environmental</b></p>	<p><b>Natural England, Environment Agency, Town and Country Planning Association Campaign to Protect Rural England; Levett- Therivel; Treweek Environmental Consultants; Collingwood Environmental Planning, Woburn Sands and District Society, Woodland Trust,</b></p>	<p>The National Planning Policy Framework was published in March 2012. The National Planning Policy Framework is consistent with the Government’s Natural Environment White paper, and makes it clear that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, and sets out as a core planning principle that planning should recognise the intrinsic character and beauty of the countryside. The Framework also maintains protection for designated areas such as the Green Belt, Areas of Outstanding Natural Beauty, National Parks, and Sites of Special Scientific Interest. It sets out policy for the support of delivery of renewable energy development as well as leisure facilities for the community including theatres.</p> <p>The National Planning Policy Framework is not subject to Strategic Environmental Assessment as it is high level policy and does not fall within the scope of the Strategic Environmental Assessment</p>

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		<p><b>Consultants; Collingwood Environmental Planning</b> questioned the evidence that the National Planning Policy Framework will be so favourable to the environment or sustainable development, as the National Planning Policy Framework has not been subject to Strategic Environmental Assessment.</p> <p><b>Natural England</b> agreed with the assessment that there was an inherent difficulty in providing an assessment of the National Planning Policy Framework as an alternative, as it was not known how the final version would differ from the consultation draft.</p> <p><b>Scottish Power Renewables</b> were of the view that the regional plans have a key role in ensuring that national policy objectives are met and encourage the wider deployment of renewable energy, making an important contribution to the UK's legally binding renewable energy targets. In particular, the regional plans do and could continue to play a key role in the strategic planning of onshore wind and the infrastructure to support the development of offshore wind. They were therefore concerned that the process for the revocation of regional plans pre-empted the final National Planning Policy Framework and</p>	<p><b>Nottinghamshire County Council</b></p>	<p>Directive.</p>

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		<p>requested that the Government require local authorities to put in place policies to ensure a contribution to the national renewable energy targets, in line with the National Policy Statement.</p> <p><b>RenewableUK</b> shared the concern about the reliance on the draft National Planning Policy Framework and were concerned that the draft National Planning Policy Framework did not contain a sufficient level of detail to support renewable energy planning.</p> <p>The <b>Royal Society for the Protection of Birds</b> and <b>Wildlife Link</b> considered it misleading for the Environmental Reports to imply that the planning reform would usher in new policies that, on balance, would make up for the loss of Regional Strategies. They considered, for example, that even though 'top-down' housing targets were being removed, the stated purpose of planning reform was to create more growth and to deliver more housing. There was no criticism of Regional Strategy housing figures being too high, only that they were 'top-down'. It therefore followed that local authorities would use similar methodologies and arrive at similar figures when 'objectively assessing' housing</p>		

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		<p>need.</p> <p><b>Friends of the Earth</b> stated that local authorities will have to be guided by the policies in the National Planning Policy Framework. Based on the draft National Planning Policy Framework text, in many cases, local authorities will struggle to take decisions on a 'local' basis to protect the environment. They stated that legal advice obtained by them showed that the concept of local decision-making was outweighed by the wording used in the draft National Planning Policy Framework which is directive on the need to approve development. They also pointed to shortcomings in the National Planning Policy Framework on sustainable development, countryside and biodiversity, transport, water, and climate change mitigation and adaptation.</p> <p>The <b>Wildlife and Countryside Link</b> were concerned that the Environmental Reports relied so heavily on the National Planning Policy Framework, which had not been finalised and was therefore subject to change.</p> <p><b>The Theatres Trust</b> suggested that suitable policy within the National Planning Policy</p>		

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		<p>Framework and other measures needed to be in place to ensure the pooling of knowledge on physical and social cultural infrastructure, particularly theatres, if the plans are revoked.</p> <p>The <b>Woodland Trust</b> thought it impossible to assess the impact of the loss of the Regional Spatial Strategy without being able to assess it against the National Planning Policy Framework. They also commented that the Strategic Environmental Assessment implies that the National Planning Policy Framework and planning reform in general will lead to less development, particularly in the absence 'top down targets', but felt this is contradictory to every other message emanating from the Government, as the stated purpose of the current planning reforms is to encourage economic growth. Paragraph 1.6 of the Strategic Environmental Assessment document states that the National Planning Policy Framework sits within the broader context of national policy and legislation such as the National Environment White Paper. The draft National Planning Policy Framework did not however reflect the Natural England White Paper.</p> <p><b>Nottinghamshire County Council</b> considered</p>		

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		Government intentions to replace Regional Plans, alongside Planning Policy Statements/Planning Policy Guidance, with the National Planning Policy Framework, was too narrow and limited an approach and was considered insufficient to replace regional Plan environmental policies, targets and monitoring.		
20	<b>Assessment - Policy Gap</b>	<p><b>Natural England</b> noted that the revocation of the regional strategies would require local planning authorities to incorporate relevant environmental policies, previously included in the regional strategy, into their local plans or to rely on National Planning Policy Framework policies. The full effect of revoking individual Regional Strategy policies was therefore likely to depend greatly on where individual local authorities were in their local plan-making process. Where local authorities had not yet adopted core strategies, in the absence of regional strategies, they considered that it may be much more difficult for them to develop locally tailored evidence-based policies.</p> <p><b>The Environment Agency</b> welcomed the Environmental Report highlighting which parts of current national policy and guidance were important to help avoid significant adverse</p>	<p><b>Natural England, The Environment Agency, Royal Society for the Protection of Birds, Wildlife and Countryside Link, Theatres Trust, RenewableUK, Friends of the Earth, Helen Chadwick Consulting, Only Solutions LLP, Central Lincolnshire Joint Strategic</b></p>	<p>The National Planning Policy Framework, published in March 2012, sets out the Government's planning policies for England.</p> <p>The National Planning Policy Framework emphasises the need for Local Planning Authorities to plan strategically. The National Planning Policy Framework states that Local planning authorities should set out the strategic priorities for the area in the Local Plan. This should include strategic policies to deliver the homes and jobs needed in the area; the provision of retail, leisure and other commercial development; the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat); the provision of health, security, community and cultural infrastructure and other local facilities; and</p>



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		<p>environmental impacts. Where Local Authorities had adopted Core Strategies that were developed with a backdrop of the Regional Strategy, a robust National Planning Policy Framework would need to ensure that any potential policy gaps were filled.</p> <p>The <b>Royal Society for the Protection of Birds</b> proposed that the Government should not revoke the Regional Strategies in full. They suggested that saving key environmental policies until they were replaced by equivalent local plan policies would significantly mitigate the risk of environmental harm. Saved policies should be kept in place during a transitional period while local plans were updated, which could easily coincide with the transitional period in which the National Planning Policy Framework was translated into local plans.</p> <p>The <b>Wildlife and Countryside Link</b> suggested that Government and its agencies should work together with local authorities and their partners in each region to identify which regional strategy policies should be saved, while local plans were updated to incorporate those policies.</p> <p>The <b>Royal Society for the Protection of</b></p>	<p><b>Planning Committee</b></p>	<p>climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.</p> <p>The National Planning Policy Framework also makes clear that, where it would be appropriate and assist the process of preparing or amending Local Plans, regional strategy policies can be reflected in Local Plans by undertaking a partial review focusing on the specific issues involved. Local planning authorities may also continue to draw on evidence that informed the preparation of regional strategies to support Local Plan policies, supplemented as needed by up to date, robust local evidence.</p> <p>Climate change is one of the core land use planning principles which the National Planning Policy Framework expects should underpin both plan-making and decision-taking. Local planning authorities are expected to adopt proactive strategies to mitigate climate change and co-operate to deliver strategic outcomes which include climate change. They should plan for new development in locations and ways which reduce greenhouse gas emissions (including through transport solutions which support reductions in greenhouse gas emissions); actively support energy efficiency improvements to existing</p>

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		<p><b>Birds</b> and the <b>Wildlife and Countryside Link</b> considered that revocation would remove a raft of policies on issues, such as those on the natural environment and renewable energy, that were largely not contentious, and the product of close cooperation between local authorities and other interested parties.</p> <p>The <b>Theatres Trust</b> stated that the proposed revocation of the Regional Strategies could have adverse social effects. The Regional Strategies included measures for local authorities to work collaboratively 'to increase investment in physical and social infrastructure'. This may not take place on such a scale, even with the duty to cooperate, if Regional Strategies are revoked. The Theatres Trust believes that this would have ensured that cultural facilities were in place for communities to share and that places exchange knowledge when creating new buildings or networks, so that resources were not squandered by the repetition of mistakes. Thus, it was suggested that measures needed to be in place to ensure the pooling of knowledge on physical and cultural infrastructure, which also affect theatres, if the plan is revoked.</p>		<p>buildings; and promote energy from renewable and low carbon sources. These strategies are expected (paragraph 94) to be in line with the objectives and provisions of the Climate Change Act 2008. There is a legal requirement on Local planning authorities to ensure their local plan (taken as a whole) includes policies designed to tackle climate change and its impact. This complements the sustainable development duty on plan-makers and the expectation that neighbourhood plans will contribute to the achievement of sustainable development. The Framework has underlined (paragraph 93) that responding to climate change is central to the economic, social and environmental dimensions of sustainable development.</p>

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		<p><b>RenewableUK</b> were of the view that the revocation of the regional strategies would create a policy gap which would affect the ability of local authorities to make informed decisions. They did not believe that a reliance on national policy and the duty to cooperate was sufficient to ensure that the UK met its renewable energy generation and carbon emissions reduction targets.</p> <p><b>Friends of the Earth</b> were concerned that the Strategic Environmental Assessments of the revocation of the Regional Spatial Strategies do not fully assess the environmental impacts of the incoherent policy context that would arise. They recommended that to fill the gap left by the regional strategies, local plans should absorb the regional evidence bases for renewable energy resources, and 'save' renewable energy target and adaptation policies where this would otherwise leave a gap in local frameworks. They added that the loss of the regional strategy left a gap in the consideration of the global impacts of a local authority's areas consumption/ indirect impacts. They were of the view that the footprint approach at a regional level specifically aimed to counter strictly localist</p>		

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		<p>approach of local authorities. They were concerned that local authority plans would only consider local resource management and the whole footprint approach would be lost. They considered it essential that the evidence base section of the draft National Planning Policy Framework was revised to include the concept of foot printing to acknowledge the burden of resource use within a local authority on other areas. They therefore recommended that local authorities 'save' relevant policies where this would plug a gap in their existing local planning framework until the next appropriate review date; and Department for Communities and Local Government should maintain the regional evidence bases for local authorities to draw upon for local plans and cross boundary co-operation.</p> <p><b>Helen Chadwick Consulting</b> referred to the improvement in data on biodiversity since the establishment of regional monitoring, with the Regional Plan policies and implementation leading to a number of collaborative projects that had additional benefits. Green Infrastructure crossed authority boundaries and it was not clear that a large number of authorities would have the time or resources to</p>		

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		<p>map out a coherent approach across a wide area like the three cities. They also considered that the history of local plan development in the East Midlands did not give confidence in the timely delivery of local plan documents. In addition most local plans do not have the level of evidence to support them that Regional Strategies had.</p> <p><b>Only Solutions LLP</b> considered that environmental protection of green infrastructure and wildlife corridors and priorities for enhancing the region's biodiversity; and the vision for the Sherwood Forest Regional Park, and the protections afforded to it, were not adequately covered either in local plans or elsewhere. They considered that environmental protection policies in the Regional Strategy should not be revoked until the protection they offer was fully replicated within relevant local plans.</p> <p>The <b>Central Lincolnshire Joint Strategic Planning Committee</b> were concerned of a lack of consideration given to potential delay between adoption of local policies to replace policies in the Regional Strategy , and suggested a staged approach so that Regional Strategy policies fall as local plans come into</p>		

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		place.		
21	<b>Reliance on the Duty to Co-operate</b>	<p><b>Natural England</b> and the <b>Environment Agency</b> welcomed the emphasis given to cross boundary working which could potentially promote partnership working and offer a more strategic approach to spatial planning. However, both organisations commented that the Environmental Reports did not identify how the duty to cooperate would work in practice or replace the co-ordination provided by the regional strategies and the various working groups that existed within this structure. <b>Natural England</b> also considered that there was too much reliance on the assumption that Local Planning Authorities would continue to work together on strategic issues under the duty to cooperate. It was noted that the duty would not apply to private sector companies who provide public services such as water and sewerage, energy and telecommunications, many of which would have a key role to play in infrastructure planning. The <b>Environment Agency</b> stated that common intelligence and joint working arrangements were needed between partner local authorities and other key organisations to</p>	<p><b>Natural England Environment Agency, English Heritage , RSPB, RenewableUK, Town and Country Planning Association, Friends of the Earth, Clyde and Co LLP, Professor Alan Townsend, Campaign to Protect Rural England, Peak District National Park Authority</b></p>	<p>The Government recognises the importance of strategic planning. The National Planning Policy Framework, published in March 2012, makes clear that strategic priorities across local boundaries are properly co-ordinated and clearly reflected in individual local plans.</p> <p>Strategic matters such as housing, infrastructure and transport connections are vital to attract investment into an area and generate economic growth. However, for strategic planning to work on the ground, councils need to work together and with a range of bodies. In some cases, such as planning for waste facilities or flood prevention, cooperation will be necessary with authorities well beyond an authority's own border.</p> <p>Many councils are already working collaboratively to produce sound plans. The duty to cooperate formalises those arrangements by creating a statutory requirement to cooperate to ensure that local plans are effective and deliverable on cross-boundary matters. The duty requires authorities to work together constructively, actively and on an ongoing basis in relation to strategic, cross-boundary issues in local plans.</p>

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		<p>develop an integrated approach to planning.</p> <p>The <b>Environment Agency</b> referring to the duty to cooperate accepted that Local Authorities would work with adjacent councils, but not at a range of scales including a catchment scale. They considered that this was important as building development at the top of a catchment could increase run-off and cause flooding many miles down stream. They suggested that this is recognised so that the duty to cooperate could fully support strategic planning at a local level.</p> <p><b>Natural England</b> accepted that it was possible that cross-boundary impacts may be assessed between adjoining authorities, but were unclear how the cumulative impacts of multiple authorities' plans would be assessed to take into account issues occurring within broader environmental boundaries, such as water catchments. Both the <b>Environment Agency</b> and <b>Natural England</b> sought further clarification on mechanisms could be employed to ensure that likely cumulative, in-combination and cross-boundary environmental impacts, are identified, assessed and monitored as part of the Local</p>		<p>The Government recognises that the duty needs to be sufficiently robust to secure effective planning on cross-boundary issues, and the legislative requirement was strengthened during the development of the Localism Act, working with a broad range of external expert bodies. The stronger duty requires councils to demonstrate how they have complied with the duty as part of the independent examination of local plans. This could be, for example, by way of plans or policies prepared as part of a joint committee, informal strategies such as joint infrastructure and investment plans, or a memorandum of understanding which is presented as evidence of an agreed position. Failure to demonstrate compliance may mean that local authorities may not pass the examination process. This is a powerful sanction. Where local planning authorities have failed to co-operate on cross boundary matters it is also likely that their local plan will not be deliverable and as such they may be found unsound.</p> <p>As a further check, the Localism Act and local plan regulations require local authorities to prepare a monitoring report to be published and made available at least once every 12 months. This includes a requirement to report action taken</p>

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		<p>Plan process and duty to cooperate.</p> <p><b>English Heritage</b> noted how critical it was that the duty to cooperate was taken forward by local authorities and public bodies to ensure that the strategic planning issues are successfully addressed, based on a shared understanding of local needs and the wider context. However, they saw a danger that the wider perspective gained through strategic planning would be lost. The forthcoming National Planning Policy Framework and any guidance issued to support it; may assist with this by encouraging strategic analysis through sub-national partnerships in appropriate circumstances.</p> <p>While the <b>Royal Society for the Protection of Birds</b> welcomed the strengthening of the duty to cooperate during its Parliamentary passage, they remained sceptical that the duty would deliver contentious forms of development where it is needed or effective strategic planning for the natural environment. They were concerned by the unsubstantiated assumption that the duty to cooperate would overcome the strategic vacuum left by the revocation of the Regional Strategies. They stated, as an example, that there was no</p>		<p>under the duty and these reports may also indicate where action has not been taken. This will ensure that local authorities are fully accountable to local communities about their performance under the duty to cooperate.</p> <p>In recognition of the breath of bodies involved in effective strategic planning, the duty's requirements extend beyond local planning authorities and county councils to include a wide range of bodies that are critical to local plan making. The bodies, which are listed in local plan regulations, are:</p> <ul style="list-style-type: none"> <li>(a) the Environment Agency;</li> <li>(b) the Historic Buildings and Monuments Commission for England;</li> <li>(c) Natural England;</li> <li>(d) the Mayor of London;</li> <li>(e) the Civil Aviation Authority;</li> <li>(f) the Homes and Communities Agency;</li> <li>(g) Primary Care Trusts;</li> <li>(h) Marine Management Organisation</li> <li>(i) Office for Rail Regulation</li> </ul>



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		<p>recognition of the shortcomings caused by having multiple plans being developed over multiple time and spatial scales, and the difficulties this would cause in terms of assessing the cumulative impacts of development.</p> <p><b>RenewableUK</b> also expressed the view that the duty to cooperate provisions in the Localism Act appear weak, with no clear means of ensuring that local authorities would cooperate productively. They considered that a lack of strategic action on mitigation and adaptation to climate change was likely to result in significant and unpredictable effects on biodiversity, flora and fauna. Other elements, such as population, human health etc would also be adversely affected.</p> <p>The <b>Town and Country Planning Association</b> indicated that it had made clear that the duty to cooperate had a range of significant limitations - having a narrow remit, a retrospective sanction and no defined or specific outcomes. They considered that even where joint cooperation was enthusiastically entered into by local authorities the nature of cooperation would be on a smaller spatial scale and with a tighter remit and much less</p>		<p>(j) the Highways Agency;  (k) Transport for London;  (l) Integrated Transport Authorities; and  (m) Highway authorities</p> <p>The National Planning Policy Framework makes clear that local planning authorities should work collaboratively with private sector bodies, utility and infrastructure providers.</p> <p>As stated above the National Planning Policy Framework states that Local Planning Authorities should set out the strategic priorities for the area in the Local Plan. This should include strategic policies to deliver: the homes and jobs needed in the area; the provision of retail, leisure and other commercial development; the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat); the provision of health, security, community and cultural infrastructure and other local facilities; and climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.</p>

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		<p>resource than the statutory Regional Strategy process. They considered that this may lead to increased environmental impacts and may limit effective responses on renewable energy and catchment scale or coastal flood risk.</p> <p><b>Friends of the Earth</b> considered that revocation would leave a gap in both planning policy on environmental issues and in a regional understanding of them. They considered that the duty to cooperate was unlikely to provide an effective response to the wider pattern of unsustainable pressures and growing regional inequalities in England. They suggested that the duty does not require co-operation on any specific issues. Issues which are by their nature spatial and cross-boundary e.g. river basin management, flood risk, green infrastructure, and transport, would suffer from the removal of the regional strategy. While, for example, river basin management plans are developed by the Environment Agency, local authorities and others, the context for local decision-making on planning applications will still lack regional spatial awareness of the larger than local and cumulative impacts of decisions. This will lead in many cases to poor planning, and increased negative</p>		

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		<p>environmental impacts. They were concerned that there are no sanctions for local authorities who fail to co-operate, while local authorities who have failed to persuade neighbouring authorities to co-operate would suffer if the Inspector judged their plan to be unsound as a result.</p> <p><b>Clyde and Co LLP</b> considered that the expectation that authorities would co-operate was not good enough. It was therefore inappropriate for the assessment of likely effects, as encapsulated within the environmental reports, to be predicated on that basis.</p> <p>Another consultee (<b>Professor Alan Townsend</b>) suggested that a number of policy areas would be under threat from relying on the duty to cooperate, climate change, river flooding, Areas of Outstanding Natural Beauty, reducing unnecessary travel, congestion and emissions, reducing deprivation and retailing.</p> <p><b>Hives Planning Ltd</b> commented that the Localism Act did not set out any sanctions if local authorities did not cooperate.</p> <p>The <b>Peak District National Park Authority</b> considered there were shortcomings which</p>		

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		<p>cast doubt on the degree to which the environmental report was based on a clear understanding for the National Park Authority of the Peak District sub-area approach provided by the regional plan. This particularly applied to the environmental report's reliance on the duty to cooperate if this was expected to provide a successful basis for cross-boundary planning in and around National Parks in the way envisaged by the report.</p>		
22	<p><b>Individual Topics - Access to data</b></p>	<p>Referring to the comment in the environmental reports that local authorities can continue to draw on available information, including data from partners, to address cross-boundary issues, it was not clear whether data previously collated as part of the Regional Strategy preparation process would remain up-to-date, or whether coordinated monitoring mechanisms would continue to exist in the future</p>	<p><b>Town and Country Planning Association</b></p>	<p>The National Planning Policy Framework, published in March 2013 makes it clear that Local planning authorities may also continue to draw on evidence that informed the preparation of regional strategies to support Local Plan policies, supplemented as needed by up to date, robust local evidence. The National Planning Policy Framework (paras 158-177) also sets out in detail the evidence base that is required to underpin the development of local plans and planning decisions.</p>
23	<p><b>Individual Topics -Green Belt</b></p>	<p><b>JC Consultants</b> considered that the environmental report misrepresented the intended effect of revoking Regional Strategies by saying that it "will provide opportunities for</p>	<p><b>JC Consultants, Hives Planning Ltd, Campaign</b></p>	<p>The National Planning Policy Framework, published in March 2012, makes it clear that the Government attaches great importance to Green Belts, and overall that the planning system should</p>

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		<p>securing environmental benefits because their revocation would remove threats to local environments” and that (through Green Belt policy) revocation “brings many environmental benefits including safeguarding the countryside and preventing urban sprawl.”</p> <p><b>Hives Planning Ltd</b> suggested that the comment that there would be less pressure to review Green Belt boundaries in order to accommodate necessary growth, resulting in lower environmental impacts, was misleading. They added that Green Belt boundaries were established many years ago and it was clearly recognised in policy documents in the last decade that Green Belt boundaries must be reviewed in order to accommodate the inevitable need for housing.</p> <p><b>Campaign to Protect Rural England</b> commented on the statement in the Environmental Report that “the revocation of top-down housing targets will remove pressure to review Green Belt to accommodate growth” and that it is now up to local authorities to review their Green Belt boundaries. They felt the assertion that the Green Belt would be ‘safer’, was debatable. They took the view that this was based on the National Planning Policy</p>	<p><b>to Protect Rural England, Campaign to Protect Rural England East Midlands, Nottinghamshire County Council</b></p>	<p>recognise the intrinsic character and beauty of the countryside. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Green Belt serves five purposes:</p> <p>to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.</p> <p>The National Planning Policy Framework states that once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land. The general extent of Green Belts across the country is already established. New Green</p>

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		<p>Framework making clear that a key objective of the planning system is to increase significantly the delivery of new homes; and therefore the tenor of wider Government policy (for example the New Homes Bonus) is that local authorities will be under greater pressure than before to provide new housing. Local authorities would therefore be obliged to “maintain a rolling supply of deliverable sites sufficient to provide five years worth of housing .....the supply should include an additional allowance of at least 20%...” (draft National Planning Policy Framework, clause109).</p> <p><b>Campaign to Protect Rural England East Midlands</b> did not consider that Local Planning Authorities would protect their local environment better, as recent post-Regional Plan evidence from authorities across the East Midlands was mixed, indicating that the strong protection of the Green Belt is being eroded. There were many examples of local authorities allocating Green Belt sites.</p> <p><b>Nottinghamshire County Council considered the Report</b> siting the protection of the Green Belt per se as leading to environmental benefits was misleading; these may (but not necessarily) exist in local</p>		<p>Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions. If proposing a new Green Belt, local planning authorities should: demonstrate why normal planning and development management policies would not be adequate; set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary; show what the consequences of the proposal would be for sustainable development; demonstrate the necessity for the Green Belt and its consistency with Local Plans for adjoining areas; and show how the Green Belt would meet the other objectives of the Framework.</p> <p>Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. The policy goes on to say that once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond</p>

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		<p>circumstances, where environmental assets are lost, but development in other locations could have greater negative impacts, which the Regional Plan had addressed.</p>		<p>the plan period. When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. Additional policies are set out to be applied when defining boundaries. Policies for the development of a village in a Green belt are also included.</p> <p>The National Planning Policy Framework makes clear, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.</p> <p>The National Planning Policy Framework also states that a local planning authority should</p>

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				<p>regard the construction of new buildings as inappropriate in Green Belt. Limited exceptions to this are set out in the National Planning Policy Framework, together with other forms of development that are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.</p> <p>The National Planning Policy Framework also includes specific policy on renewable energy projects and Community Forests in the Green Belt.</p> <p>The housing policies in the National Planning Policy Framework clearly state that when local planning authorities are ensuring their local plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, this is as far as consistent with the policies set out in the Framework, which would include policies on the protection of Green Belts.</p> <p>In addition, the presumption in favour of sustainable development makes a clear reference to Green Belts when it lists policies in the Framework that indicate development should be restricted.</p>



No	General	Detailed comments on the initial Environmental Report	Raised by	Response
24	Individual Topics - Gypsies and Travellers	<p><b>The Garden Court Chambers Gypsy &amp; Traveller Team</b> considered that the revocation of Regional Strategies would have a detrimental effect upon the provision of sites for Gypsies and Travellers. They considered that the view in the environmental reports that sufficient sites would be delivered by local authorities without regional or national supervision was misconceived. They were therefore disappointed that consideration had not been given to the alternative option of retaining those regional policies relating to the provision of sites for Gypsies and Travellers. <b>Community Law Partnership</b> supported these comments and added that revocation would lead to a decrease in the provision of new sites which would have an inevitable result in the numbers of Gypsies and Travellers on unauthorised encampments and unauthorised developments increasing. <b>Friends, Families and Travellers</b> also supported these comments and stated that they objected most strongly to the proposals to abolish Regional Strategies and, at the very least, considered that an option which retains</p>	<p><b>The Garden Court Chambers Gypsy &amp; Traveller Team, Community Law Partnership, Friends, Families and Travellers , National Federation of Gypsy Liaison Groups</b></p>	<p>It is the Government's view that Local authorities are best placed to understand the needs of their communities. The Government has produced new planning policy for traveller sites that reflects this. The policy published in March 2012<sup>5</sup> makes it clear that its overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.</p> <p>Local planning authorities when preparing their Local Plans should set pitch targets for gypsies and travellers and plot targets for travelling show people which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities. The policy makes it clear that local authorities should set their targets based on robust evidence of need that will be tested at the Local Plan examination.</p> <p>This includes:</p> <p>(i) identifying and updating annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set</p>

<sup>5</sup> <http://www.communities.gov.uk/documents/planningandbuilding/pdf/2113371.pdf>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>a regional perspective should be retained for the provision of Gypsy and Traveller sites.</p> <p>The <b>National Federation of Gypsy Liaison Groups</b> also disagreed with the conclusions in the environmental reports that revocation was unlikely to have any significant environmental effect on human health, population, cultural heritage or the historic environment. The revocation of policies relating to the provision for Gypsies, Travellers and Travelling Showpeople, would have a significant impact as a direct result of the fact that without a regional framework, local authorities were likely to, and already were, including reduced pitch numbers in their Development Plan Documents. The resulting lack of suitable accommodation was directly related to poor health and lower life expectancy, difficulty in accessing education opportunities, which contributed to poor living conditions, for example, on unauthorised sites. Unauthorised sites also impacted on the environment, for example if they were not suitably located there could be local impacts on the landscape.</p>		<p>targets;</p> <p>(ii) identifying a supply of specific, developable sites or broad locations for growth, for years six to ten and, where possible, for years 11-15;</p> <p>(iii) considering the production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area.</p> <p>The duty to cooperate will ensure that local authorities work together constructively, actively and on an ongoing basis in relation to these cross boundary matters in local plans.</p> <p>The abolition of regional strategies is part of a wider package of measures that will work alongside the reformed and decentralised planning system and are aimed at securing fair and effective provision of authorised sites for travellers. This includes the new traveller policy, Traveller Pitch Funding, the New Homes Bonus, reforms to enforcement measures to tackle unauthorised sites (via the Localism Act); improved protection from eviction for local authority traveller sites (via application of the Mobile Homes Act) and training for local authority</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
				councillors on their leadership role in site provision.
25	<b>Individual Topics – Housing Supply</b>	<p>The <b>Town and Country Planning Association</b> referred to the statement in the environmental report that under the regional strategies the overall direction was expected to be a widening gap between housing provision in the plan and the level of need. They considered that the assertion that local authorities planning for housing to reflect "the needs of their communities" would achieve this level was completely unsupported. The text asserts that "where drivers of growth are local, decisions should be made locally", but the new system failed to identify any mechanisms equivalent to the national growth areas or new growth points for accommodating in-migrants. This is a key issue in this region, the most economically buoyant in the country outside London.</p> <p><b>Campaign to Protect Rural England</b> believed that the Government's continued policy of not allowing local authorities to include windfalls in their housing allowance (except in very prescribed circumstances) would, in practice, lead to an inevitable</p>	<p><b>Town and County Planning Association, Campaign to Protect Rural England, Campaign to Protect Rural England East Midlands, Marrons Solicitors (for Persimmon Special Projects), Hives Planning Ltd</b></p>	<p>The National Planning Policy Framework, published in March 2012, and the Duty to co-operate address this issue. The National Planning Policy Framework makes clear that Local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly coordinated and clearly reflected in individual Local Plans. These strategic priorities include the need to develop strategic policies to deliver the homes and jobs needed in the area.</p> <p>The National Planning Policy Framework states that joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of the National Planning Policy Framework. As part of this process, they should consider producing joint planning policies on strategic matters and informal strategies such as joint infrastructure and investment plans.</p> <p>Local planning authorities will be expected to</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>allocation of more green-field sites.</p> <p><b>Campaign to Protect Rural England East Midlands</b> were concerned with the findings of page 74 of the Environmental Report which claimed that “the revocation of the Plan removes top down pressure on Local Authorities to review their Green Belt boundaries.” , given that local planning authorities were still expected by central Government to allocate land for practically the same level of housing as provided for in the East Midlands Regional Strategy. The housing figures in the Regional Plan were almost wholly the result of the requirement that the Regional Planning Body adopt the calculations by the central Homes and Communities Agency. It was therefore difficult to see how revoking a strategy which was not the key source of the housing figures – the Regional Plan – while leaving that key source – the Homes and Communities Agency – intact will in itself remove ‘top down targets’.</p> <p><b>Marrons Solicitors, on behalf of Persimmon Special Projects</b> were concerned about the risk of a policy vacuum, referring to delays experienced by Kettering Borough Council in trying to deliver an urban extension in</p>		<p>demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound.</p> <p>The National Planning Policy Framework states that Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens. This policy, together with the approach to the use of brownfield land and other policies aimed at the protection and enhancement of the environment, aims to ensure that housing development is located in a way that in consistent with the principles of sustainable development.</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>Rothwell, and that Structure Plan policy (SDA1) on strategic development in Kettering should be retained.</p> <p><b>Hives Planning Ltd</b> on behalf of Arnold White Estates Ltd suggested that the assessment should have considered the socio-economic impacts of removing the regional planning framework on the provision of jobs and houses. They saw advantages of dealing with this regionally and the finding that “the pattern of development which the Regional Spatial Strategy seeks to encourage should make the region’s environment, and quality of life for its residents, much better than would be case without it” had not been addressed in the Reports. They also considered that the assessment should have looked at the impact of revocation on the delivery of housing, employment and infrastructure against wider identified needs through objective study, rather than needs identified by Local Authorities who may be more resistant to growth. They commented that Regional Assemblies were mainly composed of Local Authority representatives who were able to take a strategic planning overview above the tier and interests of the individual local authority.</p>		

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
26	Individual Topics - Waste	<p>The <b>Environment Agency</b> commented that the assessment of waste policies was quite comprehensive, but they were concerned with the second sentence in the last paragraph on page 61 which stated that, "local waste authorities already work together, and with other bodies, on strategic issues that cross local authority boundaries and may work together to produce joint waste plans if they wish". As waste plans are currently produced at county and unitary level, they would welcome clarity on whether the Government was suggesting wider than county waste plans. If that was the case, they recommended that further details are provided on how this will be applied.</p> <p>The <b>Woodland Trust</b> commented that the draft National Planning Policy Framework had stated that waste would be considered in a National Waste Management Plan. No date has yet to be given for the publication of this plan. Therefore there will be a lack of environmental protection in the interim which</p>	<b>Environment Agency, Woodland Trust</b>	<p>The National Planning Policy Framework was published in March 2012. Paragraph 153 of the framework makes clear the expectation that local planning authorities should produce a local plan for the area, whilst Section 17 of the Planning and Compulsory Purchase Act 2004 makes it clear that two or more local planning authorities may agree to prepare one or more local development documents. This allows unitary authorities and county councils to work together if they wish. However such plans must still meet the legal and procedural requirements, including the test of soundness required under section 20 of the 2004 Act and Paragraph 182 of the Framework.</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		has not been accounted for.		
27	<b>Individual Topics - Biodiversity</b>	<p>On the basis of the content of the consultation draft of the National Planning Policy Framework, <b>Natural England</b> disagreed with the statement in Section 1.2 of the Environmental Reports that the National Planning Policy Framework “maintains protection of the Green Belt, Areas of Outstanding Natural Beauty, National Parks, Sites of Special Scientific Interest and other environmental designations which protect landscape character, stop unsustainable urban sprawl and preserve wildlife”.</p> <p>The <b>Woodland Trust</b> highlighted how in ‘Making Space for Nature’ Lawton set out that planning at different geographical scales was vital to inform conservation decisions. It also sets out that planning is pivotal in maximising the contributions of the existing network and ensuring that new components are sited in effective locations. The Trust believed that ‘Nature Improvement Areas’ recommended by Lawton would be very difficult to implement without the Regional Strategy in place.</p> <p><b>Scottish Natural Heritage</b> suggested that the Environmental Report should address the</p>	<b>Natural England, Woodland Trust, Scottish Natural Heritage and the Environment Agency.</b>	<p>The National Planning Policy Framework was published in March 2012. The finalised version of the National Planning Policy Framework makes it clear that the planning system should protect and enhance valued landscapes, minimise impacts on biodiversity, provide net gains in biodiversity where possible, and contribute to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are resilient to current and future pressures.</p> <p>The National Planning Policy Framework also states that local plans contain a clear strategy for enhancing the natural, built and historic environment, and supporting Nature Improvement Areas where they have been identified.</p> <p>The National Planning Policy Framework also asks that, in order to minimise impacts on biodiversity and geodiversity, planning policies should: plan for biodiversity at a landscape-scale across local authority boundaries; identify and map components of the local ecological networks, including</p> <p>the hierarchy of international, national and locally</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>protection and enhancement of networks to allow species dispersal throughout Britain. They considered that value could be added to the environmental reports if they identified a framework for establishing networks of green infrastructure across all the regions of England, with the potential to link with Wales and Scotland, rather than just to propose partnerships across local authority boundaries.</p> <p><b>The Environment Agency</b> suggested that the significance of new emerging initiatives set out in the Natural Environment White Paper, such as Local Nature Partnerships and Nature Improvement Areas should be highlighted. They pointed out that the overall purpose of Local Nature Partnerships is to bring a diverse range of individuals, businesses and organisations together at a local level to create a vision and plan of action for how the natural environment can be taken into account in decision making. In the absence of regional policies, Local Nature Partnerships and Nature Improvement Areas could offer a good opportunity to strengthen local action, enable local leadership and operate across administrative boundaries.</p>		<p>designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation.</p> <p>The National Planning Policy Framework also states that local planning authorities should work with Local Nature Partnerships to assess existing and potential components of ecological networks.</p>



No	General	Detailed comments on the initial Environmental Report	Raised by	Response
28	Individual Topics - Renewable Energy	<p><b>RenewableUK</b> were concerned that the Strategic Environmental Assessment process failed to fully account for the impact that the removal of the regional strategies would have on the ability of Local Authorities to plan for renewable energy infrastructure, and the corresponding ability of the UK to meet its target of generating 15% of all energy from renewables by 2020. Overall, they suggested that there will be significant environmental effects of revoking the regional plans, if guidance and support for renewable energy development was not strengthened. Under existing proposals, the key mechanisms for strategic planning and renewable energy would be lost.</p> <p><b>Campaign to Protect Rural England</b> commented that the plan included significant detail on the issue of climate change and formulated a number of policies to help to address it (for example <b>ENG1: Carbon Dioxide and Energy Performance</b>). <b>Campaign to Protect Rural England</b> were concerned that the breadth and detail of these policies will be lost.</p>	<b>RenewableUK</b>	<p>The National Planning Policy Framework, published in March 2012, includes as one of the core land-use planning principles that planning should support the transition to a low carbon future in a changing climate, including to ...encourage the use of renewable resources (for example, by the development of renewable energy). The National Planning Policy Framework makes clear that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.</p> <p>The National Planning Policy Framework contains a number of policies aimed at encouraging the development of renewable energy development including that local planning authorities should : have a positive strategy to promote energy from renewable and low carbon sources; design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts; consider identifying suitable areas for renewable and low carbon energy sources, and supporting</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
				<p>infrastructure, where this would help secure the development of such sources; support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and</p> <p>In line with the objectives and provisions of the Climate Change Act 2008.</p> <p>In addition, National Planning Policy Framework policies on strategic planning for infrastructure need include the need to plan for energy infrastructure including heat.</p>
28	<b>Individual Topics - Transport</b>	<p><b>Friends of the Earth</b> considered that the removal of the regional strategies would in some cases have a negative environmental effect as their transport policies were stronger than those presented in the draft National Planning Policy Framework.</p> <p><b>Campaign to Protect Rural England East Midlands</b> commented how transport is by its nature a 'cross-boundary' policy area. Travel and freight movements have their own functional areas, which rarely coincide with Local Authority boundaries. Transport decisions taken solely at Local Transport</p>	<b>Friends of the Earth, Campaign to Protect Rural England East Midlands, Corby Borough Council</b>	<p>The National Planning Policy Framework was published in March 2012, includes a number of core planning principles. These include the need to actively manage patterns of growth to make the fullest possible use of</p> <p>public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. The National Planning Policy Framework makes it clear that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The transport system needs to be</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>Authority level can have effects which clearly disadvantage those wishing to travel. They cited the example in the East Midlands of the Sunday service on the Robin Hood Line. The Nottinghamshire section of the line continues to have a Sunday service, but not the Derbyshire section because Nottinghamshire County Council decided to continue funding the service, whereas Derbyshire decided not to.</p> <p><b>Corby Borough Council</b> raised concerns over revocation of Regional Strategy policies on shift away from road based transport for freight distribution, and improved rail access, particularly by rail, to ports at Felixstowe and Harwich. Proposed strategic rail infrastructure routes across multiple authorities, notwithstanding the duty to co-operate, would not be practical without a regional input.</p>		<p>balanced in favour of sustainable transport modes, giving people a real choice about how they travel.</p> <p>Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport. The National Planning Policy Framework also states that local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including large scale facilities such as rail freight interchanges, roadside facilities for motorists or transport investment necessary to support strategies for the growth of ports, airports or other major generators of travel demand in their areas.</p> <p>The National Planning Policy Framework is clear that plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. It also says that planning policies should aim for a balance of land</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
				uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.
29	<b>Individual Topics -Water</b>	The <b>Woodland Trust</b> commented that the Environmental Report failed to recognise that environmental issues are not static. For example, water quality and demand on water required strategic policies that the Regional Strategy set out. They considered that issues such as sea level rise and flooding could only be approached strategically; incremental approaches by different Local Planning Authorities could never be truly effective in tackling such a threat.	<b>Woodland Trust</b>	<p>The National Planning Policy Framework, which was published in March 2012, is clear that local planning authorities should work with other bodies to assess the capacity of water supply infrastructure, and should set out in the Local Plan their strategic priorities and policies for the provision of such infrastructure.</p> <p>More generally the Framework tells local planning authorities to adopt strategies to mitigate and adapt to climate change and take full account of water supply and demand considerations. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change, which could include more frequent droughts. Where appropriate, risks should be managed through suitable adaptation measures, including through the planning of green infrastructure.</p>
30	<b>Individual Topics Brownfield</b>	<b>Campaign to Protect Rural England's</b> position was that revocation, combined with the Government's wider reforms to the	<b>Campaign to Protect Rural England</b>	The National Planning Policy Framework was published in March 2012. One of the 12 planning principles set out in the National Planning Policy

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>planning system, had seen the abandonment of policies aimed at making re-use of previously developed land a priority. They submitted that this was likely to lead to increased urban sprawl and environmental degradation. They also highlighted research by <b>Campaign to Protect Rural England</b> showing that very substantial amounts of brownfield land remained in the region and continues to be produced. They felt that the goal of urban regeneration would suffer significantly through the abandonment of this 'brownfield first' policy - with negative consequences for the environment.</p>		<p>Framework is that planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. The National Planning Policy Framework makes it clear that local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land (para 111).</p>
31	<p><b>Individual Topics - Coast</b></p>	<p><b>Helen Chadwick Consulting</b> commented that in the East Midlands mitigation and adaptation to climate change has been driven by regional work based on the Regional Strategy. Specifically, an important study on the Lincolnshire Coast had begun to address the issues of sea level rise for that area and helped to formulate a coordinated approach to the very difficult issue of housing development in an area that may in a relatively few years have to manage a population decline as land is lost to the sea. They considered that this type of study would be extremely difficult for</p>	<p><b>Helen Chadwick Consulting, Scottish Natural Heritage</b></p>	<p>The National Planning Policy Framework was published in March 2012. The core planning principles recognise that planning should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. The National Planning Policy Framework also asks that local planning authorities should set out the strategic priorities for the area in the Local Plan, and that this should include strategic policies to deliver the provision of infrastructure for coastal change management. In coastal areas, local planning authorities should take account of the UK Marine Policy Statement</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>local authorities to manage alone and the regional approach had allowed a pragmatic solution to be achieved, which all stakeholders could work together to deliver. In addition, most local plans had no policy relating to renewable energy and the Regional Strategy had been the main source of policy for deciding planning applications for onshore wind. The development of this policy was likely to take quite some time, potentially undermining these developments following revocation.</p> <p><b>Scottish Natural Heritage</b> noted that the environmental reports refer to the requirement for Shoreline Management Plans and Integrated Coastal Management and that these provide a degree of strategic planning for the coastal and marine environment.</p>		<p>and marine plans and apply Integrated Coastal Zone Management across local authority and land/sea boundaries, ensuring integration of the terrestrial and marine planning regimes. Local planning authorities should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas or adding to the impacts of physical changes to the coast. They should identify as a Coastal Change Management Area any area likely to be affected by physical changes to the coast, and: be clear as to what development will be appropriate in such areas and in what circumstances; and make provision for development and infrastructure that needs to be relocated away from Coastal Change Management Areas.</p> <p>When assessing applications, authorities should consider development in a Coastal Change Management Area appropriate where it is demonstrated that: it will be safe over its planned lifetime and will not have an unacceptable impact on coastal change; the character of the coast including designations is not compromised; the development provides wider sustainability benefits; and the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast.</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
				<p>Local planning authorities should also ensure appropriate development in a Coastal Change Management Area is not impacted by coastal change by limiting the planned life-time of the proposed development through temporary permission and restoration conditions.</p>
32	<b>Individual topics- Flooding</b>	<p>Welcome the recognition that local authorities should continue to work together on issues that cross local authority boundaries, alongside the Lead Local Flood Authorities' duties on flood risk management and the complementary duty in the Floods and Water Management Act on bodies to cooperate. The provision of technical guidance, including on flood and coastal erosion risk, to complement the National Planning Policy Framework would support Lead Local Flood Authorities and help achieve the duty to co-operate.</p>	<b>Environment Agency</b>	<p>In March 2012 the Government published the National Planning Policy Framework which contains policies to manage the risk of flooding through the planning system, together with technical guidance on flooding. The National Planning Policy Framework also states that Local planning authorities should set out the strategic priorities for the area in the Local Plan. This should include strategic policies to deliver: the provision of infrastructure for flood risk and coastal change management.</p>
33	<b>Individual Topics - Managed Woodland</b>	<p>The <b>Woodland Trust</b> considered that Policy 29 of the Regional Strategy was a strong policy for protection and enhancement of biodiversity and Policy 30 gives similarly strong protection to trees and woodland and in particular to ancient woodland. They sought</p>	<b>Woodland Trust</b>	<p>The National Planning Policy Framework was published in March 2012, and makes specific reference for local authorities to plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure (paras 99 and 114).</p>

No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>stronger policy in the National Planning Policy Framework as they considered that there was no guarantee that local authorities would adopt such strong protection in their local development frameworks.</p>		<p>The National Planning Policy Framework states that Local Plans should contain a clear strategy for supporting Nature Improvement Areas where they have been identified. The National Planning Policy Framework also recognises the important role that Local Nature Partnerships have to play in advising local planning authorities, including the assessment of potential new, as well as existing components of ecological networks (para 165).</p> <p>The National Planning Policy Framework also recognises that Community Forests offer valuable opportunities for improving the environment around towns, by upgrading the landscape and providing for recreation and wildlife. An approved Community Forest plan may be a material consideration in preparing development plans and in deciding planning applications.</p>
34	<p><b>Individual topics- Countryside</b></p>	<p>The <b>Campaign to Protect Rural England East Midlands</b> commented that the East Midlands Regional Plan had policies to protect undesignated countryside, particularly important as only a very small proportion of the East Midlands countryside had designations of any kind. They were not confident in the assertion in page 59 of the Environmental Report that Local Authorities “should continue</p>	<p><b>Campaign to Protect Rural England East Midlands</b></p>	



No	General	Detailed comments on the initial Environmental Report	Raised by	Response
		<p>to work together" post-revocation. They were unclear whether the cross-regional network (East Midlands Landscape Partnership), it still existed, would have much impact in the absence of any cross-boundary structure to relate to.</p> <p>They were unclear how the protection for at least the best value agricultural land offered by the East Midlands Plan would be achieved post-revocation. The Environmental Report stated on page 34 that Local Authorities were "best placed to take decisions as to whether to allow development on higher quality agricultural land." The Campaign to Protect Rural England believed this did not take into account the pressures Local Planning Authorities will be under to approve planning proposals if doing so would increase revenue and farmers were prepared to sell the land because they could no longer make a living given the well-documented pressures they were under.</p>		



# Consultation and Partner Engagement – Updated Environmental Report

Public consultation on the updated Environmental Report on the revocation of the East Midlands Regional Strategy ran from 23 October 2012 to 19 December 2012.

The updated Environmental Report indicated that the Government welcomed, in particular, views on:

- whether there is any additional information that should be contained with the baseline or review of plans and programmes;
- whether the likely significant effects on the environment from revoking the Regional Strategy for the East Midlands have been identified, described and assessed;
- whether the likely significant effects on the environment from considering the reasonable alternatives to revoking the Regional Strategy for the East Midlands have been identified, described and assessed; and,
- the arrangements for monitoring.

In total 11 detailed written responses were received summarised by interest group:

- 3 Strategic Environmental Assessment consultation bodies (Environment Agency, Natural England, English Heritage);
- 3 Local planning authorities (Derbyshire County Council, Nottinghamshire County Council and the Peak District National Park Authority);
- 2 Non Government Organisations and local pressure groups (Town and Country Planning Association and Campaign to Protect Rural England, East Midlands Branch);
- 1 Industry representative (RenewableUK); and
- 2 Developers and planning consultants (Iceni Projects (on behalf of Cogent Land LLP) and Pegasus Planning Group (on behalf of Redrow Homes).

In addition 2 statutory consultees (Scottish Natural Heritage and Historic Scotland) responded that they had no detailed comments to make on the updated Environmental Report and they anticipated no effects from the Plan to Revoke on environmental assets in Scotland.

The following table summarised the points made and the Government's response.

**Table B1 Responses to the consultation on the updated Environmental Report (published in October 2012)**

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
1.	<p><b>The overall approach taken to Strategic Environmental Assessment</b></p>	<p><b>Natural England</b> welcomed the updated Environmental Report, which they consider is a significant improvement over the previous iteration.</p> <p>The <b>Environment Agency</b> agreed with the overall approach and welcomed the updated Environmental Report as much more detailed and clearer document than the previous one. They were pleased to note that most of their previous comments on the initial Environmental Report were reflected in Appendix F of the updated Environmental Report.</p> <p><b>English Heritage</b> stated that the updated Environmental Report provides a much more rigorous assessment than its predecessor of the potential implications which revocation of the regional strategy will have on the region's historic environment.</p> <p><b>Town and Country Planning Association</b> welcomes the fact that the Strategic Environmental Assessment process has been repeated with a methodology more closely aligned to the requirements of the Strategic</p>	<p>Comments noted.</p> <p>The Government welcomes the fact that the three English Strategic Environmental Assessment consultation bodies, English Heritage, Natural England and the Environment Agency consider the updated Environmental Report on the proposed revocation of the East Midlands Regional Strategy provides a rigorous approach to the preparation of the Strategic Environmental Assessment and is an improvement on the initial Environmental Report published in October 2011.</p> <p>The Government welcomes the comments on the updated Environmental Report which has been welcomed and thought robust by a nationally recognised Non Government Organisation.</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		Environmental Assessment Directive.	
2.	<b>The overall approach taken to Strategic Environmental Assessment</b>	<b>Natural England</b> noted that the presentation of the material within Chapter 4 (Assessment of Effects of Revoking the Regional Strategy) and subsequent conclusions do not include sufficient justification for the scoring of the effects of revocation upon Strategic Environmental Assessment topics. This lack of justification and scoring and has led to different sections of the report reaching different conclusions regarding environmental impact. They thought it usual for an environmental report to include a commentary of how the scores in the matrix are determined. Where there is uncertainty or conflict within the assessment, a commentary should identify how the score has been reached.	<p>Comments noted.</p> <p>Section 3 of the updated Environmental Report sets out the Strategic Environmental Assessment methodology used in the assessment. This includes the steps in the Strategic Environmental Assessment process, when it was undertaken and by whom (Section 3.1), the scope of the assessment and the topics considered (Section 3.2), the baseline and contextual information used (Section 3.3) and the approach taken to completing the assessment (Section 3.4). Technical difficulties encountered during the assessment are also summarised (Section 3.5).</p> <p>Section 3.4 sets out the two stage nature of the assessment:</p> <ul style="list-style-type: none"> <li>- A high level (or screening) assessment of the effects of the proposals for each Regional Strategy policy against all Strategic Environmental Assessment topics to identify those where there could be a likely significant effect; and</li> <li>- A detailed assessment of the likely significant effects (both positive and negative) identified</li> </ul>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
			<p>through the high level assessment of each Regional Strategy policy, presented under each Strategic Environmental Assessment topic.</p> <p>The high level assessment is presented in Appendix D in an assessment matrix covering the effects of retention and revocation of each Regional Strategy policy against all Strategic Environmental Assessment topics in the short, medium and long term and includes consideration of permanent and temporary and positive and negative effects. The commentary outlines the likely significant effects, justification for the scores given, any mitigation measures, assumptions and uncertainties.</p> <p>The detailed assessment is presented in Appendix E at the end of each topic chapter. The topic chapters contain information required by Annex I (b) to (g) of the Strategic Environmental Assessment Directive.</p> <p>Secondary, cumulative and synergistic effects are also specifically considered in section 4.5 and summarised in table NTS3.</p> <p>All information is summarised in Chapters 4 and 5 of the updated Environmental Report and then further summarised in the NTS. Therefore the scorings and</p>

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			assessments do inform the conclusions set out in the updated Environmental Report, although the justification for them is set out in Appendix D and E rather than in Section 4 and the subsequent conclusions.
3.	<b>The overall approach taken to Strategic Environmental Assessment – reasonable alternatives</b>	<p>The <b>Environment Agency</b> agreed with the overall approach taken to appraise options, including the wider range of alternatives. The assessment provides an opportunity to identify significant environmental impacts of revoking the Regional Strategy, and options for mitigating these impacts.</p> <p><b>Redrow Homes</b> considers that the report does not contain an acceptable assessment of the identified reasonable alternatives as no plausible proposition is provided to describe a mechanism that will deliver the housing requirements in the Regional Strategy in the period to 2026.</p>	<p>Comments noted.</p> <p>The Government welcomes the comment from the Environment Agency that the updated Environmental Report gives suitable reasonable alternatives to the revocation of the East Midlands Regional Strategy as originally proposed.</p> <p>Disagree.</p> <p>Section 2.4.1 and 2.4.2 of the updated Environmental Report summarises the range of alternatives considered for revocation, partial revocation and retention of the East Midlands Regional Strategy. A summary is provided for each alternative considered along with the conclusion of whether the alternative is reasonable and the justification for the conclusion.</p> <p>In section 2.4.1 of the updated Environmental Report, retention, maintenance and updating of the</p>



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			<p>East Midlands Regional Strategy is one of the alternatives considered. Section 2.4.2 sets out partial revocation alternatives including the retention of quantitative policies for a transitional period.</p> <p>Chapter 4 contains a summary of the assessment. Section 4.2 outlines the effects of revoking the East Midlands Regional Strategy. Section 4.3 sets out the effects of retaining the East Midlands Regional Strategy and Section 4.4 sets out the effects of the partial revocation alternatives. These effects are discussed in detail in Appendix D in an assessment matrix covering the effects of retention and revocation of each Regional Strategy policy against all Strategic Environmental Assessment topics in the short, medium and long term and includes consideration of permanent and temporary and positive and negative effects. The commentary outlines the likely significant effects, justification for the scores given, any mitigation measures, assumptions and uncertainties.</p> <p>The detailed assessment is presented in Appendix E at the end of each topic chapter focusing on the likely significant effects.</p> <p>Secondary, cumulative and synergistic effects are</p>

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			<p>also specifically considered in section 4.5.</p> <p>All information is summarised in the Non-Technical Summary.</p> <p>The effects of each of these alternatives is also summarised within Chapter 5 of this Post Adoption Statement.</p> <p>The National Planning Policy Framework is clear that:</p> <ul style="list-style-type: none"> <li>• the planning system should be genuinely planned and support sustainable economic growth, proactively driving the homes and jobs that we need.</li> <li>• local councils should plan to meet their housing need, based upon objectively assessed evidence, and should identify a 5 year supply of deliverable sites.</li> <li>• in line with the presumption in favour of sustainable development, local councils should approve development that accords with the local plan. Where that plan is out of date, councils must grant planning permission for development that is sustainable without delay.</li> </ul>

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			<ul style="list-style-type: none"> <li>local councils must plan in their local plans for strategic development, reflecting the strategic priorities set out at paragraph 156 of the Framework.</li> </ul> <p>It will be through these measures that local planning authorities will determine policies to meet the objectively assessed needs (including housing) of their local communities. This is a robust mechanism to deliver development appropriate to the demands of the local communities.</p>
4.	<p><b>The overall approach taken to Strategic Environmental Assessment</b></p>	<p><b>Campaign to Protect Rural England</b> state that the Strategic Environmental Assessment was flawed as it:</p> <ul style="list-style-type: none"> <li>relies on an optimistic view of the delivery of environmental protection in local plans and the National Planning Policy Framework</li> <li>relies on untested processes for co-operation between local authorities</li> <li>fails to address how the current arrangements might be improved to ensure an approach to strategic planning which is rigorous and engages all sectors.</li> <li>fails to address how the Government should</li> </ul>	<p>Disagree</p> <p>The assessment does not rely only on the delivery of environmental protection in local plans and the National Planning Policy Framework but refers to a hierarchy of measures that will apply in the absence of the Regional Strategy. These include:</p> <ul style="list-style-type: none"> <li>existing legislation concerning environmental protection (such as the Habitats Directive (92/43/EEC), Water Framework Directive (2000/60/EC), the Floods and Water Management Act 2010)</li> <li>existing planning policy (such as the National Planning Policy Framework and Planning Policy</li> </ul>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>tackle the acknowledged regional and national disparities which it envisages emerging</p> <p>However, despite the above comments, <b>Campaign to Protect Rural England</b> concluded that they did not see any reason not to rapidly revoke the East Midlands Regional Strategy. However, they believed it was inherently difficult to assess the impact of the revocation of Regional Strategies and were concerned that when considering alternative options the assessment does not appear to consider modifications to the new planning regime or institutions to ensure account is taken of strategic planning in the round</p>	<p>Statement 10)</p> <ul style="list-style-type: none"> <li>• other government policy (such as that articulated in the Natural Environment White Paper)</li> <li>• actions by other organisations subject to statutory requirements such as water companies and requirements under the Water Industry Act 1991, as amended by the Water Act 2003 concerning water resource management planning.</li> </ul> <p>In many instances, particularly for policies of a pervasive and non-spatially specific nature, the specific paragraphs of the National Planning Policy Framework have been referenced in the individual policy assessments to provide a substantial alternative source of planning policy relevant to the Local Plan. For a number of Regional Strategy policies it has also been considered relevant to reference the duty to co-operate. Where this is the case, specific local examples of current cooperation are also cited where available. Examples where authorities have been co-operating include the East Midlands Aggregate Working Party, Climate East Midlands, East Midlands Councils, the East Midlands Biodiversity Partnership, and four local authorities who have worked together to prepare the North Northamptonshire Core Strategy.</p>

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5.	<b>The overall approach taken to Strategic Environmental Assessment</b>	<b>Derbyshire County Council</b> considers that full revocation of the Regional Strategy would leave a policy vacuum in parts of Derbyshire relating to design, climate change, biodiversity including local wildlife sites, renewable energy and flood risk. Green Infrastructure policy is not a substitute for policy to protect and enhance landscape character. This would weaken the aspiration of the National Planning Policy Framework to facilitate sustainable development.	<p>Comments noted.</p> <p>The Government notes that local planning authorities are at different stages of preparing and updating their local plans across the region. From the end of March 2013 transitional arrangements on the implementation of the National Planning Policy Framework will cease to apply. From that point, in considering all decisions for planning permission, due weight will be given to relevant policies in all existing plans according to the degree of consistency with the policies in the National Planning Policy Framework. The closer policies are to policies in the National Planning Policy Framework the greater the weight that may be given.</p> <p>The National Planning Policy Framework also expects local planning authorities to set criteria based policies against which proposals for development on or affecting protected wildlife sites or landscape areas will be judged. Paragraph 113 makes explicit reference to locally designated sites, which include 'Local Wildlife Sites'. Paragraph 170 states that, where appropriate, landscape character assessments should also be prepared, integrated with assessment of historic landscape character.</p>

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		<p><b>Redrow Homes</b> considers that the revocation will not lead to achievement of sustainable development with a strong productive economy that seeks to bring jobs and prosperity for all. It will create a policy vacuum</p>	<p>Delivery of plans is increasing: across the East Midlands 4 councils have adopted Local Plans since May 2011, compared with 9 councils that had adopted local plans over the previous 7 years. 37% of councils have a plan adopted post-2004. And overall 61% of councils now have a published plan.</p> <p>Disagree.</p> <p>Section 39 of the Planning and Compulsory Purchase Act 2004 makes it a statutory requirement that any person who or body which exercises any function in relation to local development documents must exercise the function with the objective of contributing to the achievement of sustainable development. .</p> <p>Section 4.2.1 of the updated Environmental Report states that <i>'The National Planning Policy Framework sets out that the purpose of planning is to help achieve sustainable development. The presumption in favour of sustainable development is at the heart of the National Planning Policy Framework and is reflected in plan making and decision taking. The strong emphasis on sustainable development which already permeates planning will continue following</i></p>

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			<p><i>revocation due to the strong emphasis in the National Planning Policy Framework. The presumption in favour of sustainable development and its policies to boost the supply of housing will help where plans or policies are absent, silent or out of date.'</i></p> <p>In addition, the benefits from more localised policies are noted in key points summarised in the Non-Technical Summary. Page xvi of the Non Technical Summary in the section headed 'What are the likely significant effects of the plan to revoke the East Midlands Regional Strategy and the reasonable alternatives?'. The section states that '<i>a locally-led approach could ensure that the adverse effects are more effectively mitigated. This could be through a more detailed understanding of local environmental capacity issues and possibly more diverse and locally-specific spatial distributions of development</i>'.</p> <p>As summarised previously, revocation does not leave a policy vacuum but will be based on a hierarchy of measures that will apply in the short to long term in the absence of the Regional Strategy. These include:</p> <ul style="list-style-type: none"> <li>• existing legislation concerning environmental protection (such as the Habitats Directive</li> </ul>

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			<p>(92/43/EEC), Water Framework Directive (2000/60/EC) and the Floods and Water Management Act 2010);</p> <ul style="list-style-type: none"> <li>• existing planning policy (such as the National Planning Policy Framework and Planning Policy Statement 10);</li> <li>• other government policy (such as that articulated in the Natural Environment White Paper); and</li> <li>• actions by other organisations subject to statutory requirements such as water companies and requirements under the Water Industry Act 1991, as amended by the Water Act 2003 concerning water resource management planning.</li> </ul> <p>In many instances, particularly for policies of a pervasive and non-spatially specific nature, there are specific paragraphs of the National Planning Policy Framework that provide a substantial alternative source of planning policy relevant to the Local Plan.</p> <p>The Government's planning reforms also include a package of incentives to encourage growth. These include the New Homes Bonus which rewards communities for each new home built; the</p>



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			<p>Community Infrastructure Levy which enables councils to levy money on new development; and the Business Rates Retention which allows authorities to directly profit from business rates raised in their area. In consequence, the Government disagrees with the view that these actions have been taken without the intention to stimulate sustainable economic growth.</p>
6.	<p><b>The overall approach taken to Strategic Environmental Assessment - housing</b></p>	<p><b>Redrow Homes</b> states it is not feasible to substantiate the claim in the updated environmental report that revocation is because of unpopularity of housing targets. This is because the Panel Report into the Examination in Public made it clear that it had not sought to establish a top-down figure of housing supply, but had based its recommendation on household projections.</p>	<p>Disagree</p> <p>Section 2.4 of the updated Environmental Report states 'Regional Strategies set targets such as housing numbers for local authorities. In some areas this proved highly controversial, generated thousands of objections and is not consistent with the principles of localism. This Government believes that democratically elected local authorities working with their local people are better placed to assess and plan for the needs of their community, and make planning decisions, rather than unelected regional bodies. The Government therefore proposes revoking the East Midlands Regional Strategy.' The paragraph does not state that revocation is occurring because of the unpopularity of housing targets.</p> <p>The Government proposed the plan to revoke the</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p><b>Redrow Homes</b> considers that given the Environmental Report does not identify any topics/areas where retention of the policies presently contained within the Strategy would have any significant effects, and that revocation of housing policies are similar to that for retention, there is no discernible reason to revoke the Strategy or the relevant housing policies.</p> <p><b>Iceni Projects Ltd</b> consider that the Regional Strategy as a whole is considered to have positive environmental impacts (except for</p>	<p>East Midlands Regional Strategy because it believes that planning works best when the people it affects are placed at the heart of the system – and that when they are empowered, there is a greater stimulus for growth. Every local area has its own set of needs and priorities, its aspirations, unique features and heritage. Only local people understand this so when they have tools to plan, development happens through consensus by recognition of the benefits of development to the community and with wider benefits for growth.</p> <p>In addition, section 2.4 of the updated Environmental Report makes clear that Regional Strategies have not led to the expected level of plan provision for housing. Regional Strategies set housing targets on the basis that these would be incorporated into plans by local authorities, and that the market would deliver them.</p> <p>Disagree.</p> <p>The assessment concluded that the range of effects of revocation and retention were likely to be broadly similar; however, that there were differences in scale and timing of the effects for 17 of the 82 policies assessed. These include policies for</p>

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		<p>water), and that revocation would have detrimental impacts on the environment.</p>	<p>employment land, housing provision and sub-regional centres and were not just in relation to the operation of the duty to co-operate.</p> <p>Section 4.6 summarises the findings of the assessment and includes the following:</p> <p><i>‘Where it occurs, differentiation is most clear in respect of housing and employment allocations where the negative effects of top-down allocations could be tempered by more detailed understanding of environmental capacity issues and possibly more diverse and locally-specific spatial distributions of development (e.g. less reliance on urban extensions). However, in the opinion of AMEC, revocation does score more uncertainly in the short and medium term. Similar uncertainty was scored for the revocation of policies on provision for gypsies and travellers. This may occur where plans are out of date or due to the transition period for those authorities who need to establish the arrangements under the duty to co-operate to deliver such strategic policies and then reflect them in an adopted plan.’</i></p> <p>These comments summarise the uncertainties identified in the assessment concerning how the duty to co-operate will work and temper any</p>

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		<p><b>Redrow Homes</b> considers that there is a significant flaw in the assessment process, leading to an unsustainable policy vacuum as 5 year housing supply, as required in National Planning Policy Framework, can only be assessed against an up-to-date plan. Where local plans are out-of-date, this can only be the Regional Strategy.</p>	<p>assumptions made on its effectiveness. The assumptions and associated uncertainties are also summarised in section 3.4.5 of the updated Environmental Report.</p> <p>It is Government policy to boost significantly the supply of new housing, for example through initiatives such as the Community Infrastructure Levy, New Homes Bonus and the local retention of business rates, which are intended to encourage a more positive attitude to growth and allow communities to share the benefits and mitigate the negative effects of growth. In addition, the Growth and Infrastructure Bill similarly seeks to address issues affecting current housing supply. Revocation of the East Midlands Regional Strategy, the National Planning Policy Framework policies and the presumption in favour of sustainable development are only part of this commitment to growth and housing provision.</p> <p>The National Planning Policy Framework and the duty to co-operate require that local planning authorities use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with policies set out in the Framework (including, for</p>

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		<p><b>Redrow Homes</b> expresses a number of concerns with the Environmental Report, including:</p> <ul style="list-style-type: none"> <li>- it does not evaluate in any meaningful way the implications of revocation on an appropriate level of housing provision to address issues set out in National Planning Policy Framework (containing vague and unsubstantiated aspirations (based on New Homes Bonus and duty to co-operate) rather than a robust/sound evaluation of environmental effects)</li> <li>- it does not consider how displaced housing need will be met if local authorities plan on basis of household projections using a zero net migration scenario, nor evaluate impact on the local population of such an occurrence;</li> <li>- it does not represent a robust evidence base against which to assess the full implications of</li> </ul>	<p>example, those on environmental designations). They should prepare Strategic Housing Market Assessment to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries.</p> <p>The National Planning Policy Framework states that it is 'highly desirable that local planning authorities should have an up-to-date plan in place' and, where plans are absent, silent or out of date, the National Planning Policy Framework's presumption in favour of sustainable development will apply. In particular, where a local authority cannot deliver a five year supply of deliverable sites, the relevant local policies for the supply of housing should not be considered up to date. In such cases, the decision taker will apply the presumption in favour of sustainable development, taking into account all relevant planning considerations. The presumption is clearly set out at paragraph 14 of the National Planning Policy Framework in respect of both plan-making and decision taking.</p> <p>From the end of March 2013 transitional arrangements on the implementation of the National Planning Policy Framework will cease to apply. From that point, in considering all decisions for planning permission, due weight will be given to</p>

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		<p>the proposed revocation of the Regional Strategy (especially as revocation will sustain existing undersupply of housing)</p> <ul style="list-style-type: none"> <li>- it does not consider the social or environmental implications of a planning system that knowingly fails to deliver new homes and jobs where they are needed</li> <li>- it does not consider the possibility that the housing provision in the Regional Strategy may not be adequate.</li> </ul>	<p>relevant policies in all existing plans according to the degree of consistency with the policies in the National Planning Policy Framework. The closer policies are to policies in the National Planning Policy Framework the greater the weight that may be given.</p> <p>Disagree</p> <p>Section 1.3 of the updated Environmental Report sets out the purpose of the assessment which is to identify, describe and assess the likely significant environmental effects associated with the plan to revoke the Regional Strategies and reasonable alternatives. As has been noted above, section 2.4 sets out the reasonable alternatives and the justification for considering them further within the assessment. These were based on the th Government's own views and consultation responses to the initial Environmental Report.</p> <p>Appendix D of the updated Environmental Report sets out an assessment matrix covering the effects of retention and revocation of each Regional Strategy policy against all Strategic Environmental Assessment topics in the short, medium and long term and includes consideration of permanent and</p>

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		<p><b>Iceni projects Ltd</b> consider that the updated Environmental Report's conclusion that retention and revocation of housing policies would have the same impacts on the environment (particularly population and human health) is not justified given the choice of many local planning authorities to reduce housing requirements to levels below that set out in the Regional Strategy.</p> <p><b>Redrow Homes</b> considers that the updated environmental report fails to mention the significant negative effect that would arise from decreased housebuilding as a consequence of revocation of the Regional Strategy. It considers</p>	<p>temporary and positive and negative effects.</p> <p>Appendix E then contains an assessment of the likely significant effects (by topic) of the revocation and retention of individual policies drawing on the assessment of all policies in Appendix D. The topic chapters contain information required by Annex I (b) to (g) of the Strategic Environmental Assessment Directive. This includes information on: biodiversity; population; human health; fauna; flora; soil; water; air; climatic factors; material assets; cultural heritage, including architectural and archaeological heritage; landscape; and the inter-relationship between the issues referred to. The topic chapters concerning population and human health enabled the assessment to capture social implications. Proportionate to the plan to revoke, the information represented is national and regional in nature.</p> <p>The assessment uses definitions of significance for each of the assessment topics to aid transparency and consistency in the assessment and minimise the likelihood of any subjectivity. These are presented in each topic chapter of Appendix E</p> <p>Necessarily though, when considering future effects in an uncertain and changing environment, there remains a degree of professional judgement</p>

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		<p>the report's conclusion that retention and revocation would have the same positive effect upon the population as implausible especially when the report maintains that development would be greater under retention due to greater certainty/clarity inherent in the Regional Strategy.</p> <p><b>Redrow Homes</b> considers that the environmental report does not grapple with the adverse consequences of a reduction in housing provision upon the population of the region (including impact on housing affordability and labour mobility), the extent of the housing problem in the region or evaluate the implications, or the effect upon the quality of life.</p>	<p>involved; however, any assumptions made are explicit within each policy assessment in Appendix D and within section 3.4.5 of the Environmental Report.</p> <p>The assessment concluded that the range of effects of revocation and retention were likely to be broadly similar; however, that there could be differences in scale and timing of the effects. For example, for revocation, there may be more uncertainty about impacts in the short and medium term due to the transition period for those local planning authorities that need to establish Local Plan policies that reflect the objectively assessed and up to date needs of their respective local communities.</p> <p>Disagree/Comments noted.</p> <p>Housing figures for the region are not totalled; however with 28 local plans not containing housing policies in conformity with Regional Strategy policy 13 or 13a, there is a difference which is acknowledged in the report. In addition, page 64 of the report (section 4.2.1) states that <i>'For those authorities without an adopted plan, the Regional</i></p>



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			<p><i>Strategy provided clarity on the quantum of development required; however, in the short term following its revocation, there is likely to be a temporary (short term) period where some local authorities revert to the original Local Plan whilst it develops a replacement. It is AMEC's view that the amount of development anticipated in this short period is likely to be lower than if the Regional Strategy were in place.</i></p> <p>Any total will be subject to change over time, dependent on the content of adopted new local plan policies. However, given the updated Environmental Report explicitly recognises that the need for new housing remains, and combined with the policies in the National Planning Policy Framework to boost the supply of housing, there is no material difference to the overall environmental assessment (including on population and human health).</p> <p>Appendix E of the updated Environmental Report presents the detailed information that makes up the baseline for the 12 Strategic Environmental Assessments topics considered in the assessment of the plan to revoke the East Midlands Regional Strategy. The information set out is national and regional in nature, and identifies a variety of</p>

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			potential issues related to housing provision, including the effects on population and human health. Key issues such as affordability and intra-regional disparities of wealth and housing conditions are identified, as is the complexity of the interaction between policy issues.
7.	<b>The overall approach taken to Strategic Environmental Assessment</b>	<b>Peak District National Park Authority</b> consider Table NTS2 and the summary of likely significant effects fails to highlight the loss of spatial clarity (from the removal of certain identified policies in the Plan) and the strategic significance of any national park designation as clear differences between retention and revocation. Table NTS2 does not adequately recognise the cross boundary growth considerations faced by the National Park and surrounding authorities for residential and employment growth, mineral extraction and waste. Lack of cross-boundary consideration applies also to Table NTS3 which has perhaps led to the conclusion on landscape and long term impacts	<p>Comments noted.</p> <p>Table NTS 2 presents a summary of the environmental effects of revocation, retention and the partial revocation reasonable alternatives to full revocation on each of the policy areas contained in the East Midlands Regional Strategy. It includes consideration of the short, medium and long term permanent and temporary, positive and negative effects. In doing so it reflects the impact of the policy as it is applied geographically, rather than look at localised effects. Necessarily, the highly abbreviated information contained in NTS2 is expanded upon in the text of the NTS, Chapter 4 of the main report and Appendix D and E.</p> <p>The Government recognises the importance of strategic planning and the National Planning Policy Framework, makes it clear that strategic priorities across local boundaries should be properly co-</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
			<p>ordinated and clearly reflected in individual local plans. This should include strategic policies to deliver: the homes and jobs needed in the area; the provision of retail, leisure and other commercial development; the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat); the provision of health, security, community and cultural infrastructure and other local facilities; and climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.</p> <p>Strategic matters such as housing, infrastructure and transport connections are vital to attract investment into an area and generate economic growth. However, for strategic planning to work on the ground, councils need to work together and with a range of bodies.</p> <p>Existing legislation concerning environmental protection (such as the Habitats Directive (92/43/EEC), Water Framework Directive (2000/60/EC), the Floods and Water Management Act 2010 – which includes a duty to co-operate) is</p>

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		<p><b>Peak District National Park Authority</b> consider the first two paragraphs of section 4.3.1 of the updated Environmental Report and the final paragraph of the comment in the first row of Table 4.5 directly contradict the overall finding of no clear difference between retention and revocation at section 4.4.3.</p>	<p>part of the hierarchy of measures that will apply in the absence of the East Midlands Regional Strategy. In addition Section 62 of the Environment Act 1995, which inserts a new section 11A into the National Parks and Access to the Countryside Act 1949. This provision creates a new statutory duty, not only on National Park Authorities but also other 'relevant authorities' - which include all public bodies and therefore all local authorities - to have regard to the purposes of designation when exercising or performing any functions in relation to, or so as to affect, land in a National Park.</p> <p>Disagree</p> <p>The first two paragraphs of section 4.3.1 of the updated Environmental Report state the following:</p> <p><i>'The effects of retaining these policies will be largely positive across many of the SEA topics but with those positive effects being significant in the longer term in relation to biodiversity/flora/fauna, population/ health, cultural heritage and landscape.</i></p> <p><i>The uncertainty of effects identified under revocation in the short term would not apply to retention. With continuity of policy the positive effects of</i></p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p><b>Peak District National Park Authority</b> consider that Table 1.3 of Appendix E should identify the mitigating effects of spatial distribution policies in the existing East Midlands Regional Plan on the pressures imposed on the National Park.</p>	<p><i>development identified would be experienced in the short term as the amount of development is likely to be higher than under revocation due to the greater clarity over the scale of development needed as set out in the East Midlands Regional Strategy.'</i></p> <p>The final paragraph of the first row of Table 4.5 which concerns secondary, cumulative and synergistic effects notes '<i>For the protection and enhancement of environmental resources more generally, the cumulative effects of the absence of regional policy frameworks and associated resources is harder to determine over the longer term. Whether Regional Strategy policies specifically relating to biodiversity and landscape resources, for example, can adequately realise their potential in the absence of a unifying policy framework is uncertain. Here, the cumulative impacts could be associated with increasingly lost opportunities to plan strategically for these interests.'</i></p> <p>There is no contradiction between these points which outline the effects of the potential greater uncertainty resulting from revocation in the view of the assessment authors.</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
			<p>The purpose of Table 1.3 is to identify strategic biodiversity issues derived from the original Sustainability Appraisal and Appropriate Assessment of the Regional Strategy as a whole, and not to assess specific policy implications which is the purpose of the Strategic Environmental Assessment.</p>
8.	<p><b>Additional information that should be included</b></p>	<p><b>Peak District National Park Authority</b> express concern that the only Park Authority comment summarised in Appendix F of the updated Environmental Report is that relating to the process of co-operation, rather than any of its topic based concerns</p>	<p>Appendix F details the responses of the statutory consultees on the Scoping Report and the initial Environmental Report. These were grouped by key points made by consultees and the topic concerns raised by many stakeholders were summarised to accompany the updated Environmental Report. Any unintentional oversight in attributing views should not be interpreted as any one submission not being given due attention in the process.</p>
9.	<p><b>The overall approach taken to Strategic Environmental Assessment – predetermination</b></p>	<p><b>Iceni Projects Ltd</b> commented that it was clear that the Government was determined to revoke all regional strategies (including the RS) as a matter of principle. They considered that this undermined the purpose of the consultation exercise and cast serious doubt on the robustness of any conclusions. They referred to</p>	<p>Disagree.</p> <p>The Government announced in the Coalition Agreement its policy intention to “rapidly abolish regional spatial strategies and return decision-making powers on housing and planning to local councils”. The policy intention has been subject to extended consultation (through Strategic</p>

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		<p>Article 6(5) of the Strategic Environmental Assessment Directive which they said emphasises the high importance of proper public consultation. In their view it followed that a failure to properly undertake this process fatally undermines its legality.</p> <p><b>Redrow Homes</b> states that the Localism Act 2011 represents pre-emptive action by Government which has created a self-induced rationale for revocation. This reduces the number of possible alternatives, as retention is no longer feasible, and the updated environmental report conceals this fact. <b>Redrow Homes</b> considers that the benefits of revocation to the achievement of sustainable development cannot be observed and the impression is that the report represents a veneer for a political decision without the benefit of an objectively assessed evidence base.</p>	<p>Environmental Assessment for a total period of 5 months) and been assessed against the requirements of the Strategic Environmental Assessment Directive twice. Article 6(5) of the Strategic Environmental Assessment Directive (2001/42/EC) requires Member States to determine their own detailed consultation arrangements. For England, these are set out in Regulation 13 of The Environmental Assessment of Plans and Programmes Regulations 2004.</p> <p>Whilst the Government has presented a preferred option, it has not been inflexible and retained an open mind. For example, the Government's decision to partially revoke the Yorkshire and Humber Regional Strategy following consultation on the environmental report on the proposed full revocation, demonstrates that the Government is open to considering changes to the plan to revoke which include retention of Regional Strategy policies where the assessment concluded that revocation could lead to significant environmental effects.</p> <p>If, as a result of monitoring of the effects, it became apparent that implementation of the revocation had lead to significant negative environmental effects,</p>

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		<p><b>Redrow Homes</b> argues that simply because local planning authorities have failed in their duty to prepare up-to-date developments plans, and opposition to regional housing targets, are unacceptable and implausible reasons for revoking the East of England Regional Strategy, and the same “reasoning” is inappropriate for revoking this Regional Strategy</p>	<p>the Government would have to consider measures to address or mitigate those effects.</p> <p>Disagree.</p> <p>The Government proposed the plan to revoke the East Midlands Regional Strategy because it believes that planning works best when the people it affects are placed at the heart of the system – and that when they are empowered, there is a greater stimulus for growth. Every local area has its own set of needs and priorities, its aspirations, unique features and heritage. Only local people understand this so when they have tools to plan, development happens through consensus by recognition of the benefits of development to the community and with wider benefits for growth.</p>
10.	<p><b>Additional information that should be contained with the baseline or review of plans and programmes</b></p>	<p><b>English Heritage</b> consider that the overview of the historic environment for the region is poorly presented and has significant omissions, such as any reference to the historic environment of Northamptonshire. There is no reference to the importance of locally important and undesignated assets, such as the survival of medieval field systems (ridge and furrow).</p>	<p>Comments noted.</p> <p>Chapter 9 of Appendix E of the updated Environmental Report presents the detailed information that makes up the baseline for the cultural heritage topic considered in the assessment of the plan to revoke the East Midlands Regional Strategy. Section 9.3.2 of Appendix E describes the baseline for cultural heritage factors, whilst Section</p>



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		<p><b>English Heritage</b> consider that the assessment under Chapter 9, page 162 should quote the most recent English Heritage guidance, such as ‘The setting of heritage assets 2011’ and ‘Understanding place : Character and context in local planning 2012’</p>	<p>9.5.2 of Appendix E describes the evolution of this baseline. It captures locally important assets which are designated. Whilst the Government recognise the importance of archaeology, it considers that any important archaeological discovery or dig would be formally designated by English Heritage. In any event this does not materially affect the assessment or its broad conclusions.</p> <p>Figure 9.1 of Appendix E maps Northamptonshire’s cultural heritage assets consistent with other parts of the East Midlands. Detail on local assets would overly complicate the review. The specific guidance identified is a helpful reference, but the review is concerned with plans, policies and programmes.</p>
11.	<p><b>Whether the likely significant effects have been identified, described and assessed</b></p>	<p><b>Iceni Projects Ltd</b> commented that the assessment had not considered the likely impacts on surrounding regions.</p>	<p>Disagree.</p> <p>Page 114 of section 4.5 ‘Secondary, Cumulative and Synergistic Effects’ outlines the effects on other regions. For example, the text includes the following:</p> <p><i>‘..under revocation there is also the opportunity for adjacent authorities in previously different regions to explore joint working which may help address some of the potential issues that could arise.</i></p>

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			<p><i>At a broader scale, there could be an increasing diversification of regional circumstances across the country, accentuating issues such as the north-south divide with wider socio-economic consequences and reliance on other policy instruments for their resolution. Macro-scale trends such as the decentralisation of population from urban areas are arguably more difficult to address through local initiatives, as is regeneration which might be more efficiently tackled through regional-scale policy. National transport policies such as HS2 and other measures to improve the effectiveness of national transport networks and the ease of accessibility between regions will become increasingly important to counter such potential effects.'</i></p> <p>Page 116 of Section 4.6 includes the following concluding remarks:</p> <p><i>'More widely, and over the longer term, inter- and intra-regional differences could be magnified as a result of the sum of local decisions which reflect strongly varying circumstances such as housing demand.'</i></p>
12.	Whether the	<b>English Heritage</b> considers that it is difficult to	Disagree.

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
	<p><b>likely significant effects have been identified, described and assessed</b></p>	<p>determine how the scores in tables 9.1 and 9.2 (or should it be 9.3 and 9.4) have been arrived at.</p> <p><b>Nottinghamshire County Council</b> considers that it is unreasonable to conclude that the loss of plan policies would not lead to some significant environmental effects without substantial alternatives being identified. Some significant environmental impacts have been understated and value to the environment of planning at a strategic level has not been sufficiently identified.</p>	<p>The scores set out in table 9.2 of Appendix E stem from the detailed assessment matrix covering the effects of retention and revocation of each Regional Strategy policy against all Strategic Environmental Assessment topics in the short, medium and long term, as found in Appendix D. This includes consideration of permanent and temporary and positive and negative effects. The commentary outlines the likely significant effects, justification for the scores given, any mitigation measures, assumptions and uncertainties.</p> <p>There are four tables in Chapter 9 of Appendix E which should be numbered 9.1, 9.2, 9.3 and 9.4. The results of the second table 9.2 (Significant effects against the cultural heritage topic) should be table 9.4.</p> <p>Disagree//Comments noted.</p> <p>The assessment concluded that the range of effects of revocation and retention were likely to be broadly similar; however, that there were differences in scale and timing of the effects for 17 of the 82 policies assessed. These include policies for employment land, housing provision and sub-regional centres and were not just in relation to the</p>

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			<p>operation of the duty to co-operate.</p> <p>Section 4.6 summarises the findings of the assessment and includes the following:</p> <p><i>‘Where it occurs, differentiation is most clear in respect of housing and employment allocations where the negative effects of top-down allocations could be tempered by more detailed understanding of environmental capacity issues and possibly more diverse and locally-specific spatial distributions of development (e.g. less reliance on urban extensions). However, in the opinion of AMEC, revocation does score more uncertainly in the short and medium term. Similar uncertainty was scored for the revocation of policies on provision for gypsies and travellers. This may occur where plans are out of date or due to the transition period for those authorities who need to establish the arrangements under the duty to co-operate to deliver such strategic policies and then reflect them in an adopted plan.’</i></p> <p>These comments summarise the uncertainties identified in the assessment concerning how the duty to co-operate will work and temper any assumptions made on its effectiveness. The assumptions and associated uncertainties are also</p>

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			summarised in section 3.4.5 of the updated Environmental Report.
13.	<b>Whether the likely significant effects have been identified, described and assessed</b>	<b>Campaign to Protect Rural England</b> considers that revocation of the Regional Strategy will lead to increased development in areas attractive to housing developers which will increase pressure in areas with an identified shortage of water capacity and sewage capacity, damage undesignated valued and distinctive landscapes in these areas, while also risking the delivery of much needed affordable housing and undermining regeneration in other parts of the Region.	<p>Comments noted.</p> <p>The Government recognises the importance of strategic planning and the National Planning Policy Framework makes it clear that strategic priorities across local boundaries should be properly co-ordinated and clearly reflected in individual local plans.</p> <p>This should include strategic policies to deliver: the homes and jobs needed in the area; the provision of retail, leisure and other commercial development; the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat); the provision of health, security, community and cultural infrastructure and other local facilities; and climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape. For strategic planning to work on the ground, councils need to work together and with a range of bodies. In some cases, co-operation will</p>

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			<p>be necessary with authorities well beyond an authority's own border.</p> <p>In addition, existing legislation concerning environmental protection (such as the Habitats Directive (92/43/EEC), Water Framework Directive (2000/60/EC), the Floods and Water Management Act 2010 – which includes a duty to co-operate) is part of the hierarchy of measures that will apply in the short to long term in the absence of the East Midlands Regional Strategy.</p> <p>The Government recognises that the duty needs to be sufficiently robust to secure effective planning on cross-boundary issues, and the legislative requirement was strengthened during the development of the Localism Act. The stronger duty requires councils to demonstrate how they have complied with the duty as part of the independent examination of local plans. This could be, for example, by way of plans or policies prepared as part of a joint committee, informal strategies such as joint infrastructure and investment plans, or a memorandum of understanding which is presented as evidence of an agreed position. Failure to demonstrate compliance may mean that local authorities may not pass the examination process. This is a powerful sanction. Where local planning</p>

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			<p>authorities have failed to co-operate on cross boundary matters it is also likely that their Local Plan will not be deliverable and as such the local plan may be found unsound.</p> <p>As a further check, the Localism Act and local plan regulations require local authorities to prepare a monitoring report to be published and made available at least once every 12 months. This includes a requirement to report action taken under the duty and these reports may also indicate where action has not been taken. This will ensure that local authorities are fully accountable to local communities about their performance under the duty to co-operate.</p>
14.	<b>Whether the likely significant effects have been identified, described and assessed</b>	<b>Iceni Projects Ltd</b> considers that the sustainability appraisal shows no difference in the environmental impacts of retention and revocation, but recognises that there is uncertainty with the revocation (as it relies on local authorities are relied on to deliver a co-ordinated development of a scale which can realise opportunities for sustainable development. It is considered that the sustainability appraisal should have reflected this	<p>Disagree.</p> <p>The updated Environmental Report recognises uncertainty, particularly over the medium and long term, through the use of question marks in the scoring of the policy analysis matrices. For example, see Table 4.1 Effects of Revocation, Policy 27 Cultural Heritage.</p> <p>Section 4.6 also highlighted effects of uncertainty: <i>'Where it occurs, differentiation is most clear in respect of housing and employment allocations</i></p>

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		<p>uncertainty.</p> <p><b>Derbyshire County Council</b> considers that the short to medium term effects of revocation have not been adequately assessed, given that there will not be full adoption of core strategies in the county until 2016.</p>	<p><i>where the negative effects of top-down allocations could be tempered by more detailed understanding of environmental capacity issues and possibly more diverse and locally-specific spatial distributions of development (e.g. less reliance on urban extensions). However, in the opinion of AMEC, revocation does score more uncertainly in the short and medium term. Similar uncertainty was scored for the revocation of policies on provision for gypsies and travellers. This may occur where plans are out of date or due to the transition period for those authorities who need to establish the arrangements under the duty to co-operate to deliver such strategic policies and then reflect them in an adopted plan.'</i></p>
15.	<p><b>Whether the likely significant effects have been identified, described and assessed</b></p>	<p><b>The Town and Country Planning Association</b> consider that the reliance on the presumption in favour of sustainable development in the National Planning Policy Framework to reduce delays in preparing up-to-date plans fails to acknowledge possible differences in the location of such development, e.g. risk of greater dispersal, and it will be non-metropolitan areas with little Green Belt protection that may be most under pressure from speculative housing</p>	<p>Comment noted.</p> <p>The National Planning Policy Framework states that it is 'highly desirable that local planning authorities should have an up-to-date plan in place' and, where plans are absent, silent or out of date, the National Planning Policy Framework's presumption in favour of sustainable development will apply. In particular, where a local authority cannot deliver a five year supply of deliverable sites, the relevant local policies for the supply of housing should not be considered</p>



No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		development.	<p>up to date. In such cases, the decision taker will apply the presumption in favour of sustainable development, taking into account all relevant planning considerations. The presumption is clearly set out at paragraph 14 of the National Planning Policy Framework in respect of both plan-making and decision taking.</p> <p>From the end of March 2013 transitional arrangements on the implementation of the National Planning Policy Framework will cease to apply. From March 2013 in considering all decisions for planning permission, due weight will be given to relevant policies in all existing plans according to the degree of consistency with the policies in the National Planning Policy Framework. The closer policies are to policies in the National Planning Policy Framework the greater the weight that may be given.</p>
16.	<b>Whether the likely significant effects have been identified, described and assessed</b>	<b>Redrow Homes</b> agrees with the report's statement that the uncertainty over policy, including the quantum and preferred location of development, is likely to affect whether developers submit planning applications for new development, and that it is expected that there will be a lessening in the short and medium term	Comment noted.

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
	(housing)	<p>on development activity and the resulting effects occurring .</p> <p><b>Redrow Homes</b> considers that the Environmental Report is not an adequate, appropriate or robust evaluation of the implications of the revocation of the Regional Strategy upon housing and economic aspirations of the existing and future population. The report provides no plausible justification for the proposition that local planning authorities will deliver the necessary amount of new housing to support local populations, nor does it consider the consequences of a planning system which fails to achieve the level of housing completions required to assist economic growth/recovery, address affordability and respond to Government’s commitment to ensure sufficient housing is provided in response to the change in population of the country.</p>	<p>Disagree.</p> <p>Appendix E of the updated Environmental Report presents the detailed information that makes up the baseline for the 12 Strategic Environmental Assessment topics considered in the assessment of the plan to revoke the East Midlands Regional Strategy. Proportionate to the plan to revoke, the information presented is national and regional in nature. Section 2.3.3 of Appendix E describes the baseline for the East Midlands demographics and housing. Section 2.5.3 of Appendix E describes the evolution of this baseline with particularly reference to housing need and recognises “there are currently housing provision issues in the northern and peak sub areas due to poor quality housing and transport problems.”</p> <p>Furthermore page 64 of the report (section 4.2.1) states that <i>’For those authorities without an adopted plan, the Regional Strategy provided clarity on the quantum of development required; however, in the short term following its revocation, there is likely to be a temporary (short term) period where some local authorities revert to the original Local Plan whilst they develop a replacement. It is AMEC’s view that the amount of development anticipated in</i></p>

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		<p><b>Redrow Homes</b> does not consider that regional housing provision can be delivered by means other than through the Regional Strategy. It is contrary to the aims of <i>Laying the Foundations: A Housing Strategy for England 2011</i>, The Regional Strategy provides a positive planning framework to ensure that housing availability is in conjunction with economic growth and demographic signals, a fact which is not reflected in the population section of Appendix E of the environmental report</p> <p><b>Redrow Homes</b> considers that the Government assertion that only local people understand the needs, priorities and aspirations of communities, is contrary to its experience given it is not</p>	<p><i>this short period is likely to be lower than if the Regional Strategy were in place.</i> Any total will be subject to change over time, dependent on the content of adopted new local plan policies. However, given the Environmental Report explicitly recognises that the need for new housing remains, and combined with the policies in the National Planning Policy Framework to boost the supply of housing, there is no material difference to the overall assessment.</p> <p>Disagree.</p> <p>The Government considers that the National Planning Policy Framework and the duty to co-operate, combined with other initiatives, will boost significantly the supply of new housing. The National Planning Policy Framework and the duty to co-operate require that local planning authorities use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with policies set out in the Framework (including, for example, those on environmental designations). They should prepare Strategic Housing Market Assessment to assess</p>

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		<p>possible to achieve consensus in too many instances. As a consequence, local empowerment following revocation will make consensus increasingly difficult to achieve, resulting in delayed or prevented development.</p> <p><b>Redrow Homes</b> considers that revocation will increase uncertainty to deliver new homes through local opposition to development. Furthermore reliance on initiatives such as the New Homes Bonus is naïve as it does not present a mechanism which allows communities to share the benefits and mitigate the negative effects. <b>Redrow Homes</b> provided some evidence to show that locally-led spatial policies will not deliver housing requirement set out in the Regional Strategy (for example in West Northampton and North Northampton)</p>	<p>their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries.</p> <p>The National Planning Policy Framework states that it is 'highly desirable that local planning authorities should have an up-to-date plan in place' and, where plans are absent, silent or out of date, the National Planning Policy Framework's presumption in favour of sustainable development will apply. In particular, where a local authority cannot deliver a five year supply of deliverable sites, the relevant local policies for the supply of housing should not be considered up to date. In such cases, the decision taker will apply the presumption in favour of sustainable development, taking into account all relevant planning considerations. The presumption is clearly set out at paragraph 14 of the National Planning Policy Framework in respect of both plan-making and decision taking.</p> <p>In addition, initiatives such as the Community Infrastructure Levy, New Homes Bonus and the local retention of business rates, which are intended to encourage a more positive attitude to growth and allow communities to share the benefits and mitigate the negative effects of growth. In addition, the</p>

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			Growth and Infrastructure Bill similarly seeks to address issues affecting current housing supply. Revocation, the National Planning Policy Framework policies and the presumption in favour of sustainable development are only part of this commitment to growth and housing provision.
17.	<b>Reliance on the National Planning Policy Framework and the duty to co-operate</b>	<p><b>Natural England</b> noted the Environmental Report identified a range of networks/bodies that will continue to work across the region to deliver specific outcomes. This includes Local Nature Partnerships and Nature Improvement Areas. It is concerned that these partnerships may not have the remit or resources to address wider issues such as landscape, provision of ecosystem services and combating climate change.</p> <p><b>Campaign to Protect Rural England</b> considers that the revocation of the Regional Strategy will result in additional pressures without appropriate mechanisms for dealing with these but then does not propose such mechanisms. Transport policies cannot address regional imbalances without wider policy, planning and funding support for urban regeneration.</p> <p><b>Campaign to Protect Rural England</b> have</p>	<p>Comments noted.</p> <p>The Government has provided a response to the findings of the Strategic Environmental Assessment (Table 4.2 of the PAS) which included the finding concerning issues such as renewable energy, biodiversity enhancement or landscape conservation, which typically benefit from being planned at a wider geographical scale, may not have their full potential realised.</p> <p>However, Nature Improvement Areas and Local Nature Partnerships already provide opportunities for cross-boundary working with partners working together to improve biodiversity through projects which can be expected also to contribute significantly to landscape conservation.</p> <p>Revocation of the East Midlands Regional Strategy does not signal an end to strategic planning, but a shift towards a locally-led approach to planning for</p>

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		<p>concerns that the duty will result in weight being given to the views of unaccountable bodies, such as Local Enterprise Partnerships. All interests, including environmental interests, should be heard in respect of strategic planning issues.</p> <p><b>Campaign to Protect Rural England</b> are concerned that the mechanisms being put in place to deal with the strategic level of planning appear to be poorly explained and weak. They are unconvinced that the duty to co-operate, especially applied in the context of the National Planning Policy Framework, will result in better co-operation between councils and may be used by councils to undermine adjoining local plans.</p> <p><b>Peak District National Park Authority</b> believe that Table 1.1 and elsewhere in the Strategic Environmental Assessment does not refer to or comment on those that the Authority have already made about the evidence of difficulties with reliance on the duty to co-operate. The National Park is not included in the list of individual topics in the table. The response to point 21 in Table 2 of Appendix F of the Report regarding the duty to co-operate is inadequate as it does not address the evidence of ongoing</p>	<p>cross-boundary matters in local plans. The duty to co-operate requires local authorities and other public bodies (such as the Environment Agency and Natural England) to work together constructively, actively and on an on-going basis in relation to planning for strategic, cross-boundary matters in local plans.</p> <p>The Government recognises that the duty needs to be sufficiently robust to secure effective planning on cross-boundary issues, and the legislative requirement was strengthened during the development of the Localism Act, working with a broad range of external expert bodies. The stronger duty requires councils to demonstrate how they have complied with the duty as part of the independent examination of local plans. This could be, for example, by way of plans or policies prepared as part of a joint committee, informal strategies such as joint infrastructure and investment plans, or a memorandum of understanding which is presented as evidence of an agreed position. Failure to demonstrate compliance may mean that local authorities may not pass the examination process. This is a powerful sanction. Where local planning authorities have failed to co-operate on cross boundary matters it is also likely</p>

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		<p>disagreement between local planning authorities.</p> <p><b>Derbyshire County Council</b> considers that, in the short to medium term absence of cross-boundary strategies, there would be a policy vacuum for the strategic distribution of housing between adjoining authorities. For example, this affects the Peak Sub-Area, for example, where housing development in the Peak District National Park contributes towards housing provision requirements in the districts of High Peak and Derbyshire Dales.</p>	<p>that their Local Plan will not be deliverable and as such the local plan may be found unsound.</p> <p>As a further check, the Localism Act and local plan regulations require local authorities to prepare a monitoring report to be published and made available at least once every 12 months. This includes a requirement to report action taken under the duty and these reports may also indicate where action has not been taken. This will ensure that local authorities are fully accountable to local communities about their performance under the duty to co-operate.</p> <p>The National Planning Policy Framework makes it clear that local planning authorities should work collaboratively with private sector bodies, which would include Local Enterprise Partnerships which have a contribution to make to the strategic planning function along with bodies like utility and infrastructure providers.</p>
18.	<p><b>Reliance on the National Planning Policy Framework and the duty to co-</b></p>	<p><b>Environment Agency</b> agree that the National Planning Policy Framework along with cross boundary partnerships can help enable the protection and enhancement of the environment. Achieving environmental outcomes may be more challenging during the transitional period,</p>	<p>Comments noted.</p> <p>Existing legislation concerning environmental protection (such as the Habitats Directive (92/43/EEC), Water Framework Directive (2000/60/EC), the Floods and Water Management</p>

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	<p><b>operate</b></p>	<p>between the revocation of the Regional Strategy and local planning authorities getting adopted local plans in place, and the <b>Agency</b> welcomes this recognition in the report.</p> <p><b>Environment Agency</b> supports the duty to co-operate and, as a “named party”, will provide evidence to support local planning authorities to consider cross-boundary planning issues.</p> <p><b>Iceni Projects Ltd</b> suggested that the updated Environmental Report should not speculate on the ability of the duty to co-operate and cross authority working to be effectively delivered – referring to the political reluctance of many local authorities to actively engage in the requirement.</p>	<p>Act 2010 – which includes a duty to co-operate) is part of the hierarchy of measures that will apply in the short to long term in the absence of the Regional Strategy.</p> <p>Comment noted.</p> <p>The following text from section 4.5 and 4.6 highlights the uncertainties associated with the duty to co-operate in the short and medium term:</p> <p><i>‘In respect of setting local housing targets, over the medium and longer term, reliance on locally-generated housing figures could yield an increasing difference between authority areas within regions. Tensions may arise, where the duty to co-operate and housing market assessments require an agreed strategy to accommodate growth that is not viewed as equitable by the co-operating authorities. This could create disparities which are difficult to reconcile without significant interventions.</i></p> <p><i>The effects of revocation of policies which provide strategic direction whose requirements extend beyond the boundaries of a single authority, such as strategic employment sites will be more uncertain</i></p>



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			<p><i>until all participating local authorities define, agree and implement the duty to co-operate and then reflect them in their adopted plans.</i></p> <p><i>Whilst the duty to co-operate could well address a wide range of strategic issues, there is uncertainty as to how this might work both by topic and geographically. Some issues such as renewable energy, biodiversity enhancement or landscape conservation, which typically benefit from being planned at a wider geographical scale, may not have their full potential realised.'</i></p>
19.	<p><b>Reliance on the National Planning Policy Framework and the duty to co-operate - guidance</b></p>	<p><b>Campaign to Protect Rural England</b> agrees that removal of regional strategies may allow better discussions between authorities across regional boundaries but they are not convinced that the existing approach provides enough of a strategic steer.</p>	<p>Comment noted.</p> <p>Page 118 of the updated Environmental Report makes a similar point, namely that '<i>under revocation there is also the opportunity for adjacent authorities in previously different regions to explore joint working which may help address some of the potential issues that could arise</i>'.</p> <p>The Government will respond to the findings of the Strategic Environmental Assessment in Table 3.2 of the Post Adoption Statement. This will include findings concerning issues such as renewable energy, biodiversity enhancement or landscape conservation, which typically benefit from being</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
			planned at a wider geographical scale, may not have their full potential realised.
20.	<b>Reliance on the National Planning Policy Framework and the duty to co-operate - guidance</b>	<p>The <b>Environment Agency</b> considers that the planning guidance review being carried out by Lord Taylor provides an opportunity to consider the role for new guidance to support the duty to co-operate.</p> <p><b>RenewableUK</b> states that the Government should provide guidance to local planning authorities on the duty to co-operate and commission research to assess how effectively the duty to co-operate is helping the delivery of national outcomes such renewable energy infrastructure.</p>	<p>Comments noted.</p> <p>A report submitted by Lord Matthew Taylor of Goss Moor to the Government in December 2012 (the External Review of Government Planning Practice Guidance) includes a recommendation that the duty to co-operate should be one of the priority areas on which the Government should consider providing guidance. The conclusions of the Review Group have been generally welcomed by Government and were published on 21 December for an 8 week consultation. The Government will consider the consultation responses before responding to the Group's recommendations.</p>
21.	<b>Reliance on the National Planning Policy Framework and the duty to co-operate</b>	<p><b>Town and Country Planning Association</b> believe it is risky to put so much reliance as a mitigation factor on the assumption that local planning authorities will continue to work together on cross boundary strategic issues.</p> <p><b>Town and Country Planning Association</b> consider that the policy reference to strategic issues in the National Planning Policy Framework and the duty to co-operate are not</p>	<p>Comments noted.</p> <p>The Government recognises the importance of strategic planning and the National Planning Policy Framework makes it clear that strategic priorities across local boundaries should be properly co-ordinated and clearly reflected in individual local plans.</p> <p>This should include strategic policies to deliver: the</p>

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		<p>effective substitutes for a regionally specific policy set out in a Regional Strategy.</p> <p><b>RenewableUK</b> consider that the updated Environmental Report states that most issues arising from the revocation of regional strategies will be dealt with by the National Planning Policy Framework and at the local level of planning. The revocation of regional strategies and number of Planning Policy Statements means that revocation will have a detrimental effect on the deployment of onshore wind, carbon dioxide emission reductions and climate change mitigation.</p>	<p>homes and jobs needed in the area; the provision of retail, leisure and other commercial development; the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat); the provision of health, security, community and cultural infrastructure and other local facilities; and climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.</p> <p>Strategic matters such as housing, infrastructure and transport connections are vital to attract investment into an area and generate economic growth. However, for strategic planning to work on the ground, councils need to work together and with a range of bodies. In some cases, such as, planning for waste facilities or flood prevention, cooperation will be necessary with authorities well beyond an authority's own border.</p> <p>Many local authorities are already working collaboratively to produce sound plans. The duty to co-operate formalises those arrangements by creating a statutory requirement to co-operate to ensure that local plans are effective and deliverable</p>

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			<p>on cross-boundary matters. The duty requires authorities to work together constructively, actively and on an ongoing basis in relation to strategic cross-boundary issues in local plans.</p> <p>The Government recognises that the duty needs to be sufficiently robust to secure effective planning on cross-boundary issues, and the legislative requirement was strengthened during the development of the Localism Act, working with a broad range of external expert bodies. The stronger duty requires councils to demonstrate how they have complied with the duty as part of the independent examination of local plans. This could be, for example, by way of plans or policies prepared as part of a joint committee, informal strategies such as joint infrastructure and investment plans, or a memorandum of understanding which is presented as evidence of an agreed position. Failure to demonstrate compliance may mean that local plans may not pass the examination process. This is a powerful sanction. Where local planning authorities have failed to co-operate on cross boundary matters it is also likely that their Local Plan will not be deliverable and as such the local plan may be found unsound.</p> <p>As a further check, the Planning and Compulsory</p>

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			<p>Purchase Act 2004 (as amended by the Localism Act 2011) and regulations made under the 2004 Act require local authorities to prepare a monitoring report to be published and made available at least once every 12 months. This includes a requirement to report action taken under the duty and these reports may also indicate where action has not been taken. This will ensure that local authorities are fully accountable to local communities about their performance under the duty to co-operate.</p> <p>In recognition of the breadth of bodies involved in effective strategic planning, the duty's requirements extend beyond local planning authorities and county councils to include a wide range of bodies that are critical to local plan making. The prescribed bodies are:</p> <ul style="list-style-type: none"> <li>- the Environment Agency;</li> <li>- the Historic Buildings and Monuments Commission for England (English Heritage);</li> <li>- Natural England;</li> <li>- the Mayor of London;</li> <li>- the Civil Aviation Authority;</li> <li>- the Homes and Communities Agency;</li> <li>- Primary Care Trusts;</li> <li>- the Marine Management Organisation</li> <li>- the Office of Rail Regulation</li> </ul>

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			<ul style="list-style-type: none"> <li>- the Highways Agency;</li> <li>- Transport for London;</li> <li>- Integrated Transport Authorities; and</li> <li>- Highway authorities</li> </ul> <p>The National Planning Policy Framework also makes it clear that local planning authorities should work collaboratively with private sector bodies, utility and infrastructure providers.</p>
22.	Monitoring	<p><b>Environment Agency</b> welcomed the monitoring recommendations in the report, and those already in place to understand compliance with the duty to co-operate. They recommend closer monitoring of highly complex, cumulative effects on issues such as climate change, water quality and water resource.</p> <p><b>Town and Country Planning Association</b> welcomes the identification of proposed monitoring indicators (Table NTS4). It is unclear how this monitoring process will be undertaken except for a statement that DCLG will make “periodic references” to such matrices using certain data sources. They recommended that a clearer statement is given as to how this information will be brought together and where it</p>	<p>Comment noted.</p> <p>The National Planning Policy Framework (paragraphs 126 – 141) illustrate the key role which local planning authorities have through the development management decisions they take and local plans they prepare in conserving and enhancing the historic environment. Naturally local planning authorities will wish to monitor the impact of the planning system upon the conservation and enhancement of the historic environment in their localities as well as cumulative effects on issues such as climate change, water quality and water resource. Local planning authorities must report on their performance against the duty to co-operate in their monitoring reports.</p> <p>The measures that are to be taken to monitor the</p>

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		<p>will be published.</p> <p><b>RenewableUK</b> welcomes the provisions on monitoring in the report, especially those for the monitoring of greenhouse gases, but the provision of renewable energy infrastructure needs to be monitored as well.</p> <p><b>English Heritage</b> supports the proposed use of Heritage at Risk data.</p> <p><b>Natural England</b> recommends that monitoring could be extended to address the loss of Best and Most Versatile land. For landscape monitoring, an improved baseline could be through use of National Landscape Character Area Assessments.</p> <p><b>Peak District National Park</b> considered that Table NTS4 (monitoring) refers to the National Association of Areas of Outstanding Natural Beauty but is silent about national parks.</p>	<p>significant environmental effects of the implementation of the plan to revoke the East Midlands Regional Strategy will be set out in the Post Adoption Statement.</p> <p>Local planning authorities have to produce an annual monitoring report on the implementation of their local plan, this data can be used to flag up the need to review policies within their local plan. If local planning authorities working collaboratively wish to pool their resources to produce joint local plan monitoring and annual reporting mechanisms they can do so as suggested by Friends of the Earth.</p> <p>The Government notes that RenewableUK welcomes the provisions which have been made on monitoring in the update Environmental Report and their request for provision of monitoring of renewable energy infrastructure, and from English Heritage about the use of the Heritage at Risk register.</p> <p>The Government agrees with Natural England that monitoring should be extended to assess the changes in amount of Best and Most Versatile Land. With regard to monitoring of landscape impacts in the Peak District National Park, the Government agrees with Derbyshire County Council's point and</p>

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			consider that the English National Park Authorities Association should be added to the sources of information for monitoring under National Association for Areas of Outstanding Natural Beauty.
23.	<b>Individual Topics:</b> <b>application of Habitats Regulation Assessment</b>	<b>Natural England</b> recommended that the criteria used by the Department of Communities and Local Government in the Habitats screening process should be included in the Post Adoption Statement for the Strategic Environmental Assessment, in order to demonstrate that European protected habitats have been considered and are an important part of the evaluation process.	Comment noted  Section 1.4 of the updated Environmental Report addresses the requirements of the Habitats Directive and concludes that the ‘the Government’s view is that the revocation of the regional strategies will have no effects requiring assessment under the Habitats Directive’. This conclusion was reached on the basis of a screening exercise: each Regional Strategy policy was reviewed to identify those that referred to the protection of European sites and those which are locationally specific – i.e. they direct development to a particular parcel of land. Policies that were more pervasive in nature or provided a more general requirement for a local planning authority to make provision for a certain type or amount of development, were screened out at that stage, as it is for each local planning authority to decide on a response to the pervasive policies and determine the most suitable locations for the development – taking account, where necessary, of



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			<p>the finding of their own Habitats Regulations Assessment.</p> <p>This exercise identified a number of policies in the East Midlands Regional Strategy which sought to avoid effects on European sites. These policies were generally included as mitigation for development that the Strategy itself encouraged. They were therefore considered further in order to determine whether it could be concluded that their revocation would not have adverse effects on such sites. Consideration was given, among other things, to the fact that: (i) the 'development policies' in the Regional Strategy they seek to mitigate would cease to apply were the Strategy to be revoked; and (ii) that the Conservation of Habitats and Species Regulations 2010 require that a competent authority, such as a local planning authority, in exercising any of their functions must have regard to the requirements of the Habitats Directive. This exercise did not identify any likely significant effects on European sites.</p> <p>This conclusion was supported by the findings of the Strategic Environmental Assessment. Unlike the Habitats Regulations Assessment screening, which considered the relative effects of revocation compared to retention, the Strategic Environmental</p>

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			<p>Assessment considered the absolute effects (and is perhaps a tougher test as a consequence). The Strategic Environmental Assessment assessed the likely effects of the revocation of the strategy, and the likely effects of retaining the strategy (and a number of reasonable alternatives involving partial revocation). This assessment was carried out for each policy in the Regional Strategy and for each of the topics set out in Appendix I of the Strategic Environmental Assessment Directive (which included biodiversity, fauna and flora). The assessment uses definitions of significance for each of the assessment topics to aid transparency and consistency in the assessment and minimise the likelihood of any subjectivity. The guidance on a significant effect for biodiversity includes reference to negative and sustained effects on European or national designated sites and/or protected species. No significant negative effects on biodiversity were found, nor were any significant negative effects found from reasonable alternatives. Monitoring measures have been proposed for the effects on biodiversity (as well as the other topics) to help review the effects of the decision.</p> <p>The Secretary of State is therefore proceeding on the basis that the Plan to Revoke the East Midlands</p>

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			Regional Strategy is not likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects).
24.	<b>Individual topic Cultural Heritage</b>	<p><b>English Heritage</b> notes that since the previous consultation the National Planning Policy Framework has been published, clarifying and strengthening the historic environment within the sustainable development agenda, in particular they welcome paragraph 7 of the Framework.</p> <p><b>English Heritage</b> also notes that whilst the National Planning Policy Framework lacks the specificity of the Regional Strategy, it does embed the historic environment within sustainable development as a core planning principle.</p> <p><b>English Heritage</b> consider that there will be a number of areas, such as Lincoln Policy areas SRS3 and SRS10, where there will be no up to date locally specific plan policies that address key issues affecting important heritage assets until such time that these are addressed in local plans. It is unclear why the effects of retention and revocation of policy SRS10 are considered to be 'significant positive'. They consider there</p>	<p>Comments noted.</p> <p>Paragraphs 126 – 141 of the National Planning Policy Framework illustrate the key role which local planning authorities have through the development management decisions they take and the local plans they prepare in conserving and enhancing the historic environment. English Heritage is identified as one of the bodies which local planning authorities through the duty to co-operate should work with when preparing their local plans. Working in liaison with local planning authorities English Heritage can promote policies, which address the preservation and enhancement of the cultural and historical assets such as historical landscapes and settlements.</p> <p>The National Planning Policy Framework states that it is 'highly desirable that local planning authorities should have an up-to-date plan in place' and, where plans are absent, silent or out of date, the National Planning Policy Framework's presumption in favour of sustainable development will apply. It also means</p>

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		<p>could be negative effects if specific Regional Strategy policies are revoked – in particular Lincoln policies SRS3 and SRS 10 - at least in the short term, and there is no guarantee that they will be replaced by new local plan policies</p> <p><b>English Heritage</b> consider that the updated Environmental report should have assessed the impact on cultural heritage for policy 26 and Lincoln Policy SR3.</p> <p><b>English Heritage</b> consider that there is an error in the second paragraph under Appendix E ‘Effects of partial revocation [9.7.2] which refers to ‘significant effects on climate change’.</p>	<p>that polices set out in the National Planning Policy Framework will have full effect, including paragraphs 126-141.</p> <p>Disagree.</p> <p>The Environmental Report provides an assessment of retention, partial retention and revocation of the Regional Strategy. In particular Appendix D contains an assessment matrix covering the effects of retention and revocation of each Regional Strategy policy against all Strategic Environmental Assessment topics in the short, medium and long term and includes consideration of permanent and temporary and positive and negative effects. The commentary outlines the likely significant effects, justification for the scores given, any mitigation measures, assumptions and uncertainties. As such the effects on cultural heritage have been assessed.</p> <p>Comment noted.</p> <p>Reference to climate change was in error. The second paragraph should read “cultural heritage”</p>

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			rather than significant effects to climate change. This does not change the assessment of the effects of revocation of quantitative policies.
25.	<b>Individual Topics: minerals and waste management</b>	<b>Nottinghamshire County Council</b> considers that the revocation of policy 38 would create a policy vacuum and, with limitations of waste data, efforts under the duty to co-operate will not be able to replace effectively the policy. Waste data in the Regional Strategy provides an agreed baseline (although becoming out of date) and work needed to replace it will delay progress in waste plans and hence achieving full national geographical coverage to fulfil EU requirements. It would be helpful if some waste data not readily available at a less than regional level were retained.	Disagree.  The National Planning Policy Framework was published in March 2012. Paragraph 153 of the framework makes clear the expectation that local planning authorities should produce a local plan for the area, whilst section 17 of the Planning and Compulsory Purchase Act 2004 makes it clear that two or more local planning authorities may agree to prepare one or more local development documents. This allows unitary authorities and county councils to work together if they wish. In addition, paragraph 218 of the National Planning Policy Framework also makes it clear that local planning authorities may continue to draw on evidence that informed the preparation of regional strategies to support Local Plan policies, supplemented as needed by up-to-date, robust local evidence.  The National Planning Policy Framework also makes it clear that local planning authorities may continue to draw on evidence that informed the preparation of regional strategies to support Local Plan policies, supplemented as needed by up-to-

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			date, robust local evidence. The National Planning Policy Framework (paragraphs 158-177) also sets out in detail the evidence base that is required to underpin the development of local plans and planning decisions. The National Planning Policy Framework states that local planning authorities should work with other authorities and providers to assess the quality and capacity of infrastructure for waste and its ability to meet forecast demands.
26.	<b>Individual Topics:</b> <b>Flood Risk</b>	<b>Environment Agency</b> welcomed the reference to the Flood Risk Regulations 2009 which place a duty on the Environment Agency and Lead Local Flood Authorities to work together to determine whether there are significant flood risks in an area and prepare flood hazard maps. The <b>Environment Agency</b> considered specific flood risk issues on the Lincolnshire Coast should continue to be assessed at a strategic level, alongside wider issues of deprivation, tourism and regeneration. They also consider that flood risk management should be carried out on a catchment scale basis, and that the duty to co-operate should enable local authorities to fully consider how flood risk is linked across catchments such as the Trent.	Comment noted.  The Government welcomes the Environment Agency's comment that the Environmental Report made reference to the important work of the Lead Local Flood Authorities.  The National Planning Policy Framework contains policies to manage the risk of flooding through the planning system, together with technical guidance on flooding. The National Planning Policy Framework also states that local planning authorities should set out the strategic priorities for their area in their Local Plan. This should include strategic policies to deliver, the provision of infrastructure for flood risk and coastal change management.

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		<p><b>Town and Country Planning Association</b> consider that the retention of Policies 34 (Management of the Lincolnshire Coast) and 35 (regional approach to managing flood risk) should have been assessed. These policies provided a clear framework for local planning authorities.</p>	<p>The National Planning Policy Frameworks also clearly states that planning policy decisions must reflect and where appropriate promote relevant European Union obligations – which include, for example, obligations under the Floods Directive (2007/60/EEC).</p> <p>Disagree.</p> <p>Appendix D, pages 131-136 presents the assessment of retention and revocation of policies 34 and 35. These are then summarised in Table 4.1 and 4.2.</p>
27.	<p><b>Individual Topics</b></p> <p><b>Water Management and Water efficiency</b></p>	<p>The <b>Environment Agency</b> welcomes the reference to the relevant River Basin Management Plans that will help minimise detrimental effects on the ecological status of water bodies in the region. The “Delivering Water Framework Directive” document produced by Sustainability West Midlands will give assistance to local authorities in addressing Directive issues in their areas.</p> <p>The <b>Environment Agency</b> welcomes the recognition that parts of region are amongst the</p>	<p>Comment noted.</p> <p>The Government welcomes the Environment Agency’s comment that the Environmental Report highlights the important role of River Basin Management Plans and that local planning authorities have a significant role to play in planning for managing water resources.</p> <p>The National Planning Policy Framework is clear that local planning authorities should work with other bodies to assess the capacity of water supply and</p>

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		<p>driest in the country and of the greater reliance on Water Resource Management Plans in planning for water provision as part of new development. The duty to co-operate should ensure local authorities fully consider water resource for their current and projected needs.</p> <p>The <b>Environment Agency</b> also considers that the duty to co-operate should underpin cross-boundary working to consider where development within the catchment of individual sewage treatment works might impact across local authority boundaries.</p>	<p>wastewater treatment infrastructure, and should set out in the Local Plan their strategic priorities and policies for the provision of such infrastructure. In addition, the duty to co-operate creates a statutory requirement to co-operate to ensure that local plans are effective and deliverable on cross-boundary matters. The duty requires authorities to work together constructively, actively and on an on-going basis in relation to strategic cross-boundary issues in local plans, including water resource and waste water infrastructure.</p> <p>More generally, the National Planning Policy Framework tells local planning authorities to adopt strategies to mitigate and adapt to climate change and take full account of water supply and demand considerations. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change, which could include more frequent droughts. Where appropriate, risks should be managed through suitable adaptation measures, including through the planning of green infrastructure.</p> <p>The National Planning Policy Framework also clearly states that planning policy decisions must reflect and where appropriate promote relevant European Union obligations – which include, for</p>



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			example, obligations under the Water Framework Directive (2007/60/EC).
28.	<b>Individual Topics Biodiversity</b>	<p>The <b>Environment Agency</b> welcomes the recognition that continued co-operation and resources could be required to mitigate effects on biodiversity.</p> <p><b>Natural England</b> considers that the environmental report does not make clear how the regional biodiversity targets in Policy 27, which go beyond National Planning Policy Framework requirements, will be achieved or whether they have become redundant. They would welcome consideration of how these policies could be taken forward through the duty to co-operate and implemented by relevant bodies. Loss of policies should be considered as part of scoring for biodiversity.</p>	<p>Comments noted.</p> <p>In the East Midlands there is one of the initial 12 Nature Improvement Areas, namely the Humberhead Levels.</p> <p>There are also five Local Nature Partnerships in the East Midlands region, including: Greater Lincolnshire, Leicestershire, Lowlands Derbyshire and Nottinghamshire, Northamptonshire and the Peak District.</p> <p>The effects of retention and revocation of Policy 29 was assessed in Appendix D. The assessment of revocation recognised that Chapter 11 of the National Planning Policy Framework does not meet the detailed aspirations of Policy 27. However, the National Planning Policy Framework makes clear that the planning system should contribute to and enhance the natural environment, including by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains in biodiversity where possible.</p> <p>In addition the legal requirement for local planning authorities to ensure that internationally and</p>

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			<p>nationally designated sites are given the strongest level of protection and that development does not have adverse effects on the integrity of sites of European or international importance for nature conservation is unchanged by revocation.</p> <p>The duty to co-operate formalises those arrangements by creating a statutory requirement to co-operate to ensure that local plans are effective and deliverable on cross-boundary matters. The duty requires authorities to work together constructively, actively and on an ongoing basis in relation to strategic cross-boundary issues in local plans. This should complement existing initiatives such as the East Midlands Biodiversity Partnership, which promote joint working on cross-boundary biodiversity issues.</p>
29.	<p><b>Individual Topics:</b> <b>Housing numbers</b></p>	<p><b>Peak District National Park Authority</b> agree with the concerns expressed by the North York Moors National Park Authority in their response to the Strategic Environmental assessment of the Yorkshire and Humber Regional Strategy about the lack of clarity in relation to the way in which National Planning Policy Framework statements on housing might be interpreted for national parks. This response considered that</p>	<p>Disagree.</p> <p>Appendix D of the updated Environmental Report contains the assessment of revocation and retention of the East Midland's Regional Strategy policies. This includes those concerning the National Park and the issues identified. For example, the assessment of revocation of EMRS Policy 8: Spatial Priorities in and around the Peak Sub-area states ' Damaging incremental development could be an</p>

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		<p>the updated Environmental Report does not acknowledge that the Regional Strategy specifically states that no housing provision figures are given for National Parks. In contrast the National Planning Policy Framework requires local planning authorities to meet the full objectively assessed needs for market and affordable housing, as far as is consistent with other policies in the framework. Removal of this important part of policy from the development plan could potentially have very significant effects on the National Park. Whilst the principles of working with other planning authorities to meet the development requirements which cannot be met within National Parks is set out in paragraph 179 of the Framework, this does not provide any certainty over the outcome for National Parks.</p>	<p>unwanted consequence of a localised approach, although overall, no significant negative environmental effects are anticipated within the locality, given the primacy of the conservation of the natural and cultural environment in the National Park Plan' and similarly 'Whilst the conservation and enhancement of the National Park will be protected under the National Park Plan, there are uncertainties associated with the precise outcomes of the implementation of the duty to co-operate'. Section 4.5, page 118 notes 'Tensions may arise, where the duty to co-operate and housing market assessments require an agreed strategy to accommodate growth that is not viewed as equitable by the co-operating authorities. This could create disparities which are difficult to reconcile without significant interventions'.</p> <p>In considering this issue, the Government notes that section 62 of the Environment Act 1995, which inserts a new section 11A into the National Parks and Access to the Countryside Act 1949, creates a new statutory duty, not only on National Park Authorities but also other 'relevant authorities' - which include all public bodies and therefore all local authorities - to have regard to the purposes of designation when exercising or performing any</p>

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			<p>functions in relation to, or so as to affect, land in a National Park. In fulfilling this duty local planning authorities should take account of the National Planning Policy Framework, which states that the planning system should protect and enhance valued landscapes, and that great weight should be given to conserving landscape and scenic beauty in National Parks. Moreover, National Park Authorities are a statutory consultee on planning applications that could affect a National Park. They should respond, setting out their case, if they consider that any impacts would compromise the purposes of National Park designation.</p> <p>The National Planning Policy Framework and the duty to co-operate also address this issue. The National Planning Policy Framework makes it clear that local planning authorities, including National Park Authorities, should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly coordinated and clearly reflected in individual Local Plans. These strategic priorities include the need to develop strategic policies to deliver the homes and jobs needed in the area.</p> <p>Local planning authorities will be expected to demonstrate evidence of having effectively co-</p>

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			<p>operated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the duty to co-operate, legal and procedural requirements, and whether it is sound.</p> <p>The National Planning Policy Framework states that local planning authorities may make an allowance for windfall sites in their five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens. This policy, together with the approach to the use of brownfield land and other policies aimed at the protection and enhancement of the environment, aims to ensure that housing development is located in a way that is consistent with the principles of sustainable development.</p>
30.	<b>Individual Topics:</b>	<b>The Peak District National Park Authority</b> agrees with the broad substance of points made	Disagree. Appendix D of the updated Environmental Report

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	<p><b>Setting of the National Parks</b></p>	<p>by the North York Moors National Park Authority in their response to the Strategic Environmental Assessment of the Yorkshire and Humber Regional Strategy. This considered that protection afforded by planning policy stops at the boundaries of the National Parks leading to development coming up to National Parks boundaries but which could still significantly harm National Park purposes. The duty to co-operate is not a duty to agree and many authorities bounding National Parks will have different priorities or pressures to site development close to National Parks which do not have recognised settings or buffer zones. The removal of regional policies which acknowledged and protected the National Parks within each region therefore leaves a significant policy gap</p> <p>The <b>Peak District National Park Authority</b> considers that, in the absence of the Regional Strategy, the likelihood of harm to the National Park and its nationally significant landscape is increased, particularly in the mid to long term since the cumulative impact of decisions will be more obvious. It is therefore difficult to understand why the Strategic Environmental</p>	<p>contains the assessment of revocation and retention of the East Midland's Regional Strategy policies. This includes those concerning the National Park and the issues identified. For example, the assessment of revocation of EMRS Policy 8: Spatial Priorities in and around the Peak Sub-area states ' Damaging incremental development could be an unwanted consequence of a localised approach, although overall, no significant negative environmental effects are anticipated within the locality, given the primacy of the conservation of the natural and cultural environment in the National Park Plan' and similarly 'Whilst the conservation and enhancement of the National Park will be protected under the National Park Plan, there are uncertainties associated with the precise outcomes of the implementation of the duty to co-operate'. Section 4.5, page 118 notes 'Tensions may arise, where the duty to co-operate and housing market assessments require an agreed strategy to accommodate growth that is not viewed as equitable by the co-operating authorities. This could create disparities which are difficult to reconcile without significant interventions'. Finally, the final paragraph of the first row of Table 4.5 which concerns secondary, cumulative and synergistic</p>

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		<p>Assessment analyses of revocation only indicate a short term weakness in relation to landscape or to the overall conclusion reached that there is no clear difference between retention and revocation of the East Midlands Regional Strategy</p> <p>The assessment of policy 31 (Priorities for the management and enhancement of the region's landscape) of the Plan in Appendix D of the Report is weak because it deals with landscape in isolation and does not consider cumulative/synergistic effects of this policy when combined with those for the spatial distribution of development such as leisure, housing or employment and with Peak sub-area policies.</p> <p>The assessment of policies 3 and 31 in table 10.3 of Appendix E and conclusion that protection of National Park Landscape will not be affected by revocation is not supported by discussion elsewhere in the Strategic Environmental Assessment. The assessment seems to divorce landscape from its constituent interests / parts (e.g. biodiversity) in an entirely artificial manner.</p>	<p>effects for biodiversity notes 'For the protection and enhancement of environmental resources more generally, the cumulative effects of the absence of regional policy frameworks and associated resources is harder to determine over the longer term. Whether Regional Strategies specifically relating to biodiversity and landscape resources, for example, can adequately realise their potential in the absence of a unifying policy framework is uncertain. Here, the cumulative impacts could be associated with increasingly lost opportunities to plan strategically for these interests'.</p> <p>Local planning authorities responsible for areas bordering National Park boundaries must have regard to section 62 of the Environment Act 1995, which inserts a new section 11A into the National Parks and Access to the Countryside Act 1949. This provision creates a new statutory duty, not only on National Park Authorities but also other 'relevant authorities' - which include all public bodies and therefore all local authorities - to have regard to the purposes of designation when exercising or performing any functions in relation to, or so as to affect, land in a National Park. In fulfilling this duty local planning authorities should take account of the National Planning Policy Framework, which states</p>

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			<p>that the planning system should protect and enhance valued landscapes, and that great weight should be given to conserving landscape and scenic beauty in National Parks. Moreover, National Park Authorities are a statutory consultee on planning applications that could affect a National Park. They should respond, setting out their case, if they consider that any impacts would compromise the purposes of National Park designation.</p> <p>Turning to local plan-making, the Government recognises the importance of strategic planning and the National Planning Policy Framework also makes it clear that strategic priorities across local boundaries are to be properly co-ordinated and clearly reflected in individual local plans. The scale and form of development that would be considered acceptable on the boundaries close to a National Park is one example of the kind of strategic planning issue that local planning authorities, including National Park Authorities, will have to work on collaboratively under the duty to co-operate.</p> <p>Many local authorities are already working collaboratively to produce sound plans. The duty to co-operate formalises those arrangements by creating a statutory requirement to co-operate to ensure that local plans are effective and deliverable</p>



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			<p>on cross-boundary matters. The duty requires authorities to work together constructively, actively and on an ongoing basis in relation to strategic cross-boundary issues in local plans.</p> <p>The Government recognises that the duty needs to be sufficiently robust to secure effective planning on cross-boundary issues, and the legislative requirement was strengthened during the development of the Localism Act, working with a broad range of external expert bodies. The stronger duty requires councils to demonstrate how they have complied with the duty as part of the independent examination of local plans. This could be, for example, by way of plans or policies prepared as part of a joint committee, informal strategies such as joint infrastructure and investment plans, or a memorandum of understanding which is presented as evidence of an agreed position. Failure to demonstrate compliance may mean that local plans may not pass the examination process. This is a powerful sanction. Where local planning authorities have failed to co-operate on cross boundary matters it is also likely that their Local Plan will not be deliverable and as such it may be found unsound.</p> <p>As a further check, the Planning and Compulsory</p>

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			<p>Purchase Act 2004 (as amended by the Localism Act 2011) and regulations made under the 2004 Act require local authorities to prepare a monitoring report to be published and made available at least once every 12 months. This includes a requirement to report action taken under the duty and these reports may also indicate where action has not been taken. This will ensure that local authorities are fully accountable to local communities about their performance under the duty to co-operate.</p> <p>In recognition of the breadth of bodies involved in effective strategic planning, the duty's requirements extend beyond local planning authorities, including National Park Authorities, to include a wide range of bodies that are critical to local plan making. The prescribed bodies are:</p> <ul style="list-style-type: none"> <li>- the Environment Agency;</li> <li>- the Historic Buildings and Monuments Commission for England (English Heritage);</li> <li>- Natural England;</li> <li>- the Mayor of London;</li> <li>- the Civil Aviation Authority;</li> <li>- the Homes and Communities Agency;</li> <li>- Primary Care Trusts;</li> <li>- the Marine Management Organisation</li> <li>- the Office of Rail Regulation</li> </ul>

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			<ul style="list-style-type: none"> <li>- the Highways Agency;</li> <li>- Transport for London;</li> <li>- Integrated Transport Authorities; and</li> <li>- Highway authorities</li> </ul> <p>The National Planning Policy Framework also makes it clear that local planning authorities should work collaboratively with private sector bodies, utility and infrastructure providers.</p> <p>As indicated above, the National Planning Policy Framework states that local planning authorities should set out the strategic priorities for their area in their Local Plan. Those local authorities within the parts of the former Coastal and Remoter Rural sub-areas adjacent to the National Parks should set out a scale and form of development that would be considered acceptable on the boundaries of a National Park, having regard to national planning policy and the duty under section 62 of the of the Environment Act 1995 explained above. Other priorities could include the conservation and enhancement of the natural and historic environment, including protection of the landscapes which border the boundaries of National Parks.</p>
31.	Individual	<b>RenewableUK</b> consider that the loss of regional strategies will not be helpful in meeting the	Disagree.

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
	<p><b>Topics:</b></p> <p><b>Renewable energy generation and Climate Change</b></p>	<p>challenge of Climate Change and will affect the speed and effectiveness of reducing carbon dioxide emissions and renewable energy deployment at the local level. This will have an effect on the environment and human health and wellbeing.</p> <p>The removal of valuable information and guidance contained in Planning Policy Statement 22 on Renewable Energy is also affecting the ability of local planning authorities to plan for renewable energy infrastructure.</p> <p><b>RenewableUK</b> consider that removal of the regional targets in Policy 41 (Regional priorities for renewable energy) and Appendix 6 (Regional renewable energy targets) of the East Midlands Regional Strategy will mean that local planning authorities have nothing to work towards on a local level to deliver renewable energy infrastructure, and raise concerns about the application of local policies. They also note there has been no guidance from Government on how national targets need to be transferred and applied locally. They consider that policies 1 (regional Core Objectives), 24 (Rural diversification), all policies on environmental priorities and policy 41 (Regional priorities for</p>	<p>The Government does not believe that retaining policies 1, 24, 40 (which deals with regional priorities for Low Carbon Energy Generation) or policies on environmental priorities is necessary because it will be for local planning authorities to determine local responses to the issue of renewable energy generation consistent with the objectively assessed and up to date needs of their communities, following the guidance on such issues set out in the National Planning Policy Framework.</p> <p>The National Planning Policy Framework includes as one of the core land-use planning principles that planning should support the transition to a low carbon future in a changing climate, including to "...encourage the use of renewable resources (for example, by the development of renewable energy)". The National Planning Policy Framework makes clear that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.</p> <p>The National Planning Policy Framework also contains a number of polices aimed at encouraging</p>

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		renewable energy) should be retained to deliver the benefits arising from renewable energy deployment and climate change mitigation	<p>the development of renewable energy installations including that local planning authorities should: “have a positive strategy to promote energy from renewable and low carbon sources; design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts; consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources; support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and in line with the objectives and provisions of the Climate Change Act 2008.” In addition, National Planning Policy Framework policies on strategic planning for infrastructure include the need to plan for energy infrastructure including heat.</p> <p>Other measures that local authorities will need to respond to include the nationally legally-binding target to ensure 15% of energy comes from renewable sources by 2020 (in accordance with the Renewables Energy Directive (2009/28/EC)), the requirements of the Climate Change Act 2008, the</p>

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			<p>Flood and Water Management Act 2010, the UK Renewable Energy Strategy 2009, the UK National Renewable Action Plan 2010, the Green Deal and responses to the UK Climate Change Risk Assessment 2012.</p> <p>Collectively the legislation and planning policy provides the framework for Government, agencies and local authorities to act in concert to respond to the challenge of climate change.</p>
32.	<p><b>Individual topics</b></p> <p><b>Patterns of development</b></p>	<p>The <b>Town and Country Planning Association</b> considers that the assessment identified little or no difference in maintaining delivery of the concentrated patterns of development (that the majority of new development should be concentrated in principal urban areas and three growth towns in Northamptonshire), partly because policies are assessed in isolation without referring to the interrelationship.</p>	<p>Comments noted.</p> <p>Section 4.5 ‘Secondary, Cumulative and Synergistic Effects’ and section 4.6 of the updated Environmental Report outlines the wider implications and effects of revocation and retention of the East Midlands Regional Strategy. This notes that:</p> <p>‘A number of issues are arguably more efficiently and effectively addressed across wider areas than local authority boundaries, in particular strategic employment sites, major infrastructure provision, biodiversity planning, climate change mitigation and adaptation, and renewable energy. Whilst the duty to co-operate in principle and practice could well address a wide range of strategic issues, it is AMEC’s opinion that there is uncertainty as to how</p>

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			<p>this might work in the short term, both by topic and geographically. For example, securing agreement on housing and employment levels and distribution could be easier (although not universally so) at sub-regional scale than might strategic infrastructure provision on the same or wider scale. Some issues such as renewable energy, biodiversity enhancement or landscape conservation, which typically benefit from being planned at a wider geographical scale, could be ignored or their potential not realised.'</p> <p>The Government recognises that the duty to co-operate needs to be sufficiently robust to secure effective planning on cross-boundary issues, and the legislative requirement was strengthened during the development of the Localism Act, working with a broad range of external expert bodies. The stronger duty requires councils to demonstrate how they have complied with the duty as part of the independent examination of local plans. This could be, for example, by way of plans or policies prepared as part of a joint committee, informal strategies such as joint infrastructure and investment plans, or a memorandum of understanding which is presented as evidence of an agreed position. Failure to demonstrate compliance</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
			<p>may mean that local plans may not pass the examination process. This is a powerful sanction. Where local planning authorities have failed to co-operate on cross boundary matters it is also likely that their Local Plan will not be deliverable and as such it may be found unsound.</p>
33.	<p><b>Individual topics – landscape and design</b></p>	<p><b>Natural England</b> considers that the updated environmental report does not sufficiently address the loss of policies on design and consideration of the environment, nor on how elements of them not deliverable through the National Planning Policy Framework could be addressed through cross-boundary initiatives. These include Policies 2 (Promoting Better Design), 26 (Protecting and enhancing the region's natural and cultural heritage), 27 (Regional Priorities for the Historic Environment), 28 (Regional Priorities for Environmental and Green Infrastructure), 29 (Policies for Enhancing the Region's biodiversity), 30 (Regional Priorities for managing and increasing woodland cover) and 31 (Priorities for the management and enhancement of the Region's landscapes).</p>	<p>Disagree</p> <p>The Government will provide a response to the findings of the Strategic Environmental Assessment in Table 3.2 of the Post Adoption Statement. This will include the finding concerning issues such as renewable energy, biodiversity enhancement or landscape conservation, which typically benefit from being planned at a wider geographical scale, may not have their full potential realised.</p> <p>However, Nature Improvement Areas and Local Nature Partnerships already provide opportunities for cross-boundary working with partners working together to improve biodiversity through projects which can be expected also to contribute significantly to landscape conservation.</p> <p>In addition, many local authorities are already working collaboratively to produce sound plans. The duty to co-operate formalises those</p>



No	Issue	Summary of consultation responses to the updated Environmental Report	Response
			arrangements by creating a statutory requirement to co-operate to ensure that local plans are effective and deliverable on cross-boundary matters. The duty requires authorities to work together constructively, actively and on an ongoing basis in relation to strategic cross-boundary issues in local plans.
34.	<b>Individual topics</b> <b>Water</b> <b>(Policy 32 – A regional approach to Water resources and water quality)</b>	<b>Iceni Projects Ltd</b> consider that there is an apparent discrepancy in the sustainability appraisal, with a positive assessment for revocation of policy 32 but a negative impact on water under policy 1.	Comment noted.  The assessment considered the likely effects of revocation which for water resources include both potential long term uncertainty in the absence of Regional Policy 1, but potentially positive long term, impacts associated with Environment Agency policies and programmes relating to Catchment Management which are a substitute for Policy 32.
35.	<b>Individual topics</b> <b>Transport</b>	<b>Derbyshire County Council</b> considers that the loss of regional funding priorities set out in the Regional Strategy (and its incorporated Regional transport Strategy) would affect future funding, and would not be addressed until core strategies and infrastructure plans contained agreed priorities. They also consider that transport policies requiring transport assessments would	Comments noted.  The Transport Act 2000 makes the preparation of local transport plans a statutory requirement. Local authorities should continue to ensure their land use and local transport plans are mutually consistent, and deliver the most sustainable and effective development for their area.  The Local Transport White Paper (published

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		be lost.	<p>January 2011) sets out the Government's vision for a sustainable local transport system that supports the economy and reduces carbon emissions. It explains how the Government is placing localism at the heart of the transport agenda, taking measures to empower local authorities when it comes to tackling these issues in their areas. The White Paper also underlines central government's direct support to local authorities, including through the Local Sustainable Transport Fund.</p> <p>Revocation of the Regional Strategy does not change the statutory responsibilities of the Highways Agency or Local Transport Authorities.</p> <p>The National Planning Policy Framework makes it clear that local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly co-ordinated and clearly reflected in individual Local Plans. These strategic priorities include the need to develop strategic policies to deliver the homes and jobs needed in the area. The National Planning Policy Framework states that joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas. As part of this process, they should consider</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
			<p>producing joint planning policies on strategic matters and informal strategies such as joint infrastructure and investment plans. Local planning authorities will be expected to demonstrate evidence of having effectively co-operated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the statutory duty to co-operate, legal and procedural requirements, and whether it is sound.</p> <p>In addition paragraph 32 of the National Planning Policy Framework states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment.</p>
36.	<b>Individual Topics:</b> <b>Transition period</b>	<b>Peak District National Park Authority</b> consider the report should include reference to partial retention, for a limited period, of specific policies and supporting text insofar as they apply to the national park, in order to mitigate the harmful effects of revocation until such time as their intent has been satisfactorily included in all the core strategies that surround the national park.	The Government does not believe that retaining the whole or elements of policies through a partial revocation of the East Midlands Regional Strategy, as identified by Peak District National Park is necessary. The duty to co-operate has been in place since March 2012 and is underpinned by the National Planning Policy Framework. The duty provides a robust vehicle for local planning

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		<p>National Park concerns are either omitted unintentionally by adjacent authorities concentrating on their Core Strategies or contradicted intentionally as a result of long term views held by a constituent authority – temporary retention of relevant regional policy would therefore provide significant clarity for debate at core strategy examinations or, with the requirement for conformity, remove the likelihood of disagreement in the first place.</p> <p>The Authority also raise issues on the assessment of the impact of revocation of these policies set out in Appendix D of the Report.</p> <p>The Park Authority consider the policies that provided important spatial clarity that would be lost at revocation are :</p> <p>Policy 8 - Spatial Priorities in and around the Peak Sub-area</p> <p>The Authority disagree with the description in Appendix E table 1.5 of policy 8 of the Plan as being ‘aspirational’. Table 1.5 appears to seek to dismiss the value of policy 8 and the synergies with the assessments in Table 1.5 for Plan</p>	<p>authorities and other bodies identified under the duty to deliver cross-boundary strategic planning where needed, so as to inform the preparation of local plans.</p> <p>The analysis in Appendix E Table 5 openly acknowledges that in some respects existing Regional Plan policies could potentially be more beneficial for some interests, such as the creation of biodiversity networks. However, revocation of the East Midlands Regional Strategy does not signal an end to strategic planning, but a shift towards a locally-led approach to planning for cross-boundary matters in local plans. The duty to co-operate requires local authorities and other public bodies (such as the Environment Agency and Natural England) to work together constructively, actively and on an on-going basis in relation to planning for strategic, cross-boundary matters in local plans.</p> <p>Policy 8 in particular relies for its delivery on adjacent authorities which in respect of the matters cited should be no different under revocation, that is local planning authorities responsible for areas bordering National Park boundaries must have regard to section 62 of the Environment Act 1995,</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>policies 28-31 and 33 which recognise that green infrastructure, biodiversity, woodland cover, landscape and river corridors are best served by retention) are plain. This incorrect assessment runs through much of Appendix E.</p> <p>Policy 9 – Spatial Priorities outside the Peak District National Park</p> <p>Policy 10 – Managing Tourism and Visitors in the Peak Sub-area</p> <p>The assessment of policies 9 and 10 in Appendix D fails to consider or comment on the retention or revocation of the onus on surrounding authorities to assist in achieving statutory national park purposes</p> <p>Policy 13a – Regional Housing provision (excluding Northamptonshire)</p> <p>The (Appendix D) assessment makes no reference to the importance and certainty of the absence of a target for the National Park, nor to the footnote describing the relationship of housing completions within the Park to targets in the remainder of its constituent authority areas.</p> <p>Paragraph 10.4.2 in Appendix E is also incorrect</p>	<p>which inserts a new section 11A into the National Parks and Access to the Countryside Act 1949. This provision creates a new statutory duty, not only on National Park Authorities but also other ‘relevant authorities’ - which include all public bodies and therefore all local authorities - to have regard to the purposes of designation when exercising or performing any functions in relation to, or so as to affect, land in a National Park. In fulfilling this duty local planning authorities should take account of the National Planning Policy Framework, which states that the planning system should protect and enhance valued landscapes, and that great weight should be given to conserving landscape and scenic beauty in National Parks, including the conservation of wildlife and cultural heritage. Moreover, National Park Authorities are a statutory consultee on planning applications that could affect a National Park. They should respond, setting out their case, if they consider that any impacts would compromise the purposes of National Park designation.</p> <p>See response to “Setting of the national parks</p>

No	Issue	Summary of consultation responses to the updated Environmental Report	Response
		<p>to ignore this relationship set out in the footnote.</p> <p>Policy 17 – Regional Priorities for Managing the Release of Land for Housing (with paragraph 3.1.24 of the Plan)</p> <p>Policy 37 – Regional Priorities for Minerals</p> <p>The Park Authority disagree with the conclusion in the Appendix D assessment that mitigation via bilateral agreements is a virtual certainty. Adjacent mineral planning authorities may take a different position in the future, leading to an impact likely to be more significant in the long term than the short and medium term indicated by the assessment.</p> <p>Policy 38 – Regional Priorities for Waste Management</p> <p>The Appendix D assessment does not consider the loss of spatial certainty about scale and the lack of requirement for self-sufficiency in the National Park and of arising future difficulties.</p>	<p>above”.</p> <p>See response to “individual topics: housing numbers” above.</p> <p>See response to “Setting of the National Parks” above.</p> <p>The Government considers that local authorities are best suited to understand the waste management needs of their area, and to ensure that there are sufficient waste management facilities in place. In deciding where to locate facilities, waste planning authorities, including the National Park Authority should have regard to its statutory provisions, as</p>

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			well as the National Planning Policy Framework and Planning Policy Statement 10. Waste Planning Authorities are already able to work together to prepare joint plans.
37.	<b>Individual policies</b> <b>Tourism</b>	<b>Peak District National Park Authority</b> consider the assessment of policy 42 of the Plan (Regional Priorities for Tourism) in Appendix D of the Report to be weak because it fails to consider the cumulative / synergistic effects of this policy when combined with those for the spatial distribution of development including the Peak-sub area requirements for adjacent areas to contribute towards the achievement of statutory national park purposes.	Disagree.  The Tourism Policy is widely drawn and considers its promotion across the Region as a whole. The assessment notes the potential of the policy to both undermine and improve the protection and enhancement of biodiversity in the region, for example, depending on how it is managed. However, overall, revocation is considered to have a neutral impact because of the broad nature of the policy and the opportunity to address issues of conflict through local policy.

# Annex C

## Monitoring Indicators

**Table C1 Strategic Environmental Assessment topics, monitoring indicators and sources of information**

Strategic Environmental Assessment Topics	Monitoring Indicators	Source(s) of Information
<b>Biodiversity, Flora and Fauna</b>	Annual (where information allows) trends in: <ul style="list-style-type: none"> <li>• Condition of designated sites</li> <li>• Threatened habitats and species</li> <li>• Populations of countryside birds</li> <li>• Surface water biological indicators</li> </ul>	Joint Nature Conservation Committee report under Article 17 of the Habitats Directive (completed every 6 years) on the conservation status of protected habitats Joint Nature Conservation Committee <a href="http://www.jncc.gov.uk/page-4241">http://www.jncc.gov.uk/page-4241</a> <a href="http://jncc.defra.gov.uk/page-4239">http://jncc.defra.gov.uk/page-4239</a> <a href="http://jncc.defra.gov.uk/page-4238">http://jncc.defra.gov.uk/page-4238</a> <a href="http://jncc.defra.gov.uk/page-4235">http://jncc.defra.gov.uk/page-4235</a> <a href="http://www.sssi.naturalengland.org.uk/Special/sssi/report.cfm?category=R,RF">http://www.sssi.naturalengland.org.uk/Special/sssi/report.cfm?category=R,RF</a> Department for Environment, Food and Rural Affairs (Defra) <a href="http://www.defra.gov.uk/statistics/environment/inland-water/">http://www.defra.gov.uk/statistics/environment/inland-water/</a> The Environment Agency (EA) are responsible for monitoring water quality under the Water Framework Directive
<b>Population</b>	Annual (where information allows) trends in: <ul style="list-style-type: none"> <li>• Employment Information</li> </ul>	Office of National Statistics reports, specifically Regional Trends and Regional Gross Value Added



Strategic Environmental Assessment Topics	Monitoring Indicators	Source(s) of Information
	<ul style="list-style-type: none"> <li>• Population</li> <li>• Housing and additional net dwellings</li>   <li>• Local plan making progress and the duty to co-operate</li> </ul>	<p>Department for Communities and Local Government statistics: Annual net additional dwellings, Housebuilding: permanent dwellings completed by tenure and region</p> <p>The Department for Communities and Local Government Business Plan monitoring</p>
<b>Human Health</b>	<p>Annual (where information allows) trends in:</p> <ul style="list-style-type: none"> <li>• National Statistics – Long term illness, etc.</li> <li>• Crime</li> <li>• Deprivation</li> <li>• Access to and quality of the local environment</li> </ul>	<p>Office for National Statistics on health</p> <p>Home Office, Crime Survey for England and Wales</p> <p>Department for Communities and Local Government statistics: Indices of Deprivation</p> <p>Office for National Statistics (proposed measures of wellbeing)</p>
<b>Soil and Geology</b>	<p>Annual (where information allows) trends in:</p> <ul style="list-style-type: none"> <li>• Land use</li>   <li>• Use of Best and Most Versatile Land</li> </ul>	<p>Department for Communities and Local Government statistics</p> <p>Department for Environment, Food and Rural Affairs  <a href="http://magic.defra.gov.uk/">http://magic.defra.gov.uk/</a></p>
<b>Water</b>	Annual (where information allows)	

Strategic Environmental Assessment Topics	Monitoring Indicators	Source(s) of Information
	trends in: <ul style="list-style-type: none"> <li>• % of catchments with good ecological status</li> <li>• Water resource availability</li> <li>• Per capita water consumption</li> <li>• Number of water resource zones in deficit</li> </ul>	The Environment Agency and the Department for Environment, Food and Rural Affairs. <a href="http://www.defra.gov.uk/statistics/environment/inland-water/">http://www.defra.gov.uk/statistics/environment/inland-water/</a>  Water Resource Plans (available every 5 years) from Anglian Water, Severn Trent Water, Yorkshire Water, United Utilities.
<b>Air</b>	Annual (where information allows) trends in: <ul style="list-style-type: none"> <li>• Number of Air Quality Management Areas</li> <li>• Number of Air Quality Management Areas where exceedances occurred.</li> </ul>	Department for Environment, Food and Rural Affairs  Department for Environment, Food and Rural Affairs
<b>Climatic factors</b>	Annual (where information allows) trends in: <ul style="list-style-type: none"> <li>• Emission of greenhouse gases</li> <li>• Installed capacity of sites generating electricity from renewable sources (MW)</li> </ul>	Department for Energy and Climate Change Statistical Release: Local and regional CO2 emissions  Department for Energy and Climate Change Regional Renewable Statistics (from the RSTATS (Renewable Energy Statistics) database and REPD (the Renewable Energy Planning) database, <a href="https://restats.decc.gov.uk/cms/welcome-to-the-restats-web-site/">https://restats.decc.gov.uk/cms/welcome-to-the-restats-web-site/</a>

Strategic Environmental Assessment Topics	Monitoring Indicators	Source(s) of Information
	<ul style="list-style-type: none"> <li>Number of properties at risk of flooding</li> </ul>	Environment Agency
<b>Material Assets</b>	Annual (where information allows) trends in: <ul style="list-style-type: none"> <li>Volume of construction waste and proportions recycled</li> <li>Volume of hazardous waste</li> <li>Volume of controlled wastes and proportions recycled</li> <li>Volume of minerals extracted</li> </ul>	Environment Agency  Environment Agency  Environment Agency  East Midlands Mineral Planning Authorities
<b>Cultural heritage, including architectural and archaeological heritage</b>	Annual (where information allows) trends in: <ul style="list-style-type: none"> <li>% of heritage assets of different types that are at risk</li> </ul>	English Heritage 'Heritage at risk report'
<b>Landscape and Townscape</b>	Annual (where information allows) trends in: <ul style="list-style-type: none"> <li>Change in Areas of Outstanding</li> </ul>	

Strategic Environmental Assessment Topics	Monitoring Indicators	Source(s) of Information
	<p>Natural Beauty (area, threats and quality)</p> <ul style="list-style-type: none"> <li>• Change in National Parks (area, threats and quality)</li> <li>• Changes in Conservation Areas</li> <li>• Percentage who are very or fairly satisfied with local area</li> <li>• Trend in number of vacant dwellings</li> </ul>	<p>National Association of Areas of Outstanding Natural Beauty, and English National Park Authorities Association</p> <p>English Heritage (if 2003 survey repeated)</p> <p>Office for National Statistics (proposed measures of wellbeing)</p> <p>Department for Communities and Local Government  <a href="http://www.communities.gov.uk/documents/housing/xls/1815794.xls">http://www.communities.gov.uk/documents/housing/xls/1815794.xls</a></p>