



*A great place to live, work & play*

# **Sustainability Statement**

Whitby Business Park

Area Action Plan

**November 2014**

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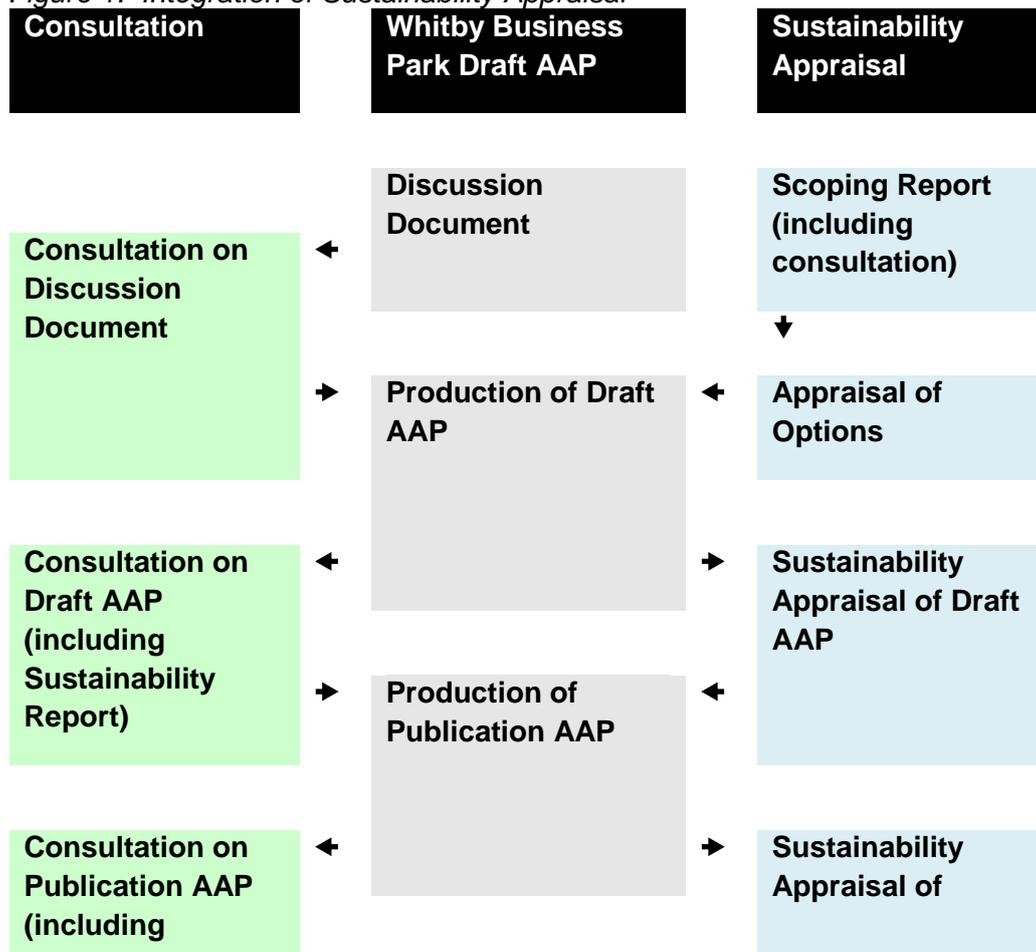
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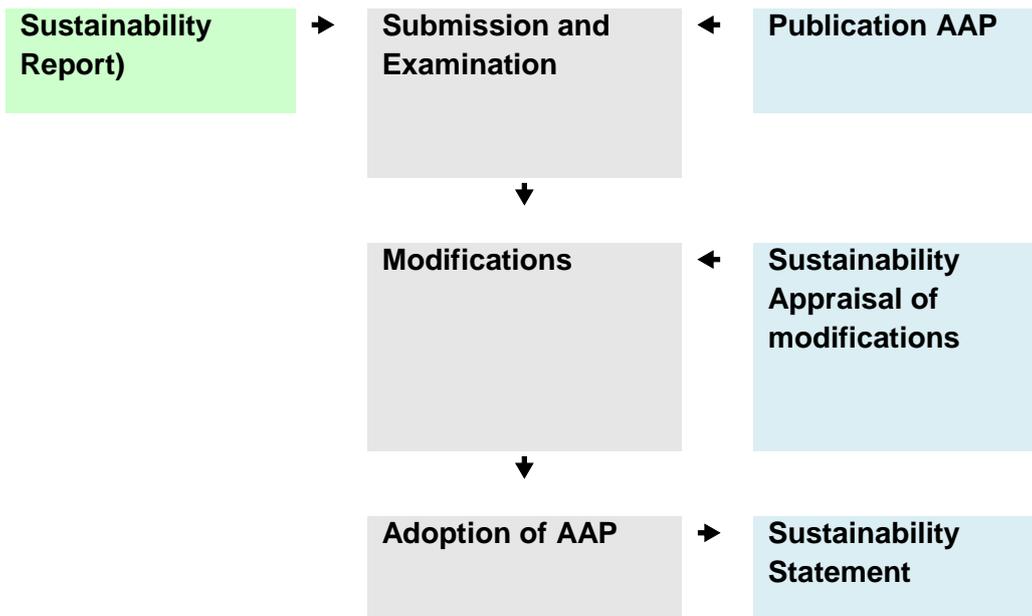
# 1. Introduction

- 1.1 Under the Planning and Compulsory Purchase Act 2004, Sustainability Appraisal is required as part of the production of any Development Plan Document. In addition to undertaking Sustainability Appraisal there is also a European requirement to undertake Strategic Environmental Assessment<sup>1</sup>. Throughout the production of the Whitby Business Park Area Action Plan both processes have been undertaken together and the term Sustainability Appraisal throughout the rest of this Statement refers to both Sustainability Appraisal and Strategic Environmental Assessment. Appendix 1 shows how the requirements for Strategic Environmental Assessment have been integrated into the Sustainability Appraisal process.
- 1.2 Regulation 16 of the Environmental Assessment of Plans and Programmes Regulations 2004 requires authorities to publish a statement, upon adoption of a plan, which outlines how environmental considerations have been integrated into the plan, how consultation responses have been taken into account, the reasons for choosing the plan as adopted and the measures to be taken to monitor any significant environmental effects of the plan.
- 1.3 Figure 1 below shows how Sustainability Appraisal has been incorporated into the production of the Whitby Business Park Area Action Plan.

*Figure 1: Integration of Sustainability Appraisal*



<sup>1</sup> Directive 2001/42/EC, translated in UK law via Environmental Assessment of Plans and Programmes Regulations 2004



## 2. Scoping

- 2.1 Production of the Plan began with the consultation on the Discussion Paper and the Scoping Report which was carried out from 10th August 2009 until 18th September 2009. The Scoping Report identifies the sustainability issues, based on a review of baseline information and other relevant plans and programmes, which inform the identification of sustainability objectives, which have been used to assess the Plan at various stages of production as set out in the sections below.
- 2.2 A total of three responses were received in relation to the Scoping Report, and a summary of these and how they were addressed is set out in Table 1 below.

*Table 1: Summary of responses received on Scoping Report*

<b>Respondent</b>	<b>Summary of Response</b>	<b>Action</b>
English Heritage	There are no key sustainability issues in the cultural heritage and archaeology section of the baseline	The baseline was amended for the 2013 Scoping Report to reflect the baseline produced for the Scarborough Local Plan.
	It is not clear how monitoring listed buildings in Scarborough Borough would show effects of the Business Park on the historic environment.	This was amended during the production of the Plan to include an indicator relating to views of the abbey.
Yorkshire Forward	No comments	Noted
North Yorkshire County Council	Paragraph 5.9 – high standards of sustainable construction and design should be identified as mitigation measures.	Sustainable construction and design has been considered in developing the policies in the Plan.
	Update reference to Marine Strategy on Page 52 to reflect that it has been published.	This is amended in the Final Scoping Report.

- 2.3 A revised Scoping Report was produced in April 2013, taking on board these consultation responses, to guide the Sustainability Appraisal of the draft Area Action Plan, and was also updated in other respects. The Final Scoping Report is available on the National Park Authority's website<sup>2</sup>. The consultation responses received in relation to the Discussion Paper which related to the Area Action Plan more generally, are detailed in the Statement of Consultation<sup>3</sup>, including details of how these were addressed in drafting the Area Action Plan.
- 2.4 The Sustainability Objectives, set out in the Scoping Report, which have been used in carrying out the Sustainability Appraisal are:

### *Environment*

<sup>2</sup> [www.northyorkmoors.org.uk/\\_\\_data/assets/pdf\\_file/0008/481049/SD3-Sustainability-Appraisal-Scoping-Report-April-2013.pdf](http://www.northyorkmoors.org.uk/__data/assets/pdf_file/0008/481049/SD3-Sustainability-Appraisal-Scoping-Report-April-2013.pdf)

<sup>3</sup> Proposed Submission Whitby Business Park Area Action Plan Statement of Consultation (North York Moors National Park Authority and Scarborough Borough Council, November 2013)  
[www.northyorkmoors.org.uk/\\_\\_data/assets/pdf\\_file/0003/481053/SD7a-Proposed-Submission-Consultation-Statement-November-2013.pdf](http://www.northyorkmoors.org.uk/__data/assets/pdf_file/0003/481053/SD7a-Proposed-Submission-Consultation-Statement-November-2013.pdf)

1. To provide a transport network which encourages the use of public transport, cycling and walking and minimises traffic congestion.
2. To optimise the use of empty buildings and derelict sites bearing in mind their potential nature conservation and heritage value.
3. To provide a good quality built environment, including green spaces and green infrastructure corridors, and ensure high standards of sustainable design and construction, including energy and water conservation, waste recycling facilities and use of sustainable materials.
4. To conserve and enhance all aspects of the ecological environment, in particular designated sites and protected species, and provide opportunities for local residents to access and understand these.
5. To conserve and enhance all aspects of the coastal and marine environment, in particular designated sites and fisheries.
6. To protect and enhance water, soil and air quality through reducing pollution and remediating existing pollution.
7. To reduce greenhouse gas emissions to mitigate the rate of climate change and to ensure future development prepares for climate change.
8. To ensure prudent and efficient use of natural resources and minimal production of waste.
9. To minimise flood risk as a result of new development.
10. To conserve and enhance all aspects of the landscape, in particular designated sites, and local distinctiveness.
11. To preserve and enhance all aspects of the historic environment and to provide opportunities for all residents to access and understand local cultural heritage.

#### *Social*

12. To provide affordable, decent housing in accessible locations to meet the needs of local people in urban and rural locations.
13. To provide lifelong education and training opportunities for all local residents, including the young, deprived, disabled, the elderly and those in both urban and rural locations.
14. To promote good physical and mental health through the provision of access to adequate leisure facilities, recreational activities and health services in urban and rural locations.
15. To reduce crime and the fear of crime, particularly through Secured by Design.
16. To provide good access for all local residents to key services and facilities so that local needs can be met locally.

#### *Economy*

17. To provide good quality employment opportunities available to all local residents (existing and potential), including the young, deprived, disabled and those living in both urban and rural locations.
18. To provide conditions which enable business success, economic growth and investment in both urban and rural locations.
19. To support the tourism industry through the provision of accessible tourist facilities, building on the natural and historic features of the area.

### 3. Sustainability Appraisal of Options

- 3.1 As the principle of new development at Whitby Business Park had been set out through the North York Moors Core Strategy<sup>4</sup> and the Scarborough Local Plan, wider options for Whitby were not assessed as part of the preparation of the Area Action Plan. The options therefore focussed on assessing the sites that were put forward and on the two options below. A 'do nothing' option was also not appropriate for the reasons set out above.
1. Do not allocate any retail development on the site because historically it has been used as a site for employment for use classes B1, B2 and B8 and the land should be safeguarded for this purpose in the future. Any proposals for new retail development on the site would therefore be determined on a case-by-case basis.
  2. Establish a clear policy framework and 'plan-led' approach to future retail development on the Business Park in the light of recent planning permissions that have been granted in order to ensure that the majority of the site remains in employment use, while taking some of the capacity for retail development that cannot be accommodated in Whitby town centre.
- 3.2 The detailed assessment of these options is contained in the Sustainability Appraisal Reports<sup>5</sup> and concluded that Option 2 would be the most sustainable option. Whilst it would provide benefits in relation to provision of employment opportunities, Option 1 was judged to have uncertain effects on the efficient use of sites and buildings and on the landscape and historic environment due to the potential need to find alternative sites for retail uses elsewhere in Whitby. Option 1 would not contribute towards providing facilities and services for local people. Under Option 2 provision of retail use on the site was considered to be beneficial in relation to providing a facility for local residents, providing new employment opportunities and in relation to safety and crime due to the potential presence of people for longer hours. The presence of further retail uses was considered to contribute to providing a range of employment opportunities at the Business Park. These conclusions, along with the consultation responses received on the Discussion Paper, have helped to inform the selection of the approach taken in the AAP, which is to pursue Option 2.

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<sup>4</sup> North York Moors National Park Core Strategy and Development Policies (North York Moors National Park Authority, 2008) and Scarborough Borough Local Plan (Scarborough Borough Council, 1999)

<sup>5</sup> Sustainability Appraisal Report – Whitby Business Park Draft Area Action Plan (North York Moors National Park Authority and Scarborough Borough Council, April 2013) and Sustainability Appraisal Report - Whitby Business Park Proposed Submission Area Action Plan (North York Moors National Park Authority and Scarborough Borough Council, November 2013)

[www.northyorkmoors.org.uk/planning/framework/whitby-business-park-area-action-plan](http://www.northyorkmoors.org.uk/planning/framework/whitby-business-park-area-action-plan)

## 4. Assessment of Draft Area Action Plan

- 4.1 The Sustainability Appraisal of the objectives, policies and sites was initially undertaken in relation to the Draft Area Action Plan. A Sustainability Report containing the detailed assessments was published as part of the consultation. The conclusions of this assessment are set out below.

### ***Assessment of Draft AAP Objectives***

- 4.2 The objectives of the AAP were developed through consultation on the Discussion Paper. It is necessary to assess objectives against each other and also against the sustainability objectives in the Sustainability Appraisal. This ensures that the AAP is broadly in line with sustainability objectives from the outset. This assessment is contained in Appendices 2 and 3. The assessment shows that there are no negative effects arising either from the interaction between the objectives of the AAP or on the objectives of the Sustainability Appraisal. There are, however three potential uncertain effects of the objectives on sustainability which should be recognised and mitigated against in taking the AAP forward. These are as follows:

- The impact that the highway improvements outlined in Objective 2 of the draft AAP could have on sustainability objectives relating to the quality of the environment, ecology, pollution and greenhouse gas emissions. This will need to be addressed through careful highway design which is of a high quality, takes account of the needs of all users of the site and of the natural environment in and around the site.
- The potential impact that the expansion of the Business Park and additional commercial and industrial uses on the site could have on water, soil and air pollution if such uses are not properly planned and regulated. It is important to note that applications for the development of sites will be assessed against the overall policies in the draft AAP and the Local Plan and Local Development Framework policies of each Authority which seek to ensure that there are no adverse impacts from new development on water resources, soil and air quality.
- The potential effect of new sites and areas of development and expanded areas of green infrastructure on the security and safety of the site which will again need to be addressed through careful layout and details for the schemes that come forward for development.

### ***Assessment of Potential Sites at Draft AAP stage***

- 4.3 The sites allocated for employment uses in the Scarborough Local Plan<sup>6</sup> and the former North York Moors Local Plan<sup>7</sup> were re-considered as part of this assessment. One alternative site for the expansion of the Business Park was put forward as part of consultation on the Discussion Paper, at Broomfield Farm on the opposite side of the A171 from the Business Park. Other sites have come forward when considering the need for different types of uses at the Business Park, specifically retail uses and a pub/hotel facility. All the sites have been assessed based on the criteria which have been established through work on the Scarborough Borough Core Strategy and more recently, the emerging Local Plan. Scarborough Borough Council; has undertaken consultation on this assessment methodology and the final version has been used in

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<sup>6</sup> Scarborough Borough Local Plan (Scarborough Borough Council, 1999)

<sup>7</sup> North York Moors Local Plan (North York Moors National Park Authority, 2003)

assessing the sites put forward. These assessments informed the inclusion of the areas of land as included in the Draft AAP.

- 4.4 The assessment of sites was undertaken on a qualitative basis, with input from relevant organisations where appropriate. The Sustainability Appraisal Report shows the locations of each of the sites. Below is a summary of the sustainability implications of the development of each possible allocation, at Draft AAP stage:

Broomfield Farm – whilst there are no significant sustainability issues or other constraints to development on the site, it is on the opposite side of the road from the existing Business Park and forms a less logical extension compared with other sites immediately on the edge of the existing area. It would also not enable the problems with the highway layout on the existing Business Park to be resolved. It is for these reasons that this site was not progressed in the Draft AAP.

Sites 1 - 3 – no significant sustainability issues or other constraints to development on the sites, apart from the need to pay careful attention to the scale and design of new development so that the historic setting of Whitby Abbey and the interface with the landscape of the National Park are safeguarded.

Retail Site – redevelopment of an existing site which is adjacent to existing retail uses has sustainability benefits.

Pub/Hotel Site – whilst the pub/hotel site performs well in relation to environmental objectives, some uncertainty exists over its impact on visitor accommodation in the town itself. As demand for the pub/hotel has arisen from businesses within the Business Park it will be meeting a need not currently met by existing accommodation providers in Whitby however it was acknowledged that some displacement may take place.

#### ***Assessment of the Draft AAP Policies***

- 4.5 Each policy in the Draft AAP was appraised against the Sustainability Objectives in order to identify potential impacts and highlight any significant effects and ensure that mitigation measures are incorporated where there are potential adverse impacts. Separate detailed appraisal tables were prepared for each policy and these are available separately.
- 4.6 The sustainability impacts of the assessment of the policies in the Draft AAP were summarised as potential negative effects arising from the proposed highway improvements on objectives relating to the environment including protecting ecology and minimising pollution and the impact on safety and security of users of the site (including perception of safety) of having expanded areas of development and green infrastructure. Further consideration was given to these in the consideration of cumulative and significant effects below and the identification of mitigation measures.

#### ***Cumulative Impacts of the Draft AAP***

- 4.7 A more detailed assessment of the cumulative impacts of the Draft AAP was necessary to identify where the main adverse effects could arise to enable these to be addressed. This is shown in Table 2 below. For the purposes of this table the term cumulative effects also includes any synergistic effects (effects where the overall effect is greater than the sum of the individual effects).

Table 2: Cumulative effect identified at Draft AAP stage

Sustainability Objective	Cumulative Effects
<p>1. To provide a transport network which encourages the use of public transport, cycling and walking and minimises traffic congestion.</p>	<p>Mainly positive effects on this objective, in particular the highway improvements within the site will enable easier access for public transport and for walking and cycling and will increase employment opportunities for Whitby residents and those living in communities nearby.</p> <p>One uncertain effect on this objective arising from pub and hotel site being less accessible on foot to those visiting the town centre.</p>
<p>2. To optimise the use of empty buildings and derelict sites bearing in mind their potential nature conservation and heritage value.</p>	<p>No direct impact on this objective as allocated sites are mainly greenfield sites apart from the retail allocation. Although sites allocated in Policies 1 and 3 are Greenfield sites they are well located adjacent to the built up area of the existing Business Park.</p> <p>No cumulative effects.</p>
<p>3. To provide a good quality built environment, including green spaces and green infrastructure corridors, and ensure high standards of sustainable design and construction, including energy and water conservation, waste recycling facilities and use of sustainable materials.</p>	<p>Positive effects from the various policies which seek to improve the environment.</p> <p>Positive cumulative effects on this objective but this will be dependent on securing a high quality of new development on the extensions to the Business Park, the production of a Design Brief will help to ensure this.</p> <p>The highway improvements proposed could potentially have a harmful impact on the environment at the Business Park if not appropriately designed.</p>
<p>4. To conserve and enhance all aspects of the ecological environment, in particular designated sites and protected species, and provide opportunities for local residents to access and understand these.</p>	<p>No cumulative effects identified.</p>
<p>5. To conserve and enhance all aspects of the coastal and marine environment, in particular designated sites and fisheries.</p>	<p>Objective not directly relevant to Whitby Business Park.</p>
<p>6. To protect and</p>	<p>Some possible cumulative effects on objective</p>

enhance water, soil and air quality through reducing pollution.	arising from the presence of more industrial and commercial uses on the site and the potential for more pollution to water, ground and air and also from the potential for surface water runoff from the highway improvements to pollute groundwater or watercourses.
7. To reduce greenhouse gas emissions to mitigate the rate of climate change and to ensure future development prepares for climate change.	Some uncertainty arising from the location of the hotel facility which is less accessible for visitors to the town centre which could generate more car trips to and from the Business Park.  No cumulative effects.
8. To ensure prudent and efficient use of natural resources and minimal production of waste.	No potential adverse effects on this sustainability objective – policies in the draft AAP support sustainable design and energy use.  No cumulative effects.
9. To minimise flood risk as a result of new development.	Uncertain effect arising from the new highways proposed in the policies which could lead to surface water runoff, suitable drainage arrangements needed.  Cumulative effects arising from the impact of drainage from the new sites and roads.
10. To conserve and enhance all aspects of the landscape, in particular designated sites, and local distinctiveness.	Some uncertain effects arising from the development of sites 1 -3 into the countryside around the Business Park and the effect of this on the landscape setting of Whitby and the National Park.  Cumulative effects arising from the landscape impact of development on the three sites.
11. To preserve and enhance all aspects of the historic environment and to provide opportunities for all residents to access and understand local cultural heritage.	Some uncertainty around the impact of developing sites on the edge of the Business Park on the setting of Whitby Abbey.  No cumulative effects.
12. To provide affordable, decent housing in accessible locations to meet the needs of local people in urban and rural locations.	Not relevant to Whitby Business Park.
13. To provide lifelong education and training	Positive cumulative effects arising from the creation of more jobs and associated training opportunities

opportunities for all local residents, including the young, deprived, disabled, the elderly and those in both urban and rural locations.	arising from development of the allocated sites.
14. To promote good physical and mental health through the provision of access to adequate leisure facilities, recreational activities and health services in urban and rural locations.	Some positive effects arising from reinforcing and expanding green infrastructure networks and facilitating more cycling and walking to and from the site.  No cumulative effects.
15. To reduce crime and the fear of crime, particularly through Secured by Design.	Some uncertain cumulative effects on this objective which arise mainly from the expansion of the Business Park and connecting up the estate roads and expanding green infrastructure networks and the potential this creates for more crime - proposals will need to take into account secured by design principles.
16. To provide good access for all local residents to key services and facilities so that local needs can be met locally.	Mainly positive cumulative effects on this objective arising from having more services and facilities available at the Business Park as a result of development on the allocated sites.
17. To provide good quality employment opportunities available to all local residents (existing and potential), including the young, deprived, disabled and those living in both urban and rural locations.	Significant positive cumulative effects on this objective from expanding job opportunities at the site which will be readily accessible to Whitby residents and other communities in the Borough and National Park.
18. To provide conditions which enable business success, economic growth and investment in both urban and rural locations.	Significant positive cumulative effects on this objective.
19. To support the tourism industry through the provision of accessible tourist	Objective not directly relevant to the Business Park although one uncertain effect identified from the proposed hotel and pub allocation. Pub will be accessible to residents on the east side of Whitby.

facilities, building on the natural and historic features of the area.	The hotel is directly accessible to businesses and customers from the Business Park but less but hotel is outside the town centre which could draw business.  No cumulative effects.
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### ***Significant Effects at Draft AAP stage***

4.8 As well as the identification of the likely effects, the assessment must also identify the *significant* effects. The assessment of significance was based upon the characteristics of the likely effects in terms of the criteria established via the Scoping Report (paragraph 5.13). Each effect identified at Draft AAP stage was assessed qualitatively on an individual basis, for example the fact that an effect is permanent will not always mean it is significant.

4.9 The following potential effects were judged to be significant:

- Positive impact on jobs and training and on creating the conditions for business growth by expanding the availability of serviced employment land at the Business Park;
- Although uncertain, there could be significant negative effects from highway improvements on the environment, drainage, appearance and ecology of the site;
- Some uncertainty arising from the presence of more industrial and commercial uses on the site and the potential for more pollution;
- Some uncertain impacts on the landscape setting of the site and of the historic setting of Whitby Abbey arising from the development of greenfield sites extending into the open countryside around the Business Park;
- Uncertain impact on the safety and security of the site arising from extended areas of development and from the proposed highway improvements which will 'link up' the estate roads and create a through route within the site.

### ***Mitigation Measures proposed at Draft AAP stage***

4.10 The Sustainability Appraisal must examine possible mitigation measures to address the potential significant effects. Mitigation in this sense can also mean avoidance of these adverse effects. Mitigation measures can also relate to the consideration which will be made to other DPDs of the Authorities in implementing the AAP or to other control mechanisms such as legislation. In relation to the policies, the detailed assessment tables for each policy contain more information on mitigation measures for each identified adverse effect. The mitigation measures which were proposed in relation to the Draft AAP are set out in Table 3 below.

*Table 3: Proposed Mitigation Measures at Draft AAP stage*

<b>Sustainability Objective</b>	<b>Significant Effect</b>	<b>Proposed Mitigation</b>
3,4,6,9,10	Uncertain effects from highway improvements on the environment, drainage, appearance and ecology of the site.	Policy 6 requires the proposals for the highway improvements to accord with the advice contained in the Design Brief to be prepared for the site. Add text to supporting text to Policy 6 – 'The Design Brief to be prepared for the site will

		include detailed guidance on ensuring a high quality road layout which takes into account the ecology of the site and provides for appropriate drainage arrangements’.
6	Some uncertainty on objective arising from the presence of more industrial and commercial uses on the site and the potential for more pollution to water, ground and air and also from the potential for surface water runoff from the highway improvements to pollute groundwater or watercourses.	All proposals for new development will be assessed against policies in the Scarborough Borough Local Plan and North York Moors Local Development Framework which seek to avoid pollution to water, soil and air and individual uses will be regulated by other environmental regulations in addition to control through wider legislation. No further mitigation needed.
10	Some uncertain effects arising from the development of sites 1 -3 into the countryside around the Business Park and the effect of this on the landscape setting of Whitby and the National Park.	All proposals for new development at the Business Park will be assessed against Policy 4 of the AAP which seeks consistent and high quality design for new development. Paragraph 7.1 makes clear that proposals must take into account the landscape setting of the site which lies partly within the National Park. Proposals will also be assessed against the policies in the Scarborough Borough Local Plan and North York Moors Local Development Framework which also contain policies to support an appropriate scale and design of new development which does not harm the landscape. No further mitigation needed.
11	Some uncertainty around the impact of developing sites on the edge of the Business Park on the setting of Whitby Abbey.	Paragraph 7.8 makes reference to the need for all proposals to ensure that the scale, form and height of new development on the Business Park does not harm the setting of Whitby Abbey or the historic setting of the town. No further mitigation needed.
15	Uncertain impact on the safety and security of the site arising from extended areas of development, green	Add text to paragraph 7.8, supporting text to Policy 4 – ‘The Design Brief to be prepared for the site will include guidance on how the layout and design of the

	infrastructure and from the proposed highway improvements which will 'link up' the estate roads and create a through route within the site	extended areas, green infrastructure and highway improvements should include secured by design features to minimise the potential for crime and ensure that there is a safe and secure environment at the Business Park'.
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***Consultation on the Draft AAP***

- 4.11 Consultation on the Draft AAP and Sustainability Report (summarised in the paragraphs above) took place between 30<sup>th</sup> April 2013 and 14<sup>th</sup> June 2013. A total of 19 responses were received, raising 80 individual comments, of which a number were specifically relevant to the Sustainability Appraisal (these are discussed in section 5 overleaf below). Details of each of the comments received in relation to the Draft AAP and how these specifically have been addressed is contained in the Statement of Consultation<sup>8</sup>.

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<sup>8</sup> Proposed Submission Whitby Business Park Area Action Plan Statement of Consultation (North York Moors National Park Authority and Scarborough Borough Council, November 2013)  
[www.northyorkmoors.org.uk/\\_\\_data/assets/pdf\\_file/0003/481053/SD7a-Proposed-Submission-Consultation-Statement-November-2013.pdf](http://www.northyorkmoors.org.uk/__data/assets/pdf_file/0003/481053/SD7a-Proposed-Submission-Consultation-Statement-November-2013.pdf)

## 5. Assessment of Proposed Submission Area Action Plan

### *Amendments to the Area Action Plan*

5.1 Following consultation on the Draft Area Action Plan the following changes were made to the Plan:

- Mitigation measures proposed in the Sustainability Appraisal Report were addressed. These are:
  - Addition to the supporting text to Policy 7 (previously Policy 6) – ‘The Design Brief to be prepared for the site will include detailed guidance on ensuring a high quality road layout which takes into account the ecology of the site and provides for enhancement where appropriate and also provides for appropriate drainage arrangements.’ (wording slightly differs from SA recommendation); and
  - Addition to paragraph 7.8 – ‘The Design Brief to be prepared for the site will include guidance on how the layout and design of the extended areas, green infrastructure and highway improvements should include ‘secured by design’ features to minimise the potential for crime and ensure that there is a safe and secure environment at the Business Park.’
- Inclusion of a new Policy 1 relating to the presumption in favour of sustainable development (note therefore that all policy numbers changed between Draft and Proposed Submission version);
- The Site Guidance for Site 1 was amended to include reference to management of the watercourse being in line with the Water Framework Directive;
- The Site Guidance relating to Sites 2 and 3 was amended to include reference to providing a buffer zone along the beck to enable maintenance of the beck and for Site 2 this could also provide opportunities for biodiversity enhancements and recreation;
- A requirement for the sequential approach to be followed was included in the supporting text to Policy 3 ‘Retail’ (previously Policy 2);
- Reference to the 2007 Retail study has been removed as this is considered to be out of date;
- Policy 5 (previously Policy 4) was amended to also refer to protecting the setting of Whitby Abbey and the North York Moors National Park;
- Amendments were made in relation to the highways improvements outlined in Policy 7 (previously Policy 6) with the link between Cholmley Way and Fairfield Way to include a cycleway and footpath. (Also the link between Fairfield Way and Enterprise Way was shown on the Policies Map but this was not an amendment to policy);
- Amendments to the indicators to be used for monitoring the implementation and effects of the AAP (addresses the comment raised in relation to the Sustainability Appraisal Report);

- Amendments made as a result of the Appropriate Assessment carried out on the Draft AAP were:
  - Addition of text to paragraph 1.8 to state that ‘All applications for planning permission would be considered against the adopted policies in Scarborough Borough Council’s Local Plan and the North York Moors National Park Core Strategy and Development Policies, as well as the policies in this Area Action Plan.’, and
  - Addition of text to paragraph 1.20 to state that ‘A Habitats Regulations Assessment has also been carried out as part of production of the Area Action Plan. The conclusions of this assessment should be referred to in the consideration of any planning applications for development at Whitby Business Park.’

5.2 No amendments were made to the sites proposed for allocation, with the exception of the proposed amendments to the Design Guidance for sites 1 and 2 as detailed above. The assessment of the sites, including Broomfield Farm which is not proposed for allocation, therefore remains the same as at Draft AAP stage with the exception that:

Sites 1 – Following the inclusion of reference to the need to ensure that management of the watercourse takes place in line with the Water Framework Directive effects on water are judged as positive in relation to SA objective 6.

Site 2 – Following the inclusion of reference to the need to ensure access to the watercourse is maintained for maintenance purposes effects on water are judged as positive in relation to SA objective 6. Amendments which provide for enhancements for biodiversity and recreation in a buffer zone along the beck has lead to a positive score in relation to SA objective 14.

Sites 1-3 and hotel/pub – Positive effects in relation to SA objective 11 due to the inclusion of reference to the need to protect the setting of Whitby Abbey and the National Park in Policy 5.

5.3 Comments relating specifically to the Sustainability Appraisal Report are set out in Table 4 below and were taken on board prior to revisiting the Sustainability Appraisal in light of the changes to the AAP referred to in paragraphs 5.1 and 5.2 above.

*Table 4: Summary of SA comments received during consultation on Draft AAP*

<b>Respondent</b>	<b>Summary of Comments</b>	<b>How this was addressed through later stages of Plan preparation</b>
Environment Agency	Sustainability Objectives in Section 1 are repeated elsewhere in the report.	Section 1 is the required Non-Technical Summary and it is therefore acceptable and necessary to repeat elements of the main report in this section.
	The likely significant effects in relation to highways improvements are in stark contrast to the aims of the AAP.	The mitigation measures in the Sustainability Appraisal Report of the Draft AAP addressed this and were taken forward in amending the AAP at Proposed Submission stage and therefore no further action was necessary.
	Objective 6 should be amended to ‘To protect and enhance water, soil and air	This objective was amended as part of the next stage of the Sustainability Appraisal (Proposed Submission) and

	quality through reducing pollution <u>and remediating existing pollution.</u> '	was not considered to alter any of the conclusions.
	In paragraphs 6.2 – 6.6 no reference is made to impacts on ecology or the ecological objectives of the Scarborough Local Plan or North York Moors Core Strategy.	This is an account of previous SAs and is therefore factual. The Environment Agency were consulted on all previous SAs.
	6.11 Assessment of Draft AAP objectives and Table 2 Mitigation Measures: Careful highway design is highlighted as a potential mitigation measure, but no mention is made of enhancements for ecology.	This comment was considered when producing the Proposed Submission version of the AAP and the supporting text to Policy 7 (formerly 6) was therefore amended to also refer to securing ecological enhancements through the Design Brief.
English Heritage	The SA should propose mitigation measures suggesting that Policy 4 specifically protects the setting of Whitby Abbey.	As this amendment was made to Policy 5 (formerly 4) of the Proposed Submission AAP it was not relevant / necessary for the Proposed Submission SA to identify this.
	There should be an indicator under SA objective 11 which relates to monitoring harm to the setting of Whitby Abbey.	An indicator 'Harm caused to key views towards and from Whitby Abbey' was added at Proposed Submission stage to replace 'Percentage of Listed Buildings at Risk in Scarborough Borough' in relation to Sustainability Objective 11.
Natural England	The SA objectives, methodology, mitigation measures and monitoring proposals are supported.	Comments noted

### **Assessment**

- 5.4 The Sustainability Appraisal was revisited at Proposed Submission stage in order to assess the changes made to the AAP following the consultation on the Draft AAP as outlined in paragraphs 5.1 and 5.2 above. The conclusions of the assessment are detailed in the Sustainability Appraisal Report<sup>9</sup> and are summarised in the paragraphs below.
- 5.5 In relation to the policies, effects resulting directly from the amendments to the AAP are all positive and are:
- Positive effects in relation to crime (Sustainability Objective 15) resulting from inclusion of reference to Secured by Design;
  - Positive effects in relation to ecology (Sustainability Objective 4) resulting from amendment which would ensure that highways improvements also secure ecological enhancements where possible;

<sup>9</sup> Sustainability Appraisal Report - Whitby Business Park Proposed Submission Area Action Plan (North York Moors National Park Authority and Scarborough Borough Council, November 2013)

- Positive effects in relation to landscape (Sustainability Objective 10) and the historic environment (Sustainability Objective 11) resulting from inclusion of reference to protecting the setting of Whitby Abbey and the National Park in Policy 5;
- Effects of the new Policy 1, the Presumption in Favour of Sustainable Development, which is essentially a process policy, are related to the effects of the AAP as a whole as the policy is stating that there will be a presumption in favour of development which accords with the Plan.

The assessment of policies is contained in Appendix 8. Detailed assessment sheets relating to the policies are available separately to this report.

### **Cumulative Effects**

- 5.6 The cumulative effects of the Publication AAP are set out in Table 5 below in relation to each sustainability objective.

*Table 5: Cumulative effects identified at Publication AAP stage*

<b>Sustainability Objective</b>	<b>Cumulative Effects</b>
1. To provide a transport network which encourages the use of public transport, cycling and walking and minimises traffic congestion.	<p>Mainly positive effects on this objective, in particular the highway improvements within the site will enable easier access for public transport and for walking and cycling and will increase employment opportunities for Whitby residents and those living in communities nearby.</p> <p>One uncertain effect on this objective arising from pub and hotel site being less accessible on foot to those visiting the town centre.</p>
2. To optimise the use of empty buildings and derelict sites bearing in mind their potential nature conservation and heritage value.	<p>No direct impact on this objective as allocated sites are mainly greenfield sites apart from the retail allocation. Although sites allocated in Policies 2 and 4 are Greenfield sites they are well located adjacent to the built up area of the existing Business Park.</p> <p>No cumulative effects.</p>
3. To provide a good quality built environment, including green spaces and green infrastructure corridors, and ensure high standards of sustainable design and construction, including energy and water conservation, waste recycling facilities and use of sustainable materials.	<p>Positive effects from the various policies which seek to improve the environment.</p> <p>Positive cumulative effects on this objective but this will be dependent on securing a high quality of new development on the extensions to the Business Park, the production of a Design Brief will help to ensure this.</p> <p>The highway improvements proposed could potentially have a harmful impact on the environment at the Business Park if not appropriately designed.</p>

<p>4. To conserve and enhance all aspects of the ecological environment, in particular designated sites and protected species, and provide opportunities for local residents to access and understand these.</p>	<p>No cumulative effects identified.</p>
<p>5. To conserve and enhance all aspects of the coastal and marine environment, in particular designated sites and fisheries.</p>	<p>Objective not directly relevant to Whitby Business Park.</p>
<p>6. To protect and enhance water, soil and air quality through reducing pollution.</p>	<p>Some possible cumulative effects on objective arising from the presence of more industrial and commercial uses on the site and the potential for more pollution to water, ground and air and also from the potential for surface water runoff from the highway improvements to pollute groundwater or watercourses.</p>
<p>7. To reduce greenhouse gas emissions to mitigate the rate of climate change and to ensure future development prepares for climate change.</p>	<p>Some uncertainty arising from the location of the hotel facility which is less accessible for visitors to the town centre which could generate more car trips to and from the Business Park.</p> <p>No cumulative effects.</p>
<p>8. To ensure prudent and efficient use of natural resources and minimal production of waste.</p>	<p>No potential adverse effects on this sustainability objective – policies in the draft AAP support sustainable design and energy use.</p> <p>No cumulative effects.</p>
<p>9. To minimise flood risk as a result of new development.</p>	<p>Uncertain effect arising from the new highways proposed in the policies which could lead to surface water runoff, suitable drainage arrangements needed.</p> <p>Cumulative effects arising from the impact of drainage from the new sites and roads.</p>
<p>10. To conserve and enhance all aspects of the landscape, in particular designated sites, and local distinctiveness.</p>	<p>Uncertainties relating to impacts on the landscape have been resolved due to the inclusion of reference to protecting the setting of the Abbey and the National Park in Policy 5.</p>

<p>11 To preserve and enhance all aspects of the historic environment and to provide opportunities for all residents to access and understand local cultural heritage.</p>	<p>Uncertainties relating to impacts on Whitby Abbey have been resolved due to the inclusion of reference to protecting the setting of the Abbey and the National Park in Policy 5. No cumulative effects have been identified.</p>
<p>12.To provide affordable, decent housing in accessible locations to meet the needs of local people in urban and rural locations.</p>	<p>Not relevant to Whitby Business Park.</p>
<p>13.To provide lifelong education and training opportunities for all local residents, including the young, deprived, disabled, the elderly and those in both urban and rural locations.</p>	<p>Positive cumulative effects arising from the creation of more jobs and associated training opportunities arising from development of the allocated sites.</p>
<p>14.To promote good physical and mental health through the provision of access to adequate leisure facilities, recreational activities and health services in urban and rural locations.</p>	<p>Some positive effects arising from reinforcing and expanding green infrastructure networks and facilitating more cycling and walking to and from the site.</p> <p>No cumulative effects.</p>
<p>15.To reduce crime and the fear of crime, particularly through Secured by Design.</p>	<p>Cumulative positive effects resulting from the inclusion of reference to new development at the Business Park following Secured by Design principles.</p>
<p>16. To provide good access for all local residents to key services and facilities so that local needs can be met locally.</p>	<p>Mainly positive cumulative effects on this objective arising from having more services and facilities available at the Business Park as a result of development on the allocated sites.</p>
<p>18. To provide good quality employment opportunities available to all local residents (existing and potential), including the young,</p>	<p>Significant positive cumulative effects on this objective from expanding job opportunities at the site which will be readily accessible to Whitby residents and other communities in the Borough and National Park.</p>

deprived, disabled and those living in both urban and rural locations.	
18. To provide conditions which enable business success, economic growth and investment in both urban and rural locations.	Significant positive cumulative effects on this objective.
19. To support the tourism industry through the provision of accessible tourist facilities, building on the natural and historic features of the area.	Objective not directly relevant to the Business Park although one uncertain effect identified from the proposed hotel and pub allocation. Pub will be accessible to residents on the east side of Whitby. The hotel is directly accessible to businesses and customers from the Business Park but the hotel is outside the town centre which could draw business.  No cumulative effects.

### **Significant Effects**

5.7 As mentioned above, Sustainability Appraisal must focus on the potential *significant* effects resulting from implementation of the Plan. The residual significant effects at Proposed Submission stage, following the application of mitigation measures identified at Draft AAP stage, are set out below. No new significant effects arose as a result of amendments to the AAP.

The following effects were judged to be significant:

- Positive impact on jobs and training and on creating the conditions for business growth by expanding the availability of serviced employment land at the Business Park (Sustainability Objectives 17 and 18)
- Some uncertainty arising from the presence of more industrial and commercial uses on the site and the potential for more pollution (Sustainability Objective 6)

### **Mitigation measures**

5.8 As residual effects were still present it was necessary to identify mitigation measures. As the mitigation measures relating to the Draft AAP were incorporated and the amendments to the AAP do not raise any new significant effects, the mitigation measures relate to actions beyond the scope of the AAP and are essentially descriptions of additional ways in which development at Whitby Business Park will be controlled or influenced.

*Table 6: Mitigation Measures relating to residual significant effects at Proposed Submission AAP stage*

<b>Sustainability Objective</b>	<b>Significant Effect</b>	<b>Proposed Mitigation</b>
6	Some uncertainty on objective arising from the presence of more industrial and	All proposals for new development will be assessed against policies in the Scarborough Borough Local Plan and North York Moors Local

	commercial uses on the site and the potential for more pollution to water, ground and air and also from the potential for surface water runoff from the highway improvements to pollute groundwater or watercourses.	Development Framework which seek to avoid pollution to water, soil and air and individual uses will be regulated by other environmental regulations in addition to control through wider legislation. No further mitigation needed.
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### ***Consultation on the Proposed Submission AAP***

5.9 Consultation on the Proposed Submission AAP and the Sustainability Appraisal Report took place between 6<sup>th</sup> November and 18<sup>th</sup> December 2013. A total of 14 organisations and individuals submitted comments in relation to the consultation, including comments on the Sustainability Appraisal as set out below:

- In relation to Table 2 on page 22 of the Sustainability Appraisal which outlines proposed mitigation measures for the significant effects arising from the Plan needs addressing further, there is an opportunity to create a higher quality Business Park with a visitor building with information from the National Park Authority and Scarborough Borough Council.
- More attention needs to be given to water supply and impact on River Esk (Whitby not on mains water), flooding, water drainage, polluted groundwater and watercourses. Independent report is needed on these issues.
- Need a coordinated approach to retail development in the town centre and on the Business Park.
- Need to have a creative and innovative approach to the Business Park with a holistic long term strategy that has local participation. The Business Park could be an exemplar of good practice. The town centre needs to be linked with the Business Park and impact of pub and hotel on town centre needs to be taken into account.
- Connection with Whitby Abbey and Abbey House Youth Hostel must be part of the plans for the Business Park.
- Facilities at the Business Park must complement existing National park strategies.
- Need to establish a proactive green agenda in conjunction with local businesses and educational partnerships including provision of walking and cycling routes into the town centre
- Support proposal to link roads – opportunity to introduce green ways throughout the site.
- Support emphasis on good design and improving the image of the Business Park at the ‘gateway’ to Whitby.
- Further traffic management measures needed on A171 e.g. roundabout or traffic lights.

## 6. Submission and Examination

- 6.1 The Area Action Plan was submitted for Examination on 14<sup>th</sup> February 2014 and a hearing session was held on 15<sup>th</sup> April 2014. Whilst the Inspector listed The Sustainability Appraisal Report as one of the matters to be discussed at the 'Round table discussion covering matters and issues raised by representors', it was not in fact discussed at the hearing session and no one present at the hearing raised the Sustainability Appraisal Report as an issue.

### Proposed Modifications

- 6.2 Following the hearing session, the Inspector produced an Interim Report which contained a number of modifications that would be needed to make the Plan 'sound'. Whilst the modifications do not relate to the Sustainability Appraisal itself, it was necessary to consider whether further Sustainability Appraisal is required, and if so whether any effects would need to be addressed through further mitigation measures. A number of modifications were found to require Sustainability Appraisal and details of this process and the assessments are contained in the Sustainability Appraisal of Main Modifications report<sup>10</sup>. The following conclusions were drawn from the assessments of the Main Modifications:

'Overall, the proposed modifications have been found to have mainly positive effects on sustainability objectives arising from the greater certainty around the route of the circular walk, provision of green infrastructure and protection for legally protected species. These will have positive effects on objectives to encourage more sustainable modes of transport such as walking, supporting biodiversity and reducing flood risk.

The only potential negative effect arises from removing land from the development boundary which would reduce the area of land available for employment uses. However, in view of the relatively small reduction in the area of land and the fact that there are significant areas allocated elsewhere on the site, it is not considered necessary to consider any mitigation measures.' (paragraphs 5.1 and 5.2 of the Sustainability Appraisal of Main Modifications report).

The Inspector's report on the Area Action Plan was received on 17<sup>th</sup> September 2014 and concludes that 'the Whitby Business Park Area Action Plan provides an appropriate basis for the planning of the Whitby Business Park over the next 12 years providing a number of modifications are made to the Plan'. The report also states that the Sustainability Appraisal has been carried out and is adequate. The Main Modifications can be summarised as:

- Amendments to the text to ensure the document reflects the current situation (MM1-2);
- Changes to Appendix C: Implementation and Monitoring to provide a sound monitoring framework, including additional material to tables C1 – C5 (MMs 3-8);
- Amended text to Policy 6 to ensure its effectiveness (MM12); and
- Changes to Policy 3 and its supporting text at paras 6.5 and 6.7 to clarify the intent and ensure a 'town centre first' approach in accordance with national policy (MM13).

These modifications have been subject to Sustainability Appraisal (Sustainability Appraisal of Main Modifications report). The Inspector concludes that with the recommended main modifications the Whitby Business Park Area Action Plan satisfies the requirements of

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<sup>10</sup> Sustainability Appraisal of Main Modifications – Whitby Business Park Area Action Plan (North York Moors National Park Authority and Scarborough Borough Council, June 2014)

Section 20 (5) of the Town and Country Planning Act 2004 and meets the criteria for soundness in the National Planning Policy Framework.

## **7. Monitoring**

- 7.1 The SEA Directive requires monitoring of the 'significant environmental effects of implementation of plans and programmes in order, inter alia, to identify at an early stage unforeseen adverse effects, and to be able to undertake appropriate remedial action.' Indicators for monitoring the significant effects as identified through the Sustainability Appraisal (see paragraph 5.8 which identifies residual significant effects) as well as indicators for monitoring implementation of the Plan more generally, have been developed throughout the process of producing the Plan. These are contained in Appendix 2.

## Appendix 1

### Summary of Requirements of SEA Directive

SEA Requirements	Reported in...
Where an environmental assessment is required an environmental report shall be prepared in which the likely significant effects on the environment of implementing the plan or programme, and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme, are identified, described and evaluated. The information to be given is:	
a. An outline of the contents, main objectives of the plan or programme and relationship with other relevant plans and programmes;	Scoping Report / Sustainability Reports
b. The relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme;	Scoping Report (summarised in Sustainability Reports)
c. The environmental characteristics of areas likely to be significantly affected;	Scoping Report (summarised in Sustainability Reports)
d. Any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC;	Scoping Report (summarised in Sustainability Reports)
e. The environmental protection objectives, established at international, Community or Member State level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation;	Scoping Report (Summarised in Sustainability Reports)
f. The likely significant effects (1) on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors;	Sustainability Reports
g. The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme.	Sustainability Reports
h. An outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information;	Sustainability Reports
j. A description of the measures envisaged concerning monitoring in accordance with Article 10.	Sustainability Reports / Finalised in Sustainability Statement

k. A non-technical summary of the information provided under the above headings.	In relevant reports as above
The report shall include the information that may reasonably be required taking into account current knowledge and methods of assessment, the contents and level of detail in the plan or programme, its stage in the decision making process and the extent to which certain matters are more appropriately assessed at different levels in that process to avoid duplication of the assessment.	

## Appendix 2

### Indicators proposed for monitoring implementation of the Area Action Plan

Sustainability Objective	Indicator	Target
1. To provide a transport network which encourages the use of public transport, cycling and walking and minimises traffic congestion.	Percentage of workforce using particular modes of transport	Reduce % of car use
2. To optimise the use of empty buildings and derelict sites bearing in mind their potential nature conservation and heritage value.	Percentage of land that is derelict in Scarborough Borough	Reduce
3. To provide a good quality built environment, including green spaces and green infrastructure corridors, and ensure high standards of sustainable design and construction, including energy and water conservation, waste recycling facilities and use of sustainable materials.	Number of businesses providing / contributing financially to green infrastructure and green spaces.	Increase
	Percentage of new developments at Whitby Business Park incorporating facilities for waste recycling	Increase
4. To conserve and enhance all aspects of the ecological environment, in particular designated sites and protected species, and provide opportunities for local residents to access and understand these.	Percentage of SSSIs in favourable condition in Scarborough Borough	Increase
	Area of sites designated for nature conservation purposes lost to development at Whitby Business Park.	None
5. To conserve and enhance all aspects of the coastal and marine environment, in particular designated sites and fisheries.	Monitoring not applicable	
6. To protect and enhance water, soil and air quality through reducing pollution.	Percentage of planning applications at Whitby Business Park approved contrary to advice of the Environment Agency <sup>11</sup>	None
7. To reduce greenhouse gas emissions to mitigate the rate of climate change and to ensure future development prepares for	Percentage of developments at Whitby Business Park incorporating	Increase

<sup>11</sup> Note – this indicator relates to the potential significant effect identified in paragraph 5.8

Sustainability Objective	Indicator	Target
climate change.	energy efficient technologies	
	Amount of on-site renewable energy generation capacity	Increase
8. To ensure prudent and efficient use of natural resources and minimal production of waste.	Percentage of new developments at Whitby Business Park incorporating use of previously used materials	Increase
9. To minimise flood risk as a result of new development.	Area of new development on land at risk of flooding at Whitby Business Park	None
10. To conserve and enhance all aspects of the landscape, in particular designated sites, and local distinctiveness.	Production of Design Brief	Complete Design Brief by 31.12.14
11. To preserve and enhance all aspects of the historic environment and to provide opportunities for all residents to access and understand local cultural heritage.	Harm caused to key views towards and from Whitby Abbey	No harm to key views
12. To provide affordable, decent housing in accessible locations to meet the needs of local people in urban and rural locations.	Monitoring not applicable	
13. To provide lifelong education and training opportunities for all local residents, including the young, deprived, disabled, the elderly and those in both urban and rural locations.	Percentage of working age population with no qualifications	To Reduce
14. To promote good physical and mental health through the provision of access to adequate leisure facilities, recreational activities and health services in urban and rural locations.	Monitoring not applicable	
15. To reduce crime and the fear of crime, particularly through Secured by Design.	Percentage of new buildings at Whitby Business Park meeting standards of Secured by Design	Increase
16. To provide good access for all local residents to key services and facilities so that local needs can be met locally.	Retail floorspace on the Business Park as a percentage of overall developed floorspace	Ensure employment uses remains the dominant land use type on the Business

Sustainability Objective	Indicator	Target
		Park.
17. To provide good quality employment opportunities available to all local residents (existing and potential), including the young, deprived, disabled and those living in both urban and rural locations.	Number of additional jobs created	Increase to 2,000 (from baseline of 1,400)
18. To provide conditions which enable business success, economic growth and investment in both urban and rural locations.	Total amount of additional employment floorspace developed by type (B1, B2 and B8)	Deliver planned expansion of 14 hectares
	Percentage of Business Park served by superfast broadband	100% of Business Park
19. To support the tourism industry through the provision of accessible tourist facilities, building on the natural and historic features of the area.	Monitoring not applicable	