

West Midlands Regional Assembly

Review of Sustainability Appraisal of the NLP Housing Study Relating to the West Midlands RSS Phase Two Revisions

FINAL REPORT

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Prepared by:	Anthony Wright and Hilary Livesey
Authorised by:	Steve Owen
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URSUS CONSULTING LTD

15 St Marks Road
Leamington Spa
Warwickshire
CV32 6DL
www.ursusconsulting.co.uk
Tel. 07720 416 356



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EXECUTIVE SUMMARY

Overall Conclusions

The NLP SA Report has a number of strengths, in particular making considerable efforts to meet certain aspects of legislation and guidance, most notably on the baseline, context and appraisal framework, and on the scope of the assessment of effects.

However, it has several areas of weakness which raise concerns both about its robustness as evidence and about the extent to which it has been taken into account in the development and refinement of the new proposals on housing numbers. Although the NLP SA is not required to be strictly compliant with the SEA Directive, some of these areas of weakness would fail to meet its requirements if it were.

Strengths

The NLP SA has **made good use of the work produced for the Phase Two SA**, and moreover brings in more up-to-date information that builds on the evidence base used as part of the earlier process. This helps to make findings comparable between the assessments.

By basing the assessment on the SA Framework from the Phase Two SA, **the scope of the NLP SA is comprehensive**, covering all the economic, social and environmental aspects of the region's Sustainable Development agenda.

The evidence base has been updated, very thoroughly on some issues, for example the review of policies.

The NLP SA provides **a thorough review of cumulative effects**, linking the impacts arising from the Scenarios to the effects of other policies.

The NLP SA process has involved **consultation with stakeholders**.

Weaknesses

Although the NLP SA has used the SA Framework that was developed and used for the Phase Two SA, **some aspects of the assessment are less detailed, less quantified and less sub-regionally specific**, for example on water resources, transport, land use, housing need, climate change and flood risk.

Some of the **findings from the assessment seem flawed or incorrect**, eg impacts on MUAs, environmental impacts, use of PDL and contaminated land, housing affordability, waste, and water supply.

The **mitigation measures proposed by the NLP SA are not always sufficient** to deal with the effects identified, eg on phasing, transport, air quality, employment land, and flood risk.

The **final conclusions of report are not always supported by the detailed assessment findings**. For example, the report concludes that 'this SA has shown that the effect of including the growth included within the potential scenarios within Policy CF3 of the Phase 2 Preferred Option is capable of being brought forward in accordance with the core principles of sustainable development', despite also showing that:

- the Scenarios would have negative implications for three of the four priorities from the UK Government's sustainable development agenda (sustainable production and consumption, climate change and energy, and natural resource protection and environmental enhancement); and
- a number of specific negative effects would arise from the Scenarios eg air, water, climate change, transport, environmental assets.

The **NLP Main Housing Study Report is not informed by all the findings of the NLP SA Report**. An analysis of the 'Key Findings' of the Main Housing Study Report shows that, although some are clearly supported by the findings from the NLP SA Report:

- some Key Findings are not supported by the conclusions of the NLP SA Report, in particular on housing supply in MUAs and on out-migration from MUAs; and
- some of the conclusions of the NLP SA Report do not seem to have been considered or been an influence on the Key Findings, in particular on climate change, noise and light pollution, waste, and pressures on employment land.

1 INTRODUCTION

1.1 REVIEW OF SUSTAINABILITY APPRAISAL OF THE NLP HOUSING STUDY RELATING TO THE WEST MIDLANDS RSS PHASE TWO REVISIONS

In April 2008, Nathaniel Lichfield and Partners (NLP) was commissioned to carry out a study for the Government Office for the West Midlands, looking at options for how the West Midlands might accommodate higher housing numbers than those proposed by the West Midlands Regional Assembly in its Preferred Option for Phase Two of the Revision of the West Midlands Regional Spatial Strategy.

As part of developing these housing options, the study brief required NLP to carry out a Sustainability Appraisal (SA).

The study process ran until October 2008, when the final reports were issued, including the NLP Housing Options Report and the full NLP SA Report.

URSUS Consulting Ltd has been commissioned by the West Midlands Regional Assembly to review the NLP SA, as the Assembly prepares its submission to the Phase Two Examination in Public. The aim of the review is to assess whether the NLP SA is appropriate, sound, rigorous and robust, and looks at both the process (ie appraisal methodology) and the outputs (ie reports, findings and recommendations). This report is the final output of the review.

1.2 REPORT STRUCTURE

The report is structured as follows:

- *Section 2* presents a summary of NLP's SA process and the final SA Report.
- *Section 3* presents the full review of NLP's SA.
- *Section 4* presents the key findings and conclusions of the review.

2 THE SA OF THE HOUSING OPTIONS STUDY

2.1 OVERVIEW OF THE NLP SA REPORT

The SA Report produced by NLP on 7 October is structured as follows:

1. **Introduction**, which sets the context for the housing study and the SA.
2. **Background**, which summarises the work produced under Phase Two of the RSS Revision, including the Phase Two SA.
3. **SA Methodology**, which summarises how the SA was carried out, including consultation, and difficulties encountered.
4. **Sustainability Baseline and Policy Context**, which summarises the baseline conditions in the region, presented more fully in Appendix 1.
5. **Housing Growth Scenarios**, which explains the nine Housing Options developed in the first part of the housing study, the findings from the SA on those options, and how the three Housing Scenarios were developed and finalised.
6. **SA of Housing Scenarios**, which presents a review of the implications expected to arise from the three Housing Scenarios against the 33 Objectives from the Regional Sustainable Development Framework.
7. **Issues, Cumulative Effects and Recommendations**, which summarises the issues arising from the Scenarios, looks at cumulative effects, and proposes recommendations to mitigate effects.

In addition there are two Appendices:

1. **Baseline Review** of conditions in the region and the regional policy framework.
2. **Assessment of the Initial 9 Options** against the 33 Objectives from the Regional Sustainable Development Framework.

2.2 OBJECTIVES OF THE SA

NLP's SA aims to:

- **Assess the sustainability of housing options.** According to the NLP SA Report, it 'sets out the findings of an assessment into whether options for the provision of higher housing numbers ('the housing options') ... promote the principles of sustainable development' (paragraph 1.1 of the final SA Report) and 'seeks to ensure that robust and meaningful evidence on issues in respect of sustainable development as it relates to the options to provide additional housing is available for consideration at the forthcoming Examination in Public' (para 1.3)
- **Follow guidance and good practice considerations.** According to the NLP SA Report, it was 'carried out in accordance with guidance and best practice including the Government's guidance "Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents" (November 2005).' (para 3.1)
- **Feed into the Government's response to the Phase Two Revision process.** According to the NLP SA Report, it was 'prepared to provide sufficient information to inform the Government's response to the Phase 2 Preferred Option on the extent

to which the options for additional housing promote the principles of sustainable development.’ (para 3.1)

2.3 SA PROCESS

According to the NLP SA Report, the SA process was as follows:

1. Review of the SA (2007) [ie the Sustainability Appraisal carried out by URSUS Consulting Ltd on WMRA’s Phase Two Preferred Option] to set the scope of the appraisal of the housing options and encompassing the following key tasks:
 - Review and update of the baseline conditions identified in the SA (2007) and identification of any significant shifts in trends identified which need to be taken into account in respect of the options
 - Review and update of the baseline policy framework identified in the SA (2007) to identify any significant shifts in policy objectives which would need to form the background to the analysis of the housing options
 - Review and analysis of the methodology and Appraisal framework identified in the SA (2007) to identify whether there is a need to amend or update the framework in the light of the review of the housing options
2. Initial review of emerging nine housing options identified by Options team to address and identify any key issues that could have an effect on sustainable objectives in the region
3. Detailed review of emerging options against the sustainability framework
4. Further process of iterative review and consultation with the Options team including a process of refinement of the assessment and housing options to provide three growth scenarios
5. Finalising the SA for publication and submission with the Government’s response to the Phase 2 Preferred Option

2.4 KEY CHARACTERISTICS OF THE SA

NLP’s SA can be characterised as follows:

- **The SA is directly based on the Sustainability Appraisal carried out by URSUS Consulting Ltd on WMRA’s Phase Two Preferred Option.** In particular, it uses the same SA Framework, and builds on the information set out in the *Scoping Report*.
- **The SA is iterative and covers all the outputs from the housing study process,** looking at both the nine housing options proposed in July 2008, and the three growth scenarios put forward in the final report in October 2008.
- **The SA assesses the cumulative effect of each housing option over and above the growth identified in the Phase Two Preferred Option.** The effect of each housing option on sustainable development is not considered in isolation; instead the appraisal considers the cumulative effects of Phase Two Preferred Option plus each option in turn.
- **The SA process included stakeholder consultation.** Meetings were held with statutory consultees in May (at the project’s inception), July (to consider the scope of the SA) and August/September (to review initial findings on options).

- **The SA process is described in the NLP SA Report as being consistent with the requirements of the SEA Directive** in paragraph 3.14 of the NLP SA Report.
- **The SA was carried out by an independent team** to that involved in the preparation of options (according to paragraph 1.10 of the NLP SA Report).

3 REVIEW OF THE NLP SA

3.1 INTRODUCTION

The following sections review the NLP SA as follows:

- *Section 3.2* sets out an assessment of the extent to which the NLP SA complies with the **statutory requirements** associated with Sustainability Appraisal and SEA; and
- *Section 3.3* sets out an assessment the extent to which the NLP SA successfully addresses more general ‘**good practice**’ issues associated with SA.

Section 3.3 includes an assessment of **whether the findings and recommendations of the NLP SA are likely to be robust and reliable**, in particular by answering the questions:

- Does the NLP SA Report provide a robust assessment of impacts?
- Are the conclusions of the NLP SA Report fully supported?

3.2 ASSESSMENT OF COMPLIANCE WITH STATUTORY REQUIREMENTS

3.2.1 Introduction

The assessment of compliance looks at how both the process and the outputs of the NLP SA compare to statutory guidance on SA. It has two elements:

- A review of the NLP SA *process* against the stages set out in the official Government guidance on carrying out SA on Regional Spatial Strategies.
- A review of the key SA *output* – the final SA Report – against the Quality Assurance checklist set out in Appendix 4 of the official guidance. This checklist was provided ‘to help RPBs ensure that the quality of the process and SA Report is sufficient to meet the requirements of the SEA Directive, the Act and the Regional Planning Regulations’.

It is understood that NLP are not under any statutory requirement to carry out a fully-compliant SA and HRA alongside preparation of the housing study. According to the official Government guidance on carrying out SA on Regional Spatial Strategies¹:

2.5.4 A respondent providing a representation at the Examination-in-Public (for example, those proposing alternatives to the draft RSS revision) may need to provide supporting SA information and appraisal work. Where this applies a full SA Report is not needed. Appraisal activity at this stage should seek to justify the proposal put forward, and it may be helpful to base such appraisal work on the scope of the draft RSS revision. The use of the same sustainability objectives and baseline information for example will make it easier to compare options and it will result in less work needing to be done by the proponent or respondent [when the final RSS Revision is issued following the Examination-in-Public].

¹ *Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents – Guidance for Regional Planning Bodies and Local Planning Authorities*, ODPM, November 2005

However, while NLP are not required by law to carry out a fully-compliant SA, for the purposes of this review it was felt that it would be helpful to assess the NLP SA against the requirements set out in statutory guidance, for two reasons. Firstly, these requirements provide an agreed quality standard against which all SA work carried out on Spatial Strategies can be assessed. Secondly, the NLP SA Report states that the SA was ‘carried out in accordance with guidance and best practice including the Government’s guidance “Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents” (November 2005).’

3.2.2 **Review of NLP SA Process**

A fully-compliant SA process (up to the production of the SA report) would include the following stages:

- Stages A1 to A4: scoping, leading to the production of a *Scoping Report*
- Stage A5: consulting on the *Scoping Report* (5 weeks)
- Stage B: developing and refining options and assessing effects
- Stage C: preparing the *SA Report*

It is clear that the NLP SA process included most of the key tasks from this process, including collection/analysis of data on baseline conditions, review of policy framework, assessment of options, assessment of cumulative effects, preparation of an SA Report etc.

The main gap in the NLP SA process appears to be that no Scoping Report was issued, and that no five-week scoping consultation stage was carried out (although it is understood that ‘consultation with statutory consultees has taken place to allow input into the SA process’ and that meetings were held with statutory consultees in July 2008 ‘to review the scope of the methodology’).

3.2.3 **Review of NLP SA Report**

Introduction

The NLP SA Report states that the work was carried out in accordance with government guidance on SA of RSS, and to be consistent with the requirements of the Directive. The quality assurance checklist contained in the guidance is designed to help authors to meet the requirements of the SEA Directive. This section therefore assesses the NLP SA Report against the quality assurance checklist to assess the degree to which those claims are justified.

Table 3.1 below assesses the NLP report against each of the requirements in the quality assurance checklist, and indicates to what extent the requirement has been met using the following symbols:

☺	Met fully or sufficiently
☹	Not fully met but not a significant failing
☹	Not met and a significant weakness

Table 3.1 Compliance Assessment – how does the SA compare against the Quality Assurance Checklist?

Issue		Comments
<i>Objectives and context</i>		
<ul style="list-style-type: none"> The plan's purpose and objectives are made clear. 	☹	The NLP SA Report only addresses housing options, not Phase Two as a whole, and therefore does not need to outline the RSS purpose/objectives.
<ul style="list-style-type: none"> Sustainability issues, including international and EC objectives, are considered in developing objectives and targets. 	☹	The report updates the review of PPPs, and considers the key sustainability issues from the Phase Two SA, but this is not strictly necessary as the appraisal adopts the SA Framework from the earlier SA in its existing form.
<ul style="list-style-type: none"> SA objectives are clearly set out and linked to indicators and targets where appropriate. 	☹	Objectives are same as for Phase Two SA. No links to indicators and targets, although this is not a critical omission.
<ul style="list-style-type: none"> Links with other related plans, programmes and policies are identified and explained. 	☹	Update of PPPs has been done which identifies changes in the policy context, but does not identify or explain links with the Phase Two Revision or the Phase Two SA. However, omission not critical.
<ul style="list-style-type: none"> Conflicts that exist between SA objectives, between SA and plan objectives, and between SA and other plan objectives are identified and described. 	☺	States that no conflicts have been identified additional to those identified in Phase Two SA.
<i>Scoping</i>		
<ul style="list-style-type: none"> The environmental consultation bodies are consulted in appropriate ways and at appropriate times on the content and scope of the SA Report. 	☹	No consultation on scoping.
<ul style="list-style-type: none"> The appraisal focuses on significant issues. 	☹	No Scoping Report produced, although a Scoping Report was produced for the Phase Two SA which would means that no Scoping Report was required for this appraisal process.
<ul style="list-style-type: none"> Technical, procedural and other difficulties encountered are discussed; assumptions and uncertainties are made explicit. 	☹	No Scoping Report produced, although a Scoping Report was produced for the Phase Two SA which would means that no Scoping Report was required for this appraisal process.
<ul style="list-style-type: none"> Reasons are given for eliminating issues from further consideration. 	☹	Not covered – scoping stage not done.
<i>Options/Alternatives</i>		
<ul style="list-style-type: none"> Realistic alternatives are considered for key issues, and the reasons for choosing them are documented. 	☹	No reasons are given in the report. NB options for waste and employment are not covered, although these will be affected by the additional housing growth. This is a significant omission.
<ul style="list-style-type: none"> Alternatives include 'do nothing' and/or 	☹	No, but the Phase Two Preferred Option could constitute a 'do nothing' option and

Issue		Comments
'business as usual' scenarios wherever relevant.		therefore it would not be necessary to include an additional 'do nothing' option for this study.
<ul style="list-style-type: none"> The sustainability effects (both adverse and beneficial) of each alternative are identified and compared. 	☺	Yes.
<ul style="list-style-type: none"> Inconsistencies between the alternatives and other relevant plans, programmes or policies are identified and explained. 	☺	Inconsistencies with other PPPs not identified or explained, but it is not clear that this leads to any particular weakness in the report.
<ul style="list-style-type: none"> Reasons are given for selection or elimination of alternatives. 	☹	There is very little information on reasons for selection/elimination of options. This is a significant weakness. Options were eliminated on the basis that they could be delivered by individual Local Authorities without the need for appraisal. The NLP SA Report simply refers back to the housing study's Main Report (Volume 1) for further information. Options involving growth in Cannock were rejected because of potential impact on N2K sites.
<i>Baseline information</i>		
<ul style="list-style-type: none"> Relevant aspects of the current state of the environment and their likely evolution without the plan are described. 	☺	Yes.
<ul style="list-style-type: none"> Characteristics of areas likely to be significantly affected are described, including areas wider than the physical boundary of the plan area where it is likely to be affected by the plan where practicable. 	☺	Yes. As with Phase Two SA, it assumes whole region is likely to be significantly affected.
<ul style="list-style-type: none"> Difficulties such as deficiencies in information or methods are explained. 	☹	Difficulties in relation to the collection of baseline data are explained. However, issues relating to the appraisal as a whole are not discussed in detail.
<i>Prediction and evaluation of likely significant effects</i>		
<ul style="list-style-type: none"> Likely significant social, environmental and economic effects are identified, including those listed in the SEA Directive (biodiversity, population, human health, fauna, flora, soil, water, air, climate factors, material assets, cultural heritage and landscape), as relevant. 	☺	Yes. The appraisal uses the same SA Framework as that developed and used in the Phase Two SA.
<ul style="list-style-type: none"> Both positive and negative effects are 	☺	Positive and negative effects are considered, but not duration.

Issue		Comments
considered, and where practicable, the duration of effects (short, medium or long-term) is addressed.		
<ul style="list-style-type: none"> Likely secondary, cumulative and synergistic effects are identified where practicable. 	☺	Considers direct/indirect effects and cumulative effects.
<ul style="list-style-type: none"> Inter-relationships between effects are considered where practicable. 	☺	Yes. Same approach as used in the Phase Two SA.
<ul style="list-style-type: none"> Where relevant, the prediction and evaluation of effects makes use of accepted standards, regulations, and thresholds. 	☹	Not apparent that this was done. Only reference to standards is to PPS3 density range.
<ul style="list-style-type: none"> Methods used to evaluate the effects are described. 	☹	No. Major gap in credibility and makes many of the conclusions questionable.
<i>Mitigation measures</i>		
<ul style="list-style-type: none"> Measures envisaged to prevent, reduce and offset any significant adverse effects of implementing the plan are indicated. 	☹	Some mitigation is proposed, but not for all issues on which effects are identified. The NLP SA Report states that 'no additional recommendations are identified as a result of the SA of the scenarios for the delivery of additional housing growth'. However, the detailed appraisal tables and cumulative effects assessment identifies other mitigation issues which are not carried through to final recommendations. This is a significant weakness.
<ul style="list-style-type: none"> Issues to be taken into account in development consents are identified. 	☹	Identified in the detailed tables, but not carried through to mitigation/implementation recommendations.
<i>The Sustainability Appraisal Report</i>		
<ul style="list-style-type: none"> Is clear and concise in its layout and presentation. 	☺	Yes.
<ul style="list-style-type: none"> Uses simple, clear language and avoids or explains technical terms. 	☺	Yes.
<ul style="list-style-type: none"> Uses maps and other illustrations where appropriate. 	☺	Yes.
<ul style="list-style-type: none"> Explains the methodology used. 	☹	No. Lack of information on how assessments were carried out is a major gap in report's credibility.
<ul style="list-style-type: none"> Explains who was consulted and what methods of consultation were used. 	☺	Only refers to "statutory consultees", "a range of regional stakeholders" and "interested parties". No other consultees identified. Methods are explained very briefly, i.e. "meetings", "regional seminars". Could be significantly improved, but not a critical failing.
<ul style="list-style-type: none"> Identifies sources of information, including 	☹	No. This is a major gap in the analysis , casting doubt on credibility of assessment.

Issue		Comments
expert judgement and matters of opinion.		Very few sources are identified, and it has to be assumed most is expert judgement.
<ul style="list-style-type: none"> Contains a non-technical summary. 	☺	A Non-Technical Summary has been prepared, although this summary report is not much less than half the size of the SA Report.
<i>Consultation</i>		
<ul style="list-style-type: none"> The SA is consulted on as an integral part of the plan-making process. 	☹	Not an integral part, but could not be expected in the circumstances.
<ul style="list-style-type: none"> The consultation bodies, other consultees and the public are consulted in ways which give them an early and effective opportunity within appropriate time frames to express their opinions on the draft plan and SA Report. 	☺	Yes.
<i>Decision-making and information on the decision</i>		
<ul style="list-style-type: none"> The SA Report and the opinions of those consulted are taken into account in finalising and adopting the plan. 	☹	The Plan has yet to be finalised. However, currently it is not at all clear what influence the NLP SA has had on the development process from options to scenarios, other than removing those options requiring additional growth in Cannock (as they potentially would impact on N2K sites). Furthermore, removal of these options may be due more to the HRA process than the SA. The NLP SA Report identifies the issues that were used to influence options and scenario development, but gives no description of how they were taken into account. This is a major weakness of the report and the SA process as a whole.
<ul style="list-style-type: none"> An explanation is given of how they have been taken into account. 	☹	A brief description of key issues and influence is given but it does not explain clearly how the SA has been taken into account. This is a major weakness in the NLP SA Report.
<ul style="list-style-type: none"> Reasons are given for choices in the adopted plan, in the light of other reasonable options considered. 	☹	Choices are not explained. This is a major weakness in the NLP SA Report.
<i>Monitoring measures</i>		
<ul style="list-style-type: none"> Measures proposed for monitoring are clear, practicable and linked to the indicators and objectives used in the SA. 	☺	Yes. Same approach as Phase Two SA.
<ul style="list-style-type: none"> Monitoring is used, where appropriate, during implementation of the plan to make good deficiencies in baseline information in the SA. 	☺	Yes. Same approach as Phase Two SA.

Issue		Comments
<ul style="list-style-type: none"> Monitoring enables unforeseen adverse effects to be identified at an early stage. (These effects may include predictions which prove to be incorrect.) 	😊	Yes. Same approach as Phase Two SA.
<ul style="list-style-type: none"> Proposals are made for action in response to significant adverse effects. 	😞	No, but not a significant gap.

Conclusions

In some respects the report has evidently made considerable efforts to meet certain aspects of legislation and guidance, most notably on the baseline, context and appraisal framework, and on the scope of the assessment of effects.

There are other areas where the requirements are not fully met but these are not considered to be significant omissions or failings for the report. In many cases this is owing to the particular nature of the NLP work on the housing options, being a circumscribed step in the development of the Phase Two Revision process. For example, no Scoping Report was produced, but this stage has already been completed for Phase Two in a separate process in 2006.

However, there are several aspects to the report which fail to meet the requirements of the checklist, and in our view are critical omissions either in terms of meeting the requirements of the SEA Directive or for undermining the credibility of the assessment:

- *Options/alternatives.* The report does not describe the reasons for choosing the options or the scenarios, nor does it discuss the implications for any related options for policy on waste, employment or centres. The reasons for selecting or eliminating alternatives are barely explained, and it is not evident that this was due to the influence of the SA, despite this being stated to be the case. This is an explicit requirement of the SEA Directive. This issue is followed up and explained in more detail in *Section 3.3.6*.
- *Prediction and evaluation of effects.* The report does not describe the methods used to predict and evaluate effects. This is not an explicit requirement of the SEA Directive, but makes many of the conclusions questionable and undermines the assessment's credibility. Very few sources of evidence are identified and it can only be assumed that most of the prediction and evaluation of effects is done on the basis of expert judgement. In a number of cases the judgement can be questioned, and this is done in detail in *Section 3.3.4*.
- *Mitigation.* The Report states that "no additional recommendations are identified as a result of the SA of the scenarios for the delivery of additional housing growth". However, the detailed appraisal tables and cumulative effects assessment does identify other mitigation needed, although not for all issues for which effects are identified, and furthermore this is not carried through to the final recommendations. This is an explicit requirement of the SEA Directive which is not clearly met. The key areas of omission are identified in detail in *Section 3.3.4*.

3.3 GOOD PRACTICE ASSESSMENT

The criteria against which we have assessed the NLP SA Report are as follows:

- *Making good use of existing appraisal information:* does the NLP SA make good use of the SA work done as part of the phased revision of the RSS?
- *Comprehensiveness of coverage/issues:* does the NLP SA examine a suitably wide range of sustainability issues? Does it cover the objectives of the RSDF? Does it cover issues from the SEA Directive? Does it focus on key sustainability issues? Is the coverage too narrow?

- *Data and evidence base:* is the NLP SA informed by the most up-to-date data available?
- *Methods of assessment:* does the NLP SA use the most appropriate forms of assessment (eg quantified/qualitative)? Does it make best use of data/evidence? Does it provide a robust assessment of impacts? Does it look at secondary, cumulative and synergistic impacts? Does it propose appropriate mitigation?
- *Reporting:* do the outputs of the NLP SA present a comprehensive and clear account of the appraisal process and findings? Is the methodology properly explained? Are conclusions fully supported? Are assumptions made explicit? Are reports comprehensible to a relatively wide audience?
- *Influence:* has the SA informed and influenced the development of options?

3.3.1 **Making good use of existing appraisal information**

Does the NLP SA make good use of the SA work done as part of the phased revision of the RSS?	😊
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In order to ensure that NLP SA process and findings were as comparable as possible to the original Phase Two SA, the NLP SA aims to make full use of the SA work carried out for the Phase Two revision. It therefore makes use of much of the original Phase Two SA work, including data on baseline conditions, the review of PPPs, the Sustainability Appraisal Framework, and the appraisal findings from the SA Report issued in October 2007.

In most cases, it seems clear that the NLP SA understands the analysis and conclusions Phase Two SA in full, although there is one clear instance where the NLP SA either misrepresents or misunderstands what the earlier SA concludes, namely on housing affordability. (This issue is examined further in *Section 3.3.4*.)

Further information on how the NLP SA uses the information from the Phase Two SA is presented in the sections below.

3.3.2 **Comprehensiveness of coverage/issues**

Does the NLP SA examine a suitably wide range of sustainability issues? Does it cover the objectives of the RSDF? Does it cover issues from the SEA Directive? Does it focus on key sustainability issues? Is the coverage too narrow?	😊
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The NLP SA covers the same issues as the Phase Two SA, basing the appraisal around the 33 RSDF objectives and the SA Framework from the Phase Two SA, covering the issues from the SEA Directive, and reporting findings and conclusions against a selection of issues identified as being particularly pertinent to the Scenarios (in paragraph 7.10).

3.3.3 **Data and Evidence Base**

Is the NLP SA informed by the most up-to-date data available?



It seems clear that the NLP SA has aimed to use the most up-to-date data, in particular by updating the baseline data review from the Phase Two SA and by referring to new evidence such as the Taylor Review of Rural Economy and Affordable Housing, recent Highways Agency modelling work, and analysis on water supply and quality issues by the Environment Agency.

3.3.4 **Methods of assessment**

Does the NLP SA use the most appropriate forms of assessment (eg quantified/qualitative)?



The NLP SA focuses its assessment around the same SA Framework as used in the Phase Two SA, and in general terms the detailed assessment work attempts to use the same evidence/data, assumptions and logic as that used in the earlier appraisal. As noted above, there are a few areas where new evidence and assessment assumptions are introduced (eg the regional economy, transport, water quality and supply) and brings the assessment more up-to-date on these issues.

However, many areas of the assessment are *less detailed* and *less quantified* than that carried out in the Phase Two SA. For example:

- Water resources, the detailed assessment did not discuss issues at Water Resource Zone level (although this may be because new Water Plans (AMP5) are in development).
- Transport, the assessment used new Highways Agency modelling (carried out on the Preferred Option and some of the Scenarios), but did not provide any detail at settlement or district levels, and did not provide any quantification despite the use of modelling.
- Land use, the assessment did not calculate land requirements, how many houses could be delivered on PDL, how much greenfield might be required, and where green belt might be under increased pressure.
- Climate Change, no figures were provided on CO₂ emissions from the region's growing housing stock. Instead it was assumed that the overall UK trend (with total CO₂ emissions from all sectors excluding aviation and shipping currently falling) would be replicated in the region's housing sector.
- Flood risk, the assessment did not calculate the numbers of houses in districts with high inherent flood risk.
- Distribution of housing, the assessment does not examine how the Scenarios would impact on the distribution of housing between MUAs and non-MUAs, a key issue in terms of urban renaissance and attempts to reduce out-migration from the conurbations.
- Housing need, the assessment did not analyse how the housing proposals compared to data on locally-arising housing need at district level, and did not analyse the Scenarios against the build rates that the Barker Report suggests would be required to have a meaningful impact on house price growth rates.

For all of these issues, data is available (and has been since the Phase Two SA was being carried out) to make assessments at this level of detail.

There is also less *sub-regional analysis* in the NLP SA, and there is no district-by-district review of issues. On some issues, effects and impacts are described when they relate to specific districts or sub-regions, eg transport, heritage, water resources. But there are other issues where sub-regional or district level analysis could have been possible, eg land use, air quality, housing affordability, flood risk.

Does it make best use of data/evidence?



It is difficult to assess whether the NLP SA makes best use of available data and evidence. What is clear, however, is that the appraisal does not approach the use of data and evidence in a consistent way. It appears to take three different approaches at different times:

- For most issues, the appraisal draws on the same datasets and indicators used in the Phase Two SA and updates those datasets where possible, in order to ensure comparability with the earlier work and because the NLP SA largely attempts to follow the assessment methods and logic from the Phase Two SA.
- On some issues, the NLP SA makes reference to new evidence and data, eg the Taylor Review of Rural Economy and Affordable Housing, recent Highways Agency modelling work, analysis on water supply and quality issues by the Environment Agency. By factoring in different evidence on these issues, the NLP SA findings are likely to be informed by the most up-to-date evidence, but they cannot always be directly related to those in the Phase Two SA.
- On a few issues, eg on regional economic development and flood risk, the NLP SA chooses not to use the methodology and evidence base from Phase Two SA, as additional technical work is currently under way that would supersede the approach used for Phase Two. In these cases, no conclusions are drawn.

It is arguable that using new evidence and data is both pragmatic and likely to provide the most accurate assessment of effects, but it also makes it more difficult to compare the new proposals against those put forward under Phase Two. However, it is not felt appropriate to disregard evidence on the grounds that new evidence is in development unless the previous evidence base is known to be flawed.

Does it provide a robust assessment of impacts?



For most issues, the detailed assessment seems fair, following the approach and logic of the Phase Two SA to draw sound conclusions as to the effects of the Scenarios. However, there are some areas where the assessment seems flawed:

- Issues affecting MUAs. The NLP SA Report is not always clear about how it assesses the effect of Scenarios on Major Urban Areas (the West Midlands Conurbation and the North Staffordshire Conurbation). In some areas, the assessment takes the meaning of MUA to include the conurbations *and the Settlements of Significant Development* together (eg p126). In other areas (eg p46), the assessment looks at *urban areas in general*, which could include a wide range of settlements across the region. Given that one aspect of the RSS's urban

renaissance agenda is to focus development in the MUAs, the NLP SA Report fails to carry out a robust assessment of the issue.

- Environmental impacts. According to paragraph 7.22, 'This appraisal also identifies that many of the environmental effects that could arise from the housing growth are capable of mitigation through the application and enforcement of policies and standards.' However, there is little evidence to *prove* this assertion, eg for Natura 2000 sites, for impacts on natural landscapes, on noise and light pollution.
- Waste. The NLP SA Report confuses waste *recovery* with waste *minimisation*.
- Contaminated land. The report argues that the Scenarios should ensure that more contaminated land will be remediated as long as LDFs ensure that development takes place in urban areas. This seems unduly optimistic, particularly since the report then also notes that developers may be liable to develop 'easier' non-contaminated sites over contaminated ones, particularly in times of economic decline.
- Affordable housing. The NLP SA argues that delivery of the NHPAU housing figures will have a positive effect on overall housing need at a regional level. This is likely to be true – higher housing provision will help to ease affordability. However, the SA Framework asks whether the Scenarios would 'provide decent and affordable housing for all, of the right quantity, type, tenure and affordability to meet local needs'. On this issue, the Barker Report would suggest that even the higher growth rates proposed under Scenario 3 would not be sufficient. Scenario 3 would deliver a 36.6% increase in net annual completions, compared to the rate achieved in the period 2001-2006, whereas the Barker Report suggests that (across England as a whole) a 50% increase would be required to reduce real house price growth rates from 2.4% to 1.8%, and an almost doubling of build rates would be required to reduce growth rates to 1.1%, in line with the EU average. The NLP SA report therefore appears to make very optimistic conclusions about the ability of the proposed Scenarios to deliver decent and affordable housing for all.

Does it look at secondary, cumulative and synergistic impacts?



The NLP SA considers these impacts from page 72 onwards.

Does it propose appropriate mitigation to address those impacts?



A major weakness in the NLP SA Report are the measures suggested to mitigate potential effects. In particular, the Report does not *strengthen* or *add to* any of the 33 recommendations made by the Phase Two SA Report, despite the fact that the detailed assessment work identifies many potentially negative effects which could arise from the implementation of Scenarios. Specific weaknesses include the following:

- The role of phasing. The detailed assessment identifies the role that phasing needs to play in mitigating negative effects relating to transport, economic development, land use, protection of greenfield sites, decent homes, water resources. However, the report only produces a weak conclusion that phasing 'should be considered as a key potential strategy to achieve the objectives of urban renaissance and reduce the effects on more sensitive environments and communities outside the MUAs'. Given the potential negative effects that could arise if development is not very carefully controlled through phasing, it is felt that a much stronger mitigation recommendation should have been made.

- Transport. The detailed assessment identifies a number of routes and areas which may come under stress under different scenarios, and notes the importance of investment in new infrastructure, public and alternative modes of transport etc in dealing with problems. However, the report does not make strong recommendations on specific measures that might be required to mitigate effects.
- Flood risk. The detailed assessment notes that flood risks exist throughout the region, and that specific settlements where additional growth would be focused have particular problems (eg Warwick, Rugby). However, the report does not propose any mitigation, merely notes the role that PPS25 can play in preventing development in high risk areas and in ensuring that flood risks do not increase.
- Housing need and affordability. The NLP analysis makes no attempt to assess whether and to what extent the proposed housing figures will meet the identified housing need in each local authority, which is a key part of the available evidence on housing. It further states that addressing housing need at a local authority level will need to be assessed as part of the preparation of individual LDFs. Given that housing numbers will be set in the RSS, LDFs will have little scope to set significantly different levels to match the identified housing need, and the issue should be assessed and adequately mitigated at RSS level.
- Employment land. The detailed assessment notes that employment land may be lost as higher housebuilding rates would increase competition for land. However, there are no mitigation proposals, merely that LDFs and that economic policies would need to resolve the issue.
- Air quality. The detailed assessment concludes that air quality is likely to deteriorate. However, the report concludes that local authorities with air pollution problems will use AQMAs as mitigation measures, and does not suggest any mitigation measures for the RSS.

3.3.5 Reporting

Do the outputs of the NLP SA present a comprehensive and clear account of the appraisal process and findings?



It is felt that the NLP SA Report presents the SA process and findings in a fairly comprehensive and clear way.

Are reports comprehensible to a relatively wide audience?



It is felt that The NLP SA Report and the Non-Technical Summary are reasonably clear reports (given the subject matter and the assessment processes involved) and would be comprehensible to most people interested in reading them.

Is the methodology properly explained?



The NLP SA Report does not provide much information on the SA methodology. There is some discussion of the difficulties encountered in carrying out the appraisal, eg uncertainties with baseline data, limited scope for consultation, and concludes that conclusions can still be drawn from the appraisal. However there is little information on *how* the assessments were carried out.

Are assumptions made explicit?



As already explained, the NLP SA generally tries to follow the same approach as that used in the Phase Two SA, and in these cases the assessment's assumptions are clear to those of us who worked on the Phase Two SA. However, it is felt that these assumptions would not be at all clear to other readers of the report. There are also areas where other approaches have been used in developing the assessment, eg water supply and transport. In these cases the assessment's assumptions are not at all clear.

Are conclusions fully supported?



For most of the detailed issues raised by the SA Framework, we feel that the NLP SA makes a fair assessment of the likely effects from the Scenarios. There are also some issues, listed above, where the assessment seems flawed.

Regardless of whether it is felt that the detailed assessment findings are accurate or inaccurate, **it seems that the final conclusions of in Section 7 of the NLP SA report do not seem to follow on from the detailed assessment.** There are a number of areas where overall conclusions do not seem supported by the assessment, as follows.

1. Assessment of Scenarios against the National Sustainable Development Priorities

After the detailed assessment work in Section 6 of the NLP SA Report, paragraphs 7.3 to 7.9 then seek to provide a summary of the overall effects of each of the three Scenarios against the four priorities from the UK Government's Sustainable Development Strategy:

- Sustainable production and consumption
- Climate change and energy
- Natural resource protection and environmental enhancement
- Sustainable communities

To allow comparison with the Phase Two SA, the NLP SA also attempts to summarise the overall effects of the Preferred Option against the Government's four SD priorities. *It should be noted that no such summary was included in the Phase Two SA; the NLP SA Report attempts this for the first time.* The NLP SA concludes that:

- the new Scenarios are more or less the same as the Preferred Option on the first two priorities – 'negative' for sustainable production and consumption, and 'very negative' for climate change and energy.
- all Scenarios would be *worse* than the Preferred Option on natural resource protection and environmental enhancement (Scenarios 1 and 2 would be 'negative' and Scenario 3 would be 'very negative' for this priority).
- all Scenarios would be *better* than the Preferred Option on sustainable communities (with Scenario 3 being 'very positive' for this priority).

There is no explanation as to how this assessment has been carried out, and in particular the conclusions relating to the sustainable communities priority – that

the higher the housing growth the more the priority would be promoted – do not seem justified by the detailed assessment work carried out in the previous section.

2. Key Issues arising from the assessment

Ten key issues arising from the assessment of the Scenarios are then identified in paragraph 7.10. These are in summary:

1. The SA cannot determine the significance of many effects as they will be determined by site specific or local issues.
2. Flooding may increase, although this cannot be quantified and compliance with PPS25 should prevent additional risks from arising.
3. Air quality will get worse, but AQMAs should ensure that significant effects are reduced.
4. Water supplies and nutrient enrichment may be an issue in the Severn WRZ (where most additional growth is focused). Investment and infrastructure will be required, but current draft water plans do not account for the higher rates of housing growth.
5. Transport/traffic issues may arise in growth locations, and new infrastructure and public transport may be required – although LDFs and LTPs should be able to deal with these issues.
6. Climate change pressures – emissions of greenhouse gases – will be higher under the Scenarios, although nationally the emissions trend is downwards.
7. Higher housing growth should help the provision of affordable housing.
8. Economic growth could be supported by Scenario 1, although it may exacerbate intra-regional economic disparities. Scenarios 2 and 3 may reduce these disparities, but the market may not be able to deliver the required housing growth in the North East of the region.
9. Rural housing growth may help local services to survive.
10. Impacts on the natural and built environment may be positive or negative. Mitigation measures and good design will help to reduce negative effects.

This list of key issues excludes a number of very important issues, all of which relate to potentially negative effects arising from the Scenarios, as follows:

- Out-migration from urban areas. The detailed assessment concludes that the Scenarios will not reverse the trend of out-migration from the MUAs.
- Waste. The region's waste arisings are predicted to rise by over 100,000 tonnes per annum under Scenario 3.
- Landscapes, noise and light pollution. The scale of growth envisaged under Scenario 3 is likely to involve larger scale extensions with bigger impacts on environmental quality.
- Employment land. The assessment notes that the need to deliver increased housing could lead to 'competition' for sites for either housing or economic development, with employment land being redeveloped for housing purposes.

3. Overall assessment of sustainability


Paragraph 7.13 concludes: 'Notwithstanding the need to address these issues, this SA has shown that the effect of including the growth included within the potential scenarios within Policy CF3 of the Phase 2 Preferred Option is capable of being brought forward **in accordance with the core principles of sustainable development.**' (Emphasis added.)

It is not clear how this final conclusion has been reached, and there are a number of obvious problems with it:

1. Quite clearly, the NLP SA Report illustrates that the Scenarios will have negative or very negative effects for three of the four priorities from the UK Sustainable Development Strategy, and our understanding of the detailed assessment leads us to conclude that the positive assessment against the fourth priority (sustainable communities) is overly-optimistic.
2. The report admits that there are many areas where at this stage it is impossible to predict impacts, as they will be determined by the local implementation of the RSS.
3. The report does not prove that mitigation measures will be sufficient to ensure that negative effects identified in the detailed assessment work can be reduced.

As such, it is felt that the final conclusions of the NLP SA Report are not fully supported by the detailed assessment work.

3.3.6 Influence

Has the SA informed and influenced the development of options	
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A key test is whether the NLP Main Housing Study Report and the Scenarios proposed in that report seem to be informed by the assessment findings from the NLP SA.

What the NLP Reports state

The reports produced by NLP state that the NLP SA informed and influenced the development of the final scenarios. For example, according to paragraph 3.20 of the Main Report for the Housing Study, 'Where effects have been identified, and where appropriate, an iterative process of option development has taken place with the NLP team involved in option generation to ensure that sustainable principles are taken into account'.

Furthermore, paragraph 5.10 onwards in the NLP SA Report set out ten 'key influencing factors' from the SA and the HRA which affected the development of the scenarios for the Housing Study. Ten issues arising from an assessment of the nine Options are set out, with each issue followed by a response explaining how that issue would be addressed in the final three Scenarios.

Influence on Key Findings and development of Scenarios

Beyond what the NLP reports might claim, it is necessary to analyse the extent to which the findings of NLP SA Report are reflected in the NLP Main Housing Study Report.

Of particular interest is the extent to which the sixteen 'Key Findings' in the NLP Main Housing Study Report reflect the NLP SA Findings. According to the NLP Main Housing Study Report, the 'Key Findings' arise from the findings and conclusions of the NLP SA and other technical work (eg impacts and delivery risks, an assessment of proposals against RSS objectives etc). The Key Findings then provide the basis for the development of the Scenarios.

A key question therefore is whether the findings of the NLP SA have influenced these Key Findings; and whether the Key Findings are indeed supported by the findings of the NLP SA. Our conclusions are as follows.

Key Findings which are supported by the NLP SA

Some of the Key Findings are supported by the detailed assessment work and findings from the NLP SA, as follows:

- vi. In some locations there are increased risks that additional supply could harm fragile markets and undermine housing market renewal, but could be overcome by careful phasing.
- vii. Additional housing can support economic growth.
- ix. Additional housing growth can help address genuine affordability problems and meet housing needs [although on the basis of conclusions from the Barker Report it does not seem that the additional housing growth will be sufficient to solve housing shortages and affordability problems].
- x. Additional housing growth can support rural renaissance and support RSS objectives through regeneration.
- xiii. Transport issues are not a fundamental barrier to delivering more housing although investment in public transport alongside highway improvements will be needed in some locations.
- xiv. Although there are localised hydrology and other issues to resolve there is no evidence that these cannot be addressed through investment in additional capacity or consideration of specific locations in Core Strategies [although the fact that there is no evidence does not mean that it *is* possible to resolve these issues. When the AMP5 process is completed, evidence may indeed show that the issues cannot be resolved].
- ix. Additional housing growth can help address genuine affordability problems and meet housing needs.

Key Findings which are not derived from the NLP SA

For other Key Findings, *the NLP SA does not provide any clear evidence or conclusions*, as follows:

- i. There is scope to identify additional land for housing in the region.
- ii. Additional housing need not harm achievement of Urban Renaissance
- viii. Birmingham needs more good quality housing in the City and its immediate hinterland to support its global role.
- xi. Additional housing growth is likely to require the review of Green Belt but this is consistent with RSS objectives if it results in sustainable development and regeneration. There are also opportunities to increase coverage of Green Belt.
- xii. New settlements are a potential form of development that could meet requirements in the right locations and if the delivery capability is put in place.

- xv. The market downturn means the currently envisaged trajectory of housing will change but there is no fundamental market barrier to increasing supply provided there is sufficient suitable and available land.
- xvi. The phased release of land needs to focus on managing the risks for fragile markets, whilst also ensuring that supply increases as quickly as possible out of the downturn.

Key Findings which are not supported by the NLP SA

However, for a small number of Key Findings, the evidence of the NLP SA may not support, or may even be contradictory, as follows:

- ‘iii. There is no evidence that increased housing supply outside the MUAs will reduce housing supply within them’.

This statement seems to be contradicted by paragraph 7.25 in the NLP SA conclusions, which states that ‘there is a potentially high likelihood that greenfield sites outside of the urban areas are brought forward first by developers; particularly in areas in high demand and in the current economic climate’. In other words, that developers are likely to ‘cherry-pick’ greenfield sites rather than urban sites, if those sites are made available.

- ‘iv. There is no evidence that increasing housing supply outside the MUA increases out-migration’.

The NLP SA does not support this key finding. In considering the question under RSDf Objective 4.9 (p64), which asks ‘Will the option reverse the pattern of people migrating from metropolitan areas to rural parts of the region?’ the NLP SA draws similar conclusions to those drawn in the Phase Two SA. Namely, that building a larger proportion of housing outside the MUAs would facilitate out-migration. It concludes that the Scenarios would have ‘a similar effect to that identified in the [Phase Two] SA’ (ie a negative effect on the issue), although it notes that the logic is ‘open to question’. It does not provide any argument or evidence to show that the logic is wrong.

NLP SA findings which are not reflected in the Key Findings

There are also some findings from the NLP SA which do not seem to be reflected in the Key Findings, as follows:

- Climate change, that higher housing figures are likely to generate greater effects on climate change.
- Noise and light pollution, that the Scenarios are likely to increase this problem
- Waste, that waste arisings are set to increase with higher housing growth.
- Competition for land, that employment land sites may come under pressure as housebuilding rates rise.

To conclude, the final Scenarios are to some extent informed and supported by the findings of the NLP SA Report. However, there are also important findings in the NLP SA Report which do not seem to have influenced development of the Scenarios.

4 CONCLUSIONS

This section presents a very brief summary of the strengths and weaknesses of the NLP SA.

Overall Conclusions

The NLP SA Report has a number of strengths, in particular making considerable efforts to meet certain aspects of legislation and guidance, most notably on the baseline, context and appraisal framework, and on the scope of the assessment of effects.

However, it has several areas of weakness which raise concerns both about its robustness as evidence and about the extent to which it has been taken into account in the development and refinement of the new proposals on housing numbers. Although the NLP SA is not required to be strictly compliant with the SEA Directive, some of these areas of weakness would fail to meet its requirements if it were.

Strengths

The NLP SA has **made good use of the work produced for the Phase Two SA**, and moreover brings in more up-to-date information that builds on the evidence base used as part of the earlier process. This helps to make findings comparable between the assessments.

By basing the assessment on the SA Framework from the Phase Two SA, **the scope of the NLP SA is comprehensive**, covering all the economic, social and environmental aspects of the region's Sustainable Development agenda.

The evidence base has been updated, very thoroughly on some issues, for example the review of policies.

The NLP SA provides **a thorough review of cumulative effects**, linking the impacts arising from the Scenarios to the effects of other policies.

The NLP SA process has involved **consultation with stakeholders**.

Weaknesses

Although the NLP SA has used the SA Framework that was developed and used for the Phase Two SA, **some aspects of the assessment are less detailed, less quantified and less sub-regionally specific**, for example on water resources, transport, land use, housing need, climate change and flood risk.

Some of the **findings from the assessment seem flawed or incorrect**, eg impacts on MUAs, environmental impacts, use of PDL and contaminated land, housing affordability, waste, and water supply.

The **mitigation measures proposed by the NLP SA are not always sufficient** to deal with the effects identified, eg on phasing, transport, air quality, employment land, and flood risk.

The **final conclusions of report are not always supported by the detailed assessment findings**. For example, the report concludes that 'this SA has shown that the effect of including the growth included within the potential scenarios within Policy CF3 of the Phase 2 Preferred Option is capable of being brought forward in accordance with the core principles of sustainable development', despite also showing that:

- the Scenarios would have negative implications for three of the four priorities from the UK Government's sustainable development agenda (sustainable production and consumption, climate change and energy, and natural resource protection and environmental enhancement); and
- a number of specific negative effects would arise from the Scenarios eg air, water, climate change, transport, environmental assets.

The **NLP Main Housing Study Report is not informed by all the findings of the NLP SA Report**. An analysis of the 'Key Findings' of the Main Housing Study Report shows that, although some are clearly supported by the findings from the NLP SA Report:

- some Key Findings are not supported by the conclusions of the NLP SA Report, in particular on housing supply in MUAs and on out-migration from MUAs; and
- some of the conclusions of the NLP SA Report do not seem to have been considered or been an influence on the Key Findings, in particular on climate change, noise and light pollution, waste, and pressures on employment land.