

**Rother District Council**

**LOCAL PLAN  
CORE STRATEGY**

**POST-ADOPTION STRATEGIC  
ENVIRONMENTAL  
ASSESSMENT STATEMENT**

**October 2014**

## Summary

- 1.1 This 'Post-Adoption SEA Statement' is prepared in accordance with Regulation 16 of the Environmental Assessment of Plans and Programmes Regulations, 2004. It effectively tells the story of the Strategic Environmental Assessment (SEA) process and its relationship with the Rother District Council's Local Plan Core Strategy.
- 1.2 The statement is published following the adoption of the Rother District Local Plan Core Strategy Development Plan Document on 29<sup>th</sup> September 2014.
- 1.3 The relevant Core Strategy and SEA/Sustainability Appraisal (SA) documents, as referenced in this Statement, can be viewed on the Council's website at: <http://www.rother.gov.uk/localplan> and at the Rother District Council offices, Town Hall, Bexhill-on-Sea, East Sussex, TN39 3JX.

# Introduction

## Strategic Environmental Assessment and Sustainability Appraisal Process and Regulations

- 1.4 A Sustainability Appraisal (SA) must be carried out for all Development Plan Documents (DPDs). Section 19 of the Planning & Compulsory Purchase Act, 2004 ('the 2004 Act') requires that local authorities carry out SA which also comprises the Strategic Environmental Assessment (SEA) required by European Directive 2001/42/EC and implementing regulations in England and Wales. Any further reference to SA in this statement should be assumed to incorporate SEA simultaneously.
- 1.5 SA is an iterative process which assesses DPDs against sustainability criteria covering social, economic and environmental objectives. SA helps Local Planning Authorities (LPAs) identify the relevant predicted performance of reasonable options and policies and evaluate which are the most sustainable. The SA process has a key role in assisting the decision making process for DPD production.

## Rother Core Strategy

- 1.6 The Rother Core Strategy document has been prepared under the 2004 Act, as amended, and forms part of the statutory development plan for Rother District. It looks forward to 2028. When work commenced on the plan, the 2004 Act required it to be in general conformity with the South East Plan, the regional spatial strategy for the area. In order to localise the planning system, section 109 of the Localism Act provided for the abolition of the regional planning tier. The South-East Plan was revoked on 14<sup>th</sup> February 2013.
- 1.7 In developing local plans, local planning authorities must have regard to national policies and advice contained in guidance issued by the Secretary of State for Communities and Local Government.

- 1.8 Significantly, during the Core Strategy production process, the National Planning Policy Framework (NPPF) represented a substantial change and was published in March 2012. This sets out the Government's planning policies for England and provides a framework within which local communities can produce their own distinctive local and neighbourhood plans reflective of the needs and priorities of their communities. Local planning authorities will continue to determine the quantum and location of development, albeit without the additional tier of regional direction. It includes Government's expectation for planning strategically across local boundaries and within that role of the planning system in protecting the environment.
- 1.9 In addition, local councils need to comply with existing national and European legislation in preparing their plans and the duty to co-operate, introduced in section 33A of the Act 2004 with effect from 15th November 2011, in order for their plan to be found sound at examination.

## Purpose of the Post-Adoption SEA Statement

1.10 Rother District Council adopted the Local Plan Core Strategy (the 'Core Strategy') on 29th September 2014. In accordance with Article 9 of the Strategic Environmental Assessment Directive 2001, Regulation 36 of the Town and Country Planning (Local Development) (England) Regulations 2004 and Regulation 16 of the Environmental Assessment of Plans and Programmes Regulations 2004, the District Council has prepared this statement, the purpose of which is to provide specific information outlined under each of the points listed above and which is presented in the following sections of this statement (which reflect regulation 16, part 4).

- a. How environmental considerations have been integrated into the plan or programme;
- b. How the environment report has been taken into account;
- c. *How opinions expressed in response to:*
  - i. *The invitation referred to in regulation 13(2)(d);*
  - ii. *Action taken by the responsible authority in accordance with regulation 13(4),*  
*have been taken into account;*
- d. *How the results of any consultations entered into under regulation 14(4) have been taken into account;*
- e. *The reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with; and*
- f. *The measures that are to be taken to monitor the significant effects of the implementation of the plan or programme.*

## **a. How environmental considerations have been integrated into the plan or programme**

- 1.11 The SA/SEA process was an integral part of the formation of the policies and strategies in the Core Strategy. Policies make provision for the needs of development in the Borough and also seek to address issues of environment, communities, heritage and the economy.
- 1.12 From the outset of the Core Strategy process, the Council has sought to gather relevant baseline information regarding the social, economic and environmental characteristics of the district. This was collected for the SA Scoping Reports and the profile of information was used to inform the context for developing Objectives and Policies within the Core Strategy document. The key characteristics and issues in the district are also set out in Parts 1 & 2 of the Core Strategy and the SA documents.
- 1.13 The key objective principles were established early in the process in the Core Strategy Issues & Options document and were developed into the final 12 strategic objectives in the adopted Core Strategy. The Core Strategy strategic objectives were tested against the SA objectives in order to ensure they were generally consistent with sustainable development.
- 1.14 Each policy option was subsequently developed from the strategic objectives and the reasonable alternatives were also subject to SA analysis. The SA has been used to guide and inform the decision making process when developing the Core Strategy, and has been considered by decision makers and members of the public. Regard has been had to the NPPF, published in March 2012, which requires (para 14) that local authorities ensure that the local plan is consistent with the 'presumption in favour of sustainable development'.

## Iterations of the SA

- 1.15 Sustainability Appraisal has been undertaken throughout the preparation of the Core Strategy. More details are on this [webpage](#), but can be summed up as follows:

Comments were previously invited on the Initial SA Report which was made available alongside the Core Strategy 'Consultation on Strategy Directions' during the twelve-week consultation period 7th November 2008 - 30th January 2009.

The SA of the Proposed Submission Core Strategy was published alongside the Core Strategy consultation in the 12 week period 19th August 2011 to 11th November 2011.

Previous comments made on the Core Strategy Sustainability Appraisal as part of the consultation are still available to view via this [website](#). In June 2012, the Council published 'focused amendments' to the Core Strategy, which includes amendments to the SA. These were incorporated in the revised 'Proposed Submission Core Strategy Sustainability Appraisal (incorporating the focused amendments)' published in June 2012. In January 2013, a further 'Sustainability Appraisal of the Council's proposed 'main modifications' was undertaken.

Most recently, in July 2013, a 'Sustainability Appraisal of the Council's Proposed Revised Modifications' was presented to the Full Council. This supplements earlier SA's and supports the Council's proposed revised main modifications to the Core Strategy's housing provisions in particular.

## SA Scoping Report

- 1.16 In addition, a Core Strategy Scoping Report, which set out the framework of sustainability objectives and baseline indicators, was published in June 2008 and subject to further update during the process. Its framework was the basis that policies were tested against and measured against. The report also identified the main sustainability issues affecting the Borough, set out baseline information and statistics, and identified higher-level plans and programmes which influence the production of the Core Strategy.

- 1.17 The first SA Scoping Report underwent statutory consultation in August 2006. This set out the context and objectives for the SA, collected baseline data and identified key issues / problems for the District and devised a Sustainability Appraisal Framework against which options and strategies can be tested. An updated revision of the Scoping Report was issued to the statutory consultees in December 2007 and this was approved in February 2008 and published in June 2008.
- 1.18 In addition, it should be noted that the Proposed Submission Core Strategy SA (August 2011) updated many of the elements of the Scoping Report, including:
- Reviewing list of Relevant Policies, Plans, Strategies and Programmes (See Section 3 and Appendix 7 of August 2011 PSCS SA).
  - Updated Baseline Information (Appendix 1)
  - SA Framework (Appendix 2)
  - Spatial Portrait (Section 3)

#### Habitats Regulations Assessment

- 1.19 Part of the requirements for plan-making is to establish whether the plan would have a significant adverse impact on the conservation objectives of the European-level protected sites. In accordance with Article 6(3) and (4) of Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna (the 'Habitats Directive') a Habitats Regulations Assessment is required.
- 1.20 A screening exercise was completed as the first stage of the Appropriate Assessment of the Rother Core Strategy Development Plan Document, to meet the requirement of the Habitats Directive. It was prepared by Rother District Council, as the relevant competent authority.

- 1.21 The Assessment provided a screening to examine whether the Core Strategy was likely to have any significant impacts on European designated conservation sites, either alone or in combination with other projects and plans, in view of the European sites' conservation objectives. The outcome was that several potential impacts were identified and triggered the requirement to proceed to the next stage of Appropriate Assessment. A copy can be found [here](#).

#### *Dungeness Complex*

- 1.22 Rother District Council and Shepway District Council co-operated to undertake an HRA of the potential effects of their respective Core Strategies on the following specific European sites - Dungeness SAC, Dungeness to Pett Level SPA, Dungeness, Romney Marsh and Rye Bay potential SPA and Dungeness, Romney Marsh and Rye Bay proposed Ramsar site. An HRA was carried out in July 2011 and can be found [here](#).
- 1.23 Following consultation of the Proposed Submission Core Strategy, a number of amendments to the HRA was made, to include further clarification of the impact of recreational pressure on the Dungeness complex and ecological processes that underlie the interest features of the international designations to include coastal processes. A revised HRA can be found [here](#).
- 1.24 Section 5 of the document noted some concerns relating to 'Disturbance'. As a consequence, the Core Strategy acknowledged that there is a requirement for the sensitive management of tourism (from local sources and those further afield) in the Dungeness complex of internationally important wildlife sites. As a consequence, and to preserve the integrity of the International sites, the Council resolved to (alongside other agencies and stakeholders) implement a Sustainable Access Strategy to monitor visitor numbers arising from all sources, and ensure responsible management of the Dungeness complex. At the time of writing this work is in progress and on-going.

*Hastings Cliff SAC*

- 1.25 The initial screening exercise concluded that while Rother is likely to make a contribution to visitors within the Country Park and SAC, it is considered that impacts on this site could be screened out of the Rother Core Strategy HRA. A copy of the screening assessment can be found [here](#).

*Pevensey Levels Ramsar*

- 1.26 The Habitat Regulations Assessment (HRA) for the Pevensey Levels Ramsar site, including separate reports in relation to hydrology and air quality can be viewed [here](#).

## **b. How the environment report has been taken into account**

- 1.27 The objectives and policies set out in the Core Strategy, together with mitigation and monitoring measures, provide for the protection of a range of environmental and wider sustainability receptors from the adverse impacts of different types of development.
- 1.28 As stated above, the SA (environment report) was integrated to each stage of the Core Strategy. Decision makers have considered these documents during the production process as well as comments obtained from public consultation. A detailed report setting out how consultation comments have been taken into account is contained in the Council's Core Strategy Consultation Statement. The SA process has helped to refine the Core Strategy policies, including the main modifications prior to adoption in 2014 and has therefore improved the sustainability of the plan.
- 1.29 The SA produced a number of recommendations and mitigation requirements throughout the process and, where relevant, these have been incorporated into the Core Strategy iterations. Other SA recommendations will be pursued when looking at more detailed development plan documents.
- 1.30 The development of the Core Strategy has been informed by an extensive body of background evidence studies and technical assessments. Public engagement has also been an essential component of the process, including consultation, both directly and indirectly, on the sustainability appraisal. These were integrated into the Core Strategy and helped evaluate alternative options.

**c. How opinions expressed in response to:**  
**i) The invitation referred to in regulation 13(2)(d);**  
**ii) Action taken by the responsible authority in accordance with regulation 13(4), have been taken into account**

- 1.31 An extensive programme of consultation ran in parallel to the preparation of the Core Strategy, commencing in 2006 with the initial 'issues and options' stages and culminating in the examination. Details of the Main Modifications consultation can be found [here](#), and earlier stages [here](#). Consultations were carried out in accordance with the Council's Statement of Community Involvement.
- 1.32 Throughout the preparation of the DPDs, the Council has sought to address issues raised through the consultation exercises. The process has been iterative and all comments provided have been considered. Changes to the DPD to take account of issues and concerns raised by consultees have been made up to, and following, the examination, to take account of the Planning Inspector's recommendations, including changes the housing target.

**d. How the results of any consultations entered into under regulation 14(4) have been taken into account**

- 1.33 Paragraph 4(d) of Regulation 16 requires an explanation of how the results of any consultations entered into with other EU Member States on trans-boundary impacts have been taken into account in the Plan. However, this is not particularly relevant to the post-adoption environmental statement for the Core Strategy, since Rother does not directly border another EU state and hence trans-boundary impacts are very limited.
- 1.34 Nonetheless, Rother District Council and the Belgian City of Oostende undertook trans-frontier cross collaboration on the European Union (EU) programme INTERREG. More information can be found [here](#). This included parks projects within the District (at Bexhill and Camber) that broadly align with the objectives of Core Strategy generic Policy CO3: Improving Sports and Recreation Provision.

**e. The reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with**

1.35 As part of the iterative process, policies and options were tested in the relevant SA report for their likely performance in relation to sustainable development. The policies were considered against the SA Framework objectives and the respective advantages and disadvantages presented. This analysis helped to guide and inform the decision making process and to select the most appropriate overall policy framework for Rother district.

1.36 In addition, assessments of relative sustainability of options were set out in background evidence spatial area studies. At the 'Consultation on Strategy Directions' Core Strategy stage, distribution options were presented in Section 5. These evolved further during the process with the final overall spatial strategy explained in the final Core Strategy section 7, as supported by the SA assessment of options.

1.37 The following matters were of particular importance in the adoption of the Core Strategy. These matters were discussed at examination and important in the Plan's adoption process.

- The introduction of a new policy on the NPPFs presumption in favour of sustainable development;
- The housing target was altered in light of the NPPF requirements regarding 'objectively assessed need'.

**f. The measures that are to be taken to monitor the significant effects of the implementation of the plan or programme**

- 1.38 Most policies will require collaborative working between a wide range of bodies, including: infrastructure providers, developers, service providers, government agencies, parish and town councils.
- 1.39 The Core Strategy (Chapter 19 and Appendix 5) includes a Monitoring Framework, which identifies the indicators that will be used to track and report on the performance of the Plan. The Local Plan Monitoring Report process (as well as the Biodiversity Annual Monitoring Report) will be used to satisfy the relevant monitoring recommendations and will normally collect and report data annually for the period between 1<sup>st</sup> April and 31<sup>st</sup> March.
- 1.40 The SA Framework also set out monitoring recommendations and indicators in order to measure any significant social, economic and environmental effects after the Core Strategy adoption. This will allow the identification of any unforeseen adverse effects and enable appropriate remedial action to be taken.