

# **Rother District Council**

## **Development and Site Allocations Local Plan**

### **POST-ADOPTION STRATEGIC ENVIRONMENTAL ASSESSMENT STATEMENT**

**January 2020**

# Introduction

- 1.1 This 'Post-Adoption SEA Statement' is prepared in accordance with Regulation 16<sup>1</sup> 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 Development and Site Allocations (DaSA) Local Plan.
- 1.2 The statement is published following the adoption of the Rother District DaSA Local Plan by Full Council on 16<sup>th</sup> December 2019.
- 1.3 The relevant DaSA Local Plan 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/dasa> and at the Rother District Council offices,  
Town Hall, Bexhill-on-Sea, East Sussex, TN39 3JX.

## The Strategic Environmental Assessment and Sustainability Appraisal Process

- 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 a SA, which also comprises the Strategic Environmental Assessment (SEA) required by the European Directive 2001/42/EC and implementing the relevant 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 Development Plans 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

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<sup>1</sup> Paragraphs (1) (b)(iii) and (3)(c)(iii) signpost the requirements of paragraph (4)

most sustainable. The SA process has a key role in assisting the decision making process for Development Plan production.

#### Rother District Council Development and Site Allocations Local Plan

- 1.6 The DaSA Local Plan has been prepared under the 2004 Act, as amended, and forms part of the statutory development plan for Rother District. It forms Part 2 of the Council's Local Plan, and has been prepared to be in general conformity with the Council's Core Strategy Local Plan and has the same time horizon to 2028.
- 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 DaSA Local Plan production process, the National Planning Policy Framework (NPPF), first published in March 2012, was reviewed and republished in July 2018 and February 2019. The July 2018 NPPF was a significant revision, indicating that transitional arrangements applied, resulting in the DaSA Local Plan being examined on the March 2012 version of the framework (as amended).
- 1.9 The NPPF 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. It includes Government's expectation for planning strategically across local boundaries and within that role of the planning system in protecting the environment.
- 1.10 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

1.11 Rother District Council adopted the DaSA Local Plan on 16th December 2019. 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 below, 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**

- 1.12 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 District and also seek to address issues of environment, communities, heritage and the economy.
- 1.13 From the outset of the DaSA Local Plan 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 Report and the profile of information was used to inform the context for developing the SA Framework, along with the Objectives and Policies within the DaSA Local Plan document. The key characteristics and issues in the district are also set out in Parts 1 & 2 of the Core Strategy and its associated SA documents.
- 1.14 The outcome of the preliminary SA Scoping stage of the DaSA Local Plan was a refined SA Framework, comprising a set of 16 Sustainability Objectives, supported by decision aiding questions and indicators. The key spatial objective principles for the DaSA Local Plan were established previously through the Core Strategy Local Plan document and comprise of 12 strategic objectives.
- 1.15 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 DaSA Local Plan policies, 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

1.16 Sustainability Appraisal has been undertaken throughout the preparation of the DaSA Local Plan. More details are provided 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 DaSA Local Plan 'Options and Preferred Options' during the ten-week consultation period 12th December 2016 - 20th February 2017.
- The SA of the Proposed Submission DaSA Local Plan was published alongside the DaSA consultation in the 6 week period 26th October 2018 to 7th December 2018.
- The SA of the 'Main Modifications and changes to the Policies Maps' was published alongside the DaSA Local Plan consultation in the 6 week period 30th July 2019 to 10th September 2019<sup>2</sup>.
- Previous comments made on the DaSA Local Plan Sustainability Appraisal as part of the consultations are still available to view via this [website](#).

## SA Scoping Report

1.17 In addition, a DaSA Local Plan SA Scoping Report, which set out the framework of sustainability objectives and baseline indicators, was published initially in September 2014 (closing on 5<sup>th</sup> November 2014) and was subject to further update during the process. This was reissued for consultation which ended in February 2015. 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.

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<sup>2</sup> Additionally, as a distinct exercise which was not a part of the DaSA Local Plan Public Examination process, the Council also undertook a separate consultation on Additional (Minor) Modifications to the DaSA Local Plan which also ran from 30th July to 10th September 2019

- 1.18 The first SA Scoping Report underwent statutory consultation in September 2014. 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.
- 1.19 In addition, it should be noted that the Proposed Submission DaSA Local Plan SA (September 2018) updated some elements of the Scoping Report, including:
- Reviewing the list of Relevant Policies, Plans, Strategies and Programmes as well as Sustainability Objectives;
  - Updated Baseline Information (Appendix 2).

#### Habitats Regulations Assessment (HRA)

- 1.20 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.
- 1.21 An initial screening exercise was completed as the early stages of producing the DaSA Local Plan to indicate whether an Appropriate Assessment was required, to meet the requirement of the Habitats Directive. The HRA screening was prepared by Rother District Council, as the relevant competent authority, and this was completed in June 2016.
- 1.22 The Assessment provided a screening to examine whether the DaSA Local Plan 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 it was not initially considered that impacts would be above and beyond those identified for the Core Strategy Local Plan and as such did not require an Appropriate Assessment. Caveats were made in the screening report that if the

quantum of development was to change or new policies were introduced that could impact on the environmental designations, then a screening review would need to be undertaken.

- 1.23 As the DaSA Local Plan and associated HRA process progressed, it was considered that a screening review was necessary and this was undertaken and documented in the September 2018 version of the Habitats Regulation Assessment 'Likely Significant Effects and Appropriate Assessment'.

#### Further HRA Screening and subsequent Appropriate Assessment

- 1.24 As set out above, the HRA screening exercise indicated that several site designations within the DaSA Local Plan could theoretically lead to likely significant effects to designated sites. In addition to this, screening of Rother Council's preferred DaSA Local Plan policies concluded that all draft policies would have no likely significant effects, with the exception of Policy DHG2 (Rural Exception Sites).
- 1.25 It was concluded that for all of the nine sites identified and Policy DHG2, the policy framework provided by the DaSA Local Plan will ensure no adverse effects would occur on the integrity of the SAC/Ramsar sites that are located within close proximity to the proposed development sites. Since these measures would address effects from development on each site alone they would also ensure that they did not contribute to any effect 'in combination'. It is considered that an adequate mitigation strategy for both the proposed development sites and development policies will be in place to ensure that there will be no adverse effects on the integrity of the Pevensey Levels SAC/Ramsar and Dungeness Romney Marsh and Rye Bay SPA/Ramsar.
- 1.26 In conclusion, it was considered that an adequate mitigation strategy for both the proposed development sites and development policies will be in place to ensure that there will be no adverse effects on the integrity of the Pevensey Levels SAC/Ramsar and Dungeness Romney Marsh and Rye Bay SPA/Ramsar.



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

- 1.27 The objectives and policies set out in the DaSA Local Plan, 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 DaSA Local Plan. 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 DaSA Local Plan Consultation Statements. The SA process has helped to refine the DaSA Local Plan policies, including the main modifications prior to adoption in 2019 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 DaSA Local Plan.
- 1.30 The development of the DaSA Local Plan 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 DaSA Local Plan 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 DaSA Local Plan, commencing in December 2016 with the 'Options and Preferred Options' stage and culminating in the Examination. Details of the Main Modifications consultation can be found [here](#), along with the earlier stages. Consultations were carried out in accordance with the Council's respective Statements of Community Involvement.

1.32 Throughout the preparation of the DaSA Local Plan, 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 DaSA Local Plan 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, where relevant.

**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 DaSA Local Plan, since Rother does not directly border another EU state and hence trans-boundary impacts are very limited.

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

- 1.34 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.
- 1.35 In addition, assessments of relative sustainability of options were set out in background evidence. At the Options and Preferred Options' stage, options were presented in Part B and C of the report. These development management policies and development allocations evolved further during the process with the final policies presented and justified in the DaSA Local Plan Chapters 2-13, as supported by the SA assessment of options.
- 1.36 The following matters were of particular importance in the adoption of the DaSA Local Plan. These matters were discussed at examination and important in the Plan's adoption process.
- Compliance with the strategic aims and objectives of the Core Strategy Local Plan;
  - Relationship with Neighbourhood Plans and their non-strategic policies;
  - The soundness and policy compliance of development management policies with the Core Strategy, national policy and evidence;
  - The site selection process for sites allocated for development;
  - Whether the overall housing supply and delivery were justified effective and in accordance with the Core Strategy; and
  - Whether the individual sites selected were sound.

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

- 1.37 Most policies in the DaSA Local Plan will require collaborative working between a wide range of bodies, including: infrastructure providers, developers, service providers, government agencies, parish and town councils.
- 1.38 The adopted 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 Local Plan. The Local Plan Monitoring Report process 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.
- 1.39 The SA Framework also sets out monitoring recommendations and indicators in order to measure any significant social, economic and environmental effects after the DaSA Local Plan adoption. This will allow the identification of any unforeseen adverse effects and enable appropriate remedial action to be taken.