22 May 2014

Natural England Consultation Service
Hornbeam House, Electra Way
Crewe Business Park,
Crewe, Cheshire
CW1 6GJ

Dear Sir / Madam

Response to Natural England’s Objection to the IIA and Habitats Regulations Assessment Screening Determination for the Rotherham Local Plan Core Strategy – Main Modifications

Rotherham’s Core Strategy is one of several documents which will make up the Local Plan. We consulted upon the Draft Core Strategy in summer 2011, on the Publication Core Strategy in summer 2012, on Focused Changes in winter 2013 and on Main Modifications in March and April 2014.

Evidence of the need, or otherwise, for Habitats Regulations Assessment (HRA, also sometimes referred to as ‘Appropriate Assessment’) is a requirement when submitting a local development document under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. This must, as a minimum, include the ‘screening’ stage of HRA. This stage determines whether or not a plan or programme presents the potential to significantly affect a ‘Natura 2000’ European nature conservation site. If ‘screened in’ to HRA, a plan or programme requires a full assessment of this potential.

With the exception of Main Modifications, our environmental consultants at Jacobs UK Ltd. developed HRA Screening opinions which were submitted separately but alongside our Integrated Impact Assessment (IIA) of the Core Strategy documents above. In each case, Natural England determined that the Core Strategy was ‘screened out’ of HRA.

At Main Modifications stage (March 2014), an Addendum to the previous IIA Report (June 2013) was produced which addressed the potential significant effects of the proposed policy changes. Natural England responded with an objection, on the grounds that the IIA did not mention HRA screening.

Our environmental consultants at Jacobs UK Ltd. have reviewed the Main Modifications 2014 with the conclusion that these do not significantly change the assessment under the HRA screening exercise. We therefore provide an updated IIA Addendum for your consideration, with the following shown changes:

1. Amend title of Section 3.2: SEA ‘Screening’ of the Main Modifications;
2. Section 5.1, new paragraph before Table 5-1:
   “The HRA screening determination for the Core Strategy indicated potential for likely significant effects on European sites as a result of cumulative or secondary effects. However mitigation was available which resulted in these potential effects being avoided. The main modifications that have been highlighted within sections 3 and 4 of this addendum are within policies that were not
considered to have a likely significant effect on European Sites in the Core Strategy HRA screening determination. Although Table 5-1 indicates the potential for significant effects in the short term these are considered to be within the immediate environs of the Rotherham Council Core Strategy area and would not result in cumulative or secondary effects at European sites which are located some distance away.”

3. Amend title of Table 5-1: Summary of Potential ‘Likely Significant Effects’ of the Core Strategy.

Moreover, the policies upon which the Core Strategy HRA screening opinion of June 2013 was dependent have not changed significantly. These include CS20 (Biodiversity and Geodiversity), CS19 (Green Infrastructure), CS22 (Green Space) and CS24 (Conserving and Enhancing the Water Environment). These policies remain adequate to avoid a significant effect on any Natura 2000 sites in the wider region.

For the above reasons, we consider that an Appropriate Assessment is not required as part of the Main Modifications of the Core Strategy.

I would therefore be grateful for swift confirmation of the Council’s opinion that Appropriate Assessment is not required.

If you wish to discuss this matter further, please contact me on direct dial, 01709 823831 in the first instance.

Yours sincerely

Helen Sleigh
Senior Planning Officer – Planning Policy Team
Environment and Development Services