Rotherham Core Strategy Examination

Rotherham Metropolitan Borough Council

Statement Regarding Legal Compliance

www.rotherham.gov.uk/localplan

August 2013
1. Further to discussion at the pre hearings meeting on 23 August 2013, this statement sets out how the Council considers it has complied with relevant legal requirements in the preparation of the Core Strategy. Sections in *italics* are taken from paragraph 2.3 of Local Development Frameworks – Examining Development Plan Documents: Soundness Guidance (ED/12). Document references below refer to those in the examination library which can be accessed here: [https://www.rotherham.gov.uk/site/scripts/directory_home.php?directoryID=88](https://www.rotherham.gov.uk/site/scripts/directory_home.php?directoryID=88)

### Planning Advisory Service Checklists

2. In addition to the information below the Council has undertaken self assessment using the Planning Advisory Service soundness and legal checklists. These are submitted as document KSD/9.

3. The Council considers that the Core Strategy complies with national planning policy. A completed Planning Advisory Service NPPF checklist is provided at CSP/46.

#### Local Development Scheme (LDS)

*Has the DPD been prepared in accordance with the Local Development Scheme (LDS)? Does the DPD’s listing and description in the LDS match the document? Have the timescales set out in the LDS been met (section 19(1) of the 2004 Act)?*

4. The Core Strategy is identified within the Local Development Scheme, April 2013 (KSD/2) approved by the Council at its Cabinet meeting of 24 April 2013. The Core Strategy’s content and timing is considered to be compliant with the LDS. Submission was programmed for May 2013, although this actually took place on 6 June. It also sets out an expected adoption date of February 2014.

#### Sustainable Community Strategy (SCS)

*Has the DPD had regard to any Sustainable Community Strategy for its area (i.e. county and district) (section 19(2) of the 2004 Act)?*

5. Rotherham’s Community Strategy 2012-2015 has been submitted as LEB/6. Regard has been paid to the SCS in preparing the Core Strategy. Table 2 of the Publication Core Strategy (RSD/1) shows the relationship between Core Strategy objectives, issues, policies and the Rotherham Partnership priorities (as set out in the SCS).

#### Statement of Community Involvement (SCI) and relevant regulations

*Is the DPD in compliance with the Statement of Community Involvement (SCI) (where one exists)? Has the LPA carried out consultation consistent with the SCI (section 19(3) 2004 Act)?*

6. Rotherham’s SCI (KSD/1) was adopted in June 2006. Throughout its preparation, consultation on the Core Strategy has been compliant with the requirements of the SCI. Participation is summarised in the Consultation Statement (RSD/11), which provides an audit trail of consultations undertaken.
Consultation Statement

7. A consultation statement, compliant with Regulation 22 of The Town and Country Planning (Local Planning) (England) Regulations 2012 has been submitted as document RSD/11. This sets out an audit trail of the various stages of Core Strategy preparation.

8. In addition feedback reports prepared following each stage of Core Strategy preparation have been submitted:
   - CSP/1 - Publication Core Strategy Consultation Statement June 2012
   - CSP/30 - Core Strategy Revised Options 2009 Interim Feedback Report
   - CSP/31 - Core Strategy Revised Options 2009 Final Feedback Report May 2010
   - CSP/34 - Core Strategy Preferred Options Feedback Sept 2007
   - CSP/36 - Core Strategy Issues and Options: 2 Draft Objectives, Feedback and Initial Sustainability Appraisal January 2006
   - CSP/38 - Core Strategy Issues and Options: Minutes of Front Loaders Workshop 17 February 2006
   - CSP/41 - Core Strategy Issues and Options Consultation Statement July 2006

9. Since the Core Strategy Revised Options stage consultation has been undertaken on-line via the Limehouse / Objective website. All comments received and Council responses are available to view through the consultation portal: http://rotherham.limehouse.co.uk/portal

Sustainability Appraisal (SA)

Has the DPD been subject to sustainability appraisal? Has the LPA provided a final report of the findings of the appraisal (section 19(5) of the 2004 Act)?

10. Sustainability Appraisal has been undertaken throughout the plan preparation process. The resulting reports have been submitted:
   - RSD/3 - Integrated Impact Assessment (including Sustainability Appraisal and Habitats Regulations Assessment screening opinion), 2013
   - RSD/4 - Sustainability Appraisal General Scoping Report, 2011
   - CSP/27 - Core Strategy Revised Options 2009 Sustainability Appraisal Main Report
   - CSP/28 - Core Strategy Revised Options 2009 Sustainability Appraisal Technical Appendices
   - CSP/33 - Core Strategy Preferred Options 2007 Sustainability Appraisal
   - CSP/36 - Core Strategy Issues and Options: 2 Draft Objectives, Feedback and Initial Sustainability Appraisal January 2006
   - CSP/42 - Sustainability Appraisal Commentary on Core Strategy Objectives December 2005
   - CSP/43 - Sustainability Appraisal Commentary on Core Strategy Options May 2006
Appropriate Assessment (AA) under the Habitats Regulations

11. Appropriate Assessment scoping has been carried out as part of preparing the Sustainability Appraisal. The scoping opinion is set out in the 2013 Integrated Impact Assessment (RSD/3) and the letter from Natural England (ED/01) confirms that the submitted Core Strategy would not significantly affect the conservation objectives of any European site and that an Appropriate Assessment of the document is not required.

Regional Spatial Strategy

Does the DPD contain any policies or proposals which are not in general conformity with the Regional Spatial Strategy (RSS), and if so, is there local justification (section 24(1)(a) of the 2004 Act)? Has the LPA got confirmation from the Regional Planning Body about the general conformity of the DPD with the RSS (section 24(2) of the 2004 Act)?

12. The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013 revoked the Yorkshire & Humber Plan in February 2013 (NEB/12), with the exception of green belt policy relating to York. This remaining policy is not relevant to Rotherham.

2004 Act (as amended) and 2012 Regulations

Does the DPD comply with the 2004 regulations (as amended)? Specifically, has the LPA published the prescribed documents, and made them available at their principal offices and their website? Has the LPA placed local advertisements? Has the LPA notified the DPD bodies? Does the DPD contain a list of superseded saved policies?

13. The Core Strategy has complied with relevant Regulations (as amended). Further details are given in the Consultation Statement (RSD/11). Consultation on the Core Strategy has been publicised by a range of methods including notifications to those on the Council’s consultation database, notices in the local press, information being made available on the website, and documents made publicly available in locations such as the Council’s main offices, its customer service centres and in all local libraries.

14. In terms of Submission, the Council has published the prescribed documents and a statement setting out the documents and where they can be viewed has been submitted as RSD/13. Notifications relating to Publication and Submission of the Core Strategy were sent to all those on the Council’s consultation database including general and specific consultees. Appendix B of the Publication Core Strategy (RSD/1; as amended by Focused Change 152 (RSD/2)) sets out a list of those saved Unitary Development Plan policies which will be replaced.

Conclusion

15. The Council considers that the information provided in this statement demonstrates how it has complied with relevant legal requirements in the preparation of the Core Strategy.