

**TOWN AND COUNTRY PLANNING
(ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011**

**STATEMENT OF STAFFORDSHIRE COUNTY COUNCIL IN
ACCORDANCE WITH REGULATION 24 OF THE TOWN AND COUNTRY
PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS
2011**

**IN RESPECT OF A DECISION TO GRANT PLANNING PERMISSION FOR
CONSTRUCTION OF THE NEW STAFFORD WESTERN ACCESS ROAD
TO INCLUDE LOW VIADUCT, BRIDGE AND LANDSCAPING WORKS,
AND THE DEMOLITION OF EXISTING INDUSTRIAL BUILDINGS
(REF. [S.15/06](#))**

**AT LAND BETWEEN A34 FOREGATE STREET AND MARTIN
DRIVE, CASTLEFIELDS, STAFFORD**

APPLICANT: The Cabinet (Staffordshire County Council)

APPLICATION REF. [S.15/06](#)

DECISION DATE: 24 December 2015

Statement date: 25 May 2017



Introduction

The Cabinet (Staffordshire County Council), submitted an application for construction of the new Stafford Western Access Road to include low viaduct, bridge and landscaping works, and the demolition of existing industrial buildings on land between A34 Foregate Street / and Martin Drive, Castlefields, Stafford (ref. [S.15/06](#)).

On 1 October 2015, the Planning Committee of Staffordshire County Council accepted the recommendations in the planning committee report and resolved to approve the development, subject to the signing of a Memorandum of Understanding, and the imposition of planning conditions. A Memorandum of Understanding was signed on 23 December 2015, and the decision was issued on 24 December 2015.

Regulation 24

[Regulation 24](#) of the Town and Country Planning Environmental Impact Assessment Regulations 2011, requires the County Council to

- (a) in writing, inform the Secretary of State of the decision;
- (b) inform the public of the decision, by local advertisement, or by such other means as are reasonable in the circumstances; and
- (c) make available for public inspection at the place where the appropriate register (or relevant section of that register) is kept a statement containing:
 - (i) the content of the decision and any conditions attached to it;
 - (ii) the main reasons and considerations on which the decision is based including, if relevant, information about the participation of the public;
 - (iii) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development; and
 - (iv) information regarding the right to challenge the validity of the decision and the procedures for doing so.

This statement, along with the relevant public notice, has been prepared to fulfil the requirements of Regulation 24.

This statement should be read in conjunction with the following documents:



- The Planning Committee Report dated 01 October 2015.
- The Decision Notice dated 24 December 2015 and Environmental Statement, approved plans and documents.

This statement and the documents referred to above, together the notice are available on the County Council's web site (www.staffordshire.gov.uk/planning - via our on-line Applications Register - enter the relevant application reference number – [S.15/06](#)).

1. The content of the decision and any conditions attached to it.

For this information reference should be made to the Decision Notice which contains the conditions attached to the planning permission and refers to the approved documents (the Environmental Statement, plans and supporting documents).

2. The main reasons and considerations on which the decision was based including information about the participation of the public

This information is contained in the planning committee report ('Observations' section) where it was explained at paragraph 56 that:

'Having given careful consideration to the application, the supporting and environmental information (including the additional information subsequently received), the relevant development plan policies and other material considerations, the consultation responses and the representations, all referred to above, the key issues are considered to be:

- Planning policy considerations
- Environment and amenity considerations
- Other matters raised in representations
- Need for a Memorandum of Understanding

It was concluded that:

'Overall, as an exercise of judgement, taking the relevant development plan policies as a whole and having given consideration to the application, the supporting and environmental information (including the additional information subsequently received), the consultation responses, the representations and the other material considerations, all referred to above, it is reasonable to conclude that the proposals are acceptable and should be permitted, subject to the applicant entering into a 'Memorandum of Understanding' to secure undertakings and the planning conditions recommended below' (as referred to in the report).



Reference should also be made to the Minutes of the planning committee meeting of [1 October 2015](#) which set out additional requirements to include an informative in the permission to read:

“Having listened to the concerns of the representative for the Castletown Residents Association about the potential risk of vibration from piling during construction of the road, the Planning Committee call upon the applicant to give particular consideration to this aspect of the development when preparing to submit the Construction Environmental Management Plan for approval.’

Details of the publicity

The report explained that the planning application was advertised by site notices posted along and adjacent to the proposed new road, and was advertised in the local press. 1,487 neighbour notification letters were sent out to properties in the area of the proposed new access road, and properties in the area of the flood compensation works. Letters were sent firstly to notify about the planning application (22 June 2015), and secondly to update neighbours likely to be affected by the changes described in the additional information and Addendum to the Environmental Statement that was submitted (19 August 2015). A further notice was advertised in the local press to publicise the additional information and Addendum to the Environmental Statement.

The responses were summarised in the ‘Consultation Responses’ and ‘Publicity and Representations Received’ sections, and considered in the ‘Observations’ section (paragraphs 56 to 128) of the planning committee report.

3. The main measures to avoid, reduce and, if possible, offset the major adverse effects of the development

For this information reference should be made to the planning committee report [‘Environmental Statement’ and ‘Observations’ sections, and to Appendix 1].

As explained above, the ‘Observations’ section to the planning committee report described the key issues taken into consideration in reaching a decision. Appendix 1 of the planning committee report summarised all the matters taken into account in the Environmental Statement (ES), including those measures intended to avoid, reduce and offset the major adverse effects of the development, which were as follows:

- Ecology and Nature Conservation;
- Drainage and the Water Environment;



- Landscape and Arboriculture;
- Cultural Heritage;
- Noise and Vibration;
- Geology, Soils and Contamination;
- Air Quality;
- Pedestrians, Cyclists, Equestrians and Community Effects;
- Vehicle Travellers;
- Cumulative Effects;

4. Right to challenge the validity of the decision and procedure

A grant of permission might be challenged by way of Judicial Review proceedings in the High Court if the decision maker has acted outside its legal powers or otherwise acted unlawfully in reaching its decision. Such proceedings must be brought promptly or in any event within three months of the decision to be challenged by a person with a genuine interest in bringing the proceedings and the permission of the court must be obtained.

The County Council provides information regarding the right to appeal to the Secretary of State against the decision and the procedures for doing so. This is set out as a note on the Decision Notice. ¹

It is relevant to note that only the applicant for consent or permission can make an appeal. There is no right of appeal for interested people or organisations (known as 'third parties').

In addition, as advised by the Planning Inspectorate in connection with appeal decisions:

- Complaints against an appeal decision or the Inspector are dealt with by the Planning Inspectorate's Quality Assurance Unit. All complaints are investigated thoroughly and impartially. The Planning Inspectorate provides detailed guidance on the operation of the complaints process. Guidance is also provided on the different roles of the Planning Inspectorate, the Parliamentary and the Local Ombudsman.
- Appeal decisions are legal documents and the decision is final. The High Court is the only authority that can require reconsideration of an Inspector's or Secretary of State's decision. Applications to the High Court to challenge decisions must be made within 6 weeks from the date of the Inspector's decision on the appeal.
- A decision cannot be challenged merely because someone disagrees with the Inspector's judgement. For a challenge to be successful you would have to show that the Inspector misinterpreted the law or, for instance, that the inquiry, hearing, site visit or other appeal procedures



were not carried out properly, leading to, say, unfair treatment. If a mistake has been made and the Court considers it might have affected the outcome of the appeal it will return the case to the Planning Inspectorate for re-consideration.

Darryl Evers
Director for Economy, Infrastructure & Skills
On behalf of Staffordshire County Council

Date: 25 May 2017.

