
Guidance Notes for Representations

These guidance notes are intended to help you fill in the representation form.

Making a Representation

1. Please use a separate form for each representation that you submit. The form can be completed using the County Council’s consultation portal https://consultation.staffordshire.gov.uk/ . A Microsoft word version of the form is also available on the consultation portal and you can forward your representation forms via email to us at planning@staffordshire.gov.uk . The form can be copied and posted to Planning, Policy & Development Control c/o Staffordshire County Council, 2 Staffordshire Place, Tipping Street, Stafford ST16 2DH.

2. Please complete the forms in black or typed ink. You are advised to keep your own copy of all the representations that you submit. If you use the consultation portal there will be an opportunity to receive an electronic copy of the representations submitted.

3. Part A: Your Details. All respondents must provide their personal details as it is not possible for representations to be considered anonymously. Representations will be published on the County Council’s Consultation Portal https://consultation.staffordshire.gov.uk/.

4. Part B. The Local Plan (Plan) is published in order for representations to be made prior to submission. The representations will be considered alongside the published Plan when submitted, which will be examined by a Planning Inspector. The Planning and Compulsory Purchase Act 2004 (as amended) (PCPA) states that the purpose of the examination is to consider whether the Plan complies with the legal requirements, the duty to co-operate and is sound.

5. The Inspector will first check that the Plan meets the legal requirements under s20(5)(a) and the duty to co-operate under s20(5)(c) of the PCPA before moving on to test for soundness.

You should consider the following before making a representation on legal compliance:

- Has the new Minerals Local Plan been prepared in accordance with the current Minerals and Waste Development Scheme (MWDS) and have the key stages been followed? The MWDS is effectively a Local Plan work programme and is available via http://www.staffordshire.gov.uk/environment/planning/policy/home.aspx and then click on “Local Plan Work Programmes”.

- Has the process of community involvement in preparing the new Minerals Local Plan been in general accordance with the Statement of Community Involvement? A Revised Statement of Community of Involvement was adopted in 2014 and is available via http://www.staffordshire.gov.uk/environment/planning/policy/home.aspx and then click on “How we consult you”.

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• Does the new Minerals Local Plan comply with the Town and County Planning (Local Development) (England) Regulations 2004? On publication, the Mineral Planning Authority (MPA) must publish the documents prescribed in the regulations, and make them available at their principal office and their website. The MPA must also notify the Local Plan bodies (as set out in the regulations) and any persons who have requested to be notified.

• Has the Plan been subject to Sustainability Appraisal (SA), and has a SA report been provided when the new Minerals Local Plan was published? The report should identify the process by which the SA has been carried out, and the baseline information used to inform the process and the outcomes of that process. SA is a tool for appraising policies to ensure they reflect social, environmental, and economic factors.

6. You should consider the following before making a representation on compliance with the duty to co-operate:

• The duty to co-operate came into force on 15 November 2011 and any plan submitted for examination on or after this date will be examined for compliance. MPAs will be expected to provide evidence of how they have complied with any requirements arising from the duty.

• The PCPA establishes that non-compliance with the duty to cooperate cannot be rectified after the submission of the Plan. Therefore, the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the Plan.

7. Soundness is explained in paragraph 182 of the National Planning Policy Framework (NPPF). The Inspector has to be satisfied that the Plan is positively prepared, justified, effective and consistent with national policy. Each aspect of ‘soundness’ is explained below.

• Positively prepared – This means that the Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

• Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

• Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

• Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework

8. If you think the content of the Plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

• Is the issue with which you are concerned already covered specifically by national planning policy? If so, it does not need to be included.

• Is what you are concerned with covered by any other policies in the Plan on which you are seeking to make representations or in any other Plan?

• If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?

• If the Plan is unsound without the policy, what should the policy say?

9. If you wish to make a representation seeking a modification to a Plan or part of a Plan you should make clear in what way the Plan or part of the Plan is not sound having regard to the legal compliance, duty to cooperate and the four requirements set out above. You should try to support your representation by evidence showing why the Plan should be modified. It will
be helpful if you also say precisely how you think the Plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

10. Where there are groups who share a common view on how they wish to see a Plan modified, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

**Sending your Representation to us**

Representations can be completed using Consultation Portal https://consultation.staffordshire.gov.uk/. It is also possible to send your Representations by email, by downloading a form from the Consultation Portal and forwarding your response via email to us at planning@staffordshire.gov.uk. If you choose to do this, please send response forms in Word.doc format.

Alternatively, written representations can be posted to:

Planning, Policy & Development Control c/o Staffordshire County Council, 
2 Staffordshire Place, 
Tipping Street, 
Stafford. 
ST16 2DH

**Please ensure that your representations arrive no later than 5pm on 31 July 2015.**

If you need further information or any assistance in completing the representation form a member of the Planning Policy Team will be happy to help on (01785) 277275.

Thank you for your interest.