Staffordshire County Council's Statement

Day 1:

PROCEDURAL AND CONFORMITY MATTERS

Issue: Whether the Plan has been prepared in accordance with the relevant legal and procedural requirements
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1. **Has the Plan been prepared in accordance with the Planning and Compulsory Purchase Act 2004 (as amended)?**

1.1 The Council confirms that the new Plan was prepared in compliance with the Planning and Compulsory Purchase Act 2004 (as amended). The Council has carried out a self-assessment of legal compliance using the checklist provided by the Planning Advisory Service (refer to CD38 PAS Legal Compliance Checklist for Minerals Local Plan).

2. **Has the Plan been prepared in accordance with the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended) and the 2012 Regulations?**

2.1 The Council confirms that the new Plan was prepared in compliance with the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended) and the 2012 Regulations. The Council has carried out a self-assessment of legal compliance using the checklist provided by the Planning Advisory Service (refer to CD38 PAS Legal Compliance Checklist for Minerals Local Plan).

3. **Has the Plan been prepared in compliance with the approved Local Development Scheme (LDS)?**

3.1 The Council confirms that the new Plan was prepared in compliance with the Minerals and Waste Development Scheme approved in January 2014 which was updated and approved in January 2016. A copy of the latest Scheme was submitted to the Inspector (refer to CD23 Minerals and Waste Development Scheme (MWDS) January 2016).

4. **Has the Council adopted a Statement of Community Involvement and, if so, explain how consultation has been compliant with the requirements therein?**

4.1 The Council confirms that the new Plan was prepared in compliance with the adopted Statement of Community Involvement. A copy of the Statement was submitted to the Inspector (refer to SUB9 Revised Statement of Community Involvement (February 2014)).

4.2 The consultation and engagement on the new Plan is explained in the Consultation Statement and the Schedule of Representations which have been submitted to the Inspector (refer to SUB 5 Schedule of Representations on new Minerals Local Plan for Staffordshire June 2015 [January 2016] and SUB8 Consultation Statement - June 2015).
4.3 The Council carried out consultation at each stage:

<table>
<thead>
<tr>
<th>Plan preparation</th>
<th>Refer to consultation on “issues and options” (October and November 2008)</th>
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<tr>
<td>Draft Plan</td>
<td>Refer to consultation 12 May 2014 to 4 July 2014</td>
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<tr>
<td>Additional sites</td>
<td>Refer to consultation 17 October to 5 December 2015</td>
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<tr>
<td>Publication of the Proposed Submission Plan</td>
<td>Opportunity to make representations 10 June 2015 to 31 July 2015</td>
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4.4 Individuals and organisations have been notified of relevant stages in the preparation of the new Plan and when work recommenced on the Plan in 2013, the Council provided an opportunity for persons to register or update contact details for notification purposes. Consultation documents were made available on the Council’s website and also viewable at the Council’s main office in Stafford and at libraries. E-mails or letters were sent to relevant consultees and anyone who has asked to be involved as well as neighbours of allocated sites/areas included the new Plan. In addition, officers have attended Parish Council meetings where appropriate.

5. **Has the Council carried out an appraisal of the sustainability of the Plan and prepared a report on the findings of the appraisal? Is there clear evidence to indicate why, having considered reasonable alternatives, the strategy in the Plan is the most appropriate response? Is the Council satisfied that the Sustainability Appraisal adequately gives reasons, or summarises or repeats the reasons that were previously given, for rejecting any reasonable alternatives, and that those reasons are still valid?**

5.1 The Council has carried out an appraisal of the sustainability of the new Plan and a Strategic Environmental Assessment / Sustainability Appraisal (SEA/SA) Environmental Report was produced to accompany the consultation on the Final Draft (refer to SUB6 Sustainability Appraisal: Environmental Report - June 2015 and SUB7 Sustainability Appraisal / Strategic Environmental Assessment Non-technical Summary - June 2015).

5.2 The Environmental Report builds on an Interim SA Report (refer to CD21 Sustainability Appraisal / Strategic Environmental Assessment – Interim Report – Testing Alternatives (May 2014)) prepared to accompany the first draft of the new Plan. The general approach for the SA was set out in a Scoping Report (refer to CD39 Revised Sustainability Appraisal Scoping Report for Minerals Local Plan (October 2013)) which was the subject of a consultation exercise between August and October 2013.

5.3 The Environmental Report explains the appraisal and assessment of options used to derive the strategy and polices for the Plan:
Sections 2.4 and 2.5 refer to the appraisal of options used to address the main issues for the Plan and also preferred options used to form the basis of draft policies:

Section 3 refers to appraisal of draft policies including options for mineral sites. As part of the appraisal, summaries from the assessment are provided and measures are identified to mitigate adverse impacts of developing preferred site options and the areas of search.

6. **Does the Plan have regard to national policies and advice contained in guidance issued by the Secretary of State including the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)?**

6.1 The Plan has regard to national policies and advice contained in guidance issued by the Secretary of State including the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG). The Council carried out a self-assessment of the soundness of the Local Plan using a checklist provided by the Planning Advisory Service (refer CD37 PAS Soundness Self-Assessment Checklist for MLP - Nov 2015). This checklist encourages review of evidence where the new Plan relates to national policy. Throughout the Plan, reference is made to national policy and supporting guidance where relevant (see footnotes in the Plan document).

7. **Does the Plan have regard to the Sustainable Community Strategy (SCS) of the Council and the SCS of any other authority within the county?**

7.1 There is no longer a legal requirement to prepare a sustainable community strategy or to have regard to the Community Strategy of the Council or of any other authority whose area comprises any part of Staffordshire. In consulting on issues and options for the Plan in 2008, reference was made to the Council’s Sustainable Community Strategy but this strategy is no longer relevant.

8. **Explain how the Plan complies with the Public Sector Equality Duty (PSED).**

8.1 A Community Impact Assessment has been prepared in accordance with the Council’s standard template that includes an assessment of equality considerations to demonstrate how the Public Sector Equality Duty (PSED), has been taken into account. No negative impacts are identified specific to protected groups.

9. **Have Appropriate Assessments been undertaken under the Habitats Directive? If not, has a scoping exercises shown that there is no need for such an assessment?**

9.1 The Council has carried out a scoping exercise (refer to CD9 Habitat Regulations Assessment Screening of Allocated Sites - June 2015) and identified that there are two sites where an appropriate assessment may be required should an application be submitted. For the Barton (Wychnor) site allocation, it is reasonable to anticipate that the findings of such an assessment
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would not unduly constrain the development within the site allocation, however, in relation to the Weavers Hill option (not allocated) no such conclusion could be drawn. Natural England raised no objection to the overall approach of the scoping exercise.

10. **In so far as the Plan contains policies that are intended to supersede other policies, is that fact stated in the Plan and are the superseded policies identified?**

10.1 The introduction to the new Plan confirms that the new Plan will replace ‘saved’ policies in the Staffordshire and Stoke-on-Trent Minerals Local Plan 1994 – 2006.¹

10.2 A schedule of the ‘saved policies’ was confirmed by the former Government Office for the West Midlands² and [version](#) of the old Plan with saved policies is available to view on the Council’s website.

11. **Has the Plan been positively prepared (NPPF Para 182) and, if so, how has this requirement been met?**

11.1 The new Plan meets objectively assessed needs for the provision of minerals including provision of aggregate minerals as assessed in the Council’s Local Aggregate Assessment (refer CD37 PAS Soundness Self-Assessment Checklist for MLP - Nov 2015). A key objective for the Plan is to achieve an acceptable balance with the provision of minerals and the impact of mineral operations on local communities and the environment.³

12. **Has the Council carried out the duty to co-operate in the preparation of the Plan (Planning and Compulsory Purchase Act 2004 (as amended), Section 33A)? How has this duty been fulfilled (NPPF Paras 178 – 181)?**

12.1 The Council has carried out the duty to cooperate in terms of cooperating and engaging with the relevant bodies on an ongoing basis with regard to strategic matters, including cross boundary issues (refer to CD7 Duty to Cooperate Statement - June 2015 and CD31 Addendum to Duty to Cooperate Statement June 2015 (January 2016))

12.2 The Duty to Cooperate Statement explains the strategic context for mineral development in Staffordshire and identifies the strategic issues/priorities relevant to the new Plan as well as ongoing working arrangements with other planning authorities and organisations to address those issues. An addendum to the statement has been produced to provide an update on issues relating to the provision of aggregates and clay/shales.

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¹ Refer to paragraph 1.3 of the new Plan
² Refer to [letter dated 7 September 2007](#) from the Head of Planning and Housing, Government Office for the West Midlands.
³ Refer to Strategic Objective 1
12.3 Outcomes for the new Plan achieved through collaborative working are set out in the statement and addendum and requirements for further ongoing co-operation are identified.