

STAFFORDSHIRE MOORLANDS LOCAL PLAN EXAMINATION  
STATEMENT BY STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL ON THE INSPECTOR'S MATTERS,  
ISSUES & QUESTIONS

**MATTER 1**

**Legal Compliance, Procedural Requirements and the Duty to Cooperate**

**Issue 1 – Compliance with procedural requirements including consultation/participation procedures**

**1.1 Is there any evidence that the Council has not complied with the Statement of Community Involvement (SCI) or otherwise not met the minimum requirements for consultation or that consultation and publicity has otherwise been inadequate at various stages of the LP process?**

1.1.1 No, there is not.

1.1.2 The Council has met the requirements for consultation and publicity as required by the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation and publicity undertaken is also in line with the Council's Statement of Community Involvement (SCI) published in April 2016 (ED12.3) and the superseded SCI covering the earlier part of the plan preparation process (ED12.2).

1.1.3 The Local Plan has been subject to four rounds of public consultation:

At Regulation 18 (Preparation) stage:

- Site Options consultation: 7th July – 14th September 2015.
- Preferred Options Sites and Boundaries consultation: 28th April – 13th June 2016.
- The Local Plan Preferred Options consultation: 31st July – 22nd September 2017.

At Regulation 19 (Publication) stage:

- The Local Plan Submission Version consultation: 27th February – 11th April 2018.

1.1.4 Three consultation statements have been produced to document the consultations and they provide full details of the extensive engagement process undertaken during the plan-making process for the Staffordshire Moorlands Local Plan. They also explain how the requirements of the SCI were met at each stage. The relevant references are:

- Site options and preferred sites & boundaries (ED5.1, Chapter 2 and Chapter 4 pages 13, 14 and Chapter 5 pages 17 and 18);
- Preferred Options (ED5.2 Chapter 2); and
- Publication (ED5.3 Chapter 2).

**Issue 2 – Compliance with the DtC, particularly in relation to consideration of housing needs**

**2.1 Is there evidence that the Council has cooperated effectively with adjoining authorities in considering unmet housing needs and employment land requirements from elsewhere in the Housing Market Area (HMA) and Functional Economic Market Area (FEMA)?**

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- 2.1.1 Yes there is. The Council's Duty to Co-operate Statement (ED 9.2) and final signed Statement of Common Ground with Stoke-on-Trent City Council, Newcastle-under-Lyme Borough Council and Stafford Borough Council (ED 9.3) set out how this requirement has been fulfilled having regard to the HMA and FEMA.
- 2.2 Are there likely to be any unmet needs from the overlapping Stoke-on-Trent HMA? The Council confirms that neither Stoke nor Newcastle-under-Lyme Councils have asked Staffordshire Moorlands to help meet their combined development needs of 1390 dwellings per annum (dpa).**
- 2.2.1 As set out in the Stoke-on-Trent City Council and Newcastle-under-Lyme Borough Council Joint Local Plan Preferred Options Consultation document (February 2018), Stoke-on-Trent City Council does not currently expect to have a shortfall of supply against its apportionment of the OAN but will need to understand any updated position from Newcastle-under-Lyme Borough Council on the shortfall of housing against their apportionment of the OAN given they share a Joint Housing Market Area. The outcome of this process is currently unknown.
- 2.3 Has the Council cooperated effectively with the Peak District National Park Authority (PDNPA) in meeting development and infrastructure requirements?**
- 2.3.1 Yes it has. As set out in the Duty to Co-operate Statement (ED 9.2), the Council has agreed a Statement of Common Ground with the Peak District National Park Authority which sets out the strategic matters of relevance, co-operation undertaken to date, key outcomes and provisions for continued co-operation.
- 2.4 Are the Statements of Common Ground effective tools to facilitate ongoing engagement with adjoining authorities?**
- 2.4.1 Yes, the Statements of Common Ground established the strategic matters between respective authorities and set out in broad terms how ongoing engagement will continue in the future. This includes provision for quarterly meetings, proposals for future joint working and provisions for a future review of the Statements of Common Ground. The statements may also be revised further in the future to reflect new guidance.
- 2.5 Is there evidence that the Council has cooperated effectively with Staffordshire County Council (SCC) and other infrastructure providers and technical consultees on relevant issues such as transport, education, waste, minerals and flood risk?**
- 2.5.1 Yes. The Duty to Co-operate Statement (ED9.2) sets out how co-operation with Staffordshire County Council and other infrastructure providers / technical consultees has been undertaken. This includes engagement on the Infrastructure Delivery Plan Baseline Report (ED 8.1) and Final Report (ED 8.2) and joint working or engagement on other elements of the evidence base in respect of infrastructure (ED 9.2, Table 3.2). In addition, the Council has maintained regular contact with Staffordshire County Council and other partners during the preparation of the Local Plan to seek informal advice on specific technical and infrastructure related matters.

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Evidence of this is provided in Appendix 2 and 3 of the Duty to Co-operate Statement which set out minutes of meetings and a sample of correspondence between the Council and relevant bodies. It should be noted that not all meetings with the County Council have been recorded.

<b>Issue 3 – The SA and its consideration of reasonable alternatives</b>
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**3.1 Does the SA meet statutory and legal requirements in relation to the assessment of reasonable alternatives?**

3.1.1 Yes it does.

3.1.2 The quality assurance checklist in Chapter 12 of the Sustainability Appraisal report (ED6.5) sets out the statutory and legal requirements of the SEA Directive and sustainability appraisal process and provides evidence as to how the SA has met each of these requirements.

3.1.3 The Council's approach to identifying, developing and refining reasonable alternatives is described in Chapter 3 (methodology) of ED6.5. The reasonable alternatives selected were realistic and deliverable options that were sufficiently distinct to highlight the different sustainability implications of each, such that meaningful comparisons could be made.

3.1.4 Forecasting and evaluation of the significant effects of alternatives has helped to develop and refine the Local Plan proposals. Chapter 3 of ED6.5 describes how the SA has assessed the proposals in the emerging Local Plan, and the reasonable alternatives, to identify the likely significant effects of the available options. Table 3.2 of ED6.5 shows how the SA process has been integrated with the Local Plan process from an early stage in the plan making process.

3.1.5 Chapter 5 (summary of findings) of ED6.5 summarises the findings of the work to identify, describe and evaluate reasonable alternatives. The assessment of a "do nothing" approach is included alongside reasonable alternatives for:

- A housing requirement;
- An employment land requirement;
- Development site options, including options for a Gypsy and Traveller site;
- A development approach for Cheadle;
- A development approach for the rural areas.

3.1.6 Reasonable alternatives to delivering policy objectives were not assessed, as only one option - the Core Strategy policies – was identified as being able to achieve this. The adopted Core Strategy strategic and development management policies, updated as required, were considered to be the preferred approach and appraised to identify likely significant effects.

3.1.7 For each of the issues listed above, chapter 5 of ED6.5 outlines the reasons that the alternatives were selected, the reasons the rejected options were not taken forward, and the reasons for selecting the preferred approach in light of the alternatives. The chapter clearly identifies the significant positive and negative effects of each alternative and provides conclusions on the

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overall sustainability of the different alternatives, including those selected as the preferred approach in the Local Plan.

- 3.1.8 A record of the assessment of reasonable alternatives is detailed in the appraisal tables set out in full in chapters 15 to 20 of ED6.5. In addition to using the evidence base to predict and evaluate the likely significant effects (positive and negative) of the available options, the tables record ways of mitigating any adverse effects, and maximising beneficial effects. The assumptions and evidence used when assessing the significance of effects are also documented in these assessment tables.
- 3.1.9 A summary of significant effects and mitigation measures is provided in chapter 7 (summary of plan effects) of ED6.5. Table 9.1 in chapter 9 (monitoring proposals) of ED6.5 sets out proposed measures for monitoring the significant sustainability effects of implementing the Local Plan.
- 3.1.10 The development and appraisal of proposals in the Local Plan has been an iterative process, with the policies and proposals being revised to take account of the SA findings. The ways in which the SA has informed the Local Plan is set out in section 7.3 of ED6.5.

<b>Issue 4 – Habitats Regulations Assessment</b>
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- 4.1 Is there any evidence to contradict the HRA conclusions that the LP either alone or in combination will not result in an adverse effect on the integrity of any European sites?**
  - 4.1.1 No there is not.
  - 4.1.2 In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, at Regulation 19 (Publication) stage, the Council published its HRA report alongside the Submission Local Plan and Sustainability Appraisal and invited representations.
  - 4.1.3 The Consultation Analysis Report for the Submission Local Plan ED5.3 (page 11) and its Appendix 1 (page 19) show that Natural England agrees with the HRA conclusions that the Local Plan policies either alone or in combination will not result in an adverse effect on the integrity of any of the European sites.
  - 4.1.4 The Consultation Analysis Report for the SA report ED6.6 (page 10) summarises the four responses to question 11 (Do you wish to make a comment on either or both of the supporting documents: the Habitats Regulations Assessment report of the Staffordshire Moorlands Local Plan February 2018, or the Equality Impact Assessment report of the Local Plan at this stage? Both these reports are available alongside this SA Report). None of the four respondents to this question provided any evidence to contradict the HRA conclusions.
  - 4.1.5 On 12th April 2018 the Court of Justice of the European Union issued a judgement (Case C-323/17 - People Over Wind and Sweetman 2018) relating to implementation of the Habitats Directive and undertaking Habitats Regulations Assessment (HRA).

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- 4.1.6 The implications of this judgment in relation to the HRA's conclusions are considered in the Policy and Strategy Topic Paper (ED13.5) from paragraph 3.55. Given that the HRA of the Local Plan identified likely significant effects through screening of preferred option site allocations and policies, and the HRA subsequently progressed to Appropriate Assessment, the Council considers that its HRA report is legally compliant in the light of the judgement.

<b>Issue 5 – The Local Plan timeframe</b>
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**5.1 Is the timeframe of the LP appropriate (2016-2031) or should it be extended to provide a 15 year period upon adoption?**

- 5.1.1 As highlighted, the Local Plan seeks to follow the timeframe as set out in the Inspector's report regarding the Core Strategy (2016 to 2031). Paragraph 157 of the NPPF states that Local Plans should be drawn up over an appropriate time scale, preferably a 15-year time horizon. Whilst it is recognised that the Local Plan will not provide a 15-year time period following adoption, this does not appear to be an absolute requirement in the Framework. Nevertheless, the Council is willing to consider the scope for a revised timescale if considered necessary.

**5.2 Is the start date of 2016 consistent with the evidence base (see also Matter 3, Issue 1 which will deal with the relationship between the plan period and the housing requirement)?**

- 5.2.1 The start dates applied in the evidence base have been set to align with the availability of relevant up to date data. In all instances, at least the full plan period is covered by assessments.
- 5.2.2 The 2014 Strategic Housing Market Assessment (SHMA) (ED27.1) applied a base date of 2011 as it aligned with the point in time for which the most recent comprehensive base data was available e.g. data, including a population base, derived from the Census. (ED 27.1, Paragraph 1.34). The 2017 SHMA Update subsequently projected forward from 2014 to reflect the 2014-based sub-national population projections and household projections (ED 27.5, Paragraph 1.7). The 2014 Employment Land Requirement Study (ED 17.3) and 2017 Update (ED 17.5) applied base dates of 2011 and 2014 respectively to align with the SHMA's that were prepared in parallel.
- 5.2.3 The 2013 Quantitative Retail Study Update (ED 25.1) applied a base date of 2013. The 2016 Retail Impact Assessment Thresholds – Review (ED 25.3) subsequently updated the assessment of retail capacity for the period 2016 – 2031 to take account of more up to date Experian data. Experian Retail Planner Summary Demographics provides ONS-derived household and population projections at 2015.