

STATEMENT BY SOMERSET COUNTY COUNCIL

September 2014




MATTER 2: Legal and Procedural Requirements

Background Documents referred to within Statement

- Legal Compliance Self-Assessment (Doc Ref SD9)
- Minerals and Waste Development Scheme (Doc Ref RL1)
- National Planning Policy Framework (Doc Ref NE3)
- Sustainability Appraisal (Doc Ref SD2a)
- Addendum to Sustainability Appraisal (Doc Ref SD2b)
- Sustainability Appraisal – Preferred Options 2012 (Doc Ref SD2c)
- Interim SEA/SA Report 2011 (Doc Ref SD2d)
- Habitat Regulations Assessment (Doc Ref SD10a)
- Addendum to Habitat Regulations Assessment (Doc Ref SD10b)
- The Somerset Waste Core Strategy (Adopted 2013) (Doc Ref RL2)
- Local Transport Plan (2001--2011) (Doc Ref RL4)
- Somerset's Future Transport Plan (Doc Ref SD21)
- Somerset County Council County Plan 2013-2017 (Doc Ref RL3)
- Statement of Community Involvement (Doc Ref SD3)
- Twitter feed screenshot (Doc Ref CD3)
- Impact assessment (Doc Ref SD11)
- Habitat Regulation Assessment (Doc Ref SD10a)
- Addendum to Habitat Regulation Assessment (Doc Ref SD10b)
- Impact Assessment (Doc Ref SD11)
- Statement of consultation (Doc Ref SD4)
- Mailing list (Doc Ref CD1)
- Representations Received (Doc Ref SD7)

Document Control Sheet

	<u>Position</u>	<u>Name</u>	<u>Date</u>
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Reviewed by:	Senior Planning Policy Manager	Guy Robinson	12/08/2014
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Reviewed by:	Senior Planning Policy Manager	Guy Robinson	27/08/2014
Approved by:	Service Manager: Planning Policy		04/09/2014

For the forthcoming Hearing, the Inspector has requested that Somerset County Council briefly summarise their position on each discussion topic. The following is a brief summary of Somerset County Council's response to **Matter 2: Legal and Procedural Requirements Does the Plan meet the relevant legislative requirements?**

Question 1: Compliance with Section 19 of the Planning and Compulsory Purchase Act 2004, as amended:

i. (1) Has the Plan been prepared in accordance with the Local Development Scheme?

SCC Response

- 1.1. Yes the Somerset Minerals Plan been prepared in accordance with the Local Development Scheme.
- 1.2. This is confirmed within the **Legal Compliance Self-Assessment (Doc Ref SD9)**.
- 1.3. As recorded on pages 2 and 31 of the Self-Assessment document, the relevant version of the Local Development Scheme has been on the Council's website throughout the process of preparing the Somerset Minerals Plan. The latest version of the **Minerals and Waste Development Scheme** was signed off by the County Council on 05 February 2014 (**see Doc Ref RL1**).

ii. (2)(a) Does the Plan have regard to national policies and advice contained in current guidance issued by the Secretary of State?

SCC Response

- 1.4. Yes, the Plan does have regard to national policies and advice contained in current guidance issued by the Secretary of State.
- 1.5. This is confirmed in the **Legal Compliance Self-Assessment (Doc Ref SD9)**.
- 1.6. As recorded on pages 20 and 21 of the Self- Assessment document, the Council have had regard for the **National Planning Policy Framework (Doc Ref NE3)** throughout the process and are not aware of any conflict with national policy.
- 1.7. The following assessments also demonstrate conformity with current national policy:
 - **Sustainability Appraisal (Doc Ref SD2a)**
 - **Addendum to Sustainability Appraisal (Doc Ref SD2b)**
 - **Sustainability Appraisal – Preferred Options 2012 (Doc Ref SD2c)**
 - **Interim SEA/SA Report 2011 (Doc Ref SD2d)**
 - **Habitat Regulations Assessment (Doc Ref SD10a)**
 - **Addendum to Habitat Regulation Assessment (Doc Ref SD10b)**
- 1.8. Given the brevity of the NPPF on peat, detailed matters regarding alignment with national policy on peat are considered under Matter 8: Peat. In summary Somerset County Council notes that its peat policy aligns with the NPPF.
- 1.9. To conclude: there are not considered to be any policies that add nothing to, or are inconsistent with, national policy.

iii. (2)(h) Does the Plan have regard to all other relevant development documents adopted by the Council

SCC Response

- 1.10. Yes the Plan does have regard to all other relevant development documents adopted by the Council.
- 1.11. This is confirmed within the **Legal Compliance Self-Assessment (Doc Ref SD9)**.
- 1.12. As recorded on pages 24 and 25 of the Self- Assessment document regard has been given to:
 - **The Somerset Waste Core Strategy (Adopted 2013) (Doc Ref RL2)**
 - **Local Transport Plan (2001--2011) (Doc Ref RL4)**
 - **Somerset's Future Transport Plan (Doc Ref SD21)**
 - **Somerset County Council County Plan 2013-2017 (Doc Ref RL3)**

iv. (3) Has the Plan been prepared in compliance with the Statement of Community Involvement?

SCC Response

- 1.13. Yes the Plan has been prepared in compliance with the Statement of Community Involvement.
- 1.14. This is confirmed within the **Legal Compliance Self-Assessment (Doc Ref SD9)**.
- 1.15. As recorded on pages 14, 28 and 32 of the Self- Assessment document, participation followed the principles set out in Somerset's adopted **Statement of Community Involvement (Doc Ref SD3)**. In order to move with the times, the County Council also utilised social media in raising awareness of this consultation **Twitter feed screenshot (Doc Ref CD3)**.
- 1.16. Furthermore, an **Impact assessment (Doc Ref SD11)** also summarises activities undertaken to inform and engage with Somerset's diverse communities.

v. (5)(a)&(b) Is the Sustainability Appraisal adequate?

SCC Response

- 1.17. Yes the **Sustainability Appraisal (including non- technical summary) 2013 (Doc Ref SD2a)** is robust.
- 1.18. Sustainability Appraisal has been undertaken by an independent consultancy at key points through the process has informed the plan-making process. This is confirmed within the **Legal Compliance Self-Assessment (Doc Ref SD9)**.
- 1.19. As recorded on pages 8 of the Self-Assessment document, the Council consulted the statutory environment consultation bodies for five weeks on the scope and level of detail of the environmental information to be included in the sustainability appraisal report.
- 1.20. As recorded on pages 13, 14, 19, 20 and 26 of the Self-Assessment document, a Sustainability Appraisal has been undertaken at each stage of the consultation process and informed the decisions taken. The following Appraisals have been carried out in an iterative way, informing the consultation and helping to consider the outcomes of consultation
- **Sustainability Appraisal (including non- technical summary) 2013 (Doc Ref SD2a)**
 - **Sustainability Appraisal – Preferred Options 2012 (Doc Ref SD2c)**
 - **Interim SEA/SA Report 2011 (Doc Ref SD2d)**
- 1.21. Furthermore the Schedule of Proposed Changes (Doc Ref SD6b) has been considered via Sustainability Appraisal and an Addendum to the SA has been prepared.

- 1.22. All the Sustainability Appraisal documents have been available on the Somerset County Council website throughout the development of the Somerset Mineral Plan.

Question 2: Has Part 6 of the Conservation of Habitats and Species Regulations 2010 been complied with?

SCC Response

- 1.23. Yes Part 6 of the Conservation of Habitats and Species Regulations 2010 been complied with.
- 1.24. This is confirmed within the **Legal Compliance Self-Assessment (Doc Ref SD9)**.
- 1.25. As recorded on page 20 of the Self- Assessment document, the details are set out in the **Habitat Regulation Assessment (Doc Ref SD10a)** and the **Addendum to Habitat Regulation Assessment (Doc Ref SD10b)**.
- 1.26. The recommendations of the 2014 HRA are set out in Section 6 of **Doc Ref SD10a** leading to the brief conclusion in Section 7 that:

“The pre submission Minerals Plan is unlikely to have a significant affect on the conservation objectives of the Natura 2000 and Ramsar sites assessed provided that Policy DM2 is maintained and the additional policy wording set out in Table 33 are included in the submission Minerals Plan.”

“A Stage 2 Appropriate Assessment will not be required providing that the measures outlined above are adopted into the final Minerals Plan”.

(Note: underlining added by Somerset County Council)

- 1.27. It is noted that Natural England has commented on the Habitat Regulations Assessment (HRA) (see Doc Ref SD7: Representations Received - representation number R15.4) and the HRA has been revised to take account of feedback from Natural England.
- 1.28. The proposed changes to the Minerals Local Plan that have arisen from the consultation have also been the subject of a HRA. **The Addendum to Habitat Regulation Assessment (Doc Ref SD10b)** considered both policy and text changes.

Question3: Has the public sector equality duty been complied with in accordance with the Equality Act 2010?

SCC Response

- 1.29. Yes due regard has been given to the requirements of the Equality Act 2010 and the public sector equality duty.
- 1.30. An explanation of what the Equality Act 2010 covers can be found on the County Council web site at:
<http://www.somerset.gov.uk/policies-and-plans/policies/equality>
- 1.31. A summary of the “public sector” duties has been reproduced and is enclosed as **Appendix A**. In order that due regard is taken of the requirements of the Equality Act 2010 all Officer Reports of Committee must be accompanied with an **Impact Assessment.(IA)**.
- 1.32. The **Impact Assessment (Doc Ref SD11)** summarises activities undertaken to inform and engage with Somerset’s diverse communities. Furthermore the **Consultation Statement (Doc Ref SD4)** summarises the County Council’s consultation activities and the County Council’s **mailing list (Doc Ref CD1)** also further documents engagement to date.
- 1.33. Pages 14 and 15 of the **Legal Compliance Self-Assessment (Doc Ref SD9)** makes reference to the IA. This IA was also labelled as Appendix D of the Cabinet Report dated 5th February 2014 and can be viewed at:
<http://www1.somerset.gov.uk/council/board3d/2014%20February%205%20Item%208%20Somerset%20Minerals%20Plan%20Report%20Appendix%20D.pdf>

End

APPENDIX A: Summary of the “public sector” duties

