

**EAST STAFFORDSHIRE BOROUGH COUNCIL LOCAL PLAN  
EXAMINATION**

**EAST STAFFORDSHIRE BOROUGH COUNCIL RESPONSE TO INTERIM  
FINDINGS BY THE INSPECTOR**

**a. Sustainability Appraisal as listed in Note E.18**

1. Legislation and case law governing the preparation of SA, incorporating Strategic Environmental Assessment, is clear that it must be conducted at each stage of plan evolution at the earliest possible opportunity. That is to provide a clear audit trail of the consideration and assessment of strategic options, and of the selection of sites for development in particular. The SA should be undertaken with respect to a set of defined sustainability assessment criteria. The SA report is required to accompany the plan on submission for examination.
2. In this case there appears to be no dispute that:
  - a. as the Revised SA (RSA) was still subject to public consultation when the ESLP was submitted for examination, the ESLP as submitted is strictly not legally compliant in that aspect of procedure

***By section 19(5) of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act"), a local planning authority must;***

***"(a) carry out an appraisal of the sustainability of the proposals in each development plan document;***

***(b) prepare a report of the findings of the appraisal."***

***Section 19(3) of the 2004 Act obliges local planning authorities to comply with their statement of community involvement in prepared local development documents. As the Council understand the position, the 3 stages of plan preparation referred to by Jam Consult Ltd in its representation (RSA13, Doc F8 Page 118 - 171) were associated with a proposed core strategy then being promoted by the Council. In 2012, a decision was made by the Council to promote a new local plan (as opposed to a core strategy and other development plan documents). The Draft Plan (Preferred Option, Doc B4) is the product of that decision. Accordingly, although work done in pursuit of the proposed core strategy has no doubt informed production of the Draft Plan, the Draft Plan is a different development plan document to the proposed core strategy.***

***As the Council understand matters, the Draft Plan has been the subject of sustainability appraisal at each stage. At preferred options stage the Council produced the Interim Sustainability Appraisal (Doc. B7). At pre-submission stage,***

***the Council produced the SA (Doc. B9). Notwithstanding the fact that the Revised SA had been produced, was being consulted upon, and was submitted to the Secretary of State, the Council considers the SA to constitute a legally compliant document (and obtained legal advice to that effect).***

- b. the RSA has inevitably not taken into account proposed changes (potential Main Modifications - MMs) published since the ESLP was submitted for examination,

***The RSA did not take into account proposed Main Modifications to the plan due to the likelihood of further modifications or amendments to modifications emerging through the examination hearings. The Council acknowledge that further revisions to the SA will be required to take into account main modifications, including consultation on such revisions before the Local Plan can be adopted. Clearly, it will be necessary for the Council to conduct a comprehensive sustainability appraisal in respect of all main modifications to the Draft Plan including those that have been promoted to date.***

- c. the 16 sustainability criteria identified at the scoping stage and applied to strategic options in the RSA are not carried forward to the consideration of the selection and assessment of sites for development, where a reduced and reformulated set of 11 criteria is substituted, apparently without explanation

***The Revised Sustainability Appraisal Report (Doc. F.41) provides greater explanation of the sustainability criteria including the origins of both objectives and criteria, their relationship, their relevance to the particular part of the process in which they are applied, and their accord with the requirements of strategic environmental assessment.***

- d. although the several options for the overall spatial strategy are considered, the chosen 'hybrid' version of Options 2c and 2d does not appear to be tested against the assessment criteria,

***The hybrid version was tested against the assessment criteria in the Sustainability Appraisal Report (doc. B9). Further revisions have been made to the SA in chapter 8 to make it clear what the 'hybrid' version contains.***

- e. the selection of sites from the Strategic Housing Land Availability Assessment (SHLAA) for further appraisal and SA is apparently undocumented and therefore not articulated in the RSA, and

***Further explanation is included in chapter 5 of the Revised SA (doc) on this. In addition a separate note on site selection has been prepared.***

- f. there are apparent inconsistencies between site assessments which, whilst necessarily subjective, justify more explicit reasoning.

***The Council do not consider there are any inconsistencies between site assessments. The Revised SA includes an expanded site assessment summary to better articulate the reasons for site selection and rejection.***