Minerals Local Plan for Gloucestershire

2018 – 2032

Guidance Notes to the Comments Form and Frequently Asked Questions (FAQs) to support the Publication Minerals Local Plan for Gloucestershire

May 2018
What is a Minerals Local Plan?

The new Minerals Local Plan for Gloucestershire (MLP) will replace the current plan, which was adopted back in 2003. This new plan will set the strategy for mineral developments in the county through to 2032; a framework for safeguarding mineral resources and infrastructure; and the allocation of sites suitable for the working of aggregates. It also includes a range of land use-specific and themed policies to make sure future mineral developments will be sustainable. The plan will act as the overall policy framework used for determining applications for all mineral proposals within Gloucestershire.

What does “Publication” and “Regulation 19” mean?

The Minerals Local Plan must be prepared in line with Planning Regulations – the Town and Country (Local Planning) (England) Regulations 2012. Under Regulation 19 the plan needs to be published. This is to allow for representations to be made prior to the plan being submitted to the Secretary of State and then undergoing an independent examination, run by an appointed Planning Inspector. The Planning and Compulsory Purchase Act 2004 (as amended) (PCPA) states that the purpose of an examination is to consider whether plans comply with the legal requirements, have meet the duty to co-operate and are sound.

Why has the comments form been designed in a specific format?

The comments form has been based upon a model form contained within Annex 1 of the Procedural Practice in the Examination of Local Plans, produced by the Planning Inspectorate in June 2016. It is designed to help the Council meet with Regulation 19.
What is Legal Compliance?

An important job for the Planning Inspector is to check if 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. As a result, the following considerations should be looked at when making a representation that relates to legal compliance:

- The plan in question should be included in the current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the LPA, setting out the Local Development Documents (LDDs) it proposes to produce. It will set out the key stages in the production of any plans, which the LPA proposes to bring forward for independent examination. If the plan is not in the current LDS it should not have been published for representations. The LDS should be on the LPA’s website and available at its main offices.

- The process of community involvement for the plan in question should be in general accordance with the LPA’s Statement of Community Involvement (SCI) (where one exists). The SCI sets out the LPA’s strategy for involving the community in the preparation and revision of LDDs including plans and the consideration of planning applications.

- The plan should comply with the Town and County Planning (Local Planning) (England) Regulations 2012 (the Regulations). On publication, the LPA must publish the documents prescribed in the Regulations, and make them available at its principal offices and on its website. The LPA must also notify the various persons and organisations set out in the Regulations and any persons who have requested to be notified.

- The LPA is required to provide a Sustainability Appraisal Report when it publishes a plan. This should identify the process by which the Sustainability Appraisal has been carried out, and the baseline information used to inform the process and the outcomes of that process. Sustainability Appraisal is a tool for
appraising policies to ensure they reflect social, environmental, and economic factors.

**How do I make a representation on Duty to Co-operate?**

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

- LPAs 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 co-operate 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.

**What does Soundness mean?**

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:

- **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 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.

• **Consistent with national policy**: The plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.

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?

**General advice**

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 inadequate having regard to legal compliance, the duty to cooperate and the four requirements of soundness 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.

**Can one representation be submitted on behalf of several interested parties?**

Where there are groups who share a common view on how they wish to see a plan modified, it would be very helpful for the Inspector 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.

**What is the purpose of this consultation?**

The purpose of this consultation is to test whether the Publication version of the plan is sound. This means:

- Is it legally compliant?
- Has it passed the tests of soundness?
- Does it fulfil the duty to co-operate?

**What if I want to make a representation that isn’t related to soundness or legal compliance?**

Representations at this stage should only be made on the legal and procedural compliance of the Minerals Local Plan (MLP), the soundness of the MLP or whether the MLP is in conformity with the duty to co-operate.
When do I need to respond by?

The period for making representations is between Thursday 31st May 2018 and Friday 13th July 2018 at 5pm. Please note that representations received after this date may not be considered. Only representations received within this period have a statutory right to be considered by the Inspector at the independent examination.

How to make Representations


Where can I access the consultation documents?


Hard copies of the Publication Minerals Local Plan for Gloucestershire and supporting papers including questionnaires are available from the following locations:

- Shire Hall Main Reception, Westgate Street, Gloucester (for opening times please visit [https://www.gloucestershire.gov.uk/contact-us/](https://www.gloucestershire.gov.uk/contact-us/))
- Cheltenham Borough Council, Municipal Offices, Cheltenham (for opening times please visit [https://www.cheltenham.gov.uk/openinghours](https://www.cheltenham.gov.uk/openinghours))
• Cotswold District Council, Trinity Road, Cirencester (for opening times please visit http://www.cotswold.gov.uk/support/contact-us/)
• Forest of Dean District Council, Coleford (for opening times please visit http://www.fdean.gov.uk/support/contact-us/)
• Gloucester City Council, Herbert Warehouse, Gloucester (for opening times please visit http://www.gloucester.gov.uk/Pages/contact-us.aspx)
• Stroud District Council, Ebley Mill, Stroud (for opening times please visit https://www.stroud.gov.uk/council-and-democracy/about-the-council/contact-us)
• Tewkesbury Borough Council, Gloucester Road, Tewkesbury (for opening times please visit https://www.tewkesbury.gov.uk/contact-us/)
• Gloucestershire Libraries (for individual library locations and library times please visit https://www.gloucestershire.gov.uk/libraries/find-a-library/)

What happens to the Representations?

The representations will be submitted to the Secretary of State and the Planning Inspectorate. They will be considered as part of a public examination by an independent Planning Inspector.

Any representations received after the closing date may not be considered. Only representations received within the consultation period have a statutory right to be considered by the Planning Inspector at the independent examination.

How to participate in the independent examination and request future notifications?

The representation form should also be used to request participation at the independent examination and / or to receive notification of the following:

• Submission of the Minerals Local Plan for Gloucestershire to the Secretary of State and independent examination;
• Publication of the Planning Inspector’s report on the examination of the Minerals Local Plan for Gloucestershire; and
• The Adoption of the Minerals Local Plan for Gloucestershire

How is my data stored?

Data is collected by Gloucestershire County Council as the data controller in accordance with the General Data Protection Regulations (GDPR). The information you provide will be used for the preparation of Local Plans and associated planning policy guidance documents. Full comments, including addresses, will also be available to view by any interested party upon request. For further information on the storage of personal data please refer to the Council’s privacy notice available at www.gloucestershire.gov.uk/privacynotices

I've already commented before – do I need to comment again?

Earlier versions of the plan were consulted upon and the any representations made were considered when preparing the publication plan. The Planning Inspector will ordinarily be focused on those representations made at the publication stage and is not obliged to consider representations from earlier stages. It therefore may be necessary to repeat earlier comments if you feel that points previously raised have not been adequately addressed.

The Regulation 19 stage is the first opportunity that anyone has to request involvement in the hearing sessions at the independent examination for the plan and to make comments on the authority’s ambition to adopt the plan.

What are the key stages in the production of the Local Plan?

The key stages in producing local plans are provided for in the Town and Country Planning (Local Planning)(England) Regulations 2012. They are as follows: -
• **Preparation (Regulation 18):** this is the main consultation opportunity during the drafting of the plan, where amendments and adjustments may be made to take account of feedback received. It is important that key evidence studies are made available at this time and constructive engagement is carried out including that which will comply with the duty to co-operate. This stage can be traced back to work carried out in late 2000’s and also from 2014 through into 2017;

• **Publication (Regulation 19):** this is the final opportunity for comment on the local plan prior to its submission for examination. No further changes should be made to this document after this stage and prior to examination. The Council is undertaking this final stage of consultation from May to July 2018.

• **Submission (Regulation 22):** this is the dispatch of the required documents to the Secretary of State through the Planning Inspectorate. The Council must prepare a summary of all the issues raised through the representations received through public consultation and explain how the issues have been taken account of.

• **Consideration of representations by the appointed person (Regulation 23):** Before examining the local plan the Planning Inspector must consider the comments (‘representations’) made on the plan by interested parties.

• **Examination in Public (Regulation 24):** a Planning Inspector will consider the documents submitted and issue a report, which states whether he or she considers the local plan to be ‘sound’. The inspector can recommend ‘main modifications’ to the submitted plan.
• **Receipt of the Inspector’s Report (Regulation 25):** if the Planning Inspector recommends that the plan is 'sound', then the Council may proceed to adopt the plan as policy. Exceptionally, if the plan is not found sound, then the Council may withdraw it under Regulation 27.

• **Adoption (Regulation 26):** following receipt of the Planning Inspector’s final report, the Council may adopt the local plan as a material consideration in the consideration of planning applications under Section 23 of the Planning and Compulsory Purchase Act 2004.

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**How has the work carried out as part of the Minerals Core Strategy several years ago been used to inform the Minerals Local Plan?**

The decision was made in 2008 to stop progress with a countywide Minerals Core Strategy in order to progress with a countywide Waste Core Strategy. When work was re-activated in 2013 the decision was made to produce a comprehensive local plan rather than a Core Strategy. However, the two earlier consultations helped to inform plan preparation and consultations that took place 2014 and 2016.

**What previous consultations have been undertaken?**

Four specific public consultations have been undertaken – Two covering the Minerals Core Strategy (Issues and Option in 2006 and Preferred Options in 2008). This early work was paused for about five years. Two further consultations have been completed prior to publication (Site Options and Draft Policy Framework in 2014 (including an additional site option in 2015) and the Draft Minerals Local Plan in 2016).
Where are we now in the plan-making process?

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