

STAFFORD BOROUGH COUNCIL - CORE STRATEGY DPD

A note of the exploratory meeting between GOWM and the Council to consider in-principle concerns raised by the GOWM

Tuesday 7 March 2006

Attendance

Mr David Fenton – Inspector

Representing Stafford Borough Council:

- David Park, of Counsel (**DP**)
- Alex Yendole (**AY**)
- Paul Windmill
- Ms E Simcox-Parry

Representing the Government Office for the West Midlands

- Mr Ian Smith (**IS**)
 - Ms Sarah Hunt (**SH**)
-

8 members of the public were also in attendance

1. Inspector's Introduction

- 1.1 The Inspector welcomed all present and outlined the objective of this exploratory meeting. Its purpose was not to have a detailed discussion of all the issues raised by the Government Office's (GO) representations, but had been called to consider any implications arising from those representations at as early a stage as possible. The aim of the meeting was to assist the Inspector to come to a fuller understanding of the GO's concerns, so that
 - if fundamental issues of unsoundness could be clearly identified at this stage, then appropriate, early action might be taken.
 - assuming that was not the case, then consideration could be given as to how the issues might be best approached at the hearing sessions and what further evidence might be required.
- 1.2 It was not fully understood that the GO considered that the Core Strategy was not unsound until their letter dated 16 February 2006. The extent to which the GO's representations might go to the heart of the soundness of the Core Strategy was therefore unclear. It was important to consider any implications of these concerns at as early a stage as possible, so that if very serious issues of unsoundness were identified this did not result in the unnecessary loss of time, effort and money.
- 1.3 A note of the meeting would be presented to the Pre-Examination Meeting on Friday 10 March. The first hearing session, scheduled for Tuesday 6 June, would provide for a more detailed consideration of the general issues discussed in this note.

2. Resolution of Issues and Status of GO Representations

- 2.1 The Inspector commented that the matters at issue should have been resolved by the two parties well before the examination stage; that was the purpose of front loading. More importantly, he raised the question of whether some of the issues could be resolved before the hearing sessions. **DP** indicated the Council's position as set out in their written statements (1-5). **IS** considered that, having read those

statement, he was optimistic that agreement could be reached on some of the concerns raised. On some of the other points however, he did not consider that the discussion was any further forward.

- 2.2 The Inspector sought clarification about the status of the GO's representations. **DP** quoted the GO letter of 16 February and in particular the sentence "GOWM does not consider the Core Strategy to be unsound". He sought reassurance that the GO considered that the Core Strategy was sound. **IS** stated that the role of GO was not to say whether the document was sound or unsound, but rather to draw the attention of the Inspector to potential weaknesses in the evidence base. **SH** continued that for the majority of issues, the GO was asking for further information/evidence to demonstrate that the relevant test of soundness had been met. It was an evidence based system and the evidence should go to the Examination to determine whether the document met the individual tests of soundness.
- 2.3 **DP** sought confirmation of whether the GO believed the document to be sound or unsound, as the position outlined in their correspondence of November and February did not appear to be consistent. **IS** concluded that they would not state whether, in the opinion of the GOWM, that the document was sound or unsound.
- 2.4 **DP** commented that even if the Inspector did conclude there was some element of weakness, that did not necessarily mean that the whole document was unsound. **SH** agreed that the principle was concerned with testing soundness and not seeking to make the plan more sound. However, she continued that if any tests of soundness were not met then the plan as a whole should be considered unsound.

3. Role of the GO

- 3.1 The Inspector indicated that all parties making representations to the Examination are asked to indicate:
- what part of the DPD was unsound;
 - which test of soundness the DPD fails;
 - why the DPD fails the tests of soundness;
 - how the DPD can be made sound;
 - and what would be the precise wording of the change sought.

The Inspector did not consider anything unusual or untoward in asking GO these questions. He was not asking for a direction from GO, but rather seeking their views as a participant in the process.

- 3.2 **IS** indicated that he was happy to discuss wording with the Council, but stressed that the GO was not in a position to propose wording that had not previously been put forward by the Council. He considered that this could prejudice the potential GO role on behalf of the Secretary of State later in the process.
- 3.3 **DP** quoted from the Planning Inspectorate publication "Development Plans Examination – A Guide to the Process of Assessing the Soundness of Development Plan Documents". He drew attention to paragraphs 1.5.2 – 1.5.3 and in particular the phrase "... the GO has the opportunity to make formal representations which will be considered at the examination ...". He suggested that if the GO was making representations in the same way as other participants in the process, then they too should indicate what actions they were asking of the Inspector. **SH** responded that the representations had been made on the basis of a lack of evidence to indicate that a relevant test of soundness had been met. The GO had different roles but the important point was the nature of the representations made.

4. The Scope Available to the Inspector to Make Decisions and the Scale of Possible Changes

- 4.1 In the event that the Inspector found the Core Strategy to be unsatisfactory in some or all of the areas identified by the GO, he questioned what would be the practical options open to him. Due to the requirements of community involvement and sustainability appraisal, he asked whether any changes he could specifically recommend in his binding recommendations would, necessarily, have to be relatively minor ones. He queried whether the distinction between 'editorial' and 'fundamental' changes was the right distinction.
- 4.2 **IS** responded that it would depend on the issue raised. **SH** noted that it would also depend on the nature of the changes proposed. Appropriate action could only be taken after proper consideration. All parties agreed that there could be a range of options depending on the particular circumstances.
- 4.3 In response to the question of which of the issues raised the GO considered to be "fundamental", **SH** stated that the inadequate consideration of strategic options at the Issues and Options stage was the most fundamental. GO were asking the Council to provide evidence that the test of soundness had been met. If the evidence was unsatisfactory then the test of soundness would not be met. This would present a fundamental problem.
- 4.4 **IS** believed that it would be an easier task to find an agreed way forward on the other four issues raised by the GO.

5. Matters for Further Consideration before the Hearings Commence in June

- 5.1 The Inspector suggested that the parties should get together to clarify what information each party would like from the other in respect of each of the five identified issues. The parties should focus on whether the information provided was satisfactory and what changes should be made to the DPD. Both the Council and the GO expressed a willingness to engage in that process.
- 5.2 The Inspector requested further information from both parties. He encouraged GO to think about the questions noted in paragraph 3.1 of this note, particularly the final two, and provide examples of the type of approach that ought to be adopted and the nature of the changes that should be made. At this early stage of the implementation of this new system, it was not always clear as to the practical nature of the points being made, nor the type of response/change that was being sought. As an example, he commended the GO comments in respect of the rural areas policy.
- 5.3 He encouraged the Council to prepare further information on: the nature of the key issues identified in the Core Strategy and how they follow through into the policies and what the core policies are seeking to achieve in respect of the key issues; the brevity of the reasoned justification and the desirability of explaining the generation and purpose of the policies more clearly; and finally the extent to which the policies should be more specific and get away from any "motherhood and apple pie" generalisations.
- 5.4 **DP** suggested that the two parties could produce a timetable for action so that the relevant documents would be produced two weeks in advance of the opening hearing session. The Council and the GO agreed to meet together to consider the way forward in the light of the morning's discussions.

6. Final comments and questions

- 6.1 The Inspector reassured **DP** that matters such as the publication of a new Circular in respect of gypsies and the criteria for gypsy sites would be addressed in a pragmatic manner.
- 6.2 In response to the request for clarification from **Mr Hugh Lufton**, of Staffordshire County Council on behalf of the West Midlands Regional Assembly, the Inspector stated that he was examining the submitted Core Strategy with its associated evidence base. He stressed that while the GO and Council may come to an agreement on the matters highlighted in the GO representations, that did not mean that the Inspector would necessarily agree with what was being put to him.
- 6.3 In response to concerns raised by **Mr Richard Thomas**, representing Creswell Parish Council, the Inspector explained that the dates of the hearing sessions along with more general procedural arrangements would be discussed at the PEM on Friday 10 March. Any material submitted to the Examination as a result of the dialogue between the Council and the GO would be placed in the Examination Library and would be available for public inspection. Interested parties were advised to keep in touch with Mrs Stott, the Programme Officer.

The Inspector thanked all those present and closed the session at 10.55am.