

STAFFORD BOROUGH COUNCIL
THE PLAN FOR STAFFORD BOROUGH - EXAMINATION
INITIAL QUESTIONS TO THE COUNCIL

1. Submission of The Plan for Stafford Borough
The Plan for Stafford Borough (the "Plan") was submitted to the Secretary of State on 20 August 2013, along with the submission documents and the evidence base. The Inspector now has all the submitted documents in paper and electronic form. He notes that the Council has prepared an Examination Library, with a referenced list of the Submission Documents, Evidence Documents and other documents likely to be referred to. Paper copies of all documents in the Examination Library will be needed for inspection before and during the hearing sessions (including copies for the Programme Officer and Council). **Can the Council confirm that all the documents and information included in the Local Development Regulations¹ have been submitted to the Secretary of State? Are there any outstanding documents, reports or studies to be submitted, and if so, what is the likely timetable for completion?**

2. Hearing sessions
The Council would prefer the hearing sessions of the examination to commence on Wednesday 23 October 2013, and anticipates that some 5-7 hearing days may be required. The Inspector suggests that 7 days of hearing sessions should initially be arranged, commencing on Wednesday 23 October 2013 and finishing on Friday 1 November 2013. At least 6 weeks notice of the start of the hearing sessions is needed, including press advertisement². The Inspector understands that the hearing sessions will be held at the Civic Suite at the Council's offices at Riverside, Stafford. A medium-sized meeting room with "U"-shaped table and rows of seats for observers would be suitable. The Programme Officer and Inspector will need separate rooms, with a car parking space for the Inspector. **Can the Council confirm that they will make the necessary arrangements for the hearing sessions, including accommodation for the Inspector and Programme Officer and press advertisements?**

3. Pre-Hearing Meeting
Pre-Hearing Meetings (PHM) are not always held nowadays for Local Plan examinations. However, where complex or contentious issues are raised and/or large numbers of unrepresented people have raised objections, a PHM can be useful, in order to explain the examination process and the procedural and administrative arrangements. Where the issues are relatively straightforward, such a meeting may not be necessary. If the Council wishes the Inspector to hold a PHM before the hearing sessions open, at least four weeks notice is required. The likely date for a PHM would be w/c 30 September 2013. However, this would delay the opening of the hearing sessions until early December 2013, given the Inspector's availability and the need for sufficient time to prepare hearing statements **Can the Council indicate whether they wish the Inspector to hold a Pre-Hearing Meeting and indicate their preference of date for the PHM, including the venue?**

4. Representations
The Council has confirmed that some 575 representations were made on the Publication version of the Plan by 145 individuals/organisation between 16 January-28 February 2013, along with 11 late representations; these have been forwarded to the Inspector. At present, the Inspector has no information about which representors wish to be involved in the hearing sessions. It would be helpful to have a summary list of representations in policy order, with an indication of who wishes to participate at the hearing sessions, as soon as possible. The Inspector also notes that links to the representations are available on the Council's web-site. **Can the Council**

¹ Town & Country Planning (Local Planning) (England) Regulations 2012 [SI. 2012/767] (Reg.22)

² Town & Country Planning (Local Planning) (England) Regulations 2012 [SI. 2012/767] (Reg. 24)

confirm firstly, whether they have formally accepted or rejected any of the late representations, and secondly, that a summary list of representations in policy order, indicating who wishes to appear at the hearings, will be prepared as soon as possible? The Inspector notes that the Technical Note accompanying the late representation from Taylor Wimpey UK Ltd (Barton Willmore) is not included in the documentation. **Could this be forwarded to the Inspector.**

5. Council's responses to representations

The Inspector notes that the Council has summarised the main issues raised in the representations (Document A14), including the development strategy, the strategy for Stafford and Stone, economy, transport, communities, environment and infrastructure, delivery and viability. The examination hearings are likely to focus on these issues. However, apart from making some minor changes to the Plan, the Council has not responded to the main issues identified. **Does the Council intend to respond to the main issues raised in the representations, or will this be done in the Council's statements to the hearings?**

6. Meetings with representors

The Inspector would like to know whether the Council's officers are having any meetings with various bodies and key representors with a view to resolving the issues in dispute before the hearings commence. Statements of Common Ground can be useful in narrowing the issues in dispute, and should be submitted well before the hearings commence. **Can the Council indicate whether any meetings are being held/to be held with relevant parties before the hearings commence?**

7. Proposed changes to the Published Plan

The Inspector notes that the Council proposes to make some amendments to the Publication version of the Plan (Document A26). The Inspector will consider whether these amendments fall within the category of "Additional Modifications", rather than "Main Modifications" relating to the soundness of the plan. **Has the Council confirmed with relevant statutory consultees (eg. Natural England, English Heritage, Environment Agency, district/county councils and other representors) that the proposed changes address their concerns? Does the Council envisage making any further changes to the submitted Plan, and would such changes require public consultation and further sustainability appraisal?**

8. Main Modifications

The Council has requested the Inspector to recommend any modifications required to make the plan sound, under Section 20(7C) of the 2004 Act. He will confirm whether he considers any *Main Modifications* are necessary to make the plan sound and capable of adoption during the course of the examination.

9. Hearings

The Inspector will produce Guidance Notes to outline the nature and scope of the hearing sessions. Please note that only those representors who seek some change to the plan can request an oral hearing. The Programme Officer will clarify and confirm the attendance of participants at the hearings. The hearing sessions are an informal round-table discussion, where the Inspector asks questions and participants discuss key matters based on the Matters & Issues identified for Examination. There is no need for legal representation, but lawyers can attend as a member of the team. **Has the Council decided whether they will be legally represented at the hearings? The Council should also ensure and confirm that the required notification and advertisement of the examination hearings is made at least six weeks before the start of the hearing sessions.**

10. Legal and procedural requirements
The Inspector notes that the Council has undertaken Self-Assessments of Soundness and Legal Compliance of the Plan (Documents B4/B5). The Inspector also notes that the Council has produced a statement outlining how it has met the requirements of the Duty to Co-operate (Document B3). **Can the Council indicate whether any representors have challenged to legal and procedural requirements related to the Plan, including the Duty to Co-operate, and whether there are any fundamental shortcomings in terms of the legal and procedural requirements, including the Duty to Co-operate?**
11. Sustainability Appraisal
The Inspector notes the various documents on sustainability appraisal included with the submission documents (Documents A10-A12; H1-H15). **Can the Council confirm that the Sustainability Appraisal reports fully appraise all the various alternative options and clearly indicate why the preferred option was chosen, including any necessary mitigation measures and the reasons for rejecting other reasonable alternatives, and whether there are any outstanding issues related to the sustainability appraisal work?**
12. Appropriate Assessment under the Habitat Regulations
The Inspector notes the various documents submitted under the Habitat Regulations, including Habitat Regulations Assessment of the Plan and the Cannock Chase SAC (Documents A24/A25/D30-D33/E50-53). **Can the Council confirm whether there are any outstanding issues relating to the Appropriate Assessment under the Habitat Regulations and other reports, and whether Natural England and other relevant bodies are satisfied with the approach, including the approach to the Cannock Chase Special Area of Conservation?**
13. Strategic Flood Risk Assessment
The Inspector notes the documents relating to flood risk and water management (Documents D40-D50). **Can the Council confirm whether there are any outstanding issues relating to the Strategic Flood Risk Assessment and water management, and that the approach has been agreed with the Environment Agency?**
14. Transportation
The Inspector notes the documents relating to transportation (Documents D18-D27/E28-E49). **Can the Council confirm whether there are any outstanding issues related to transport infrastructure, and whether the Highways Agency and Highways Authority have any concerns about the plan's strategy?**
15. List of "saved" Local Plan policies superseded by the submitted Plan
The Inspector notes that the submitted Plan does not include a list of those "saved" policies of the Stafford Borough Local Plan 2001 that are being superseded by those in the submitted Plan. The Local Planning Regulations³ state that, where a local plan contains a policy that is intended to supersede another policy in the adopted development plan, it must state that fact and identify the superseded policy. **Can the Council confirm whether it is intended to produce such a schedule for inclusion in the submitted Plan?**
16. Topic/Background Papers
In some cases, the Council produces Background/Topic Papers to accompany the consultation or submission of the Local Plan. Ideally, these should have been prepared before the plan was formally submitted, to provide further support/explanation for the submitted Plan. **Can the Council confirm whether it intends to prepare any Background/Topic Papers for the examination and indicate a timescale for publication?** Background/Topic Papers should be produced well before the hearings commence, preferably by mid-September 2013, but should be

³ Town & Country Planning (Local Planning) (England) Regulations 2012 [SI. 2012/767] (Reg. 8(5))

authorised by the Inspector before preparation. They should summarise and draw on material already in the evidence base, rather than introducing new evidence.

At this early stage, the Inspector considers it would be helpful if the Council could produce a background paper covering the following topics:

- Development strategy, including justification for the proposed development strategy, the spatial principles, overall amount and distribution of development (including Stafford and Stone), and the alternative strategies considered;
- Overall housing provision, including establishing and meeting the objective assessment of housing requirements for the district and the relevant housing market area, how any strategic and cross-boundary issues have been addressed, the outcome of the latest Strategic Housing Market Assessments & Strategic Housing Land Availability Assessments, and the implications of recent population and household projections, including the latest 2011-based Household Interim Projections;
- The Strategic Sites at Stafford and Stone, including the site-selection process, delivery of proposed development, infrastructure requirements and alternative sites considered;
- Habitat Regulations Assessment recommendations for the Cannock Chase SAC, including the nature, extent and means of implementing proposed/likely mitigation measures and consistency of approach with neighbouring authorities;
- Cross-boundary issues, including any other outstanding issues related to housing, employment, retailing, transport, environment, resources, infrastructure etc;
- The implications of the revocation of the West Midlands Regional Strategy.

17. Programme Officer

The Inspector is already in contact with the Programme Officer, Sean Roberts. The Council's team will need to work closely with the Programme Officer in making the arrangements for the examination and hearing sessions. If the Council (or any representor) has any queries about the processes or procedures for the examination, they should not hesitate to contact the Programme Officer.

18. Web site

The Inspector notes that the Council has already set up an Examination web-page⁴. This should include the name and contact details of the Programme Officer, the name of the Inspector, the date/venue for the hearings/PHM, links to the examination library and list of core documents, copies of the representations, and any material produced by the Council, representors, Inspector and Programme Officer. This will be updated as the examination progresses.

19. Note-taking

In order to make efficient progress during the hearing sessions, the Inspector would like the Council to provide an independent note-taker to record the main gist of the discussions. This is not intended as a verbatim record, but to record the key points/agreements/concessions made during the discussions. The note-taker can be a member of the Council's Planning Department (although not someone directly involved in the preparation of the Plan), other departments or an external person. For this purpose, they are an officer of the examination, working under the direction of the Inspector. The Programme Officer can sometimes assist, but he cannot take notes all the time, since he will have other duties during the course of the hearing sessions. ***Can the Council confirm that they will arrange for someone to take notes at the hearing sessions?***

⁴ <http://www.staffordbc.gov.uk/examination>

20. Guidance
The Council should be fully aware of the published national planning policy guidance in the NPPF (March 2012) and on the PAS web-site⁵. The Planning Inspectorate has also produced several guidance notes⁶, which set out advice on the nature and process of examining local plans under the LDF regulations. **Can the Council confirm that they are fully aware of this guidance?**
21. Future programme
The basic procedure is to set a date for the PHM (if required) and notify representors at least four weeks before of the date. Brief Guidance Notes on the examination process will be circulated by the Programme Officer in the next few weeks, along with the Matters & Issues for examination and draft programme for the hearings. The Council and other participants will be invited to provide brief statements addressing the Inspector's Matters & Issues, to be submitted about two weeks before the hearings commence.
22. Procedure and experiences
The Council may wish to contact representatives of other local authorities to check feedback/experiences of the process and procedure of examining a Core Strategy/Local Plan. The Inspector has examined many development plans, including Core Strategies, Local Plans and other DPDs. He is currently examining the Solihull Local Plan and the Cannock Chase Local Plan (Part 1), is aware of the current examination of the Lichfield Local Plan, and is generally familiar with Stafford Borough and the issues involved.
23. The Inspector would like an initial response to these questions by 6 September 2013, if possible, by adding their responses on this document under the appropriate section. This will then become an examination document.

Stephen J Pratt – Development Plan Inspector

21.08.13

⁵ <http://www.pas.gov.uk/plan-making>

⁶ <http://www.planningportal.gov.uk/planning/planningsystem/localplans>, including *Lessons Learned Examining Development Plan Documents* [PINS; June 2007]
Local Development Frameworks: Examining Development Plan Documents: Learning from Experience [PINS; September 2009]
Local Development Frameworks: Examining Development Plan Documents: Procedure Guidance [PINS; Aug 2009]
Local Development Frameworks – Procedural Advisory Note [PINS: August 2009]