

EAST STAFFORDSHIRE BOROUGH COUNCIL LOCAL PLAN EXAMINATION

NOTE from the INSPECTOR to the COUNCIL Regarding Responses to Initial Questions and the Need for a PRE-HEARING MEETING

I refer to the Council's responses [F.10, F.14 and F.15] to my previous questions and to the various items of documentation submitted by the Council after the submission of the Plan for Examination.

Although I have yet to study all of this documentation in detail, I make the following observations at this stage.

First, the degree to which the ESLP defers to Neighbourhood Plans and the Housing Choice DPD is likely to be a strategic issue for the Hearings. The Rolleston-on-Dove NP is a case in point where there are certain areas of dispute, whilst the Housing Choice DPD contains provisions on Affordable Housing which have already given rise to representations referring to the ESLP.

Second, on the specific issue of Affordable Housing SP17, I note the Council's response to Q39 in F.14. However, although I defer any formal ruling at this stage, I do not see the final sentence of NPPF50bt3 on flexibility as overriding anything in the *Blyth* and *Wakefield* cases. Moreover, I refer to NPPF174 requiring Affordable Housing policies to be set out in Local Plans. Accordingly, it is unlikely that SP17, as submitted with AM78 of A.27, can be found sound and that a further MM will be required to incorporate clear but flexible affordable housing provisions by different area as appropriate.

It is understandable in the circumstances that Representors to the HCSPD have sought to relate their objections to the ESLP itself. If MMs and supporting evidence were published for consultation before the ESLP hearings, all relevant representations could be taken into account as duly made.

Third, it is necessary for clarity that the Council draw up a detailed schedule of all Main Modifications identified so far, including some hitherto previously regarded as Additional (minor) Modifications. I shall provide separate detailed comments on the changes that I consider constitute MMs.

Fourth, more generally, in view of the amount of documentation submitted after the submission of the Plan for Examination, it is necessary to ensure that all concerned have sufficient time to become acquainted with the latest evidence, including MMs proposed to date, before submitting position statements for the hearings and that the evidence has been subject to appropriate public consultation.

The Council will be aware that the Planning Inspectorate publication 'Examining Local Plans Procedural Practice Guidance of December 2013 (3rd Edn v.1)' makes the distinction between an Exploratory Meeting, which I do not consider necessary in this case, and a Pre-Hearing Meeting to ensure the smooth running of the Examination. A PHM is held when there are particular matters of procedure that need to be explained or clarified.

I have concluded that the foregoing areas of concern justify a Pre Hearing Meeting.

I propose that this be held in place of the first hearing session on Tuesday 16 September with hearings to begin about six weeks later on dates to be agreed. This provides time for post submission documentation completed as far as possible and considered by all concerned.

It will be necessary for the PO to notify all Representors to the ESLP four weeks in advance of the PHM. It may also be appropriate to invite Representors to the HCDDP and any MM consultation.

I shall next prepare for circulation:
Letter of invitation to Representors
Guidance Note
PHM Agenda
Provisional Schedule of Issues, and
Indicative Hearing Programme.

Meanwhile, the Council is asked to confirm that these arrangements are acceptable and to forward any other comments or questions that arise.

B Sims
15 July 2014