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November 30, 2016

Tina Kelly, Programme Officer,
C/O Development Management,
Telford and Wrekin Council,
PO Box 456,
Wellington Civic Offices,
TELFORD,
TF2 2FH.

Dear Mrs Kelly,

Re: Telford and Wrekin EiP

I am writing in connection with the recent email dated 28/11/2016 you sent to us containing the views of Inspector Hetherington in relation to our request to participate in the "round table" discussion on Matter 7 at the abovementioned EiP.

The Inspector is correct in assuming that I did not object to the original minerals policy proposed in the submission version of the TWLP and I understand the point the Inspector makes in relation to the guidance notes at para 7.

This is not the point of my letter, however, since I am somewhat confused by the Inspector's comments and am seeking clarification of the undermentioned points, which I would be grateful if you would pass on to the Inspector for consideration?

The Inspector writes "It should be remembered that I am under no obligation to recommend any of the Council's proposed suggested changes; changes would only be recommended if they are considered necessary for soundness/legal compliance reasons. Furthermore, any changes that are recommended as 'main modifications' would be subject to a consultation period during which objections could be made".

However, the Inspector makes the point in guidance notes (para 8) "Further changes have been proposed by the Council, which will be considered during the examination⁵". (5 These are shown as tracked changes in document A1).

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My concern is that the Inspector has confirmed that he is to consider the “tracked changes” (TC’s) proposed by the Council at the EiP, (which have not been consulted on and which I have confirmed with the Programme Officer that Officers of the Council have delegated powers to propose), and whilst the Inspector confirms that he is under no obligation to recommend any of the proposed changes, it is also, by inference, clear, he is equally at liberty to recommend such proposed changes to the plan.

This leaves me in somewhat of a dilemma, since some of the TC’s proposed by the Council are so radical, turning previously consulted major policy on its head, that I feel compelled to write.

By way of example, the TC’s proposed by the Council to policy ER2 are so significant and far reaching that the main thrust of policy is overturned and now includes, for instance, the imposition of buffer zones and associated constraints policies which have not been consulted on and which serve to significantly impact potential development land. These are major and fundamental changes to proposed policy which have not been consulted upon and which appear to have not been subjected to sustainability appraisal.

I am concerned that the principle of due process seems to be potentially denied by the Inspector proposing to consider the significant unconsulted policy TC’s proposed by the Council at the EiP when, if he so wishes, the Inspector could propose modifications to the plan based upon those TC’s without formal consultation and the views of objectors being heard.

It would appear relevant to the above issue that Counsel’s advice submitted by Acres Land and Planning on my behalf, which in essence, proposes that, since the Council did not consult fully on a revised SHMA, which it posted late in the consultation period, then the remedy would be to reconsult prior to commencement of the EiP

Accordingly, and flowing from the above, it would seem to me, if the remedy for inadequate consultation on a submitted Local Plan is reconsultation prior to EiP (as espoused by learned Counsel), then material that has not been consulted on (ie far reaching policy TC’s proposed by the Council) should not be considered at EiP without an appropriate period of consultation allowing for proper consideration and objection.

I have taken legal advice and been directed to the Procedural Guidance Note for the Examination of Local Plans published by the Planning Inspectorate in 2016 and note at paragraph 1.2 it states:-

“If the LPA wishes to make any changes to the plan following the Regulation 19 consultation, these changes should be prepared as an addendum to the plan. The addendum should be subject to further consultation and, if necessary, to sustainability appraisal (my underlining) before submission if it is to form part of the plan to be examined”

My reading of the above guidance is that without the requisite public consultation having been undertaken, the TC's proposed by the Council should not form part of the plan to be examined.

I would welcome the Inspector's view on the matter of my participation and also his proposed consideration at the EiP of unconsulted, significant and far reaching policy TC's proposed by the Council subsequent to the Regulation 19 consultation.

With Kind regards,

Adrian Seabridge

Adrian Seabridge,

Seabridge Developments Limited