

Inspector's response to the Council – 10.3.17

I note that the Council is seeking clarification on a number of matters. I can comment as follows:

1. Re: Strategic Landscapes (TWC email dated 9.3.17): While I note the new versions of figures A1 and A2 of document C3e-i that the Council has now submitted, these contain information (i.e. the Strategic Landscape overlays) that does not appear in the versions of these plans that appeared in the original 2009 document. As the Council is aware, the thrust of my questions at the relevant hearing session was to understand the Council's justification for the selection of the three SLAs at the time that they were selected. Seeking to now amend an earlier document cannot provide such justification. Furthermore, and in any event, I would comment that this document does not appear to purport to be the justification for the identification of Strategic Landscapes and only appears to relate to defined areas around settlements rather than the District as a whole. You will be aware that I gave the Council ample opportunity to explain its justification for the Strategic Landscapes at the relevant hearing session.
2. I will need to review the documentation submitted, and reflect on other matters raised at the examination, before I can give a more certain date for the release of my draft main modifications (MMs) for consultation. As I explained in the last hearing session, I will be unable to release draft MMs if I have remaining concerns about the Plan's soundness that are not capable of being addressed by such MMs. The Council will recall that my comment about releasing draft MMs in mid-April was made with the caveat that this would not happen if I had residual soundness concerns. In such circumstances I would issue an interim document that set out the basis of my concerns and my suggestions for an appropriate way forward. This would be likely to involve a substantive delay to the examination programme.
3. In that regard, I would ask the Council to submit its responses to the detailed questions and criticisms that have been raised by representors in their recent written comments about the Plan's site selection methodology (ie the responses to document K24/40a). In particular, appendix 2 of K24/40a does not consider the full list of sites (315) that were carried forward into the third sieve. Indeed, over 200 sites appear to be missing. Given the Council's stance that the eventual selection of sites for allocation was a matter of planning judgement, it is essential that a clear audit trail of reasoning is available. I must repeat my comments at the matter 8 hearing that this is a potentially serious soundness matter.
4. Release of my report will not take place until the MM consultation has been concluded and its responses considered. That is the final act of the examination. The report will not be available – indeed it will not be completed – at the time of the MM consultation. This is because it will be necessary to take into account the outcome of that consultation exercise before the report can be finalised.

5. I have no objections to the Council making its suggested modifications publically available: however, the context of that document needs to be clearly understood by all parties. Specifically, I will not consider any further representations made in respect of the Council's proposed modifications: the consultation will be on the basis of the Inspector's draft MMs – which are likely to differ from the document that the Council has submitted. Publication of the Council's schedule therefore risks causing confusion – as well as adding to examination time/expense.
6. Assuming that the Plan is found sound, then the Council will have the opportunity to make additional modifications as long as (in summary) such modifications do not (taken together) materially affect the policies set out in the final Plan – see s23(3) of the P&CPA 2004 as amended.
7. I have an initial concern in respect of document K24-32a. First, the appendices to this document are largely illegible. Without better copies (in colour if required), as well as more detailed information about their context and meaning, I am unlikely to be able to afford them weight. Second, notwithstanding the statement in para 5, a visual inspection of the amended safeguarding map (appendix 1) appears to show several areas within the built-up area boundaries of both Telford and Newport that are neither built-up nor washed over with black colour. Two examples appear to be site H1 (Telford) and the site of the Kestrel Close appeal (Newport). I would therefore welcome further justification for the Council's suggested approach – along with more readable data.
8. I may have further queries for the Council when I have reviewed the various additional documents that have now been submitted.