

South Norfolk Gypsy and Traveller DPD Examination

Inspector's Note of the Exploratory Meeting – 29 March 2010

1. This note is not a summary of all the points made at the Exploratory meeting, but gives the gist of the key points made so as to explain the agreed next steps.
2. The Inspector explained that he had called the meeting to provide the opportunity to discuss with the Council and others whether, and if so how, the Examination should proceed in the light of serious concerns he had about the likely eventual soundness of the DPD.
3. The Inspector referred to the possible outcomes of an Exploratory meeting as set out in the Planning Inspectorate's *Procedural Guidance* (August 2009). Importantly, the Inspector could not come to a firm conclusion on soundness without holding hearings on the main issues. A binding recommendation for withdrawal could be made only in the context of a report at the end of the Examination. The Council could not withdraw the DPD without the agreement of the Secretary of State (to be sought via the Government Office of the East of England – GoE). The Secretary of State had the power to direct withdrawal.
4. The Inspector highlighted that he had set out his concerns as fully as possible in his note of 15 March 2010, and would summarise only the main points. These were:
 - Whether the focus on potential sites for about 8 pitches in route corridors was sufficiently justified by the Needs Survey.
 - That the 'essential' site selection criterion that sites should have *no more than a minimal effect on visual and residential amenities* was unreasonably restrictive and had been critical in the removal of many sites on the long list.
 - That the proposed allocation close to Stanfield Oil Depot would introduce incompatible land uses in close proximity which might result in future conflicts; furthermore, the suggested approach to site development paid little heed to site specific factors.
 - Deliverability of the allocations was a key issue for soundness. Both sites had unwilling landowners and compulsory purchase would have to be taken by the Council, which would be the subject of separate Inquiries and decisions. Whether there would be sufficient justification to compulsory purchase these particular sites was questionable.
 - The DPD lacked flexibility to respond to changing circumstances.
5. The Council (Mr Gregory, Director of Planning, Housing and the Built Environment) expressed strong concerns about the matters raised by the Inspector and the implications for this and other DPDs. He emphasised that:

- the DPD overall, including the site selection criteria, had evolved from a protracted process of consultation with the community of South Norfolk (including the gypsy and traveller community).
- That the support (or at least acceptance) of the DPD's proposals by the public was integral to successful delivery.
- A degree of separation of proposed sites from dwellings was critical to being able to deliver any sites.
- Potential willing sellers of sites became unwilling with the inevitable controversy that arose from the identification of any site, but might become willing if a site were allocated.
- Changing the site selection criteria to focus on sites closer to settlements would undermine the likelihood of delivering other sites (eg the successful public sector site at Hartford Bridge was not close to other dwellings).
- The forced withdrawal of this DPD would fatally undermine the Council's ability to progress any revised DPD.

6. More detailed points made by the Council (Mr Horspole, Planning and Housing Policy Manager) included:

- There was evidence which could be amplified to support the choice of sites for about 8 pitches each.
- There was scope to introduce greater flexibility for site provision in the forthcoming Site Allocations DPD.
- The Council was waiting for an updated response from the Health and Safety Executive (HSE) as there appeared to be a misunderstanding about the type and scale of storage authorised for the site, with potential implications for the HSE's advice on the proposed allocation.

7. GOE (Mr Hargreaves) made the following points:

- Circular 1/2006 sought to achieve a significant number of additional pitches to meet need. It is focussed on delivery.
- The Circular envisages the use of compulsory purchase if necessary.
- There was an issue of cost effectiveness in the delivery of public sites. Sites smaller than about 8 pitches may not be value for money.
- The type of site allocated in the plan did not appear to be fundamentally wrong.

8. The Inspector noted the strongly defended position of the Council. He accepted that for some of his concerns, such as flexibility, there might be the opportunity to remedy weaknesses he had identified.

9. However, the Inspector emphasised that he could not envisage finding a plan sound which was founded on such a restrictive approach to the acceptability of development (*no more than a minimum effect*) which in his view was more stringent than the approach applied to any other form of development. In response to a question from a member of the public, the Inspector confirmed that this criterion was so central to the evolution of the DPD that it would not be something that he could seek to change as part of the Examination. The Council confirmed that there was no suggestion that the Council would want to, or be able to change the basis of site selection that underpinned this DPD.

10. The Inspector highlighted that the pending response from the HSE raised a new issue parallel to the concerns he had raised. There would be no purpose in pursuing the Examination if the credibility of one of the allocations was undermined by forthcoming advice from the HSE.

11. There were some further questions and comments.

12. It was agreed that the Examination be suspended for 3 weeks (19 April) for:

- the further response from the HSE to be received and consideration of any implications (in discussion with Goff Petroleum as appropriate);
- The Council to consider with its partners the next steps.

13. The Inspector also agreed to reflect on what had been said.

14. At the end of the 3 week suspension the Council should indicate to the Inspector whether it wished the Examination to proceed. If the Examination did proceed, it would be conducted in the usual way with hearings on all the main issues that the Inspector identifies. The Pre-Hearing Meeting provisionally scheduled for 12 April would need to be cancelled and reconvened at a later date if the Examination was to proceed.

Note prepared by Simon Emerson

1 April 2010