Inspectors Note

Text From email dated 24th May 2011 20.55hrs

I attach my letter to go to the Council as soon as you can send it. As you will see, it says amongst other things that the hearings need to be deferred and everyone needs to be informed as quickly as possible. Please would you let Bob Wilson know that I would like this message and my letter to go on the website tomorrow, along with the Council’s MKC/1a. I trust that the Council will accept that this is the only reasonable course of action.
Dear Mr Wilson

EXAMINATION INTO THE SOUNDNESS OF MILTON KEYNES COUNCIL’S CORE STRATEGY DEVELOPMENT PLAN DOCUMENT

As you know I raised the question in my note ID/1 on 14 April whether your Council is satisfied that in preparing the core strategy it has fully complied with the requirements of the EU Directive and associated regulations on Strategic Environmental Assessment. I referred to the High Court’s recent judgement in relation to the Forest Heath Core Strategy ([Save Historic Newmarket Ltd v. Forest Heath District Council [2011] EWHC 606](http://www.bAILii.ORG/eng/cases/2011/EWHC/606)) and asked in particular if the Council is satisfied that the report accompanying the draft plan adequately summarises or repeats the reasons that were given for rejecting the alternatives at the time when they were ruled out (and that those reasons are still valid).

I have now received the Council’s response (MKC1/A) dated 23 May. It does not confirm that the Council has complied with the statutory requirements but says that “taken in the round, we believe a case can be made that Milton Keynes Council has complied and that the Examination in Public should proceed as planned”. Nonetheless, it accepts that others may have a different view and it suggests that it would be helpful if an exploratory meeting were to be arranged so that this and possibly other points could be considered.

I have given very careful consideration to this request and its implications for the progress of the examination and the effect on participants. In the absence of any substantive information to the contrary and on the facts of the case I am drawn towards only one conclusion. This is that the Council appears unable to demonstrate sufficient certainty around the issue of legal compliance without undertaking further work that would ensure that the sustainability appraisal of reasonable alternatives to the submission plan has been properly completed and subject to full public consultation. To defer matters until an exploratory meeting would serve little purpose and would not assist the Council in its aim of proceeding with the examination in the shortest possible timescale. It would also impose an additional burden on participants without a clear justification and would generate uncertainty about progress of the core strategy.
In these circumstances I request that the Council should proceed to undertake the necessary sustainability appraisal and public consultation work, taking independent legal advice as required. I would be grateful for information about the Council’s outline programme of work and suggested timescales so that the timetable for the examination can be revised. It will be necessary to defer the public hearings, which had been scheduled to open on 5 July, and this information needs to be conveyed to everyone concerned as quickly as possible.

The issue of general conformity with the South East Plan has also been raised and I have received your Council’s response on this (MKC/1). My note ID/2 set out detailed points about a range of other matters on which information from the Council has been invited. I will give further consideration in due course to the best way of taking representors’ views on your Council’s responses to all these matters into account, so that the programme for the examination can be as efficient and effective as possible. For avoidance of doubt, at this stage I do not envisage a need for an exploratory meeting on these matters.

I look forward to hearing from you. Please contact me through Mr Chris Banks, the Programme Officer for the examination.

Yours sincerely

Mary Travers

Mary Travers
Inspector