

# STAFFORD CORE STRATEGY

## MINUTES OF THE PRE EXAMINATION MEETING, held on FRIDAY 10<sup>TH</sup> March 2006

### 1 Opening announcements

The Inspector, David Fenton, a Chartered Town Planner and the Planning Inspector appointed by the First Secretary of State to hold the examination into the soundness of the Stafford Core Strategy, opened the Meeting.

The hearing part of the Examination will commence at 10.00 am on Tuesday 6<sup>th</sup> June 2006 at these offices.

### 2 Introductions

The Inspector introduced Mrs Barbara Stott, the Programme Officer.

Mr Park, of Counsel, Mr Yendole, and Mr Windmill introduced themselves as representing the Council.

### 3 Purpose of the Pre Examination Meeting

The Inspector explained that the purpose of the Pre Examination Meeting was to provide an opportunity for

- i) procedural and administrative matters relating to the examination to be explained and discussed,
- ii) consideration of the draft examination programme previously circulated, the topics identified, the running order, participants and any other relevant matter.

He indicated that a minute of the Pre Examination Meeting, together with a final Hearing Sessions Programme, would be circulated to all those who have made representations on the Core Strategy. This will replace the Draft Programme previously circulated. A detailed Agenda for each of the hearing sessions would also be sent out.

### 4 Scope of the Examination and the Inspector's role

#### 4.1 The Inspector's role

The Inspector explained that it was his role to consider whether the Core Strategy met the requirements of the 2004 Act and associated Regulations and its soundness against the tests of soundness set out in paragraphs 4.23 to 4.24 of Planning Policy Statement 12, PPS12. The examination would be focussed on these tests of soundness. He would start from the presumption that the Core Strategy was fundamentally sound, unless is shown to be otherwise as a result of the evidence presented to him in written representations or at the hearings. The Council should rely on evidence collected whilst preparing the Core Strategy to demonstrate that it was sound. Those seeking changes to the Core Strategy have to demonstrate why that is not the case.

The Inspector commented on how the process of examining plans under the new Local Development Framework system is different from the previous local plan system:

- The focus is on the plan rather than the objections. Under the new system the Inspector's role is to examine the soundness of the plan having regard to the

representations made, rather than simply considering the objections themselves that have been made.

- Furthermore, the process of examination is more akin to an Examination in Public into a Structure Plan, with round table and hearing sessions addressing particular topics, rather than the traditional form of public inquiry considering individual objections.

Following the completion of the hearing sessions the Inspector will prepare a Report to the Council with his conclusions and recommendations as to the action it needs to take with regard to the soundness of the Core Strategy. His report is binding on the Council and, on receipt, it should amend the Core Strategy in the light of his recommendations and move swiftly to its formal adoption.

In terms of published documents, the following publications should help interested parties to get an understanding of the new process:

- Planning Policy Statement PPS12 – Local Development Frameworks (ODPM)
- Companion Guide to PPS12 – Creating Local Development Frameworks (ODPM)
- Development Plan Examinations – A Guide to the process of assessing the soundness of development plan documents (PINS)
- Planning and Compulsory Purchase Act 2004 and the associated Regulations

#### **4.2 Representations on the DPD**

233 representations from 47 individuals or organisations were received during the specified 6 week period following its formal submission to the Secretary of State.

In response to those, the Council has indicated that it accepts some of the points raised. The Council confirmed that these related to minor changes to the wording without affecting the soundness of the plan or impacting upon the sustainability appraisal. The Council was requested to prepare a schedule that the Inspector could then refer to in his Report. Otherwise, in line with the advice in PPS12, the Inspector did not expect the Council to put forward more substantive changes. If, exceptionally, more fundamental changes are proposed, the Council must explain the reasons for the changes, with supporting evidence. They should also indicate the implications in terms of the soundness of the Core Strategy and ensure that they have been subject to the same process of sustainability appraisal, publicity and opportunity to make representations as with the submitted plan.

### **5 The Programme Officer and her role**

Mrs Barbara Stott has been appointed as Programme Officer. For the purposes of this examination the Inspector stressed that she is acting as an impartial officer, under his direction, rather than as an employee of the Council.

Details of how to contact her up to and during the running of the examination are as set out below:

Her address is:

Civic Centre, Riverside, Stafford, ST16 3AQ

e-mail: [programmeofficer@staffordbc.gov.uk](mailto:programmeofficer@staffordbc.gov.uk)

Telephone: 01785 619154/619575

The Examination website: [www.staffordbc.gov.uk/examination](http://www.staffordbc.gov.uk/examination)

Her principal functions, under the Inspector's direction are:

- i) to liaise with all parties to ensure the smooth running of the examination hearings
- ii) to ensure that the documents received both before and during the examination are recorded and distributed, and
- iii) to maintain the examination library.
- iv) to assist the Inspector with any procedural and administrative matters

She will be able to advise you on any programming queries and any procedural queries should be addressed to her in the first place. Any matters which any of the parties wish to raise with the Inspector should be addressed to her. She will then pass them on to the Inspector for a reply.

## **6 Procedural questions for the Council**

The Council was asked to confirm that the Core Strategy has been: -

- been prepared in accordance with the statutory procedures?
- been prepared in accordance with the Council's Local Development Scheme?
- been prepared in accordance with your Statement of Community Involvement?
- is it supported by a sustainability appraisal?
- Are there any fundamental procedural shortcomings?

The Council replied in the positive to the first four questions and was able to indicate that in its view there were no fundamental procedural shortcomings.

The Council also confirmed the opinion of the Regional Planning Body that the Core Strategy was in general conformity with the Regional Spatial Strategy.

The Inspector explained that he had held an exploratory meeting with representatives of the Government Office for the West Midlands on 7<sup>th</sup> March 2006 to enable him to gain a better understanding of the issues raised by their representations and to establish whether any of the matters raised in those representations went to the heart of the soundness of the Core Strategy such that the examination should continue no further.

He was able to report that on the basis of the representations received and the discussion at that meeting, he intended to proceed with the hearing sessions starting in June. He had produced a minute of that meeting, copies of which were made available to those present. A copy is included within the Examination Library. In that meeting the Inspector had asked the Council and the Government Office to hold further discussions to see if any of the matters might be resolved. He also identified in that minute a number of other matters that he wished to hear further from them.

## **7 Procedure prior to the opening of the hearings**

### **7.1 Methods of pursuing their representations**

The Inspector indicated that he will endeavour to progress the Examination Hearings in an effective and efficient manner, keeping a tight hand on the discussions and time taken. As part of that process it was his aim to minimise the amount of material, to that necessary to come to informed conclusions on the issues. In that way he hoped to conduct a short, but focussed, series of hearings and, in turn, produce a short, focussed report.

Those who have made representations on the DPD need to decide whether their views can be dealt with in a written form or whether they feel that they need to come and present them orally at a hearing session. Both methods will carry the same weight and the

Inspector shall have equal regard to views put orally or in writing. Attendance at a hearing session will only be useful and helpful to the Inspector if you wish to participate in a debate. Anyone participating in a hearing session must, in advance of attendance at the hearing session, prepare a statement of their position, focussed upon the issues the Inspector has identified and circulated in the Agenda for that session.

Those people who wish to proceed by written means need take no further action; they can rely simply on what they have already submitted in writing. However, if anyone does want to submit further written evidence in support of their position, these submissions should be focussed upon the issues the Inspector has identified in the hearing session Agendas. The Council will respond to any further representations with its own statement.

## **7.2 Preparation of further representations**

### **7.2.1 Core documents**

The Council will prepare a list of Core Documents (CDs) that will be available in the Examination Library. These will include the Regional Spatial Strategy, Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs), Background Papers and any other documents that the parties are likely to need to refer to. Accordingly, parties need not attach extracts of these documents to their statements as they are already Examination documents.

### **7.2.2 Statements of common ground**

These statements can provide considerable opportunities to save time, cost, remove duplication and reduce the bulk of paper. Consequently, statements can be shorter, concentrating on the key issues which separate the parties. The Inspector looked to all parties attending to take the initiative, prepare first drafts and arrange discussions with the Council's officers. This work should commence now, with the aim of completing the statement well before the first statements are due.

### **7.2.3 Content of written submissions**

The Inspector emphasised the need for succinct submissions, with the avoidance of unnecessary detail and repetition. There is no need for verbatim quotations from the Core Strategy or other sources of policy guidance. Nonetheless, it is vital that the fundamental elements of cases are set out clearly and succinctly – the hearing sessions are not the place for rabbits to be drawn out of hats! It is the quality of the reasoning that carries weight, not the bulk of the documents.

The Examination starts from the basis that the DPD is sound unless otherwise shown. Essentially the Inspector needs to know the following from those people submitting statements:

- What particular part of the Core Strategy is unsound?
- Which soundness test(s), set out in paragraphs 4.23 and 4.24 of PPS12, does it fail?
- Why does it fail?
- How can the Core Strategy be made sound?
- What is the precise change/wording that you are seeking?

From the Council the Inspector requires a response statement on each topic, setting out why it considers the Core Strategy to be sound in that respect and why the changes sought by other parties would make it unsound.

## **7.3 Submission of statements**

The Council indicated that it has prepared a number of Topic Papers, which set the scene on

- Background and the Consultation Process
- Settlement strategy
- Housing supply
- Employment land supply

Copies of these Topic Papers are available from the Programme Officer

Statements for the hearings or further written representations should be sent to the Programme Officer no later than **21<sup>st</sup> April**. The response from the Council should be available by **19<sup>th</sup> May**.

The PO will require **6 copies** of all submitted statements. All statements submitted should be concise and focussed on the issues identified by the Inspector. As a general rule these should be no longer than 3,000 words, be they for a hearing session or further written representations. Any submissions that the Inspector feels are of excessive length, containing irrelevant or repetitious material will be returned by the Programme Officer. Technical evidence should be limited to Appendices. Statements will be copied to those parties attending the relevant session.

Statements should be prepared on A4 paper, not spiral bound, but punched with two holes for inclusion in the Inspector's files. Photographs should be submitted in A4 format and should be annotated on the back. Any plans or diagrams should be folded to A4 size.

All statements/piece of paper submitted in advance of or at the Examination should be clearly marked with the relevant soundness test number, paragraph/policy, personal reference and representation number, using the following system:

For those making representations:

Soundness test(s), paragraph/policy/personal number and representation number  
Eg. Test 1/para3.7/012/737

For the Council

Prefaced by a C/ with issue number

For Topic Papers

TP01, TP02 etc

Core Documents

CD01, CD02 etc

Supporting material – Appendices to Statements – should be limited to those which are essential and not contain extracts from any publication that is already before the Examination, such as the Core Documents and nationally available Government guidance in Circulars. Appendices should have a contents page and be paginated throughout. Whilst the word limit does not apply to Appendices, anyone submitting copious Appendices should indicate which parts of which of these are particularly pertinent and on which they are particularly relying.

#### **7.4 Availability of information**

The Programme Officer will maintain an Examination Library at the Council's offices. This will contain copies of the Core Strategy and associated documents, all representations, the

Core Documents and each further submission as it received. The Library will be under the supervision of the Programme Officer, who will assist anyone wishing to see and copy any document.

Copying facilities will be available. A charge will normally be levied.

Mrs Stott will maintain lists of all documents submitted. These together with the up-to-date Programme, lists of appearances and other relevant material will be on display on the examination notice board which will be on show outside the hearing room.

Copies of all relevant documents, including the Topic Papers and any Schedule of Changes would be placed on the Examination website.

## **8 The Examination arrangements and procedure**

### **8.1 The Examination arrangements**

The hearing sessions will commence on 6<sup>th</sup> June 2006 at the Council's offices. The programme indicates that the hearings will be spread over 5 days, the 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup> and 21<sup>st</sup> June

The hearings sessions will normally start at 10.00am and 2.00pm each day. A short break will be taken mid morning and mid afternoon. Lunch will be taken about 1.00pm.

### **8.2 Procedure at the hearing sessions**

A separate hearing session will be held on each of the main topic areas identified in the draft programme.

The sessions will normally take the form of Round Table Sessions, where several parties are present, or an informal hearing where there are only one or two parties present. This approach will provide a relaxed and informal setting for dealing with issues, by way of a discussion that the Inspector shall lead. Those attending may bring with them professional advocates and witnesses, though there will be no formal presentation of evidence or cross-examination. The Inspector stressed that there is no need for parties to bring advocates/legal representation with them but, if they do, they may take part as a member of the team, rather than as traditional advocate.

The discussion will focus on the issues identified in the Agenda, which will have been circulated with these minutes, and the questions posed by the Inspector, together with any additional points raised by the written submissions. The Inspector shall begin by asking those present to introduce themselves. He will then make a brief statement as to his understanding of the issues under discussion and the issues he wanted covered, then he shall invite individuals to make their contribution in response to the points the Inspector has raised. The hearing will then progress under the Inspector's guidance, drawing those present into the discussion in such a way as to enable the Inspector to gain the information necessary to come to a firm conclusion and decision on the matters before him. There will be an opportunity within the discussion to ask questions of the other side. Advocates and witnesses may join in any discussion, when invited to do so by the Inspector.

Participants will be grouped together according to the issues being considered. Where many people have the same viewpoint it would be helpful if they could appoint one or two spokespersons to represent them at a hearing session.

Supporters of the Core Strategy would not normally be expected to attend the hearing sessions – they may chose to inform the Inspector in writing of their reasons for supporting

the Council's position. Exceptionally, where they do have substantive points not covered by the Council they may attend the hearing session and will be permitted to contribute.

## **9 Site visit arrangements**

The Inspector indicated that he had already carried out a tour of the District to familiarise himself with the area. He shall visit all those sites referred to in the representations, either before, during or after the hearing part of the Examination. This will mostly be done unaccompanied by the parties. Where it is necessary to gain access to private land, would the parties contact the Programme Officer so that a mutually convenient date and time can be arranged for an accompanied visit.

## **10 Close of the Examination**

Once the Inspector has gathered all the information necessary for him to come to reasoned conclusions and decisions on the main issues he will write his Report. The Examination itself will remain open until he submits his Report to the Council.

Once the hearing sessions part of the Examination are completed the Inspector can receive no further information from any party, unless it is a matter on which he has requested further information. Any unsolicited items sent in will be returned to the sender.

## **11 Submission of the Inspector's Report to the Council**

The Inspector indicated that the current expectation was that his Report would be submitted to the Council during August.

## **12 Examination Programme**

A draft programme for the hearings was circulated and comments were invited upon the list of topics chosen, the list of participants and the timetable.

Attached to these minutes is a final version of the Programme, together with a detailed Agenda for each session. The Inspector reminded everyone that the purpose of the detailed Agendas for each session was to focus attention on those matters which he had identified as areas where he was seeking a fuller understanding of the issues and respective positions. If, on receiving a copy of those agendas, anyone feels that some changes should be made to them, then please inform the Programme Officer without delay.

## **13 Closing remarks**

The Inspector emphasised that it will be for individual participants to keep in touch with the Programme Officer to check the progress of the Examination and to ensure that they are present at the appropriate time.

Before closing the Pre Examination Meeting, he repeated that notes of this meeting would be circulated to everyone who made representations on the Core Strategy, together with a final programme for the hearing sessions and an Agenda for each of those sessions.

Finally, he urged everyone to

- Make the best use of the remaining time before the start of the hearing sessions.
- Ensure that the timescales and deadlines are adhered to
- Be aware of any core documents, topic papers and general material produced by the Council
- Keep in regular contact with the Programme Officer.

**The meeting closed at 10.55am.**