

# **Allerdale Local Plan (Part 2) Sites Allocations**

## **Hearing Session – Day 1 (AM)**

Tuesday 14 May 2019 at 10:00

Venue: Washington Central Hotel Workington CA14 3AY

### **Agenda**

Please note:

- Participants are encouraged to familiarise themselves with the Hearing Statements (and any additional evidence) produced by the Council and other parties in respect of the matters addressed at this session. These are available on the Examination website.
- Reference to questions refer to those posed by the Inspector in the Matters, Issues and Questions already circulated and on the Examination website, unless otherwise stated.
- Participants, including the Council, named in [square brackets] may be invited to open the item concerned, but this is optional.

#### **1. Inspector’s Opening Introduction**

#### **2. Council’s Opening Statement**

#### **3. Matter 1: Procedural/Legal Requirements**

#### **Issue 1a: Whether the Council has complied with the relevant procedural and legal requirements**

- Q1. Has the ALPP2 been prepared in accordance with the latest version of the Local Development Scheme in terms of its form, scope and timing? Are there any obvious omissions, in terms of policy guidance, from the submitted plan? [Allerdale BC]
- Q2. Have requirements been met in terms of the preparation of the Local Plan, notification, consultation and publication and submission of documents? [Allerdale BC]
- Q3. Has the Local Plan been prepared in accordance with the Council’s Statement of Community Involvement and met the minimum consultation requirements in Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) [Local Plan Regulations]? [Allerdale BC]
- Q4. Are the likely environmental, social and economic effects of the ALPP2 adequately and accurately assessed in the Sustainability Appraisal? Does the SA test the plan, its allocations and policies against reasonable alternatives? Have the requirements for Strategic Environmental

Assessment been met? Is it clear how the SA has included the ALPP2 and how mitigation measures have been dealt with? [Allerdale BC]

- Q5. Is the Local Plan legally compliant with respect to the Habitats Regulations and any requirement for Appropriate Assessment? Was the approach in accordance with recent judgement of the Court of Justice of the European Union (12 April 2018-Case C-323/17)<sup>1</sup> which ruled that it is not appropriate to take account of measures intended to avoid or reduce the harmful effects of a plan or project on a European site at the screening stage as part of the Habitat Regulations Assessment (HRA)? How have the findings of the HRA influenced the ALPP2 and will the policies achieve the necessary mitigation? [Allerdale BC]
- Q6. Does the approach in, and evidence supporting, the ALPP2 demonstrate that it would contribute to mitigating and adapting to climatic change in accordance with Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 (as amended)? [Allerdale BC]
- Q7. Is the Local Plan legally compliant with national policy, the provisions of the Planning and Compulsory Purchase Act 2004 (as amended) and the Local Plan Regulations for the preparation of the plan? [Allerdale BC]
- Q8. Does the ALPP2 make it clear, as required by Part 4, paragraph 8(5) of the Local Plan Regulations, which parts of the existing development plan it will supersede? [Allerdale BC]
- Q9. The Council has produced a Schedule of Minor Post- Publication Changes (Ref CD17). Are all these changes minor? Or are some Main Modifications that require full consultation/sustainability appraisal? [Allerdale BC]

**Issue 1b: Is the Local Plan's preparation compliant with the Duty to Cooperate imposed by Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended) [PCPA]?**

- Q10. In preparing the ALPP2, has the Council complied with the Duty to Cooperate required by Section 33A of the PCPA? [Allerdale BC]
- Q11. Have the relevant local planning authorities and prescribed bodies engaged constructively, actively and on an ongoing basis? [Allerdale BC]
- Q12. How has the co-operation influenced the preparation of the ALPP2? [Allerdale BC]

**Additional Question:**

- AQ1. Are any Main Modifications proposed in relation to Issues 1a and 1b? [Allerdale BC]

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<sup>1</sup> People Over Wind and Peter Sweetman v Coillte Teoranta: Judgment of the Court (Seventh Chamber) 12 April 2018 ECLI identifier: ECLI:EU:C:2018:244

#### **4. Close**

##### Participants

Issues 1a and 1b:

*Allerdale Borough Council*