

INDEPENDENT EXAMINATION OF THE ALLERDALE LOCAL PLAN (PART ONE)

Inspector: Susan Holland MA DipTP MRTPI Dip PollCon
Programme Officer: Kerry Trueman¹

PRE-HEARING MEETING NOTES

PHM held at 14:00 on Wednesday 27 November 2013 at the Council Chamber, Allerdale House,
Workington CA14 3YJ

Opening and Introductions

1. The meeting opened promptly at 14:00 hrs. Attendees were provided with copies of the PHM Agenda, Initial List of Main Matters, and Draft List of Hearing Sessions.
2. The Inspector introduced herself as Susan Holland (Chartered Town Planner with a Diploma in Pollution Control) appointed by the Secretary of State for Communities and Local Government to carry out the Examination into the soundness of the Allerdale Local Plan (Part One) - the Plan - and to produce a Report to the Council² on the soundness of the Plan.
3. The Examination Hearings would be held on Tuesday 28 January – Friday 31 January and on Tuesday 4 February – Friday 7 February 2014. The purpose of the Pre-Hearing Meeting (PHM) was to discuss procedural and administrative matters only. There would be no discussion of the content or merits of the Plan, or of any individual representations.
4. Attendees were asked to enter their details on the Attendance List, including an e-mail address to which the notes of the meeting could be sent electronically.

Programme Officer

5. The Programme Officer for this Examination was Miss Kerry Trueman. She, like the Inspector, would be acting as an impartial officer independent of the Council. Kerry would be the point of contact for communication between the Inspector and all the parties with an interest in the Examination. This was to ensure the independence of the Inspector at all times. Kerry would be responsible, under the direction of the Inspector, for organising the programme of Hearing sessions, for receiving, recording and circulating material submitted, for maintaining the Examination Library and Website, and for assisting with administrative and procedural matters.

The Council

6. Allerdale Borough Council was represented at the PHM by Julie Ward, Stephen Robinson, and Peter Shannon.. Additional officers could be taking part on behalf of the Councils in the Hearings. All relevant officer details would be posted on the Examination website.

Procedural Questions for the Council

7. The Inspector asked the Council to confirm that the Plan was:-
 - Prepared in accordance with statutory procedures;
 - Prepared in accordance with the Council's Local Development Scheme;
 - Prepared in accordance with the Statement of Community Involvement;

¹ Tel: Mobile: 07582 310 364 E-mail: kerry.trueman@allerdale.gov.uk

² Allerdale Borough Council.

- Supported by a Sustainability Appraisal; and that
- the Duty to Co-operate, as set out in S110 of the Localism Act 2011, had been met; and that
- there were no fundamental procedural shortcomings.

All these were confirmed by Julie Ward.

Scope and Purpose of the Examination

8. The independent Examination started at the time of the submission of the Plan to the Secretary of State. It would end upon the submission of the Inspector's Report to the Council.

9. The broad purpose of the Examination was twofold. The Inspector would have to determine, firstly, whether the Plan had been prepared in accordance with the legal and procedural requirements (including the Duty to Co-operate as set out in the Localism Act 2011 at Section 110): and, secondly, whether the Plan was **sound**.

10. The tests of soundness as set out in the National Planning Policy Framework (the Framework) were that the Plan should be **positively prepared, justified, effective and consistent with national policy**. The Examination would focus on these tests of soundness. The Council should rely on evidence collected whilst preparing the Plan to demonstrate that it is sound. Those seeking changes to the Plan would have to demonstrate why it was not sound.

11. To be **positively prepared**, the Plan should be based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it was reasonable to do so and consistent with achieving sustainable development.

12. To be **justified**, the Plan should be founded on a robust and credible evidence base so that the choices made in the Plan were backed up by facts (and there should be evidence of participation by the local community and other stakeholders).

13. To be **effective**, the Plan should be deliverable, flexible, and able to be monitored.

Identification of Main Matters

14. The Inspector referred to her Initial List of (19) Main Matters. The list of Main Matters would be available on the Examination Website. Not all Main Matters would be individually the subject of a dedicated Hearing session. Some would be grouped together where they could best be dealt with in that way. Some would be involved in more than one Hearing session. Others could be dealt with solely via written representations (though currently that was not the case here).

15. There was no intention that Hearing sessions or the Inspector's Report would follow the Plan policy by policy; nor that either the Hearings or the Report would be constructed on the basis of representations made – though it was stated that those representations had assisted the Inspector in identifying the Main Matters.

16. On the Main Matters, Mr Roger Hopcraft asked if MM11 which includes transport sustainability, to be covered at the Hearing Session 3 on the Settlement Hierarchy, would take into account any changes in transport availability that had occurred since the submission of the Plan. The Inspector confirmed that any changes in provision would be taken into account.

The Examination Hearings

17. The Examination Hearings would begin on Tuesday 28 January at 10:00 hrs at Allerdale House, Workington CA14 3YJ. Precise details of the location of particular Hearing sessions would be available, nearer the time, on the Examination Website. Session topics included the Duty to Co-operate; Cross-Boundary Issues; the Settlement Hierarchy; the Provision of Housing; Affordable Housing and Gypsies & Travellers; Landscape and Locational Factors; Development for Energy Provision; Nature Conservation and Built Heritage; Employment, Economic Development and Town Centres; and Monitoring & Implementation. No immediate difficulties were identified as likely to arise from the timetable of the Hearing sessions as drafted.

18. Each session would take the form of a Round Table discussion between the Inspector, the Council, and Representors. The intention was, via the Programme Officer, to invite specific participants to a position at the Round Table; but all those who had made Duly Made Representations would be able to make comments, on the basis of their representations, on the relevant matters. In general, Supporters would not be heard (though they might wish to attend to follow the progress of the discussion on the subject of their representations). However, the Inspector noted that a considerable number of Representations declared to be in support of the Plan in fact contained concerns, criticisms, and suggestions for improvement. Where appropriate, the Inspector would be prepared to hear oral representations in respect of those concerns identified in the relevant representations.

19. **The discussion, and facility for spoken comments, would NOT be open to those who had not made Duly Made Representations.** Anyone, however, could attend the Hearing sessions if they wished, as observers. Anyone (such as those who had recently moved into the area) who had concerns but had not made Duly Made Representations, should rely upon the Duly Made representations of others, the chances being that similar concerns would already have been expressed through the formal channels. The Council or the Programme Officer could be of assistance in identifying such Representors.

20. **The draft list of Hearing sessions could be subject to change.** It would be for participants to keep in touch with the Programme Officer Kerry Trueman to check the progress of the Examination and to ensure that they were present at the appropriate time. Efforts would be made to accommodate individual requirements: but that was not always possible. Exceptionally, if a would-be participant could not attend a session, the Inspector would be willing to accept an additional written representation outside the initial timetable for the receipt of material.

21. Mr Roger Hopcraft asked if someone who had not submitted a prior written Hearing Statement would nevertheless be able to make verbal representations at a Hearing session. The Inspector confirmed that this would be possible (provided that the person concerned had made a Duly Made Representation). It was not necessary to submit a prior written statement: though such statements were often helpful, particularly in the more complex situations (such as the Housing requirement).

22. In answer to a question from Mr Bill Bailey, the Inspector clarified the 3 types of statements to be submitted before the start of the Hearing sessions. These were Position Statements (submitted by the Council); Hearing Statements (submitted by Representors); and Responses made, to the opposing statements, by either side. It was important that those submitting written material should indicate whether it was intended as a Hearing Statement, a response, or simply a Further Written representation.

Timetable for Representations

23. Time was not as tight as in some cases, though this was perhaps deceptive because the period between the PHM and the Hearings included Christmas and New Year. The PHM date had been brought forward (to Week 5) to allow for this. Consequently, almost 9 weeks would be available between the date of the PHM and the opening of the Examination Hearings. Working back from the Hearing opening date, the Inspector would expect the Council, if it wished, to produce any statements (Position

Statements, Topic Papers etc) by a point 3 weeks before the opening date – that is, by **Tuesday 7 January**. That would give the Council almost 6 weeks from the date of the PHM to produce any such statements. Equally, Representors (that is, people who have already made Duly Made Representations) who wish to attend the Hearings should, if they wish to present written statements, also submit them before **Tuesday 7 January**. Any further written representations, and any Responses from Representors to the Council's statements (or Responses from the Council to Representors' Hearing Statements) would be accepted up until 1 week before the opening date –that is, by **Tuesday 21 January**. The cut-off date for all written statements and representations would therefore be **Tuesday 21 January**. No written material would be accepted, in advance of the Hearings, after that date.

24. It could well not be necessary for any further written material to be produced in addition to the original evidence and representations. But people should be given the opportunity to make comments in writing before the Hearings if they believed it to be absolutely necessary.

25. Any statements produced must be short – limited in individual length to no more than 3000 words (about 10 pages). If longer, they would be returned to the sender. Any photographs should be printed in A4 size and annotated on the back. A minimum of 3 paper copies should be sent, and an electronic copy if at all possible.

Venue and Administrative Arrangements for Hearings

26. All Hearings would be held at Allerdale House, Workington. Hearing sessions would normally start at 10:00, pausing (or in the case of ½-day sessions, finishing) at 13:00 for lunch; and afternoon sessions would start at 14:00 and end at about 17:00. Any other arrangements (and the timing of any accompanied site visits) would be communicated in advance via the Examination Website.

27. In answer to Ms Kate Willshaw, the Inspector confirmed that Representors would be invited to indicate, on an Attendance Form to be supplied to them with the Notes of the Pre-Hearing Meeting, whether they wished to attend particular Hearing Sessions.

Availability of Information and Contact Details for Programme Officer

28. The Programme officer, Kerry Trueman, emphasised that she was the point of contact between Representors, the Council and the Inspector during the Examination; that any queries for the Inspector should be put via Miss Trueman; that she was working independently of the Council; and that she was not based in Allerdale. Kerry could be contacted by e-mail at kerry.trueman@allerdale.gov.uk, or by telephone on 07582 310 364, with the invitation to leave a message to enable her to return the call if she was not immediately available to answer. After the close of the Hearing Sessions, Kerry would be available at least until the Inspector's Report had been delivered to the Council.

29. The Examination Website address was www.allerdale.gov.uk/localplanexamination. Examination documents, Statements, and other material received from the Council and from Representors, and any formal Notes that might be issued by the Inspector, would be available on the Website. Prior to the opening of the Examination Hearings, requests to view material in hard copy should be made either via the Programme Officer or directly to the Council, and arrangements could then be made for the material to be viewed at Allerdale House. Once the Examination Hearings were under way, the material would be accessible and available in a room adjacent to the Hearing venue. Photocopying of material could be arranged if required.

30. All those who were attending the Hearing Sessions would be required first to sign in at the main reception desk at Allerdale House, in addition to signing the Attendance Sheet for the individual Hearing Session.

31. Refreshments would not be provided during the Hearings. However, there is a nearby Tesco where sandwiches and fruit could be bought, and where there is also a café for meals and hot drinks.

Site Visit Arrangements

32. Where necessary, the Inspector would be carrying out an unaccompanied tour of the relevant parts of the Plan area, to acquaint herself with the area generally and with specific parts which are featured in the Plan and in representations, before and after the Hearings as opportunity arose.

33. In reply to Mr Brian Taylor, the Inspector indicated that she would be prepared, as soon as weather conditions in January/February permitted, to undertake a visit to the fells on Binsey (Skiddaw), on a clear day, to obtain an impression of the cumulative impact of wind turbines (whether accompanied or unaccompanied to be confirmed).

Close of Examination

34. The Inspector would not close the Examination until she was satisfied that she had received all material needed to enable the production of her Report. The close could therefore be some time after the final Hearing session.

35. Mr Brian Taylor asked if the Plan could be rejected if the Inspector was unhappy with its content. The Inspector replied that any immediately serious /potentially fatal concerns would have been raised with the Council before the PHM. However, that would not preclude the possibility of Main Modifications if the Examination showed these to be necessary.

Submission of Inspector's Report

36. On the basis of the Examination timetable as currently set out (above), and barring other events such as the need for consultation on Main Modifications or on relevant new government policy, the Inspector would expect that her Report would be available to the Councils for 'fact-check' by **Friday 21 March**.

Close

37. The Pre-Hearing Meeting closed at 14:50.

S Holland

INSPECTOR