SOUTH KESTEVEN CORE STRATEGY

NOTE OF PRE HEARING MEETING HELD ON THURSDAY 22ND OCTOBER 2009

1 Introduction

The Inspector appointed by the Secretary of State for Communities and Local Government to hold the examination into the soundness of the South Kesteven Core Strategy is Karen McCabe, a Chartered Town Planner. The Core Strategy (CS) forms part of the District Local Development Framework (LDF).

2 Examination Opening Date and Location

The Inspector explained that the Examination refers to the whole process from the time of submitting the CS to the Secretary of State to the submission of the Inspector’s report to the Council. The hearings part of the Examination starts on Tuesday 19 January 2010 at 10 o’clock at the Ramada Hotel, Swingbridge Road, Grantham.

The purpose of the Pre Hearing Meeting (PHM) was to explain and discuss procedural and administrative matters relating to the management of the Examination and not to discuss the content or merits of the CS and the representations made.

3 The Programme Officer and her role

Gloria Alexander has been appointed as Programme Officer for the Examination. The Programme Officer acts as an independent and impartial officer, working under the Inspector’s direction. Details of how to contact her are set out in the letter of invitation to the PHM.

Ms Alexander is responsible for:
- liaising with all parties to ensure the smooth running of the examination;
- ensuring that all documents received during the examination are recorded and distributed;
- maintaining the examination library;
- assisting the Inspector with all procedural and administrative matters.

She is able to advise on any programming questions. All procedural queries or any other matter that the Council or anyone wishes to raise with the Inspector should be addressed through the Programme Officer.

4 The Council’s Team

The Council’s team for the Examination includes:

Karen Sinclair       Planning Policy Service Manager, South Kesteven DC
Rachel Armstrong    Senior Planning Policy Officer, South Kesteven DC
Margaret Parr       Planning Policy Officer, South Kesteven DC
Mandy Gee           Partnership Project Officer, South Kesteven DC
Simon Wright        Grantham Growth Point Programme Manager, South Kesteven DC
Lincolnshire County Council Highways witness (name to be confirmed)

5 Examination Process

The Inspector’s role is to consider whether the CS as submitted to the Secretary of State meets the requirements of the 2004 Act and associated Regulations against the tests of
soundness set out in Planning Policy Statement 12 [PPS12]. This is what the examination will focus on. To be found sound the CS must be:

- Justified: founded on a robust and credible evidence base and the most appropriate strategy when considered against the reasonable alternatives;
- Effective: deliverable, flexible and able to be monitored;
- Consistent with national policy.

In addition the CS must satisfy certain legal requirements regarding preparation in accordance with the Local Development Scheme (LDS) and Statement of Community Involvement (SCI); be subject to sustainability appraisal (SA); conform generally with the Regional Spatial Strategy (RSS) and have regard to the Sustainable Community Strategy (SCS).

Before submission in August 2009 the Council produced a list of Proposed Changes. These are minor updating, corrections and clarification which in the Inspector’s view do not significantly alter the CS. The Inspector confirmed that the baseline for the Examination is therefore the CS document as amended by these Proposed Changes.

The Inspector starts from the assumption that the Council has submitted what it considers to be a sound plan. The Council should rely on evidence collected whilst preparing the CS to demonstrate that it is sound. Those seeking changes to the CS have to demonstrate why that is not the case.

The process of examining plans under the new LDF system is different from the previous local plan system.

- Firstly, 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. The Inspector is not required to consider each and every point made in the representations in considering whether the plan is sound.

- Secondly, the hearing process is intended to be an inquisitorial process under the Inspector’s direction with round table and hearing sessions addressing particular topics, rather than the traditional form of public inquiry considering individual objections.

Following the hearing sessions the Inspector will prepare a report to the Council with her conclusions and decisions as to the action it needs to take with regard to the soundness of the CS. The Inspector’s report is binding on the Council and, on receipt, it should amend the CS in the light of the recommendations and move swiftly to its formal adoption.

6 Procedural questions for the Council

The Council confirmed that the CS has been:

- Prepared in accordance with the statutory procedures under section 20 of the 2004 Act and the associated Regulations;
- Prepared in accordance with the Council’s latest LDS;
- Prepared in accordance with the SCI adopted in 2006. The earlier Issues and Options stage of preparing the CS met the minimum requirements of the Regulations;
- Supported by SA;
- Screened for likely significant effects on any European Wildlife (Natura 2000) sites within and near the plan area, and relevant bodies consulted about this assessment. The Council were considering whether any further work was required in the light of the responses from Natural England. If further assessment was needed, this would be completed before the start of the hearings sessions.
The Council has not identified any fundamental procedural shortcomings with preparation of the CS.

The Council also explained that:

- The RSS was adopted on 12 March 2009, following publication of the CS. However, in their view there were no significant changes relevant to the District between the Proposed Changes published in June 2008 and taken into account in drafting the submission CS, and the adopted RSS. The CS is consistent with the adopted RSS;
- The East Midlands Regional Assembly has confirmed by letter dated 14 October 2009 (in the Examination Library) that the CS is in general conformity with the adopted RSS. The only significant issue is the need to update the text to reflect the adopted RSS;
- A number of policies in the adopted Local Plan (LP) have been saved by direction of the Secretary of State. Appendix A to the CS sets out which of these saved policies will be superseded by the CS and subsequent DPDs. This Appendix is clarified by a Proposed Further Change;
- Following the CS, the Council is preparing a Site Allocations and Specific Policies DPD and the Grantham Area Action Plan to the same timetable: Preferred Options stage June/July 2010, submission May 2011, adoption early 2012. Suggested sites (excluding Grantham) are currently being consulted upon;
- the CS has taken account of the Council's other plans such as the adopted LP and SCS;
- the CS has taken account of the plans of adjoining local authorities and the County Council such as the Community Strategy and the Local Transport Plan;
- The Council has produced its own Self Assessment of the CS against the tests of soundness in PPS12 and this is in the Examination Library.

The Inspector will check all these matters again at the start of the hearings sessions when she will be probing and expecting to see the supporting evidence.

486 duly made representations from 79 organisations or individuals were received at formal publication stage of the CS. These representations cover most aspects and policies but focus on the distribution of growth in the spatial strategy; housing provision; the Grantham growth point and sustainable urban extensions; infrastructure and flooding; and protecting the character of the district.

The Council confirmed that it has formally considered these representations. A statement in accordance with Regulation 30(1)(e) has been prepared which summarises the main issues raised. The Council do not intend to respond to every representation individually. However, the Schedule of Proposed Changes refers to the representation which gave rise to the relevant Change.

7 Main Matters and Issues for Examination

A list of the main matters and key issues for this examination has been drawn up by the Inspector, having regard to the representations made in the context of the three aspects of soundness and legal requirements set out in PPS12. These Matters and Issues provide the focus for the Examination and will enable the Inspector to assess whether the CS is sound and complies with the legal requirements.

For each main matter and key issue a number of questions have been posed. These questions should be used to structure any further submissions made. The Inspector will be using them to guide and focus discussion at the hearings and will be addressing them in her report. Confirmation was sought from those attending the PHM that all relevant
main matters and key issues relating to the soundness of the CS are contained in the Schedule.

8 Hearings Programme

Those who have made representations on the Core Strategy need to decide whether their views can be dealt with in a written form or whether they need to come and present them orally at a hearing session. **Both methods will carry the same weight and the Inspector will 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 representors wish to participate in a debate. Those people who wish to proceed by written means need take no further action; they can rely 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 identified. Most representations will be considered by the written method. Written representations are not discussed at the hearings and attendance at the hearing sessions is not necessary.

If they have not already done so, participants should let the Programme Officer know before **30 October at the latest** whether they wish to have an oral hearing. Anyone indicating that they wish to have an oral hearing, must, in advance of attending a hearing session, prepare a statement of their position, focussed upon the questions identified for that session. The relevant points in the representations are dealt with at a Round Table Hearing session, where the Council and participants debate the main points on the key issues identified by the Inspector in a structured discussion.

Remember that the Inspector’s role is to consider the soundness of the plan in the light of the representations received, rather than considering all the points raised in those representations. Only those parties seeking specific changes to the CS are entitled to attend the hearing sessions of the Examination. There is no need for those supporting the CS or merely making comments on the plan to attend the hearings.

The hearing sessions will commence on 19 January 2010 at 10 o’clock at the Ramada Hotel. The initial programme indicates that the hearings will be spread over 3 weeks. This may change and it is the responsibility of participants to keep in touch with the Programme Officer and check progress of the examination to ensure that they are present at the appropriate time. A separate hearing session will be held on each of the main matters identified in the initial programme. Anyone is welcome to attend to listen to the debates even if they are not taking part and all sessions are open to the public and the press.

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 an informal setting for dealing with issues, by way of a discussion that the Inspector will lead. Those attending may bring with them professional advocates and witnesses, though there will be no formal presentation of evidence or cross-examination. There is no need for parties to bring advocates/legal representation. The Council confirmed they are not currently intending to be legally represented at any session.

Before each session a detailed agenda will be sent out, based on the Matters and Issues identified and the written statements received. The discussion will focus on the issues identified in the agenda and the questions posed. The Inspector will begin by asking those present to introduce themselves. She will then make brief comments on the matters to be covered, then invite individuals to make their contribution in response to
the points raised. The hearing will then progress under the Inspector’s guidance, drawing those present into the discussion to enable her to gain the information necessary to come to a firm decision on the matters identified. Everyone can ask questions and join in the discussion. At the end of each session participants are asked to sum-up the main points of their arguments.

Hearings are conducted on the basis that everyone has read the relevant documents, although participants will be able to refer to and elaborate on relevant points. Participants will be grouped together according to the issues being considered. Not all matters, issues and policies may be discussed at the hearings. Some matters may be dealt with by written representations, depending on who attends the hearings.

The Inspector will endeavour to progress the Examination Hearings in an effective and efficient manner, keeping a tight rein on the discussions and time taken. As part of that process it is aimed to minimise the amount of material to that necessary to come to informed conclusions on the issues. In that way a short, but focussed, series of hearings will be conducted and, in turn, a short, focussed report will be produced.

9 Submission of further material

The Council has prepared an initial list of reference documents that are now available in the Examination Library. These include the RSS, Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs), and any other documents that the parties are likely to need to refer to. There is no need to attach extracts of these documents to statements, but do refer to them as necessary. The list of reference documents will be regularly updated.

The Inspector has written to the Council about potential shortcomings regarding the soundness of certain aspects of the CS, namely viability of affordable housing targets and thresholds and monitoring indicators and targets. The Council have responded that a revised Monitoring Framework will be available by 25th November 2009. They are also commissioning consultants to produce a Viability Study on Affordable Housing, with the final report expected to be available by mid-February 2010.

It was the Inspector’s view that the hearing to deal with Matter 5 – Housing Needs could not be held until the results of this viability study were available and the implications for policy H3 assessed by the Council. This session would therefore have to be deferred to allow time for examination statements to be prepared in the light of the additional evidence. In order not to delay the Examination unduly, the Council were urged to complete the assessment in time to allow the hearing to take place in mid-March. The Council agreed to inform the Inspector of the report date as soon as consultants have been appointed. The hearings programme will be revised in the light of this information.

The Inspector asked that other relevant documents be made available to the Examination as soon as possible. The Council confirmed that there are no other documents, reports or studies outstanding that are relevant to this Examination.

The Council has already prepared a Written Response to the Inspector’s Preliminary Questions seeking clarification of various aspects of the CS (both available as Reference Documents). The Council has also prepared a Schedule of Proposed Further Changes. The Inspector will be looking at these changes, along with those suggested by representors, as part of the Examination to establish whether they are needed to make the CS sound (and if so, whether they can be recommended without undermining the basis on which the plan has been prepared.)
The Council confirmed that, prior to the hearing sessions, they intend to submit Further Proposed Changes in respect of the Revised Monitoring Framework, Policy H3 in the light of the viability assessment, and any further work relating to the Habitats Regulations Assessment.

The Inspector explained that representations already made should include all the points and evidence to substantiate the cases. It is not necessary to submit further material based on the original representations. However, it should be noted that the Inspector only has copies of the representations made at formal publication stage.

From now on, all written submissions should address the Matters and Issues for Examination identified in the schedule. These should be submitted by 12 noon on 25th November 2009. The exception to this deadline will be statements relating to Matter 5 – Housing Needs (this will be detailed in a revised hearings programme).

The Examination starts from the basis that the Council considers the CS to be sound. 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 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?

The Council is required to submit a statement on each topic, setting out why it considers the CS to be sound in that respect and why the changes sought by other parties would make it unsound.

The need for succinct submissions is emphasised, avoiding unnecessary detail and repetition. There is no need for verbatim quotations from the CS or any other sources of policy guidance. Nonetheless, it is vital that the fundamental elements of cases are set out clearly and succinctly. Participants should attempt to reach agreement on factual matters and statistics before the hearings begin. Statements of Common Ground are often useful to narrow the issues in dispute. Participants are requested to take the initiative here and have early meetings with the Council. The Inspector reminded participants that 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 size of the documents or the width of the appendices!

Details of what is required from participants in terms of statements are set out in the Advance Notice which should be studied carefully. Basically, the Programme Officer will require 4 hard copies of all submitted statements, which should be concise and focussed on the issues identified. As a general rule, these should be no longer than 3,000 words, be they for a hearing session or further written representations.

Everyone is urged to adhere to the timetable for submitting further statements. No additional statements will be accepted at the hearings. Late submission of evidence can cause disruption and result in unfairness, so those who fail to meet deadlines may lose their right to be heard, unless there is a genuine and unavoidable reason, and the representation will then be considered by written representations.

10 Handling Changes to the Core Strategy

The Inspector explained that her starting point is that the Council have submitted a CS that they consider to be sound, so the focus of the Examination is the plan as submitted.
The Inspector can only make a change to the CS if it is considered that this change is needed to make the CS sound. She can also only recommend a change if such a change would not undermine the basis on which the plan has been prepared, that is the SA and consultation that has already been carried out.

A number of representations have been made that alternative or additional development locations should be included in the CS. In these cases there is a two stage process: firstly the representor needs to demonstrate why the CS is unsound, and then secondly why including these particular development locations would help to make the CS sound. However, to be able to change the CS and include these locations, the Inspector must be sure that they have been subject to proper procedures of community involvement and SA. In the absence of clear evidence that such procedures have been carried out, it will only be possible to give limited consideration to such representations.

The Inspector has written to the Council requesting background information about each alternative location in relation to the CS. In their response the Council indicated that only some alternative locations have been subject to these procedures as part of CS preparation. The Inspector is not insisting that additional work is carried out. However, those who have put forward other locations are being given the opportunity to do this work should they wish. When reviewing their course of action, the Inspector suggested that it would be helpful to consider the Council’s response regarding the alternative locations, and their view as to whether these amounted to strategic locations and the implications of inclusion for the CS. She advised that any further work would be best done in conjunction with the Council as the SA would need to fit with that for the overall CS and any further consultation should be comprehensive and streamlined. Representors are therefore asked to get together with the Council and let the Inspector know what further work is to be done, and a timetable for it. They are urged to complete this work before January 2010 so as not to delay the Examination and the hearings programme. Following the PHM the Inspector will write to each representor who has put forward an alternative or additional location for consideration, confirming the approach to be taken to ensure a fair and efficient examination.

The Inspector reminded the Council that an early indication of their timetable for submitting further studies or suggested changes is also required to ensure that all interested parties are able to respond before the relevant hearing and the Examination kept on track.

11 Other Matters

Details of the Examination Library and Website are in the Advance Notice. There is a web page devoted to the Examination on the Council’s website which participants are advised to keep a close eye on as it has links to relevant documents and updates to the programme as they come available.

The Inspector has already carried out a familiarisation tour of the District and will visit all those places referred to in the representations before, during, or after the hearings. This will be done unaccompanied by the parties. Only exceptionally, where it is necessary to gain access onto private land, will the visit be accompanied. In such cases, the Programme Officer will contact the parties involved so that a mutually convenient date and time can be arranged for the visit.

The Examination remains open until submission of the Inspector’s Report to the Council. However, once the hearing sessions part of the Examination is completed no further information can be received from any party, unless it is on a matter which the Inspector has specifically requested. Any unsolicited items sent in will be returned to the sender.
The date of submission of the Inspector’s report to the Council largely depends on the content, extent and length of the examination. The current expectation is April 2010, but this date will be influenced by the speed with which any outstanding work is carried out.

12 Inspector’s response to Questions

Responses to queries raised by Peter Taylor, DLA Piper:
- It was confirmed that the Council will provide an examination statement for each Matter and Issue to the same timetable as all participants. Parties are not expected to respond to each others’ statements, as all statements should focus on the soundness of the CS in respect of the relevant Matters and Issues identified by the Inspector.
- The Council stated it does not intend to produce any topic papers.
- One proposed alternative location has been subjected to full SA and CI as part of CS preparation – Manthorpe to the north of Grantham.
- The Inspector explained that separate hearing sessions would not be held for specific locations which are being promoted. Such alternative locations will be included with the relevant Matter and Issue so that they can be considered in the context of the soundness of this aspect of the CS.

Responses to queries raised by Mark Hyde, DLP:
- The Council agreed to produce a background paper with a detailed breakdown of the Housing Trajectory in advance of the statements deadline date of 25th November (date to be confirmed).
- Representors promoting alternative sites will be written to during the week of 26th October.

Responses to queries raised by Mike Newson, Broadway Malyon:
- The Council stated the earliest the AMR is likely to be available is early December 2009.
- The Inspector said that should it be available by then, there would be an opportunity for representors to submit a supplementary statement focussed on the new material, should this be necessary to assist the Examination.
- The Inspector urged the Council and representors to get together to establish the criteria and approach for any SA and CI of alternative locations.
- The Inspector reminded parties that such SA and CI is only needed to allow weight to be given to the inclusion of alternative strategic locations as a change to the CS in order to ensure soundness.

Response to query raised by Mr Gilman, Stamford Chamber of Trade and Commerce:
- The Inspector indicated that the number of representations regarding Matter 10 – Tackling Climate Change is not the sole indicator of the significance of this topic. She was confident that the questions she had posed would probe this Issue rigorously.
- However, if the Chamber had made representations regarding the unsoundness of this aspect of the CS, then they could participate in the relevant hearing session. They should let the Programme Officer know as soon as possible what they intend.

Response to query raised by Alan Hubbard, The National Trust:
- The material relating to the suggested Manthorpe Sustainable Urban Extension is included with the relevant representations. The Council’s response indicates where the SA and CI carried out at an earlier stage of CS preparation in relation to this alternative strategic location can be found. All these documents are available to view in the Examination Library.
Response to query raised by Tom Gilbert-Wooldridge, English Heritage:
- The Inspector pointed out that there would only be opportunity to comment on suggested alternative locations if representors choose to undertake SA and CI. The results of any such work would be made available to the Examination.

Response to query raised by Brian Thompson, Lincolnshire County Council:
- Please contact the Programme Officer in the first instance if there is concern that all representations submitted do not appear to have been registered.

13 Closing remarks

The Inspector emphasised that she will have equal regard to views put orally or in writing. The hearings will be short focussed debates structured around the tests of soundness.

She urged everyone concerned to make the best use of the time available between the PHM and the start of the hearing sessions on 19 January. And to stick to the deadlines for submitting further material – keeping it concise and focussed!

She reminded everyone to keep in regular touch with the Programme Officer and to be aware of any reference documents and other material produced by the Council and representors through the website.

The meeting closed at 3.15 pm.

KMcc/GA
27/10/09