INSPECTOR AND PROGRAMME OFFICER
The Examining Inspector introduced himself as Roland Punshon. He is a chartered town planner and an Inspector with the Planning Inspectorate. He had been appointed by the Secretary of State under Section 20 of the Planning & Compulsory Purchase Act 2004 to hold the Examination into the soundness of South Kesteven Council’s:

- Grantham Area Action Plan Development Plan Document (GAAP), and
- Site Allocations and Policies Development Plan Document (SAP)

– referred to as the DPDs.

He introduced the Programme Officer for the Examination Mrs Fiona Waye. He explained that she is an independent officer for the Examination, acting under his direction. She is responsible for:

- organising the Hearing sessions,
- maintaining the Examination library,
- recording and circulating all material received,
- and assisting the Inspector with procedural and administrative matters.

PURPOSE OF THE PRE-HEARING MEETING (PHM)
The purpose of the Pre-Hearing Meeting was to explain and discuss procedural and administrative matters relating to the management of the Examinations of both DPDs including:

- the matters to be examined and related questions,
- the methods of dealing with representations,
- the timetable for submitting statements,
- and any other relevant matters.

The Inspector also wanted to introduce:

- the programme for the hearings into the GAAP,
- the running order and participants.

He explained that the content and merits of the DPDs and the representations would not be discussed at the meeting.

A Note of the Pre-Hearing Meeting would be circulated to all those who have made representations on both DPDs.
PURPOSE OF THE EXAMINATION

The 2 DPDs, if adopted by the Council, will form part of the Council’s new Local Plan which, together with the already adopted Core Strategy, will form the development plan for the area.

The term ‘Examination’ relates to the whole process of examining the plan, from the time of submission of the DPD to the Secretary of State to the receipt of the Inspector’s report by the Council.

The purpose of the Examinations is to examine the soundness of the DPDs. The Inspector’s role is to consider whether the DPDs meet the requirements of Sections 19-20 of the 2004 Act and associated regulations and whether they are sound.

To be sound a DPD should be:

JUSTIFIED, EFFECTIVE and CONSISTENT WITH NATIONAL POLICY.

The whole of the Examination process will focus on the tests of soundness and of legal compliance.

The Council should rely on evidence collected while preparing the DPDs to demonstrate that they are sound. Those seeking changes to the DPDs have to demonstrate why the document is not sound and how any changes which they suggest would make it sound.

It is not the Inspector’s role to make the DPD more sound. The test he will apply is ‘Is the DPD sound as it stands?’

HANDLING OF PROPOSED POST-SUBMISSION MODIFICATIONS

Post-Submission changes to the DPDs can be of 2 types:

• ‘Minor Modifications’ – for instance, to correct typing errors or to address issues of up-dating – these will be matters solely for the Council; and

• ‘Main Modifications’ - these are changes necessary to make the DPD sound. The Inspector would not be able to recommend that Main Modifications be made unless they have been through the full consultation process and have been subject to Sustainability Appraisal.

CURRENT SITUATION

Since the DPDs were submitted for Examination, the Inspector has held a number of public Exploratory Meetings with the Council. These were to discuss some initial concerns which he had with the documents. The Council has made some Main Modifications to the DPDs to address these concerns and also to take account of the publication of the National Planning Policy Framework (NPPF) which has recently been issued by the government.

These Main Modifications have been the subject of an additional round of consultation with interested parties. The Inspector will take the representations made in respect of these Modifications into account when examining the soundness of the documents.

In addition the Council has proposed lists of what it considers to be Post-Submission Minor Modifications which it proposes to make to both DPDs. These have not been the subject of formal re-consultation.

During the course of the Examination the Council may wish to propose further changes to the DPD to address issues which arise and the Inspector may wish to direct changes of his own. Some of these may
be very minor matters. However, others may be more substantive and may therefore need to be subject to re-consultation.

The Inspector can only make Main Modifications to the DPDs when formally requested to do so by the Council. If he agrees to such a request he would be obliged to make all of the Main Modifications which are necessary to make the DPD sound. The Council has made such a formal request in respect of both of these DPDs. However, in his response to the Council (a copy of which is available as Core Document ED10) the Inspector has stated that he did not consider that it would be appropriate at this stage to agree to that request. As he had pointed out at the Exploratory Meetings, the submitted DPDs have already been substantially modified and other necessary Modifications may come out of the Examination process. If cumulatively these would amount to a re-writing of the DPDs, making the Modifications would be inappropriate in the interests of fairness to all parties.

In these circumstances the Inspector has suggested to the Council that the Examinations should proceed on the basis that, at present, he is minded to agree to the request but that, should such an agreement be inappropriate because of the number and nature of the necessary Modifications, he will inform the Council at that time. If these circumstances arise, the Council could either withdraw the DPDs to reconsider its position or the Inspector could prepare his Report on the basis of the originally submitted documents. He explained in response to a question raised that this would be the Submission documents dated October 2011 without the Main Modifications which had been the subject of the recent round of re-consultation.

**HANDLING OF REPRESENTATIONS**

In examining soundness, the Inspector has to consider the representations made to the submitted plan, but only insofar as they relate to legal compliance and the tests of soundness. He is not required to consider each and every point made in every representation or to report on them, but to use the representations as the starting point in considering whether the plan is sound. He will take into account those representations made at Publication stage, any relevant representations received in response to the re-consultation exercise and any other representations made in response to any further re-consultation exercise which takes place.

There are two main ways in which representations on the DPD will be considered. Representations made by either method will carry the same weight.

The 2 methods are:

- **Written representations** – based on the original representation, with a response, if necessary, from the Council. The Inspector may also seek additional information by way of clarification. Most representations will be considered by this method. Individual written representations are not discussed at the hearings and the attendance of the representor at a hearing session is not necessary.

- **Oral representations** – Where representors have indicated that they wish to have an oral hearing, relevant points in the representations will be dealt with at a Hearing Session of the Examination. The Council and other participants will have the opportunity to speak on the main points and the key issues identified by the Inspector in a structured and informed discussion.

Even where no-one has requested a Hearing session on a particular subject the Inspector may decide that a Hearing is necessary to enable him to explore the issue with the Council and to gain the information necessary to prepare his Report.
FORMAT OF HEARING SESSIONS

The hearing sessions of the Examination are intended to be an inquisitorial process under the Inspector’s direction which will examine broad topic areas, rather than the previous more adversarial approach of the Local Plan Inquiry which examined individual objections. The traditional form of inquiry is not generally appropriate for considering representations on the soundness of this DPD.

The Hearing sessions will progress under the Inspector’s guidance, drawing participants into the discussion in such a way as to enable him to gain the information necessary to come to a firm conclusion on the relevant issues.

Attendance at the hearings will only be helpful if participants wish to contribute to the debate. It is often the case that representors ask for Hearings but then decide that they are satisfied that their representation or part of their representation can be adequately dealt with by written representation. If this is the case, representors should let Mrs Waye know as soon as possible. There is generally no need for those supporting or merely making comments on the plan to attend Hearing sessions. However, the Inspector noted that some of those supporting proposals had asked to attend any relevant sessions.

The Programme Officer will inform the relevant parties of the venue for the Hearing sessions when this is confirmed.

PROCEDURE AT THE HEARING SESSIONS

Those attending Hearing sessions may bring professional representatives with them and may ask questions, but there will be no formal presentation of evidence, cross-examination or formal submissions. There is no need for participants to have legal representation although there is no objection to the presence of an advisor to assist a party at the Hearing session.

Participants will be circulated with the statements and representations relevant to particular hearing sessions. The hearings will be conducted on the basis that everyone taking part has read the relevant documents, although participants will be able to refer to and elaborate on relevant points, as necessary.

Anyone requiring assistance or special facilities for disabled persons should contact the Programme Officer beforehand to enable appropriate arrangements to be made.

SITE VISIT ARRANGEMENTS

The Inspector will be making a number of site visits to the places referred to in the representations. These visits will generally be on an unaccompanied basis and carried out from publicly accessible locations. If anyone considers that an accompanied visit is necessary they should contact Mrs Waye explaining why an accompanied visit is necessary and to make the proper arrangements.

PREPARATION AND SUBMISSION OF FURTHER MATERIAL

Core Documents

The Council has prepared a list of Core Documents which will be available in the Examination Library and can be provided by Mrs Waye. The list may be added to as the Examination progresses.

These will include:

- background papers,
- existing local plans, and
- any other documents that the Council is likely to refer to.
Government documents and the new National Planning Policy Framework are available from the website www.communities.gov.uk

The list of Core Documents should represent the Council’s full evidence base for the Examination. Participants should ensure that any documents they intend to refer to are included in the list of Core Documents and they should arrange for any missing documents to be sent to the Programme Officer. 3 copies and, where possible, an electronic copy in PDF format will be required.

**Examination Library**

The Programme Officer will maintain the Examination Library at the Council’s offices. This will contain copies of the DPDs and associated documents, all representations, the Core Documents and further representations and statements, as received. The Library will be under the supervision of the Programme Officer who will assist anyone wishing to see and copy any document. It will be helpful if advance notice can be given of an intended visit so as to ensure that either the Programme Officer or a member of Council staff is in attendance.

Electronic copies of Core Documents, the up-to-date Programme for the hearings sessions of the Examination and other relevant material will be included on the Council’s website.

**Submission of further written statements and other material**

Although representors may have made representations at earlier stages of the Plan process, the Inspector only has copies of representations made at the Publication stage and at the re-consultation stages. These representations should include all the points, documents and evidence to substantiate representors’ cases. It should not be necessary, therefore, to submit any further material based on the original representations unless it is specifically requested by the Inspector.

There is no need to prepare a further statement for Hearing sessions if all the relevant points are already covered in the original representation and the Council’s response. However, it is often useful for the Council to prepare a statement for each session drawing together its case from the various documentary sources in one place. If a further statement is deemed to be necessary, participants should notify the Programme Officer whether or not they intend to submit a further statement so that she can advise on numbering and referencing.

**Format of Additional Statements**

From now on all written submissions should address only those matters identified by the Inspector. They should focus on issues of legal compliance and the tests of soundness.

Essentially, from representors the Inspector needs to know:

- Which particular part of the DPD is unsound;
- Which soundness test(s) does it fail;
- Why does it fail that test;
- How can the DPD be made sound; and
- What is the precise change/wording that is being sought.

From the Council, he needs a general response to the representations on each topic setting out:

- why they consider the DPD to be sound in that respect and
- why the changes sought by other parties are unnecessary to make it sound or would make it unsound.
Submissions should be succinct, avoiding unnecessary detail and repetition. There is no need for verbatim quotations from the DPD or other sources of policy guidance. Any supporting material should be limited to that which is essential and need not contain extracts from any documents that are already in the Examination library.

Nonetheless, it is vital that the fundamental elements of the cases are set out clearly and succinctly in Hearing statements, since the Hearings are not the place for new points or evidence to be presented for the first time.

Statements should be no longer than 3,000 words for each matter or issue. Statements which are excessively long or contain irrelevant or repetitious material may be returned. Each submission should be complete and capable of being copied for circulation to other parties to a Hearing. Technical evidence should be limited to appendices and should be clearly related to the case. There is no need for summary statements.

Statements should be on A4 paper, punched with two holes for filing, and unbound. Plans or diagrams should fold down to A4 size. All statements should be clearly referenced and should also be submitted in electronic form in Word (or equivalent format), if possible to allow for indexing.

Participants should attempt to reach agreement on factual matters and statistics before the hearings start and everyone is encouraged to maintain a dialogue with the Council and other participants in advance of the hearings. Statements of Common Ground between representors and the Council can be a useful way of narrowing the issues in dispute, and should be submitted within the timescales which are set out.

The Programme Officer will require 3 copies and an electronic version in Word (or equivalent) format (where possible) of all statements. If there is any difficulty in copying the Programme Officer may be able to assist.

**REPRESENTATIONS**

With regard to the GAAP DPD, the Council confirmed that at present, in total, 981 organisations and individuals made 1097 representations on the DPD within the specified 6 week period following Publication. Re-consultation resulted in 73 further representations. Of these representations, a total of 100 considered elements of the DPD to be sound and the remainder considered some elements to be unsound.

With regard to the SAP DPD, the Council has confirmed that at present, in total, 97 organisations and individuals made 247 representations on the DPD within the specified 6 week period following Publication. Re-consultation resulted in 75 further representations. Of these representations, a total of 73 considered elements of the DPD to be sound and the remainder considered some elements to be unsound.

**EXAMINATION PROGRAMME - GAAP**

The Inspector informed the Meeting that it is intended that the Hearing sessions of the Examination of the GAAP DPD will be held in **the weeks beginning 1st and 8th October with the first session beginning at 10 am on the 2nd October.**

On following days sessions will commence at 0930am daily with a break for lunch, recommencing at 2.00pm. Any variation from that will be agreed with all affected parties.
The matters for Examination at the Hearings take the form of a series of agendas which pose a number of questions on each Hearing topic. The Inspector and Programme Officer had prepared draft agendas and a draft timetable for those Hearing sessions of the GAAP DPD which the Inspector considered to be necessary. Copies are available. The Hearing discussions will focus on the issues identified in the agendas and the questions which are posed.

Copies of the draft agendas and draft timetable were provided at the end of the Meeting.

The Inspector asked that those who had sought Hearing sessions to check the draft agendas and Programme to ensure that they were included in the session most suited to the matters on which they wished to speak. If there were any queries regarding this, or any difficulties or queries with the Programme, representors should contact the Programme Officer before the end of the week.

The Inspector pointed out that the draft agendas were not complete in that they did not refer to those who had Representations to the Council’s Proposed Main Modifications and wished to attend Hearings. However, he had a note of these. The finalised agendas will contain those details. Finalised versions of the Agendas and timetable will be issued during the week following the Meeting.

The Programme attempts to deal with matters in a logical order whilst making best use of Examination time and ensuring convenience for those taking part. However, it will not always be possible to schedule appearances in a way which allows everyone to attend on a single day. Inevitably it may be that some participants will need to attend on more than one day.

Once finalised, every effort will be made to keep to the Programme, but late changes may be unavoidable. Priority will be given to starting the debate on each matter at the appointed time. The Programme Officer will inform the participants of any late changes to the timetable, but, with this in mind, all participants should ensure that she has an e-mail address and/or a mobile phone number to enable her to contact them at short notice. However, it is the responsibility of the participants to keep themselves up to date with the arrangements and Programme.

The Council and those wishing to provide additional statements on the Hearing topics set out in the Programme for the GAAP DPD should respond to the questions by no later than 12th September. If either the Council or other participants wish to comment on each others’ statements, any responses should be submitted no later than 26th September.

All participants should adhere to this timetable. Participants should avoid circulating additional material during the Hearings. Late submissions and additional papers are unlikely to be accepted on the day of the relevant session as this can cause disruption and result in unfairness, and can result in an adjournment of the hearing.

Those who fail to meet the deadlines may lose their right to be heard and their representation will then be considered by written representations unless the Inspector is satisfied that there is a genuine and unavoidable reason.

If material is not received by the deadlines stated, the Programme Officer will assume that no further representations are to be made by that participant.
EXAMINATION PROGRAMME - SAP

PLEASE NOTE:

At the Meeting the Inspector announced that the Hearing sessions of the Examination of the SAP DPD will be held in the weeks beginning 29th October and 5th November with the first session beginning at 10 am on the 30th October. However, some difficulty has arisen with the venue for these dates and these Hearing Sessions will now be arranged in the weeks beginning 5th and 12th November with the first session beginning at 10 am on the 6th November. Draft agendas and a draft programme for the SAP DPD will be prepared before the 21st September and these, together with a copy of this Note and instructions and key dates with regard to the submission of additional written material will be sent out to representors.

CLOSE OF THE EXAMINATION

The Examination of the DPD will remain open until the Inspector’s report is submitted to the Council. However, he will not accept any further representations or evidence after the Hearing sessions have finished. The Examination remains open to enable him to request further information if a deficiency is unexpectedly identified. Any late or unsolicited material is likely to be returned.

QUESTIONS

In response to questions, the Inspector informed the Meeting that:

He could not advise the Council to delay making decisions on planning applications which were being made on sites which were proposed for allocation in the submitted DPDs. Whilst in an ideal world it would be preferable for the sites to be considered through the Examination process before decisions were made, to delay decisions could have far-reaching harmful effects in terms of, amongst other things, the delivery of development.

If the Inspector found that the site selection processes which had been adopted by the Council were inherently unsound, there would be little point in progressing to the Examination of the sites chosen. Should this require the Council to re-assess its methodology, it was possible that sites previously chosen could be excluded if they were no longer the most appropriate option.

The Core Documents would be available on the Council’s website. The Programme Officer could advise on navigating through the web-site.

The Council had already prepared Core Documents which gave a brief response to the individual representations made in respect of both DPDs and the Main Modifications which were being proposed. The Inspector advised representors to examine these documents in order to understand the Council’s position on the matters which they had raised. The Programme Officer could provide details of the documents.

Before closing the Meeting the Inspector asked the following questions of the Council (answers in italics):

- What is the current situation with regard to the Council’s existing Local Plan?
  
  All saved policies of the current Local Plan would be replaced by the DPDs being Examined.

- Has the DPD been prepared in accordance with the statutory procedures under Section 20(5)(a) of the 2004 Act, and the Council’s Local Development Scheme.

  Yes
Has the DPD been prepared in accordance with an approved Statement of Community Involvement?
Yes

Is the DPD supported by a Sustainability Appraisal?
Yes

Has the Council undertaken a Self Assessment of Soundness to assure itself that the likely questions which arise have answers? Has a Self-Assessment of Soundness of the DPDs been undertaken using the draft model produced by the Planning Advisory Service?
Yes

Is the programme for preparing other LDF documents generally as set out in the Council’s latest Local Development Scheme?
Yes with some changes to the dates for Submission

Does the DPD take account of the Council’s other plans, including the adopted Local Plan and Community Strategy, and the plans of adjoining authorities?
Yes

Is the Council satisfied that it has complied with the duty to co-operate imposed by the NPPF?
Yes

The Inspector proposed to hold a Hearing session at the very start of the proceedings to discuss these procedural points and, if necessary, to explore them in more detail.

The Inspector closed the Meeting at 11.20am.

**Main Dates – GAAP DPD**

Submission of additional statements by: 12 September 2012

Comments on additional statements by: 26 September 2012

Hearing sessions: 2 October until 12 October 2012

**Main Dates – SAP DPD**

Hearing sessions: 6 November to 1 December 2012

*Other dates to be confirmed before 21 September 2012*