

## **NOTE OF THE PRE HEARING MEETING**

Jeffrey Room, Northampton Borough Council Offices  
10.00 – 11.00am, Tuesday 10<sup>th</sup> July 2012

### **1. Opening & Introductions**

Inspector, Mr Mike Fox opened the meeting and introduced himself as a Chartered Town Planner, appointed by the Secretary of State to hold the Examination into the legal compliance and soundness of the Northampton Central Area Action Plan.

The Hearing part of the Examination will commence on Tuesday 4 September 2012, in the Jeffrey Room of Northampton Borough Council's offices, at The Guildhall, St Giles Square, Northampton.

The Inspector then introduced the Programme Officer, Mr Ian Kemp, before turning to the Borough Council Offices and the assembled attendees to introduce themselves. A record of those attending the meeting can be found in Appendix 1 of this note.

### **2. The Purpose of the Pre Hearing Meeting (PHM)**

The purpose of the PHM was to provide an opportunity for the Inspector to introduce himself to the Borough Council and Representatives whilst outlining the procedures and administrative procedures of the Central Area Action Plan Examination. The meeting was also an opportunity for those present to discuss any questions they had directly with the Inspector. It is important to state that no evidence on the merits of cases or discussions of soundness took place.

The PHM reiterated advice contained in the Inspector's Guidance Note (previously circulated by the Programme Officer). This note should be read in conjunction with these notes rather than in place of.

### **3. The Inspector's role**

The Inspector's task is to consider whether the AAP meets the requirements of the 2004 Planning and Compulsory Purchase Act and associated Regulations against the **tests of soundness** set out in paragraph 182 of the National Planning Policy Framework, subsequently referred to as *the Framework*.

There are 4 tests of soundness for the Inspector to consider, these are whether the plan is:

**Positively prepared:** Based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, consistent with achieving sustainable development.

**Justified:** The most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence.

**Effective:** The plan should be deliverable over its period, which implies flexibility and ability to be monitored.

**Consistent with national policy:** The plan should enable the delivery of sustainable development in accordance with the policies of the Framework  
The Inspector commences the Examination with the presumption that the AAP is fundamentally sound, unless it is shown to be otherwise as a result of the evidence presented to him in written representations or at the Hearings.

**Those seeking changes to the plan have to demonstrate that it is not sound.**

The 'new' Local Development Framework system of Examining the Soundness of Plans differs from the previous local plan system. Firstly, the **focus is on the plan** rather than the objections. Under the new system the Inspector's task is to examine the soundness of the plan having regard to the representations made, rather than simply considering the objections that have been made. Secondly, 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 objections. In fact the Inspector is not required to respond to all the objections.

Following the closure of the Hearing sessions the Inspector shall prepare a **report to the Council** with his conclusions and the actions the Council need to take with regard to the soundness of the AAP.

The Inspector's report is **binding** on the Council – on receipt, the Council should amend the plan in the light of the main modifications, which the Council has suggested in the light of the issues raised during the Examination, and move swiftly to its formal adoption.

In terms of **relevant legislation and guidance**, key publications are listed in the Guidance Note with the relevant web sites.

229 duly made representations from 39 different respondents were received in relation to the *Pre-Submission Document*. A further 36 representations from 22 respondents were received following consultation on the Focused Changes. As at May 2012, a total of 11 respondents had indicated that they wished to speak at the Hearings, although it is possible of course that this number could increase.

The submitted AAP being examined is the *Submission Document* dated May 2012. It is quite likely that the Council will suggest changes, or main modifications to the *Submission Document*. The Inspector therefore requested that the Council prepare a schedule of these key soundness changes from the submitted AAP in addition to the schedule of minor changes which has already been started.

#### **4. The Role of the Programme Officer**

Mr Kemp has been appointed as Programme Officer. For the purposes of this Examination, it is stressed that he is acting as an **impartial** officer of the Examination working to the direction of the Inspector. He is not a Borough Council Officer and has not be involved in the preparation of the AAP.

Mr Kemp can be contacted on: 01527 837920, by mobile on 07723 009166, by e-mail at: [idkemp@sky.com](mailto:idkemp@sky.com) or by post at 49 All Saints Place, Bromsgrove, Worcestershire, B61 0AX.

The Programme Officer's principal functions His principal functions, are to act as a channel of communication between the Inspector and all concerned with the Examination and to ensure a smooth and efficient running of the process. To ensure

that the **documents** received both before and during the Examination are recorded and distributed. To maintain the Examination **Library**, including the Core Document list. This will include all the core documents and representations and to assist the Inspector in all procedural and administrative matters.

Mr Kemp will be able to advise you on any programming matters, and all procedural queries should be addressed to him in the first instance. He will be able to handle most queries directly but if necessary he will contact the Inspector on your behalf and advise accordingly.

## **5. Procedural Questions for the Council**

The Inspector asked the Borough Council to confirm whether the AAP had been:

### **Prepared in accordance with the Local Development Scheme?**

*The Council confirmed that it had, with an update to their Local Development scheme published in 2012.*

### **Prepared in general accordance with the Statement of Community Involvement and public consultation requirements?**

*Yes, the Statement of Community Involvement had been adopted in 2006.*

### **Subjected to a Sustainability Appraisal?**

*Yes, throughout the process.*

### **Prepared in accordance with national policy?**

*Yes, following the adoption of the Framework a Planning Advisory Service self assessment checklist had been carried out.*

### **Prepared in accordance with a Habitat Regulations Assessment, and has its conclusions been taken into account?**

*Yes, including consideration of the Upper Nene Special Protection Area.*

### **Prepared in accordance with the Duty to Cooperate?**

*Yes, the West Northants Joint Planning Unit had been fully consulted at all stages of the process and it is considered the Duty to Cooperate has been fully adhered to.*

### **Can the Council also confirm that the AAP is in general conformity with the Pre-Submission Draft West Northamptonshire Joint Core Strategy?**

*Yes, the Council believe the AAP to be in general conformity with the Draft West Northamptonshire Joint Core Strategy.*

## **6. Procedure prior to the opening of the Hearing sessions of the Examination**

The Inspector will endeavour to progress the Examination Hearings in **an efficient and effective** manner. As part of that process his aim is to minimise the amount of material necessary to come to informed conclusions on the issues. In that way he

hopes to conduct a **short but focused** series of Hearings and, in turn, a short, focused report.

Those who have made representations on the AAP should have already decided 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 carry the same weight and equal regard will be given to views presented at the Hearings or in writing.

It is only going to be helpful to the Examination and to the Inspector if people who wish to attend Hearings are willing to participate in a debate.

If you wish to change from written representations to an appearance at a Hearing, a request has to be with the Programme Officer by **Friday 20 July 2012**.

Those who wish to proceed by written means only need take no further action; they can rely on what they have already submitted in writing.

All those wishing to participate can submit **further written evidence** in support of their position, although they can rely on previous written submissions if they have nothing else to add. Such statements should **focus on the issues** the Inspector has identified in the Guidance Note. It would be helpful if statements could focus on:

- What part of the AAP is unsound
- Which soundness criteria it fails
- Why it fails (a summary would be acceptable)
- How the AAP can be made sound
- The precise change and/or wording that you are seeking

From the Council the Inspector requires statements which state why it considers the AAP to be sound, and why the changes sought by the other parties would make it unsound, or make suggestions for a soundness change.

All submissions need to be succinct, an outline of the main requirements for statements is included in Appendix D of the Guidance Notes – please read this carefully, and in particular attention is drawn to the **3,000 word limit**.

Remember, it is the quality of reasoning that carries weight, not the size of the documents or the width of the appendices!

The timetable for submitting statements is critical – **Monday 6 August 2012 is the deadline for statements**.

The Programme Officer will return statements of excessive length or containing irrelevant or repetitious material.

**Statements of common ground** – or uncommon ground – can provide considerable opportunities to save time, cost, remove duplication and reduce the bulk of paper. They help the Hearings to concentrate on the key issues that truly need public discussion. They could include, for example, agreed wording of a suggested change to a policy, factual information, or areas or points of disagreement. This work should commence now, with the aim of completing them in time to feed into the relevant Hearing Statement.

## 7. Hearing arrangements and procedure

As stated the Hearing sessions will commence on Tuesday 4 September 2012, in the Jeffrey Room of the Borough Council Offices in Northampton. They will start at 10.00am on the first day, and then at 09.30 on subsequent days.

A first draft programme indicates that the Hearings will take 3 consecutive days, followed by site visits, ending on Friday 7 September. An official draft of the Hearings Programme will be available shortly after the deadline for participation requests has passed on the 20<sup>th</sup> July 2012.

A separate Hearing session will be held for **each of the main topic areas** identified in the draft programme. You are welcome to attend to listen to the debates even if you are not taking part and, of course, all sessions are open to the public and to the press.

The sessions will normally take the form of **round table discussions**, where several parties are present. This approach will provide an informal setting for dealing with issues, by way of discussion that the Inspector shall lead.

The Council will normally be invited to make an opening presentation at each session.

Those attending the Hearing sessions 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 but, if they do, they may take part as a member of the team, rather than as a traditional advocate.

Appendix C to the Guidance Note outlines the **key issues** which the discussions will focus on, the Inspector will summarise the main points made by the parties to facilitate discussion at the Hearing sessions.

Since the publication of the Guidance Notes the Inspector wishes to add two further questions to Matter 8; Infrastructure, Delivery and Monitoring as follows:

8.8 In the light of the above considerations, how effective is policy 36 in achieving infrastructure delivery?

8.9 Should the plan have a focused overview on social infrastructure, such as schools, health and community facilities?

Again, a list of all Issues and Questions will be included in the Programme for the Hearing Sessions to be circulated shortly after the 20<sup>th</sup> July 2012.

## 8. Hearings Programme

The draft timetable would approximate to:

Day 1: 4 September – Introductions and Matters 1, 2 and 3

Day 2: 5 September – Matter 4 and 5

Day 3: 6 September - Matters 6, 7 and 8, and concluding remarks

Day 4: 7 September - Possible site visits

A first draft **version of the programme, to be followed by a detailed agenda for each session**, will be sent out after the Note of this Pre-Hearing Meeting.

The Inspector reminded everyone that the purpose of the detailed agendas for each session is to focus attention on those matters which are identified as areas where he seeks a fuller understanding of the issues and respective positions. **For clarity the questions currently identified in the issues may not be carried through to the Hearing Session Agendas. It may well be that as a result of consideration of the submitted statements, the issues in the Inspector's mind are refined and the agenda's prepared accordingly.** If, on receiving a copy of an agenda, you feel that a **change** should be made, then please inform the programme Officer without delay, but with reasons.

#### **Site visit arrangements**

The Inspector confirmed he'd already carried out a **tour** of the Central Area to familiarise himself with the areas and sites referred to in the representations. Requests for accompanied site visits will be considered at the last Hearing session.

### **9. Close of the Examination**

Once the Inspector has gathered all the information necessary to come to reasoned conclusions and decisions on the main issues, he will prepare his report.

The Examination itself **remains open** until the submission of the Report to the Council; however, once the Hearing sessions part of the Examination is completed, the Inspector can receive **no further information** from any party, unless it has been specifically requested. Any unsolicited items will be returned to the sender.

### **10. Submission of the Inspector's Report to the Council**

The current expectation is that the Inspector's report will be submitted to the Council by late October, although, if necessary an update will be provided the end of the Hearings.

### **11. Questions from Representors – English Heritage**

#### **Ann Plackett of English Heritage asked for clarification concerning the deadline for the submission of Statements of Common Ground?**

*The Inspector explained that wherever possible Statements of Common Ground should be submitted at the same time as the written statements on the 6<sup>th</sup> of August 2012. However, if this were not possible he would accept Statements of Common Ground up to two weeks prior to the start of the Hearing Sessions. This is due to the fact that he would not wish to preclude, what would be helpful information if discussions could not be finalised by the deadline for the submission of written statements.*

#### **How many Participants per organisation would be permitted at the Hearing Sessions?**

*It largely depends on overall numbers and available space around the table. If we can accommodate people, two participants per organisation would be acceptable, however if space were tight this may be reduced to one. Additional seating away from the table will be available if other members of the team wished to attend and observe, there would also be a facility to 'hot seat' within participant teams to ensure the most appropriate speaker is involved in the discussions.*

**It is understood the planning application for the Bus Interchange will be going to committee very shortly, if approved, how would the Inspector deal with this?**

*The Inspector confirmed that he is examining the submitted plan and this is the extent of his task. He has no powers to rule or advise on matters beyond the scope of the AAP. Clearly however it would be advantageous for him to be kept abreast of developments.*

## **12. Questions from Northampton Borough Council**

**Mr Paul Lewin enquired as to how the publication of new evidence would be dealt with during the process such as the Draft Core Strategy Retail Capacity and Employment Land Availability updates?**

*If new evidence arose which the Borough Council (or Representors) wished to rely on the Inspector would appreciate a copy. Any new documents should also be placed on the website and placed in the Examination Library.*

*Should the timescales for the availability of this evidence compromise the ability to submit statements in accordance with deadlines the Inspector should be informed through the Programme Officer and he will consider the difficulties faced. Wherever possible however deadlines should be adhered to.*

**Mr Richard Palmer asked how the Council should deal with any rebuttal statements required as a result of Representor statements?**

*The Inspector advised any rebuttal statements should be kept separate from the Council's responses to the Inspector's questions. Again, wherever possible the 13<sup>th</sup> August Deadline should be adhered to but the Inspector will consider an extension if fundamental difficulties are faced.*

## **13. Closing remarks / Note**

It will be for 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 right Hearing session at the right time.

At the time the Guidance Notes were circulated, Northampton Borough Council were undergoing an overhaul of their website and as a result it was not possible to direct you to the Examination website at the time. This work has now been completed and I confirm the Examination website may be accessed via the link below:

[http://www.northampton.gov.uk/info/200205/planning\\_for\\_the\\_future/1409/central\\_area\\_action\\_plan-home](http://www.northampton.gov.uk/info/200205/planning_for_the_future/1409/central_area_action_plan-home)

The Inspector thanked everyone for his or her attendance and closed the meeting.

## Appendix 1: Note of Attendees

Mr Mike Fox	Planning Inspector	
Mr Ian Kemp	Programme Officer	
Mr Paul Lewin	Planning Policy Manager	Northampton Borough Council
Mr Richard Palmer	Team Leader Planning Policy	Northampton Borough Council
Ms Noreen Banks	Senior Planning Officer	Northampton Borough Council
Mr Greg Shaw	Senior Planning Officer	Northampton Borough Council
Ms Emma Arklay	Planning Officer	Northampton Borough Council
Ms Tomomi Negoro	Planning Officer	Northampton Borough Council
Ms Sarah Ryder	Trainee Solicitor	Northampton Borough Council
Ms Susan Bridge	Head of Planning	Northampton Borough Council
Mr David Atkinson	West Northamptonshire Joint Planning Unit	
Ms Jennifer Dean	Anglian Water	
Mr John O'Neill	Environment Agency	
Mr Matthew Jones	Drivers Jonas Deloitte	
Ms Ann Plackett	English Heritage	
Mr Adam Graham	Northamptonshire County Council Highways	