

COLCHESTER CORE STRATEGY

NOTES OF PRE EXAMINATION MEETING HELD ON WEDNESDAY 2 APRIL 2008 IN THE TOWN HALL, COLCHESTER

1 Introduction

- 1.1 The Inspector Mrs Jean Jones welcomed everybody to the meeting. She explained that she is a Chartered Town Planner and has been appointed by the Secretary of State for Communities and Local Government under Section 20 of the Planning & Compulsory Purchase Act 2004 to hold the examination into the soundness of the Colchester Core Strategy which forms part of the Colchester Local Development Framework.
- 1.2 She drew attention to the Guidance Notes for Participants, circulated previously, which covers much of the content of these notes. She confirmed that the "Examination" relates to the whole process from the time of submitting the Core Strategy document to the Secretary of State late last year to submitting the Inspector's report to the Council later this year. She also confirmed that the hearing sessions of the Examination will commence at 10am on **Tuesday 24 June 2008 at a different venue which will be notified when the agendas are sent out.**
- 1.3 She introduced Mrs Andrea Copsey, who has been appointed as the Programme Officer for this examination.
- 1.4 The Council officers involved with the Core Strategy Examination introduced themselves. They are:

Karen Syrett – Spatial Policy Manager
Beverley McClean - Coast and Countryside Planner
Paul Wilkinson - Transportation Policy Manager
Laura Chase – Principal Planning Officer

Martin Mason of Essex County Council Highways section was also introduced and it was indicated that his colleague Helen Ramsden would also be involved.

The Council stated that consultants who had prepared certain parts of the evidence base may be asked to attend certain hearing sessions. At this stage the Council does not intend to be legally represented but its barrister, Paul Shadarevian, will provide advice and attend hearing sessions if required.

2. Purpose of the Pre-examination Meeting

- 2.1 The Inspector explained that the purpose of the Pre Examination Meeting is to provide an opportunity to explain and discuss procedural and administrative matters relating to the management of the examination including a programme for the hearings, matters to be examined, the running order and participants at the hearings, timetable for submitting

statements and further material and any other relevant matter. The meeting was not intended to discuss the contents or merits of the Core Strategy or the representations made to it.

- 2.2 An agenda for the meeting had already been circulated along with Guidance Notes for Participants, a draft Programme of hearing sessions and a schedule of Matters and Issues.
- 2.3 A note of this Pre Examination Meeting, together with a final Programme of hearing sessions and Matters and Issues will be circulated to all those who have made representations on the Core Strategy.

3 Scope of the Examination and the Inspector's role

- 3.1 The Inspector explained that her role is to consider whether the Core Strategy meets the requirements of the 2004 Act and associated Regulations against the tests of soundness set out in paragraphs 4.23 to 4.24 of Planning Policy Statement 12 [PPS12]. The examination will focus on these tests of soundness which cover three broad areas:
 - **Procedural** – that is, whether the Core Strategy has been prepared in accordance with the Local Development Scheme & Statement of Community Involvement, and has been subject to a Sustainability Appraisal;
 - **Conformity** - whether it is a spatial plan consistent with national planning policy and in conformity with the Regional Spatial Strategy, having regard to relevant plans and strategies of adjoining areas and the Council's Community Strategy; and
 - **Coherence, consistency and effectiveness** - whether the strategies & policies are coherent and consistent and represent the most appropriate in all the circumstances, having considered relevant alternatives, and founded on a robust and credible evidence base, with clear mechanisms for implementation and monitoring, and reasonably flexible to deal with changing circumstances.
- 3.2 The Inspector explained that she will start from the presumption that the Core Strategy is fundamentally sound, unless it is shown to be otherwise by the evidence presented in written representations or at the hearings. The Council should rely on evidence collected whilst preparing the Core Strategy to demonstrate that it is sound. Those seeking changes to the Core Strategy have to demonstrate why that is not the case. One possible outcome is that she will find the plan unsound.
- 3.3 She outlined how the process of examining plans under the new Local Development Framework 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. She is not required to consider each and every point made in the representations in considering whether the plan is sound.

- Secondly, the Examination is intended to be an inquisitorial process under the Inspector's direction with hearing sessions addressing particular issues, rather than the traditional form of public inquiry considering individual objections.
- 3.4 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 Core Strategy. The report is binding on the Council who should amend the Core Strategy in the light of her decisions and move swiftly to its formal adoption.
- 3.5 The Inspector may only recommend a change to the submitted Core Strategy if that change itself is sound, in accordance with all of the tests. Thus the extent to which she can make changes, if necessary to make the Core Strategy sound, is limited.
- 3.6 Everyone should be familiar with the published guidance listed in the Guidance Notes:
- Planning Policy Statement PPS12 – Local Development Frameworks (ODPM)
 - Companion Guide to PPS12 – Creating Local Development Frameworks (ODPM)
 - Development Plan Examinations – A Guide to the process of assessing the soundness of development plan documents (PINS)
 - Planning and Compulsory Purchase Act 2004 and the associated Regulations
 - Frequently Asked Questions and Guide from the Planning Inspectorate.

4 Procedural questions for the Council

- 4.1 The Inspector then asked the Council a series of procedural questions. The Council confirmed that the Core Strategy had been prepared in accordance with the statutory procedures under section 20 of the 2004 Act and the associated Regulations as set out in its Soundness Self Assessment. It was in accordance with the Council's Local Development Scheme, adopted on 5 November 2007. It had been prepared in accordance with its Statement of Community Involvement which was adopted in 2006.
- 4.2 The Council confirmed that the Core Strategy was supported by a sustainability appraisal which had been carried out at each stage of the process either by Essex County Council or in house and had been subject to independent scrutiny by Scott Willson/Planning Advisory Service and Land Use Consultants.
- 4.3 An Appropriate Assessment had been undertaken as regards likely significant effects on any European Wildlife (Natura 2000) sites within and near the plan area and Natural England was satisfied in that respect.

- 4.4 The Council also confirmed the opinion of the Regional Planning Body that the Core Strategy is in general conformity with the Regional Spatial Strategy. At present this is RPG9 - Regional Planning Guidance for the South East. However, a note (CBC/EB/056) has been prepared by the Council outlining the situation as regards the emerging East of England Plan where approval is expected not earlier than May 2008.
- 4.5 The Council confirmed the position about saving policies of the adopted Local Plan and details are available on the website. A schedule of those Local Plan policies that would be replaced by the Core Strategy is included in the Core Documents (CBC/EB/055) and will be appended to the Core Strategy.
- 4.6 The Council outlined its programme for preparing other LDF documents and stated that consultation has recently taken place on the issues and options for the Site Allocations DPD and the Development Control DPD. They will not be taken to the preferred option stage until after the Core Strategy has been adopted.
- 4.7 It confirmed that the Core Strategy takes account of the Council's other plans such as the adopted Local Plan and Community Plan. It also takes account of the plans of adjoining local authorities and the County Council such as the Community Strategy and the Local Transport Plan.
- 4.8 The Inspector told the Council that she would confirm all these matters again at the start of the hearing sessions of the examination.
- 4.9 It was confirmed that the Pre-Examination Meeting had been advertised and the Inspector reminded the Council that the hearings sessions of the Examination should be similarly advertised at least six weeks before they begin.
- 4.10 The Council confirmed that under Regulation 32 it had advertised the Core Strategy representations that related to specific sites and that its summary and responses under Regulation 33 would be placed on the website in the next few weeks.

5 The Programme Officer and her role

- 5.1 The inspector explained that Mrs Andrea Copsey has been appointed as Programme Officer for the Examination. She is acting as an independent and impartial officer, working under the Inspector's direction. Details of how to contact her were set out in the invitation to this meeting.
- 5.2 Mrs Copsey 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 and assisting the Inspector with all procedural and administrative matters.
- 5.3 She will be 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.

- 5.4 During the hearing sessions the Inspector will have the services of a note taker who is independent of the Council. This is not a formal record of the discussion but merely intended to be an aide memoire for her. Copies of the notes will be placed in the Examination Library.

6 Representations Received

- 6.1 The Inspector stated that she had been informed that there were **380** duly made representations from **59** organisations or individuals at the formal submission stage. Of these, **304** considered various elements of the Core Strategy to be **unsound**. These representations cover most aspects and policies but focus on the spatial strategy, settlement growth and hierarchy, the distribution of new housing and jobs and the infrastructure needed to support the planned amount of new growth. The Council confirmed that it has formally considered these representations and provided a response in its Regulation 31 Statement.
- 6.2 The Inspector enquired whether the Council intended to make any changes to the Core Strategy. It responded that minor changes were proposed which do not affect the soundness of the plan or impact upon the sustainability appraisal. The Inspector requested the Council to prepare a schedule of any such changes that she can refer to in her Report. A preliminary schedule of minor changes was available at the meeting and this may be added to over the Examination period.
- 6.3 She explained that she does not expect the Council to put forward more substantive changes. If, exceptionally, more fundamental changes are proposed, the Council must explain the reasons for the changes, with supporting evidence. They should also indicate the implications in terms of the soundness of the Core Strategy and ensure that they have been subject to the same process of sustainability appraisal, publicity and opportunity to make representations as with the submitted plan.

7 Methods of Considering Representations

- 7.1 The Inspector explained that 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 she will have equal regard to views put orally or in writing.
- 7.2 Attendance at a hearing session will only be useful and helpful for those who are going to participate in the debate. Those people who wish to proceed by written means can rely on what they have already submitted in writing and most representations will be considered by the written method.
- 7.3 The original representations should have included all the points and evidence to substantiate your cases. It is not necessary to submit further material based on your original representations. Please note that the Inspector only has copies of the representations made at the formal submission stage.

- 7.4 Any further written evidence, either from those proceeding by the written method or those wishing to have an oral hearing, should be limited to responding to the questions identified in the Matters and Issues.
- 7.5 The Inspector reminded participants that her 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.

8 The arrangements for the hearings part of the Examination

- 8.1 The Inspector explained that the hearing sessions will provide an informal setting for dealing with issues, by way of a structured discussion led by her. Apart from the Council's representatives, the people invited will be limited to those who have proposed changes to the Core Strategy. They may bring with them professional advocates and witnesses, though there will be no formal presentation of evidence or cross-examination.
- 8.2 Participants will be grouped together according to the issues being considered. Where many people have the same viewpoint, the Inspector will expect them to appoint one or two people as spokespersons to represent them at a hearing session. It is not a good use of hearing time for to have repetition of evidence from many people on the same or very similar points and it does not make the arguments any stronger.
- 8.3 All sessions are open to the public and the press and people are welcome to attend to listen to the debates even if they are not taking part. Because of the large number of participants for the spatial strategy and housing matters, some people are listed separately for session 5 but they are invited to observe the earlier sessions so that they know whether some of their points have already been covered.
- 8.4 Before each session a detailed agenda will be sent out, based on the Matters and Issues that the Inspector has identified and the written statements received. Not all issues and policies will be discussed at the hearings; the agenda will depend on who is to attend and what are the remaining important issues that require discussion.
- 8.5 The discussion will focus on the issues identified in the agenda and the questions posed by the Inspector. She 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 her 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 will have the opportunity to ask questions and contribute to the discussion at the appropriate stage. It is emphasised that the hearings are conducted on the basis that everyone has read the relevant documents and any further written material submitted by the deadline will be circulated to the relevant participants before each session.
- 8.6 The inspector made it clear that she will endeavour to progress the hearings in an effective and efficient manner, keeping a tight rein on the discussions

and time taken. As part of that process she aims to minimise the amount of material to that necessary to come to informed conclusions on the issues. In that way she hopes to conduct a short, but focussed, series of hearings and, in turn, produce a short, focussed report.

9 Examination Programme and issues to be debated

- 9.1 The hearing sessions will commence on 24 June at 10 o'clock, the first session being a short one to cover procedural matters. The first main session will then start at 12 noon and continue until about 5pm with an hour's lunch break. Subsequent sessions will normally start at 9.30 am and 2 pm each day, with a break for lunch at about 1pm, and finish at about 5pm. If convenient, short breaks may be taken mid morning and mid afternoon. The draft programme indicates that the hearings will be spread over 3 weeks, ending on 9 July.
- 9.3 A draft programme for the hearings was sent out prior to the Pre-examination Meeting, together with a draft schedule of the Matters and Issues identified for examination. Final versions are enclosed with these notes of the meeting and **the earlier versions should be discarded as some changes in wording have been made.**
- 9.4 The sessions in the first week will concentrate on the overall spatial strategy and housing issues. This will run over to the beginning of the second week when issues affecting rural communities will be covered, followed by issues relating to centres and employment and transportation. The two days of hearings in the third week will deal with the natural environment, design, open space and community facilities as well as climate change/energy saving issues, implementation and monitoring. There will be a final wrap up session to deal with any matters not already covered.
- 9.5 **The hearings programme is subject to change and participants were reminded that it is their own responsibility to keep in touch with the Programme Officer and check the website to ensure they are present at the appropriate time.**

10 Preparation and Submission of further material

- 10.1 The Council has already prepared three topic papers on Housing, Transportation and Centres and Employment and these are on the website. The Inspector has requested that the Council provide further information on the following points:
- An update of the housing supply figures to 1 April 2008 where feasible in the time available, to run to the 15 years from the date of adoption of the Core Strategy (end of 2008) in line with paras 53-55 of PPS3.
 - Incorporating targets into Appendix C to provide firm links feeding into the Annual Monitoring Report.

- Providing an infrastructure trajectory to bring together the dispersed evidence about infrastructure provision, particularly its timing.
- Providing an appendix to the Core Strategy of those Local Plan policies that would be superseded by the Core Strategy.
- A brief note to clarify and bring together material on the park and ride situation.

A full list of these questions is available as a Core Document and the responses will be added to the Core Document list in due course. All Core Documents will be placed on the website.

- 10.2 The Council confirmed that it has produced its own Self Assessment of the Core Strategy against the tests of soundness in PPS12, in line with the PINS guide on examinations.
- 10.3 The Inspector emphasised that from now on, all written submissions should address the final version of the Matters and Issues for Examination sent with these notes. Written submissions based on the Matters and Issues for Examination should be submitted **at least FOUR WEEKS before the hearing sessions start i.e. by 27 May at the latest.**
- 10.4 The Examination starts from the basis that the Core Strategy is sound unless otherwise shown. Essentially, the Inspector need 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 paragraphs 4.23 and 4.24 of 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?
- 10.5 From the Council she requires a brief response statement on each issue, setting out why it considers the Core Strategy to be sound in that respect and why the changes sought by other parties would make it unsound. The Council has already provided detailed material in its evidence base and in many cases it will be necessary only for it to refer to where this can be found.

Form of Statements

- 10.6 The Inspector emphasised the need for succinct submissions, avoiding unnecessary detail and repetition. There is no need for verbatim quotations from the Core Strategy or any other of the Core Documents. 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 should take the initiative and have early meetings with the Council. The hearing sessions are not the place for surprises and the Inspector confirmed that it is

the quality of the reasoning that carries weight, not the size of the documents or the width of the appendices.

- 10.7 Details of what is required from participants in terms of statements are set out in the Guidance Notes which have already been circulated. There should be a separate statement for each Matter with the relevant number from the Matters and Issues schedule, for example, *Matter 3/2 Issue (d)* clearly on the front, together with the respondent's name and the agent's name where relevant. **It is essential that all statements are marked in the top right hand corner with the personal reference number and the representation number.** Anyone who is not clear what these are should contact the Programme Officer. **All statements should clearly indicate the relevant policy/paragraph/ page of the Core Strategy and the relevant soundness test which they are dealing with.**
- 10.8 Submissions should be on A4 paper, unbound but punched with two holes for filing. Plans or diagrams should fold down to A4 size. Material should also be submitted in electronic form, if possible. However, the latter does not remove the need for paper copies to reach the Programme Officer by the deadline.
- 10.9 The Programme Officer will require **4 copies** of all submitted statements, which should be concise and focussed on the issues identified. Those participating in the hearing sessions will need to provide an additional copy for each of the other participants and the Programme Officer will be able to advise of the numbers closer to the time. As a general rule, statements should be no longer than **3,000 words for each Matter or policy**, be they for a hearing session or further written representations.
- 10.10 Everyone was urged to adhere to the timetable for submitting further statements. No additional material 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.

11 Availability of information

- 11.1 The Council has prepared a list of Core Documents (CDs) that are available now in the Examination Library. These include the Regional Spatial Strategy, Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs), Background Papers 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, using the same numbered reference as on the Core Documents list.
- 11.2 Any other relevant documents not already on the list should be made available as soon as possible to add to the Core Document list and the Examination Library.

- 11.3 The Examination Library will be under the supervision of the Programme Officer, who will assist anyone wishing to see or copy any document. The Programme Officer will maintain lists of all documents submitted.
- 11.4 The up-to-date Programme for the hearing sessions, lists of appearances and other relevant material will be available on the Council's web site.

12 Site visit arrangements

- 12.1 The Inspector explained that she had already carried out a tour of the Borough to familiarise herself with the area and that she 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 to arrange a mutually convenient date and time for the visit.

13 Close of the Examination

- 13.1 The Inspector indicated that once she had gathered all the information necessary for her to come to reasoned conclusions and decisions on the main issues, she will write her Report. The Examination itself remains open until she submits her Report to the Council, however once the hearing sessions part of the Examination is completed in July she can receive no further information from any party, unless it is a matter on which she has specifically requested it. Any unsolicited items will be returned to the sender.

14 Submission of the Inspector's Report to the Council

- 14.1 The date of submitting the Inspector's binding report to the Council largely depends on the content, extent and length of the examination but the current expectation is that her report will be submitted in the Autumn.

15 Questions from participants

- 15.1 The Inspector then invited questions from those present about the procedure and management of the examination.

- 15.2 Mr C Hough of Sigma Planning Services representing Rydon Homes:

His client has put forward a site that has been advertised under regulation 32 but it was not intended that the site should be specifically identified in the Core Strategy. The representation related to the lack of assessment in the Council's sustainability appraisal of the ability of small/medium scale greenfield sites on the periphery of the Colchester urban area to meet an element of the strategic housing requirement. The site identified at Braiswick was to demonstrate that such sites are suitable and available. He was concerned at being requested to provide a sustainability appraisal for the site itself and queried whether a sustainability appraisal should be provided for the broader strategy approach that he was promoting.

15.3 The Inspector noted that the Core Strategy does not deal with site specific matters but that the representations dealt with under Regulation 32 will inform the discussion of alternative strategies. The Inspector replied that the choice of advertising 11 of the representations under Regulation 32 was a matter for the Council. The Council agreed that any responses received from the sustainability appraisals could be directed to them and could be included as an addendum to their Regulation 33 report.

15.3 Mr Hough:

Could he attend hearing sessions 2-4 because his client's concerns related to the overall spatial strategy not just the site at Braiswick.

15.4 The Inspector replied that because of the large number of participants for the overall spatial strategy and housing sessions she had decided to split them. Those listed for session 5 were invited to observe sessions 2-4 to see whether any of their concerns had already been covered by others but they would have a full opportunity in session 5 to address any issues from Matters 2, 3/1 and 3/2 that were relevant to their representations.

15.5 Further note from the Inspector.

Following on from the questions raised by Mr Hough, the Inspector has made a formal request to the Council to clarify whether the option of allocating an element of the housing supply to small/medium greenfield sites in and on the periphery of Colchester was considered as a possible option during any of the preparatory stages of the Core Strategy and whether any sustainability appraisal was carried out in respect of this option. The question and the reply will be placed on the website as core documents as soon as possible.

She would like to emphasise that it is for those making the representations to express clearly what changes they are seeking to the Core Strategy and they should note the advice in the box at para 4.18 of PPS12 regarding their responsibility to show that the proper procedures have been undertaken.

16 Closing remarks

16.1 Notes of this meeting will be circulated to all representors, along with the draft programme for the hearing sessions and the Matters and Issues for examination.

16.2 The Inspector ended by reminding participants 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.

16.3 **The deadline for receipt of further written material is 27 May.**
Participants are reminded to keep in regular touch with the Programme Officer and to check the website for the list of Core Documents and any further material produced by the Council.

16.4 The Inspector thanked everyone for attending and closed the meeting at 1100.