

# South Hams Site Allocations DPDs Examination

## **NOTE OF THE PRE HEARINGS MEETING (PHM)**

**Held on Tuesday 21<sup>st</sup> September 2010  
Totnes Pavilion, Borough Park Road, Totnes**

### **1 Introductions**

The two Inspectors, who are both Chartered Town Planners, were introduced and it was explained that Mary Travers would be conducting the sessions on Totnes and Ivybridge and that David Hogger will be responsible for the sessions on Dartmouth, Kingsbridge and the Rural Areas. The Inspectors were joined by Robert Young, the Programme Officer for the examination.

It was explained that the purpose of the Pre Hearings Meeting was to provide an opportunity for:

- i) procedural and administrative matters relating to the examination to be explained and discussed; and
- ii) consideration of the draft examination programme previously circulated, the agendas for each session, the running order, participants and any other relevant matters.

It was announced that a note of the Pre Hearings Meeting, together with an updated version of the Draft Programme, Matters and Issues and list of participants for each session would be circulated to all those who have made representations on the DPDs.

### **2 Hearings opening date and location**

It was confirmed that the examination of the DPDs commenced with their submission on 30 July 2010 and that the hearings part of the examination will commence at 10.00 am on Tuesday 2 November 2010 at the South Hams District Council Offices, Follaton House, Plymouth Road, Totnes.

### **3 Representations received and the Inspectors' role**

The proposed submission documents were published in April 2010 and it was stated that a total of 4,116 representations from 1,026 individuals or organisations were received during the public consultation period which ran from 30 April to 2 July 2010. The DPDs were submitted to the Secretary of State on 30 July 2010 together with some proposed minor changes to the April documents. The Inspectors confirmed that they will take all of these into account in the examination.

The Inspectors gave a brief explanation of their role, which is to consider whether the five DPDs meet the requirements of the 2004 Act and associated Regulations and whether or not they meet the criteria for soundness as set out in paragraph 4.52 of Planning Policy Statement 12 entitled 'Creating strong, safe and prosperous communities through local spatial planning' (PPS12). It was explained that the examination will be focussed on these

criteria for soundness – which are that the documents are justified, effective and consistent with national policy. The Inspectors advised the Council that it should rely on evidence collected whilst preparing the DPDs to demonstrate that they are sound and that those participants seeking changes to the documents should demonstrate why that is not the case. The Inspectors cannot recommend what may be perceived to be a better site for development, if the DPD already meets the criteria for soundness.

A brief comparison was made to the former local plan process and it was explained that the focus is now on the plan rather than the objections and that the process of examination is different, with hearing sessions addressing particular topics, rather than the traditional form of public inquiry considering individual objections.

It was confirmed that before the start of the Hearings the Inspectors will familiarise themselves with the area and the main settlements. Sites referred to in the representations will be visited, either before, during or after the hearing part of the examination. This will be done unaccompanied by the parties. Only where it is necessary to gain access to private land, should the parties contact the Programme Officer so that a mutually convenient date and time can be arranged for an accompanied visit.

Once the hearing sessions part of the examination are completed it was stated that the Inspectors can receive no further information from any party, unless it is a matter on which they have requested further information. Any unsolicited items sent in will be returned to the sender.

Following the completion of the hearing sessions the Inspectors will prepare a report to the Council with their conclusions and recommendations as to the action it needs to take with regard to the soundness of the five DPDs. It is likely that they will prepare a single report covering the 5 DPDs and the report will be binding on the Council and, upon its receipt, the Council should amend the documents in the light of the recommendations and move swiftly to their formal adoption.

#### **4 The Programme Officer's role**

The impartiality of Robert Young, the Programme Officer, was stressed and those present were reminded that details of how to contact him had already been circulated.

It was confirmed that Mr Young's principal functions, under the direction of the Inspectors, are:

- i) to liaise with all parties to ensure the smooth running of the examination hearings;
- ii) to ensure that the documents received both before and during the examination are recorded and distributed;
- iii) to maintain the examination library; and
- iv) to assist the Inspectors with any procedural and administrative matters.

Mr Young will be able to advise participants on any programming queries and any procedural issues should be addressed to him in the first place. Any matters which any of the parties wish to raise with the Inspectors should be addressed to him. He will then pass them on, as appropriate, for a reply.

## **5 The Council's team**

The Council were then invited to introduce its team, who are:

Graham Swiss	Forward Planning Manager
Lee Bray	Head of Strategic Planning and Economy
Rachel Danemann	Planning and Affordable Housing Officer
Bridget Green	Forward Planning Assistant
James Doxford	Forward Planning Officer
Rebecca Black	Forward Planning Assistant

## **6 Procedural questions for the Council**

The Council confirmed that the five Site Allocations DPDs have been:

- prepared in accordance with the statutory procedures;
- prepared in accordance with the Council's Local Development Scheme;
- prepared in accordance with the Council's Statement of Community Involvement;
- supported by a sustainability appraisal; and
- prepared with regard to national policy and to the sustainable community strategy for the area.
- the Council also confirmed that there are no fundamental procedural shortcomings with any of the 5 DPDs.

## **7 The Main Matters and Issues for Examination and The Hearings Programme**

Participants were reminded that a draft programme for the hearings had been circulated in advance. The list of matters and issues which is circulated with this note will form the basis for the agendas for each session.

The Inspectors emphasised that the purpose of the agendas for each session is to focus attention on the issues on which a fuller understanding of them and of respective positions is sought. It was explained that if, on receiving a copy of those agendas, anyone feels that some changes should be made to them, then the Programme Officer should be informed without delay. Where it is necessary to revise the agendas, on account of the statements and any further comments received, a final version of the agenda for each hearing session will be completed and circulated as early as possible before the relevant session. It should be noted that the time for proposing alternative sites has passed.

The possibility that the programme for the hearings may change was stressed and participants were asked to check the latest position by contacting the Programme Officer or viewing it on the Council's website. It was confirmed that, for reasons of room availability, the Totnes session which was to have been held on Wednesday 3 November will now be on Friday 5 November. The Rural session which was to have been on Tuesday 16 November will now be on Wednesday 3 November. Please check the start time for morning and afternoon sessions on the updated programme.

A number of points about the procedure at the hearings were emphasised. Firstly they are intended to provide an informal setting for dealing with issues, by way of a discussion that the Inspector will lead. There is no need for participants to bring advocates/legal representatives with them but, if they do, they may take part as a member of the team, rather than as traditional advocate, and there will be no formal presentation of evidence/cross-examination.

The discussion will focus on the issues identified in the individual agendas and the questions posed by the Inspectors, together with any additional points raised by the written submissions. Following introductory comments the Inspector will invite individuals to make their contribution in response to the points that have been raised. The hearing will then progress under the guidance of the Inspector, drawing those present into the discussion in such a way as to enable him/her to gain the information necessary to come to a firm conclusion and decision on the relevant matters. There will be an opportunity within the discussion to ask questions of the other side.

Participants will be grouped together according to the issues being considered. Where many people have the same viewpoint it was suggested that they should appoint one or two spokespersons to represent them at a hearing session. Generally only one seat will be available at the table for each respondent but a hot-seating arrangement will be acceptable.

It was confirmed that supporters of the DPDs would not normally be expected to participate in the hearing sessions, although they may choose to inform the Inspectors in writing of their reasons for supporting the Council's position.

The Inspectors referred to the small number of minor changes which have already been published, which are essentially corrections unrelated to soundness. These schedules, which are on the web site, will be updated as additional minor changes arise. Should there be any change proposed by the Council that would affect soundness then it would be subject to public consultation.

## **8 Programme for submission of statements**

The Inspectors will endeavour to progress the examination hearings in an effective and efficient manner, keeping a tight hand on the discussions and time taken. As part of that process the aim is to minimise the amount of material to that necessary to come to informed conclusions on the issues. In that way the Inspectors hope to conduct a short, but focussed, series of hearings and, in turn, produce a short, focussed report.

It was suggested that those who have made representations on the DPDs need to decide whether their views can be dealt with in a written form or whether they wish to present them orally at a hearing session. It was stressed that both methods will carry the same weight, that the Inspectors will have equal regard to views put orally or in writing and that attendance at a hearing session will only be useful if the participant wishes to contribute to the debate. Anyone participating in a hearing session must, in advance of attendance at the hearing session, prepare a statement of their position, focussed upon the issues that have been identified by the Inspectors.

It was confirmed that those people who wish to proceed by written means need take no further action; they should rely simply on what they have already submitted in writing. However, if anyone wishes to submit further written evidence in support of their position, these submissions should be focussed upon the issues that have been identified. The Council will also prepare its own statements on the issues identified.

## **9 Preparation of further representations**

### **Reference documents**

It was confirmed that the Council has been preparing a list of Reference Documents that are available in the Examination Library. These include supporting papers, national planning policy guidance (Planning Policy Statements (PPS) and Guidance Notes (PPGs)), background papers and any other documents that the parties are likely to need to refer to. The list may be added to during the course of the hearings. Accordingly, parties should not attach

extracts of these documents to their statements as they are already examination documents.

### **Statements of common ground**

The Inspectors advised that these statements can provide considerable opportunities to save time, cost, remove duplication and reduce the bulk of paper. Consequently, statements can be shorter, concentrating on the key issues which separate the parties. Where appropriate, participants should take the initiative, prepare first drafts and arrange discussions with the Council's officers. This work should commence now, with the aim of completing statements by the end of October. The Inspectors confirmed that they have requested statements of common between the Council and respectively the County Council, Environment Agency and Sport England on relevant matters.

### **Content of written submissions**

The need for succinct submissions, which should not be over 3,000 words in length, was emphasised. Also unnecessary detail and repetition should be avoided. There is no need for verbatim quotations from the DPDs or other sources of policy guidance. Nonetheless, it is vital that the fundamental elements of cases are set out clearly and succinctly. It is the quality of the reasoning that carries weight, not the bulk of the documents. It was stressed that these submissions must be directed to the matter and issues that have been identified for the relevant session.

Essentially the Inspectors need to know the following from those people submitting statements:

- What particular part of the DPD is unsound?
- Which soundness criteria, set out in paragraph 4.52 of PPS12, does it fail?
- Why does it fail?
- How can the DPD be made sound?
- What is the precise change/wording that you are seeking?

From the Council the Inspectors require a statement on each matter, addressing the issues that have been identified and setting out why it considers the DPD to be sound and why any changes sought by other parties would make it unsound.

It was emphasised that statements should, where appropriate, include footnote references to the relevant parts of documents in the evidence base on which the representation seeks to rely (or alternatively, statements should make clear which parts of the evidence base are considered deficient).

### **Submission of statements**

It was confirmed that statements for the hearings or further written representations from both the Council and the other participants should be sent to the Programme Officer by **17:00 hours on Monday 18 October**. Participants should read the detailed advice on the preparation of statements that was set out in the document entitled 'Pre Hearings Meeting – Advance Notice of Certain Matters'.

### **Availability of information**

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 reference

documents, and each further submission as it is received. The library will be under the supervision of the Programme Officer.

Mr Young will maintain lists of all documents submitted. These together with the up-to-date programme, lists of appearances and other relevant material will be on display on the examination notice board which will be placed outside the hearing room. Copies of all relevant documents will be placed on the examination website.

## **10 Questions**

A number of questions were asked relating to identified participants (including proxies) and issues; venues; parking provision; the value of the hearings sessions; the availability of representations and statements; the quality of the consultation undertaken (in particular with reference to Barracks Hill, Totnes); whether topic papers would be prepared and the Council's position with regard to proposed development at Baltic Wharf, Totnes.

With regard to procedural issues the Programme Officer agreed, where necessary, to speak to the interested parties with a view to addressing their concerns. On other issues it was confirmed that Dartington is likely to be considered at the same time as Totnes; that a session on Stoke Fleming could be included in the programme and that as yet no topic papers have been prepared but the Council's statement in regard to the revocation of the regional spatial strategy is on the examination website. The Council responded with regard to consultation procedures and the current situation at Baltic Wharf.

## **11 Any other matters**

No other matters were raised.

## **12 Close of meeting**

Finally, the Inspectors reminded everyone to:

- make the best use of the remaining time before the start of the hearing sessions;
- ensure that the timescales and deadlines are adhered to;
- be aware of any reference documents, statements and general material produced by the Council; and
- keep in regular contact with the Programme Officer.