

HAMBLETON ALLOCATIONS DPD EXAMINATION

NOTES OF THE PRE HEARINGS MEETING

Held on 10 March 2010 at 10.00

in the Council Chamber, Civic Centre, Stone Cross, Northallerton

1 Introduction

- 1.1 The Inspectors, Karen McCabe BA MTP DMS MRTPI and her assistant Siân Worden BA DipLH MCD MRTPI, introduced themselves and welcomed everyone to the meeting, and confirmed they had 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 Hambleton Allocations Development Plan Document which forms part of Hambleton District Council's Local Development Framework.

2 Examination Opening Date and Location

- 2.1 K McCabe pointed out that the Examination referred to the whole process from the time of submitting the Allocations Development Plan Document (DPD) to the Secretary of State to the submission of the Inspectors' report to the Council.
- 2.2 She informed the meeting that the hearings part of the Examination would commence on **Wednesday 12 May 2010 at 10 o'clock** in the **Civic Centre, Stone Cross, Northallerton**.
- 2.3 The Inspector explained that the purpose of the Pre Hearings Meeting (PHM) was 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 contents or merits of the Allocations DPD and the representations made would not be discussed at the meeting.
- 2.4 An agenda for the meeting along with Guidance Notes for Participants, an initial Programme of hearing sessions and Schedule of Matters and Issues had been circulated beforehand to all those who have made representations on the Allocations Document.
- 2.5 A note of the PHM would be circulated to all those who had made representations and placed in the examination library and on the Council website.

3 The Programme Officer and her role

- 3.1 K McCabe introduced the Programme Officer for the Examination, Jayne Wall, and stressed that she is acting as an independent and impartial officer, working under the Inspectors' direction.
- 3.2 Details of how to contact her had been set out in the letter inviting participants to the PHM. The Programme Officer was responsible for:
- liaising with all parties to ensure the smooth running of the examination
 - ensuring that all documents received during the examination are recorded and distributed,
 - maintaining the examination library,

- assisting the Inspectors with all procedural and administrative matters.

3.3 The Programme Officer would advise on any programming questions. All procedural queries or any other matter that the Council or anyone wishes to raise with the Inspectors should be addressed through the Programme Officer.

4 The Council's Team

4.1 The Inspector then invited the Council to introduce their team. Mr Banks introduced himself and his team:

Graham Banks	Planning Policy Manager	All areas
Clare-Louise Booth	Planning Policy and Conservation Officer	Thirsk
Anne Cooper	Planning Policy Officer	Easingwold
Hannah Langler	Planning Policy Officer	Stokesley
Andrew McCormack	Planning Policy and Design Officer	Bedale & Northallerton
Helen Heward	Temporary Planning Policy Officer	
Christopher Stanek	Monitoring and Information Officer	

4.2 **Helen Fielding** the Council's Housing Manager was also present at the PHM. Mr Banks explained that other officers and professionals with expertise in topics such as drainage, flooding, recreation provision, transportation and highways, and with knowledge of individual sites would attend some of the hearings sessions as appropriate.

5 Examination Process

5.1 K McCabe explained that the Inspectors' role was to consider whether the Allocations DPD as submitted to the Secretary of State met the requirements of the 2004 Act and associated Regulations against the soundness criteria set out in Planning Policy Statement 12 (PPS12). This is what the examination would focus on. To be found sound the Allocations DPD must be:

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

5.2 In addition the Allocations DPD must satisfy certain legal requirements regarding preparation in accordance with the Local Development Scheme and Statement of Community Involvement; be subject to sustainability appraisal; conform generally with the Regional Spatial Strategy and have regard to the Sustainable Community Strategy.

5.3 After publishing the Allocations DPD in January and October 2009 the Council produced a brief schedule of minor editing changes which had now been incorporated into the submission version of the document. The Inspector agreed that these were minor corrections which did not significantly alter the Allocations DPD. The starting point for the examination was therefore the Allocations DPD as formally submitted in December 2009. It was assumed that the Council had submitted what it considered to be a sound plan.

5.4 The Council should rely on evidence collected whilst preparing the Allocations DPD to demonstrate that it was sound. Those seeking changes to the Allocations DPD would have to demonstrate why that was not the case.

5.5 The Inspector explained that the new Local Development Framework system differed from the previous local plan system in the following ways:

- The focus was on the plan rather than the objections. The Inspectors would examine the soundness of the plan having regard to the representations made, rather than simply considering the objections. They would not be required to consider each and every point made in the representations in considering whether the plan was sound.
- The hearing process was intended to be an inquisitorial process under the Inspectors' direction with round table and hearing sessions addressing particular topics, rather than the traditional form of public inquiry considering individual objections.

5.6 Mrs McCabe informed the meeting that following the hearing sessions the Inspectors would prepare a report to the Council with their conclusions and decisions on the action that would need to be taken with regard to the soundness of the Allocations DPD. This report would be binding and, on receipt, the Council should amend the Allocations DPD in the light of the recommendations and move swiftly to its formal adoption.

5.7 At this point it was drawn to the Inspector's attention that the proceedings were being surreptitiously recorded. She stated that, as the consent of those present had not been sought, this was not acceptable and asked that it be ceased.

6 Procedural questions for the Council

6.1 A number of procedural questions were formally asked of the Council which confirmed that the Allocations DPD:-

- had been prepared in accordance with the statutory procedures under section 20 of the 2004 Act and the associated Regulations;
- had been prepared in accordance with the Council's Local Development Scheme, although there had been slippage of approximately 8 months in the timetable;
- had been prepared in accordance with its Statement of Community Involvement;
- was supported by a sustainability appraisal, and
- had been screened for likely significant effects on any European Wildlife (Natura 2000) sites within and near the plan area.

6.2 The Council did not believe that there were any fundamental procedural shortcomings.

6.3 The Council also confirmed that:

- The Regional Spatial Strategy (RSS) was approved in May 2008 and is now being reviewed as part of the new Integrated Regional Strategy. This is currently at the stage of evidence base gathering, with a draft plan due in February 2011 and the final plan in October 2012. In terms of the approved RSS the most significant change for the Allocations DPD was the extension of the housing provision period from 2021 to 2026, coupled with small changes to the housing requirements and phasing and the deletion of the provisional brownfield target (Policy H1). The Allocations DPD is consistent with the published RSS.
- Letters were received from the Regional Planning Body (Local Government Yorkshire and Humber) confirming general conformity with the RSS. Overall, LGYH found the DPD reflected the policy direction of RSS and in particular it supported the scale and distribution of new development proposed. Some issues of alignment were

- The adoption of the Allocations DPD will result in the only remaining saved Local Plan policy (Policy L1 regarding the defined Development Limits) being superseded. No policies of the old Local Plan will be saved beyond the adoption date of the Allocations DPD and it will be totally replaced by the LDF DPDs.
 - The Council's planning policy work programme is currently under review as it moves towards Shared Services for Planning Policy with Richmondshire District Council later this summer. The current Local Development Scheme (LDS No. 4 adopted in March 2009) indicates that the review of the Core Strategy should start in July but this is now being reconsidered and it could be linked with Richmondshire's Core Strategy as a joint DPD or otherwise deferred several years. This could all change following the general election if a new plan making system is introduced by a new Government, with the possibility of no further Regional Plan making and a return to Local Plans of some sort. Work would also proceed on Supplementary Planning Documents (SPDs) on Public Open Space; Infrastructure Provision & Delivery and Market Town Conservation Area Appraisals and Design Guidance, documents which would underpin some parts of the Allocations DPD.
 - The Allocations DPD had taken account of the Council's other plans such as the Core Strategy, Development Policies and Sustainable Communities Strategy.
 - The Allocations DPD had taken account of the plans of adjoining local authorities and the County Council such as the Community Strategy and the Local Transport Plan.
 - The Council confirmed that it had produced its own Self Assessment of the Allocations Document against the soundness criteria in PPS12.
- 6.4 The Council confirmed that **1,123** duly made representations from **856** organisations or individuals had been received at the two formal publication stages.
- 6.5 These covered general concerns that collectively the allocations failed to address the district's needs and were not deliverable; that the evidence base was wanting; and that alternative sites had not been adequately explored. There were specific concerns about a number of sites and settlements, in particular the strategic allocation at North Northallerton. Some representations sought changes to the proposed Development Limits.
- 6.6 The Council confirmed that it had formally considered these representations in accordance with advice in the Planning Advisory Service's on-line Plan Making Manual.

7 Main Matters and Issues for Examination

- 7.1 The Inspectors had drawn up a list of the main matters and key issues for the examination, having regard to the representations made in the context of the three aspects of soundness and legal requirements set out in PPS12. These would provide the focus for the examination and enable the assessment of whether the Allocations DPD is sound and complies with the legal requirements.

- 7.2 A number of questions were attached to each main matter and key issue which should be used to structure further submissions. These would guide and focus discussion at the hearings and also be addressed in the report.
- 7.3 The Council and representors were asked to confirm at the PHM that these were the main matters and key issues relating to the soundness of the Allocations DPD.

8 Hearings Programme

- 8.1 S Worden then explained that representors needed to decide whether their views could be dealt with in a written form or whether they needed to present them orally at a hearing session. Both methods would carry the same weight and the Inspectors would have equal regard to views put orally or in writing.
- 8.2 Attendance at a hearing session would only be useful and helpful to the Inspectors if representors wished to participate in a debate. Those people wishing to proceed by written means needed to take no further action; they could rely on what they had already submitted in writing.
- 8.3 Any further written evidence in support of a case should be focussed upon the identified issues. Most representations would be considered by the written method. Written representations would not be discussed at the hearings and attendance at the hearing sessions would not be necessary.
- 8.4 Representors who had requested an oral hearing were to let the Programme Officer know before **26 March** at the latest whether they still wished to take part in a hearing session. Anyone wanting an oral hearing, must, in advance of attending a hearing session, prepare a statement of their position focussed upon the identified questions for that session. The relevant points in the representations would be dealt with at a Round Table Hearing session, where the Council and participants would debate the main points on the key issues in a structured discussion.
- 8.5 The Inspectors' role was to consider the soundness of the plan in the light of the representations received, rather than considering all the points raised in those representations. Only those parties seeking specific changes to the Allocations Document were entitled to attend the hearing sessions of the Examination. There would be no need for those supporting the Allocations Document or merely making comments on the plan to attend the hearings.
- 8.6 The hearing sessions would commence on **12 May 2010** at 10 o'clock at the Civic Centre and be spread over 3 weeks. This could change and it would be participants' responsibility to keep in touch with the Programme Officer and check progress of the examination to ensure that they were present at the appropriate time.
- 8.7 A separate hearing session would be held on each of the main matters identified. These would begin with those matters that take an overview of the whole plan followed by separate hearing sessions for each sub area in turn. At these the mix of sites in the sub area; the individual allocations; and any alternative or additional sites would be considered. There would be a separate hearing session for the strategic site at North Northallerton. Those not taking part would be welcome to attend to listen to the debates and all sessions would be open to the public and the press.
- 8.8 The sessions would normally take the form of Round Table Sessions, where several parties are present, or an informal hearing where there are only one or two parties present. This approach would provide an informal setting for dealing with issues, by way

of a discussion led by the Inspectors. Those attending could bring with them professional advocates and witnesses but there would be no formal presentation of evidence or cross-examination. There would be no need for parties to bring advocates/legal representation. The Council confirmed that it would not be legally represented at any session.

- 8.9 Before each session a detailed agenda would be sent out, based on the Matters and Issues and the written statements received. The discussion would focus on the issues identified in the agenda and the questions posed. The Inspectors would begin by asking those present to introduce themselves. They would then make brief comments on the matters to be covered, then invite individuals to make their contribution in response to the points the Inspectors had raised. The hearing would then progress under the Inspectors' guidance, drawing those present into the discussion to enable them to gain the information necessary to come to a firm decision on the matters identified. Everyone would be able to ask questions and join in the discussion. At the end of each session participants would be asked to sum-up the main points of their arguments.
- 8.10 Hearings would be conducted on the basis that everyone had read the relevant documents, although participants would be able to refer to and elaborate on relevant points.
- 8.11 The Examination Hearings would progress in an effective and efficient manner with a tight rein kept on the discussions and time taken. As part of that process the amount of material would be minimised to that necessary to come to informed conclusions on the issues. It was hoped to conduct a short, but focussed, series of hearings and, in turn, produce a short, focussed report.
- 8.12 Participants would be grouped together according to the issues and sub area being considered. Where many people have the same viewpoint, it was expected that one or two people would be appointed as spokespersons to represent them at a hearing session and not to hear from everyone on the same or very similar points.

9 Submission of further material

- 9.1 The Council had prepared a list of reference documents (called Core Documents) that would be available in the Examination Library. These would include the Regional Spatial Strategy, Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs), and any other documents that the parties are likely to need to refer to. There would be no need to attach extracts of these documents to statements but they should be referred to as necessary.
- 9.2 An initial list of Core Documents was available and would be regularly updated. The Council confirmed that all the documents currently on the list would be available in the Examination Library by **18 March**.
- 9.3 Mr Banks explained that there were two outstanding documents: an update by the District Valuer Services of the Viability Studies Report would be available by the end of March and a revised schedule of developer contributions from the NYCC Children and Young Peoples' Services by **12 March**. Other short supplementary documents such as letters would be added as necessary, but **no later than 19 April**.
- 9.4 The Council had already prepared a Written Response to Preliminary Questions posed by the Inspectors seeking clarification of various aspects of the Allocations DPD. The questions and the response were available as Core Documents.

- 9.5 The Council confirmed that there would not be any proposed changes to the submitted document put forward prior to the hearing sessions.
- 9.6 Representations that had already been made should include all the points and evidence necessary to substantiate cases. It would not be necessary to submit further material based on original representations. It was pointed out that the Inspectors only had copies of the representations that were made at the formal publication stages.
- 9.7 All further written submissions should address the Matters and Issues for Examination identified in the schedule. They should be submitted by **12 noon on Monday 19 April 2010**.
- 9.8 The Examination had started from the basis that the Council considered the Allocation Document to be sound. The Inspectors needed to know the following from those people submitting statements:
- What particular part of the Allocation Document is unsound?
 - Which soundness test(s), set out in PPS12, does it fail?
 - Why does it fail?
 - How can the Allocation Document be made sound?
 - What is the precise change/wording that you are seeking?
- 9.9 The Council would be required to provide a response statement on each topic, setting out why it considered the Allocation Document to be sound in that respect and why the changes sought by other parties would make it unsound.
- 9.10 The need for succinct submissions which avoided unnecessary detail and repetition was emphasised. There was no need for verbatim quotations from the Allocation Document or any other sources of policy guidance but it was vital that the fundamental elements of cases were set out clearly and succinctly. Participants should attempt to reach agreement on factual matters and statistics before the hearings began. Statements of Common Ground could be useful to narrow the issues in dispute. Participants should take the initiative and have early meetings with the Council. The hearing sessions would not be the place for rabbits to be drawn out of hats. It would be the quality of the reasoning that carried weight, not the size of the documents or the width of the appendices!
- 9.11 Details of what is required from participants in terms of statements were set out in the Guidance Note. The Programme Officer would require **4 copies** of all submitted statements, which should be concise and focussed on the issues identified. As a general rule, these should be no longer than **3,000 words**, for a hearing session or further written representations.
- 9.12 Everyone should adhere to the timetable for submitting further statements. No additional statements would be accepted at the hearings. Late submission of evidence could cause disruption and result in unfairness, so anyone who failed to meet deadlines may lose their right to be heard, unless there is a genuine and unavoidable reason, and the representation would then be considered by written representations.

10 Handling Changes to the Allocations Document

- 10.1 K McCabe explained that the Inspectors could only make a change to the Allocations DPD if they considered that this change was needed to make the plan sound. They could also only recommend a change if such a change would not undermine the basis

on which the plan had been prepared, that is the sustainability appraisal and consultation that has already been carried out.

- 10.2 A number of representations have been made that alternative or additional allocations should be included in the plan. In these cases the representor should demonstrate why the mix of sites in the plan was unsound, and why including these particular allocations would help to make the plan sound. For the Inspectors to be able to make a change and include these sites in the Allocations Document they would have to be sure that they had been subject to proper procedures of community involvement and sustainability appraisal. In the absence of clear evidence that such procedures have been carried out, they would only be able to give limited consideration to such representations.
- 10.3 All the alternative or additional sites that were put forward at the publication stage for consideration during the examination were listed in the Schedule of Matters and Issues, organised under sub areas. All the requested changes to the proposed Development Limits were also listed. This was based on information provided by the Council in response to the Inspectors' preliminary questions. Representors were asked to check these lists and make sure that their representations about an alternative site or change to a Development Limit were there. If not they were to alert the Programme Officer as soon as possible.
- 10.4 Most, but not all, of the alternative sites had been considered at the Preferred Options stage of preparing the Allocations Document when they were subject to sustainability appraisal and public consultation.

11 Other Matters

- 11.1 Details of the Examination Library and Website, including a page devoted to the examination, were in the Guidance Note. Participants were advised to keep a close eye on the website as it included links to relevant documents and updates to the programme as they became available.
- 11.2 The Inspectors had already carried out a tour of the District to familiarise themselves with the area and would visit all those places referred to in the representations before, during, or after the hearings. This would be done unaccompanied by the parties. Only exceptionally, where it would be necessary to gain access onto private land, would the visit be accompanied. In such cases the Programme Officer would contact the parties involved so that a mutually convenient date and time could be arranged for the visit.
- 11.3 Once the Inspectors had gathered all the information necessary to come to reasoned conclusions and decisions on the main issues, they would write the Report. The Examination itself would remain open until the Report was submitted to the Council. Once the hearing sessions part of the Examination was completed they could receive no further information from any party, unless it was a matter on which it had been specifically requested. Any unsolicited items sent in would be returned to the sender.
- 11.4 The date for submitting the report to the Council would largely depend on the content, extent and length of the examination. The current expectation was that the report would be submitted to the Council in July 2010.

12 Questions and Comments

- 12.1 **The Council** stated that in preparing its statement the Council was addressing Matters 5, 6, & 7 together for each sub area. Would the 3000 word limit apply to this?

- 12.2 K McCabe replied that the Council was in a different position from the representors as it had to reply to all questions. This should not however be seen as a licence to greatly exceed the limit. Cross referencing to Core Documents and other evidence would help to keep its statements concise.
- 12.3 **Mr G Wright** said that there were concerns regarding legal compliance and the process covered by Matter 3. Further information had come to light in connection with these topics. It was suggested that a general question on the robustness of the evidence base be included in the Schedule of Matters and Issues.
- 12.4 K McCabe replied that, on the basis of the representations made, the Inspectors considered it appropriate for Mr Wright to participate in the hearing session for Matter 3; if he wished to do so he should confirm with the Programme Officer. Any further information in support of his position should be submitted to the examination as soon as possible, and certainly no later than 19 April. The Inspectors would consider whether any amendments were needed to the Issue and questions for this Matter.
- 12.5 **Mr G Clarke** said that he was largely happy with the current allocations. How could he find out about the additional and alternative sites being put forward?
- 12.6 K McCabe indicated that the best place to start was with the Council's response to one of the Inspectors' preliminary questions which listed all the alternative sites, including plans, and was on the website.
- 12.7 **Mr D Mitchell** (Barton Wilmore) said that it was noted that for the Bedale session there would be 28 sites to be considered and 24 participants. Was sufficient time allocated for this?
- 12.8 Mrs McCabe responded that the focus of the discussion would be on the mix of sites rather than addressing each individually. Participants were urged to get together to cover the main points raised. There was also time in the programme to run into a further session if need be.
- 12.9 **Mr P Dixon** (Savills) stated that with regard to allocation BC5 there were two programming points. As a result of another public inquiry covering similar issues key participants would not be available for later hearings sessions. The outcome of that inquiry and the examination could have a bearing on one another and it might be appropriate to delay the close of the examination and issue of the report. Mr Dixon also suggested that, as well as the existing question, it should be asked whether the allocation was appropriate.
- 12.10 K McCabe said that the Inspectors were aware of the other inquiry and had taken account of this in drawing up the programme. It was not anticipated that this part of the session would overrun. The inquiry and examination would not be looking at the same things, as the note of the PIM indicated a wider range of issues and it would also be testing the merits of two motorway service area proposals; whereas the examination would focus on the soundness of the allocation rather than the detailed MSA proposal. The Inspectors would give further consideration as to whether it would be appropriate to await the outcome of the inquiry before issuing the report of the examination, and also whether the questions in the Matters and Issues for site BC5 should be amended. The Council stated that it would not want to see the report unduly delayed.
- 12.11 **Mr S McKee** noted that additional viability information would be available by the end of March. He asked if representors wished to comment on that when should their responses be submitted?

- 12.12 K McCabe asked for comments along with statements by midday on 19 April 2010.
- 12.13 **Mr K Wilkinson** stated that with regard to allocation NM5 and question (iii) drainage should be sorted out before any development took place.
- 12.14 K McCabe confirmed that it would not be feasible to put forward sites if they were subject to serious flooding or other constraints and that is why the question has been asked as part of the examination. The amount of housing required in the district is set out in the Council's documents and the Inspectors are asking whether this can be provided through the proposed allocations.
- 12.15 **Mr T Walker.** Mr Walker congratulated everyone on the documentation produced and the introduction to the process. His case concerned the relocation of the development limit boundary and he wished to know whether the Inspectors knew of any other cases where such boundaries had been moved so that houses were put outside of them. He referred to a planning application submitted by his neighbour which had been refused on the grounds of the proposed development limit boundary. Finally would there be any procedure to disagree with the report and what was the position on costs? In a supplementary question Mr Walker asked for some guidance on making his case and invited the Inspectors to view the area from his house.
- 12.16 K McCabe was not immediately aware of other similar cases, partly because Hambleton was in advance of most authorities in preparing its Allocations DPD. She did not have any jurisdiction to comment on the Council's decisions on planning applications. The Inspectors' report would be binding and, as long as the DPD was found sound, the Council would have to make any changes recommended by the Inspectors before its adoption. All processes were subject to the rule of law however and so it was open to anyone to challenge the adopted DPD. Such a challenge would have to be made on a legal point and not just because the claimant disagreed with the report's conclusions. There was no charge for making a case to the examination, although representors are expected to bear their own costs in presenting their case. By way of guidance, KMcC suggested that, when making his case, Mr Walker should start with Policy DP8 of the Development Policies DPD which set out the principles and objectives to be addressed in defining the development limits. Against this background he should then explain why he considers that the Development Limit around his property should not be changed. She also stressed the importance of a common sense and practical explanation of why the case was being made. She agreed that in this case an accompanied site visit might be required.
- 12.17 **Mr S McKee** suggested that it would be valuable to view the Brompton Gap from his garden in Northallerton Road.
- 12.18 K McCabe said that the Inspectors would seek to do this. She also urged representors to tell the Programme Officer if they wished particular visits to be made or at specific times, for example to observe traffic conditions.

13 Any other matters

- 13.1 The Council agreed with the main matters, key issues and relevant questions for the examination set out in the Schedule subject to the outcome of further consideration of Mr Wright's and Mr Dixon's suggested questions.

14 Closing remarks

14.1 The participants were thanked for attending the Pre Hearing meeting and for their help. Notes of the meeting would be circulated to everyone before the end of March.

14.2 Particular points to remember were;

- that equal regard would be had to views put orally or in writing,
- the hearings would be short focussed debates structured around the soundness criteria,
- deadlines for submitting further material should be adhered to,
- submissions should be concise and focussed,
- participants should keep in regular touch with the PO,
- participants should check the website for further reference documents and other material.

14.3 The meeting closed at 11.35

Please Note: Amendment to Schedule of Matters and Issues for Examination

Additional question for Matter 6 Individual Site Allocations

Bedale Sub Area

(xvi) Site BC5 (Leeming Bar)

'Is it necessary to include an allocation for a Motorway Service Area in this Allocations DPD?'

SW/KMcC/jw
17 March 2010