

Examination into the Tamworth Local Plan

Note of the Pre Hearing Meeting

Friday 27 March 2015

Venue: Tamworth Assembly Rooms

1. Opening and introductions

- 1.1 The Pre hearing Meeting (PHM), which was attended by about 20 people, was opened at 10:00 hrs by the Inspector, Mike Fox. He is appointed by the Secretary of State to hold an independent investigation into the legal compliance and soundness of the Tamworth Local Plan (the Plan) under section 20 of the Planning and Compulsory Purchase Act 2004.
- 1.2 The Inspector introduced Amanda Willis, the Programme Officer. For the purpose of the Examination she is working on the Inspector's behalf; and he also stated that Amanda has not been involved in the preparation of the Plan and is completely neutral.
- 1.3 The Council's principal officers then introduced themselves to the meeting: Mathew Bowers (Head of Planning and Regeneration); and Alex Roberts (Policy Team Manager).
- 1.4 The Inspector then stated that if anyone else wished to speak or ask questions, to introduce themselves, and to state their interest in the Examination and whether they were representing any organisation or residents' group.

2. Purpose of Pre Hearing Meeting

- 2.1 The Inspector explained that purpose of the Pre Hearing Meeting was to provide an opportunity to explain:
 - **Procedural and administrative matters** relating to the Examination of the Plan; and
 - The **Draft Hearing Programme**, including the topics identified, the running order, participants and any other relevant matters.
- 2.2 The Inspector stressed that no evidence would be heard at this meeting or discussion allowed as to the merits of cases or representations. He also explained that a note of the meeting, together with a **Draft Programme of Hearing Sessions**, would be made available on the Council's website.
- 2.3 A detailed Agenda for each session would be put together later.

3. Role of the Programme Officer

- 3.1 The Inspector stressed that the Programme Officer, Amanda Willis, acts as an **impartial** officer throughout the course of the Examination.
- 3.2 The details of **how to contact her** are set out in the Inspector's Guidance Note, and are attached to this note.

- 3.3 The Inspector briefly outlined the Programme Officer's principal functions, which are:
- To act as a **channel of communication** between the Inspector and the parties - to liaise with all parties to ensure the smooth running of the Examination.
 - 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.
 - To **assist** the Inspector in all procedural and administrative matters.
 - To advise on any **programming matters**, and all **procedural queries** should be addressed to her in the first place. She will then pass them on to the Inspector if necessary.

4. Scope of the Examination and the Inspector's role

- 4.1 The Inspector explained that his role is to consider whether the Plan 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, which he referred to as the NPPF or *the Framework*.
- 4.2 He outlined the 4 tests of soundness that he has to consider, which 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 NPPF)
- 4.3 The Inspector explained that he starts from the presumption that the Plan 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.
- 4.4 Therefore those **seeking changes to the Plan have to demonstrate that it is not sound, together with the changes suggested in order to make the Plan sound.**
- 4.5 The Inspector then explained the process of examining plans under the 'new' 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 that have been made.

- Secondly, the **process of Examination** is more akin to a round table approach, with Hearing sessions addressing particular topics, rather than the traditional form of a public inquiry considering objections. The Inspector is not required to respond to all the objections.
- 4.6 Following the closure of the Hearing sessions the Inspector shall prepare a **Report to the Council** with his conclusions and the action that needs to be taken with regard to the soundness of the Plan.
- 4.7 The Inspector explained that on receipt of his Report, the Council should amend the Plan in the light of the main modifications, which the Council will have suggested in the light of the issues raised during the Examination, and move swiftly to its formal adoption.
- 4.8 **177 duly made representations** from 51 different respondents were received in relation to the *Pre-Submission Document*, that is under Regulation 22. This is the document that the Inspector is examining and which will be the focus of the Examination Hearings.
- 4.9 The Inspector explained that the Council had issued earlier versions of the document, which also attracted representations. These consultations were at **informal stages** and will not be addressed in my report. The Inspector is not asking the Council to comment on these earlier representations, unless it specifically wishes to do so.
- 4.10 It was explained that the Planning Inspectorate sets great store in being as **inclusive** as possible, although it will be up to all representors to follow the timetable and respond to the deadlines.
- 4.11 The Inspector stated that he understood that the Council is considering suggested changes, or **main modifications** to the *Pre-Submission Document* in the light of the duly made representations, and it is quite likely that this process will continue throughout the Hearings. The Inspector therefore requested that the Council **prepares and updates a schedule of proposed Main Modifications** from the submitted Plan in addition to the schedule of minor changes which has already been started.

5. Procedural questions for the Council

- 5.1 The Inspector put several questions to the Council; the Council was asked to confirm that the Plan has been:
- Prepared in accordance with the **Local Development Scheme**;
 - Prepared in general accordance with the **Statement of Community Involvement** and public consultation requirements;
 - Subjected to a **Sustainability Appraisal**;
 - Prepared in accordance with **national policy**;
 - Prepared in accordance with a **Habitat Regulations Assessment**, and with its conclusions having been taken into account; and
 - Prepared in accordance with the **Duty to Cooperate**.
- 5.2 The Council answered in the affirmative to all of these questions and referred the Inspector to the relevant documentation.

- 5.3 The Council stated that it was aiming to submit a **formal request under section 20 (7c) of the Act**, for the Inspector to recommend main modifications in the event that these are considered necessary by the Inspector to make the Plan sound.

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

- 6.1 The Inspector explained that he would endeavour to progress the Examination Hearings in **an efficient and effective** manner. As part of that process it is his aim to minimise the amount of material to that necessary to come to informed conclusions on the issues. In that way he hoped to conduct a **short but focused** series of Hearings and, in turn, a short, focused report.
- 6.2 Those who have made duly made **representations** on the Plan 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.
- 6.3 The Inspector explained that he has equal regard to views put at the Hearing or in writing, and that 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.
- 6.4 It was explained that if anyone wishes to change from written representations to an **appearance at a Hearing**, a request had to be with the Programme Officer by **Friday 17 April 2015**. It will be too late to consider additional requests after this date in the interests of the smooth programming of the Examination Hearings.
- 6.5 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 – provided these representations were into the *Pre-Submission Document*.
- 6.6 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.
- 6.7 Such statements should **focus on the issues** the Inspector has identified in the Guidance Note. It would be helpful to the Inspector if statements indicated:
- **What part** of the Plan is unsound;
 - Which soundness **criteria** it fails;
 - **Why it fails** (representors have probably explained this already and a summary would be acceptable);
 - How the Plan **can be made sound**; and
 - The precise **change and/or wording** that respondents are seeking
- 6.8 From the **Council** the Inspector requires statements which state why it considers the Plan to be sound, and why the changes sought by the other parties would make it unsound, or make suggestions for a soundness change.

- 6.9 All submissions need to be succinct, and the Inspector outlined the main requirements for statements in Appendix C of his Guidance Note. He asked everyone to read this carefully, and in particular drew attention to the **3,000 word limit**, which applies to statements addressing individual issues. **Please note that three hard copies of statements and appendices are required by the Programme Officer, together with an electronic copy.**
- 6.10 The Inspector also stressed that it is the **quality of reasoning** that carries weight, not the size of the documents or the width of the appendices! [Making the same point 10 times doesn't make the point 10 times stronger!]
- 6.11 The timetable for submitting statements is also critical – **17:00 hrs on Friday 5 June 2015 is the deadline for statements.**
- 6.12 The Inspector advised that any statements that are of excessive length, or which contain irrelevant or repetitious material, will be returned by the Programme Officer.
- 6.13 In relation to **Statements of Common Ground** – or uncommon ground – the Inspector said that these 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.
- 6.14 **Copying facilities** will be available, and a charge will normally be levied. The Inspector stressed that it is important that the Programme Officer is not overloaded with such requests, as she will be busy during the Hearings attending to a wide range of other matters.
- 6.15 The Inspector asked for any questions at this point on matters up to the opening of the Hearing sessions on 16 June.

7. Hearing arrangements and procedure

- 7.1 The Hearing sessions will commence on Tuesday 16 June 2015, in the Council Chamber. The Hearing will start at 10:00 am on the first day, and then all the subsequent Hearings will start at 09:30 on subsequent days.
- 7.2 The first **draft programme** indicates that the Hearings will extend over 2 weeks, including site visits, ending on Friday 26 June.
- 7.3 A separate Hearing session will be held for **each of the main topic areas and in some cases for key areas** (town centre and proposed expansion areas) identified in the draft programme. The Inspector explained that everyone is welcome to attend to listen to the debates even if they were are not taking part, as all sessions are open to the public and to the press.
- 7.4 It was explained that 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.

- 7.5 The Council is invited to make an **opening presentation** on the first morning, and there will be a more informal way of opening individual sessions thereafter. The Inspector indicated that he may well identify other parties to set the ball rolling on some issues.
- 7.6 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.
- 7.7 The Discussion Note outlines the **key issues** which the discussion will be focused on; the Inspector explained that he aims to summarise the main points made by the parties to facilitate discussion at the Hearing sessions.
- 7.8 The Inspector then asked if there were any **questions** before he moved on to consider the Draft Programme for the Hearing Sessions.

8. Hearings Programme

- 8.1 It was explained that a **Draft Programme** for the Hearing sessions has already been circulated; this will be regularly updated on the Council's website should the need to do arise. Any comments should be made to the Programme Officer as soon as possible, and the Inspector set a deadline of Thursday 2 April for any comments to be submitted to the Programme Officer.
- 8.2 The Inspector briefly ran through **each of the Hearing sessions**, which are included in the Programme. The Inspector also stated that he would welcome any comment on the list of matters and topics chosen by 2 April.
- 8.3 The **draft timetable** was summarised as follows:
- Week 1: **Tuesday 16 June – Thursday 18 June:** Introductions, Legal compliance, DTC, SA and Theme 1 – overall strategy, housing requirements, including overall provision and the role of neighbouring authorities in meeting part of this requirement.
 - Week 2: **Tuesday 23 June – Friday 26 June:** continuing Theme 1, including focusing on the distribution of housing and the proposed new extensions – SUEs.
 - Week 2 also includes Theme 2 – the economy, town centre and retail development; and Theme 3 Infrastructure, implementation and monitoring, together with any closing remarks by the Council, and any accompanied site visits.
 - The end of week 2 – Friday 26 June - is reserved in case any sessions run over.
- 8.4 The Inspector reminded everyone that the purpose of the detailed agendas for each session is to focus attention on those matters which he has identified as areas where he is seeking a fuller understanding of the issues and respective positions.

- 8.5 If, on receiving a copy invited anyone who, on receiving a copy of the agenda, you feel that a **change** should be made, then please inform the Programme Officer without delay, but with reasons. Again, the deadline of 2 April applies.

9. Site visit arrangements

- 9.1 The Inspector stated that he will be carrying out unaccompanied site visits. He will also consider any requests for accompanied site visits at the last Hearing session.

10. Close of the Examination

- 10.1 Once the Inspector has gathered all the information necessary for him to come to reasoned conclusions and decisions on the main issues, he will then write his report.
- 10.2 The Examination itself, however, **remains open** until the Inspector submits his Report to the Council; however, once the Hearing sessions part of the Examination is completed, he can receive **no further information** from any party, unless it is a matter he has specifically requested. Any unsolicited items will be returned to the sender.

11. Submission of Inspector's Report to the Council

- 11.1 The Inspector explained that the current expectation is that his report will be submitted to the Council by late September, although he will be in a better position to give an indication at the end of the Hearings.

12. AOB/Questions

- 12.1 The following questions were asked:

Q1: **Cllr Chris Cook** – Will the public be able to see the Council's comments in response to the Inspector's questions?

A: *Inspector – Yes.*

Q2: **Mr Ken Forest** – Will I be able to submit a lot of technical information to support my representations?

A: *Inspector – You will need to keep your submissions focused on the questions in the Discussion Note; the 3,000 word rule applies to everyone.*

Q3: **Mr Stephen Patrick** – Will the Council be subject to the same limit?

A: *Inspector – Yes.*

Q4: **Mr Peter Leaver** (Jones Lang La Salle) – There is a need for more time in the programme to debate economic matters.

A: *Inspector – Submit your suggested change to the Draft Programme, with your reasons, to the Programme Officer by Thursday 2 April and I will consider it.*

Q5: **Mr Ken Forest** – How are the site inspections organised; and I would like to take part in the Spatial Strategy Hearing session.

A: *Inspector – Site visit arrangements will be discussed towards the end of the Hearings, and I will consider any request to visit specific areas; and submit your request to attend the Spatial Strategy Hearing session together with your reasons and I will consider it.*

Q6: **Mr Robert Bilcliff** (UKIP Tamworth) – What can be done about the Council deciding to determine major planning applications in advance of the Local Plan?

A: *Inspector – I have no power to call a moratorium on the Council's role in determining planning applications.*

Q7: **Mr John Mitchell** – Are transport issues going to be debated at the Hearings; and will the County Council be attending?

A: *Inspector – Yes, transport matters are on the agenda Matter 14 in the Discussion Note; and it is the Inspector's understanding that the County Council will be attending the relevant Hearing sessions.*

Q8: **Mr Ken Forest** – I do not have access to the internet.

A: *Inspector – Anyone who does not have access to a computer can contact the Programme Officer for hard copies of relevant information.*

13. Closing remarks

- 13.1 The Inspector closed by saying that 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.
- 13.2 The Inspector repeated his advice that it is important for everyone to check with the Council's website for the latest information on the programme for the Hearing sessions and an Agenda for each of those sessions.
- 13.3 The Inspector urged everyone to:
 - Make the best use of the remaining time before the start of the Hearing sessions, as statements are needed by Friday 5 June 2015.
 - Ensure that the timescales and deadlines are adhered to; otherwise your attendance at the Hearings may have to be rearranged or curtailed at best.
 - Keep all statements focused and succinct – please read the requirements set out in Appendix B of the Guidance Note – especially the 3,000 word limit and the need for **three hard copies and an electric copy** to be submitted!
 - Be aware of all the documents, which will be referred to on the Council's web site.
 - Keep in regular contact with the Programme Officer – Amanda Willis, Programme Officer, South Staffordshire Council, Council Offices, Codsall, WV8 1PX
Phone: 01902 696318
E-mail – programme.officer@sstaffs.gov.uk
- 13.4 Finally, the Inspector thanked everyone for attending the meeting, and declared the meeting closed.

Mike Fox

27 March 2015