

**NOTE OF THE PRE-EXAMINATION MEETING FOR THE EAST  
NORTHAMPTONSHIRE RURAL NORTH, OUNDLE AND THRAPSTON PLAN  
(DEVELOPMENT PLAN DOCUMENT)**

**Held in the Council Chamber, East Northamptonshire House, Thrapston  
10.00 a.m. on Thursday 26<sup>th</sup> June 2008**

*This note is being circulated to all who have made representations on the DPD and is also be posted on the examination website. You should also have copies of the Guidance Notes produced by the Programme Officer. These contain much of the information you will need about the examination process. Reference is made to them in this note, as necessary.*

**1. Opening announcement**

Mr John Mattocks introduced himself. He is a Chartered Town Planner and a Planning Inspector. He has been appointed by the Secretary of State for Communities and Local Government under section 20 of the Planning and Compulsory Purchase Act 2004 (the Act) to carry out an examination of the submitted East Northamptonshire Rural North, Oundle and Thrapston Development Plan Document (DPD) to determine whether it meets the requirements of the Act and accompanying Regulations and whether it is sound. The examination commenced at submission and will continue until his report, making recommendations for any changes, is sent to the Council. As the examination has already begun a more correct term for the meeting is a "pre-hearings procedural meeting"

On receipt of the Inspector's report, the Council should amend the DPD in the light of the binding recommendations made in the report and move swiftly to the formal adoption of the DPD.

**Introductions**

The Inspector formally introduced the Programme Officers to the meeting. They are Mr Nick Leigh and Mrs Fiona Waye. Some of you may have come across them in connection with the recent examination of the North Northants Joint Core Spatial Strategy. They will be working under his direction and are independent of the Council.

He also introduced Miss Elizabeth Elford who is a Planning Officer employed by the Planning Inspectorate. She will be assisting the Inspector during the examination, primarily in the identification of issues and the drafting of questions and in due course to assist in production of the report. However, the content of the report is entirely the Inspector's responsibility.

The Inspector then invited Mr. Robert Jameson for the Council to introduce himself and the planning team. They are:-

Mr Trevor Watson (Head of Planning Services)  
Mrs Karen Horner (Planning Policy and Conservation Manager)  
Mr Michael Burton (Senior Planning Policy Officer)

Mr Alan Richardson (Contract Planning Officer)

## **2. The purpose of the procedural meeting**

The purpose of the meeting was to provide an opportunity for procedural and administrative matters relating to the examination to be explained and discussed, including the timetable for submission of statements and the hearings sessions. Everyone who made representation either on the submission draft between 11 January and 22 February or on the site allocations between 14 March and 25 April had been notified of this meeting and invited to attend. It is hoped that by the end of it you will all have a clear idea of what you are expected to do and by when. In due course, copies of the notes will also be made available to anyone else who makes representation on the Council's suggested changes between 20<sup>th</sup> June and 1<sup>st</sup> August 2008.

## **3. Scope of the examination and Inspector's role**

The Inspector repeated that the examination is already under way. The scope is potentially quite wide in that, unlike the old local plan Inquiry arrangements, it is not his function only to consider "objections" to the submitted document. He will consider all of the representations made but only in the context of his primary responsibility, which is to consider whether the DPD is "sound". In so doing he will refer to the 9 "tests of soundness" set out in Government Guidance at paragraph 4.24 of PPS12. He will consider the DPD to be sound unless it is shown to be otherwise through the examination process. The representations are a starting point for the Inspector's deliberations but he is able to raise other matters too. As a decision-maker, the Inspector has to exercise his duties under section 39 of the 2004 Act with the objective of contributing to the achievement of sustainable development.

The examination is an inquisitorial process under the Inspector's direction and he decides what is the most appropriate format for dealing with representations on soundness, although there remains a "right to be heard".

Mr. Mattocks drew attention to the fact that amending Regulations to the Town and Country Planning (Local Development)(England) Regulations 2004 would come into effect on 27<sup>th</sup> June 2008. However, the examination of this DPD would continue under the un-amended Regulations. A revised version of PPS12 had also been issued which focuses on policy, rather than procedural matters. It is a material consideration but as this DPD is not a Core Strategy, section 5 of the PPS is the most relevant to his deliberations.

## **4. The rôle of the Programme Officers**

They are responsible for organising the programme for the examinations, maintaining the library and ensuring that all documents received are recorded and distributed. They also act as a channel for communications between the Inspector, the Council and the representors/participants throughout the process and will ensure that all relevant documentation is placed on the examination web pages.

Mr Leigh reminded participants to study the Guidance Notes carefully, particularly with regard to the submission of further statements. He also advised anyone interested in inspecting library documents to contact himself or Mrs Way beforehand as they

anticipated remaining at the JPU's Corby office rather than ENC Thrapston for sometime to come.

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

The Council confirmed that they had completed the statutory procedures required under s20(5)(a) of the 2004 Act, in so far as they applied to date, and had given notice of this meeting.

In answer to a question from Mr Jameson for the Council, Mr Mattocks confirmed that he would continue to consider “soundness” in terms of the 9 tests set out in the “old” PPS12 (see section 3 above). This is because people have made their representations using those tests. However, he recognised that these had sometimes caused difficulties of interpretation, with some overlap and he would use his discretion to decide which tests were most appropriate under which issues.

## **6. The consideration of representations as to soundness**

The Inspector repeated that it is not his task to consider each and every objection as it was under the “old” system. Consequently, his report to the Council will be structured around the main matters he has identified to assist in his consideration of soundness. He will not refer to individual representations in his report.

Another important difference from the “old” system is that there is no further general opportunity for anyone to supplement the original representation. However, the Inspector has looked at the representations and identified the main matters, or issues, which he considers raise questions about soundness and which he will need to explore in more detail before preparing his report. He is inviting further written submissions on these matters and key questions ONLY. On the basis of those further submissions he will be drawing up supplementary questions as an agenda for discussion at any hearings which may take place.

## **7. Identification of main matters and key questions**

To this end the Inspector has produced a draft schedule of main matters with an initial indication of those representors who have expressed views on subjects which fall within those matters. (*Doc 805*) He has identified key questions for the 11 “policy” matters (lettered A-K) with questions of a generic nature to cover the site-specific representations.

A draft list of matters was sent to all participants by the PO on 3<sup>rd</sup> June with comments required by 16<sup>th</sup> June. The final list will be sent out with the notes of this meeting and no later than 8<sup>th</sup> July.

As already stated, the consultation period on the proposed changes put forward by the Council does not expire until 1st August. Should any representations be received as a result of that consultation which give rise to additional key questions, the Programme Officer will circulate a

Supplementary List and invite further statements as appropriate. Where possible these additional comments may be incorporated into statements already being prepared. The

Preliminary Timetable and Programme for hearing sessions will also be updated as necessary and circulated to participants at the earliest opportunity.

## **8. Timetable for further statements on the matters**

In paragraph 14 of the Programme Officer's Notes (*Library Document 801*) that any statements in response to the list of matters and my key questions should be sent to him by 12<sup>th</sup> August. *At the exploratory meeting which followed the PEM the Council undertook to provide additional information in relation to housing trajectories by not later than 18th July. The Inspector has, therefore, extended the deadline for the submission of statements to 26<sup>th</sup> August. He hopes that this extended deadline will enable that information to be taken on board when preparing statements.* He stressed that this is the latest date he can accept such statements either from those who are participating in a hearing or relying on a written response.

You may be asking yourselves why you should need to put in statements 2 months in advance of the hearings programmed for October. The reason is that the hearings are but part of the total process much of which is carried out in writing. The Inspector intends to commence drafting his report during September based upon the written submissions made and he will focus at the hearings on any issues which he wishes to explore in more detail.

## **9. Arrangements for hearings and the draft programme**

The Inspector stressed that no-one who chooses to rely on written submissions will be disadvantaged in any way. He will be considering all aspects of soundness whether or not there is oral discussion. It may well be that some of the matters identified can be considered very satisfactorily entirely in writing and where there are few who wish to appear to discuss a matter the Programme Officer will be discussing with you whether a hearing is really necessary.

Based on initial indications, a draft programme has been produced (*Doc 811(1)*) which shows the first hearings commencing on 09.30 on Tuesday 7<sup>th</sup> October and continuing until 17<sup>th</sup> October.

The Inspector may approach individuals or organisations to invite them to participate in certain of the sessions where he considers that they could make a useful contribution, whether or not they have indicated a wish to appear or indeed made any representation at all. He will do this sparingly. However, he has decided that it would be appropriate to invite participation for relevant matters from the North Northamptonshire Joint Planning Unit, who have been responsible for the preparation of the recently adopted Core Spatial Strategy. Mr Andrew Longley, Planning Manager for the JPU, confirmed the unit's willingness to participate on that basis.

The Inspector's approach to the hearings is set out in the Guidance Notes. You will be expected to attend on the day indicated. If you cannot then the Inspector will rely on whatever he has received previously in writing. He will prepare agendas in the form of supplementary discussion points for circulation during the week beginning 6<sup>th</sup> October.

The Inspector stressed that the hearings will take the form of a round-table discussion

he will chair. He will not expect participants to seek to read out prepared statements. If you wish you may be represented at the hearing by a professional consultant or by a lawyer but there is no formal presentation of witnesses or cross-examination.

The Inspector then took questions from the floor.

Mr A Cranch:

(Q) His original representations were effectively brief summaries of his concerns in many areas and it now seemed that any further statements would have to respond only to the Inspector's questions.

(A) That is correct - there is no '2nd chance' to make representations under the LDF examination system. Mr Cranch's main concerns are site-specific and sites will be tested for soundness against the CSS, and sustainability and policy issues. Therefore, if his statements can be directed to the questions posed they will be read and taken into account.

Fiona Cowan, Collyweston PC:

(Q) Could they please have a copy of the Initial List of Matters and Questions as they did not appear to have received one?

(A) (By Mr Leigh) Yes.

Mr J Coleman for William Davis Ltd:

(Q) In the light of the proposed changes, will the hearings finish on 17<sup>th</sup> October?

(A) That remains the aim.

(Q) Are summaries of the representations available, together with any responses from the Council?

(A) The provision of such summaries is not a statutory requirement, nor does the Council have to respond to each representation. However, the Council have produced statements under Regulations 28 and 33 and this information is available via the Public Access website and from the Programme Officer.

Mr D Edsall, CPRE:

(Q) Bearing in mind that the RNOTP DPD was prepared in advance of the Inspector's Report on the CSS being received, is not consideration of the various plans now out of sequence? How will the adopted CSS affect the RNOTP report and will not further changes be necessary?

(A) The plan-led system has unfortunately always been out of synchronisation and it is possible that changes to this DPD will have to be considered in the context of the CSS Inspector's report. You may wish to deal with these aspects in your statements on the matters identified in the draft list. There is also the question of the Secretary of State's report on RSS8 which has yet to be published. However, this degree of uncertainty cannot halt the process.

(Q) What about the issue of decisions to be made about infrastructure that were not available at the CSS public examination?

(A) This will not necessarily affect the consideration of this DPD – it will all depend on how something may affect the soundness of the plan and how critical any new evidence might be.

## **10. Availability of information**

The Programme Officer has produced a list of examination documents, with web links where available. If submitting further written responses you are asked to include cross-references to these and not to submit them in the form of an appendix.

All documents and all material submitted for the examination will be available for inspection in the library, please notify the Programme Officer of any requirements you may have in this regard.

A web page has been set up specifically for the examination which is accessed directly from the Council's home page. This will be updated regularly.

Any correspondence the Inspector may have with any party during the examination must be in the public domain and will be copied to the examination web site.

#### **11. Site visit arrangements**

See Guidance Notes, paragraph 23.

#### **12. Close of the examination**

The examination will be closed by formal notice which will appear on the web site. This is normally at the time the Inspector submits his report to the Council. Until such time it is possible that he may wish to put further questions to the Council or any other party. Such an event would be exceptional but should it occur full details will be given on the web site.

#### **13. Submission of Inspector's report**

All being well, the Inspector's report should be completed during November and will be sent to the Council for an initial fact check. This is not an opportunity for the Council to make further representations but to check for factual accuracy, bearing in mind that the Council is not permitted to make any changes to the document which are not recommended or otherwise authorised in the report. The Inspector's recommendations are binding on the Council.

#### **14. Any other business**

The Inspector explained that he had arranged an exploratory meeting which would start at 11.30 a.m. He had invited representatives from the Government Office for the East Midlands, the East Midlands Regional Assembly and the Joint Planning Unit, as well as the Council, to the meeting which he would chair. The purpose would be to seek clarification of the position with regard to certain important matters which, potentially, might lead to a finding of unsoundness. However, he stressed that there would be no testing of evidence at the meeting which would explore options for the way forward.

The meeting would be held in public and all those present were invited to attend as observers.

#### **15. Close**

The meeting closed at 11.04 a.m.