

# **SWINDON BOROUGH COUNCIL LOCAL DEVELOPMENT FRAMEWORK**

## **CENTRAL AREA ACTION PLAN DEVELOPMENT PLAN DOCUMENT**

### **NOTE OF THE PRE-EXAMINATION MEETING**

*Pre-Examination Meeting – 22<sup>nd</sup> April 2008*

*Hearing Sessions Commence – 24<sup>th</sup> June 2008*

Issued: 29<sup>th</sup> April 2008

## SWINDON BOROUGH COUNCIL CENTRAL AREA ACTION PLAN

### NOTE OF THE PRE EXAMINATION MEETING AT THE CIVIC OFFICES, SWINDON ON TUESDAY 22 APRIL 2008

#### 1 Introductions

The Inspector opened the Pre Examination Meeting at 10 o'clock and introduced herself as Linda Wride, a Chartered Town Planner appointed by the Secretary of State for Communities and Local Government to hold the examination into the soundness of the Swindon Central Area Action Plan. Mr Ian Kemp was introduced as the Programme Officer, assisting the Inspector in this Examination.

The Council's team introduced itself to the meeting: Mr Kehinde Awojobi (Solicitor for the Council), Mr Richard Bell (Forward Planning Manager), Mr David Dewart (Project Leader – Regeneration Policy), Ms Emma Gee (Senior Planning Officer) and Ms Cindy Carter (Planning Officer).

A Briefing Note had been circulated to all those who made representations on the Area Action Plan. **This Note of the Pre-Examination Meeting replaces that Briefing Note.**

The oral part of the Examination into the Central Area Action Plan will open at **10.00 am on Tuesday 24 June 2008 at the Pilgrim Centre, Regent Circus, Swindon SN1 1PX**

#### 2 Purpose of the Pre Examination Meeting

The purpose of the Pre Examination Meeting was to provide an opportunity for:

- (i) **procedural and administrative matters** relating to the examination to be explained and discussed
- (ii) the **draft examination programme** to be considered, including the matters and issues the Inspector had identified, the running order, participants and any other relevant matters

#### 3 Scope of the Examination and the role of the Inspector

The Inspector explained that her role is to consider whether the Action Plan meets the requirements of the 2004 Act and associated Regulations and whether it satisfies the nine **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.

The Examination starts from the presumption that the Action Plan is fundamentally **sound**, unless it is shown to be otherwise as a result of the evidence presented to the Inspector in written representations or at the Hearings. The Council should rely on evidence collected whilst preparing the Action Plan to demonstrate that it is sound. Those seeking changes to the Action Plan have to demonstrate why that is not the case.

The process of examining plans under the new Local Development Framework system is different from the previous local plan system in a number of ways:

- Firstly, **the focus is on the plan** rather than the objections. Under the new system the Inspector examines the soundness of the plan having regard to the representations made, rather than simply considering the objections that have been submitted.
- Secondly, the **process of examination** is more akin to an Examination in Public into a Structure Plan. The Examination will usually take the form of hearing sessions

addressing particular matters, rather than the traditional form of public inquiry considering objections.

Following the Hearing sessions, the Inspector will prepare a **report to the Council** setting out her conclusions and any action needed to be taken with regard to the soundness of the Action Plan. The report is **binding** on the Council. On receipt, the Council should amend the Action Plan in the light of the Inspector's report and move swiftly to its formal adoption – subject, of course, to a finding of soundness.

In terms of publications, there are a number of documents which should help interested parties to get an understanding of the new process:

- 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

#### **4 Representations**

The Inspector understood that 430 representations from 55 organisations or individuals were received during the 6 week period following the formal submission of the Central Area Action Plan to the Secretary of State. The Council has prepared a summary of all these representations. The Inspector confirmed she had received copies of all the written submissions, and added that she had read them all.

In response to these representations, the Council has indicated that it accepts some of the points raised and has suggested changes which the Inspector may wish to consider. The Inspector understood that these minor changes related the wording of the Plan without affecting its soundness or impacting upon the sustainability appraisal. A schedule of suggested changes is on the website, and will be referred to in the Inspector's report.

In line with the advice in PPS12, the Inspector commented that she did 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 of such changes in terms of the soundness of the Action Plan 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.

#### **5 The Programme Officer and his role**

Ian Kemp has been appointed as Programme Officer. For the purposes of this examination it was stressed that he is acting as an impartial officer, under the direction of the Inspector. He is not an employee of the Council. Details of how to contact the Programme Officer up to and during the running of the examination were set out in the letter inviting you to the meeting and are on the Action Plan website.

Under the Inspector's direction, the Programme Officers principal functions are:

- i) to liaise with all parties to ensure the smooth running of the examination
- ii) to ensure that the documents received both before and during the examination are recorded and distributed
- iii) to maintain the examination library, including the Core Document list
- iv) to assist the Inspector with all procedural and administrative matters

Mr Kemp is able to advise you on any programming queries. Any procedural queries should be addressed to him in the first place and he will pass them on to the Inspector for a reply.

## 6 Procedural questions to the Council

In response to the Inspector's questions, the Council formally confirmed that the Action Plan had been prepared in accordance with statutory procedures, and that statutory documents were included in the *Technical Appendices* Annex to the Central Area Action Plan (Core Document CD3). The Council also confirmed that the Action Plan had been prepared in accordance with the Local Development Scheme (Core Document CD16), the Statement of Community Involvement (Core Document CD5) and had had been subject to Sustainability Appraisal (Core Document CD6).

The Inspector explained that one organisation had made representations relating to some of these procedural matters, and had asked to appear at the Examination to explain its concerns in more detail. That request had been taken into account in arranging the programme of Hearing sessions.

Lastly, the Council confirmed that, by letter dated 25 February 2008, the Regional Planning Body considered the Plan to be in general conformity with Regional Planning Guidance 10 and the emerging Regional Spatial Strategy for the South West.

## 7 Procedure prior to the opening of the Hearings

The Inspector stated that she intends to progress the Examination Hearings in an effective and efficient manner, keeping a tight rein on the discussions and time taken. As part of that process, she only wants to receive information on matters and issues she has identified as necessary to come to informed conclusions on soundness. In that way she aims to have a short, but focussed, series of Hearings and, in turn, to produce a short, focussed report.

Most of those who have made representations on the Action Plan have already indicated whether their views can be dealt with in a written form, or whether they wish to come and present them orally at a hearing session. The Inspector stressed that both methods will carry the same weight and equal regard will be given to views put orally or in writing. There is no advantage to be gained by presenting your views in person.

Attendance at a Hearing will only be useful and helpful to the Inspector if you wish to participate in a debate. Furthermore, the right to appear only extends to those who have submitted representations in accordance with the statutory timetable and are seeking a change to the Action Plan. Parties who make late requests to attend Hearings and who have not submitted their representations on time will not be heard at these sessions, although they may attend as observers. Those supporting the Council at the submission stage do not have the right to appear, since the balance is tipped in favour of supporters by the presumption that the document is sound unless demonstrated to be otherwise.

If you have made representations seeking a change to the plan, but have yet to decide whether you wish to appear at the Hearing, you must do so in the next day or two and let the Programme Officer know by 4.30 pm on Friday 25 April if possible or by **Monday 28 April** at the latest, otherwise we will assume that you are content to rely on written reps.

Those who choose proceed by written means need take no further action - you can rely on what you have already submitted in writing. If the Inspector thinks it would be helpful to have a further written statement from you, this will be requested through Mr Kemp.

For those attending Hearings, please be aware that if the Inspector deems it helpful, you might be asked to prepare a statement of limited length setting out your position, focussed upon the issues that the Inspector will have identified and circulated in the Agenda for that session. You will be notified by **3 May** if such a statement is needed. If you receive such a request, the Inspector emphasised the need for **succinct submissions**, avoiding unnecessary detail and repetition. Verbatim quotations from the Action Plan or any other

sources of policy guidance are not necessary. What is vital is that you set out the fundamental elements of your case clearly and succinctly. It is the quality of the reasoning that carries weight, not the thickness of the document or the number of appendices.

Statements of Common Ground 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. The Inspector urged all parties attending to take the initiative, prepare first drafts and arrange discussions with the Council's officers. If you think that this approach would be appropriate in your case, then work should commence now, with the aim of completing any statements of common ground well before the **deadline for submitting written statements, 23 May 2008**.

The Examination starts from the basis that the Plan is sound unless otherwise shown. If you are requested to submit a statement, the Inspector needs to know the following:

- Which particular part of the Action Plan is unsound?
- Which soundness test(s), as set out in paragraphs 4.23 and 4.24 of PPS12, does it fail?
- Why does it fail?
- How can the Action Plan be made sound?
- What is the precise change or wording that you are seeking?

The Council will prepare a response statement on each matter identified by the Inspector, setting out why it considers the Action Plan to be sound in that respect and why the changes sought by other parties would make it unsound. It was reiterated that statements for the Hearings should be sent to the Programme Officer no later than 23 May 2008. No statements will be accepted at the Examination Hearings.

The Programme Officer will require copies of all submitted statements. Mr Kemp will contact those involved in due course and let you know how many copies of your statement will be needed. The statements should be concise, focussed on the issues identified, and no longer than 3,000 words. Any submissions of excessive length, or containing irrelevant or repetitious material, will be returned by the Programme Officer. Technical evidence should be limited to Appendices.

Statements should be prepared on A4 paper, without hard covers and unbound, but with two holes punched at the side for inclusion in the Programme Officer's files. No photographs need be submitted. Any plans or diagrams should also be folded to A4 size and listed as appendices. All statements and appendices should be clearly marked with the relevant soundness test number, paragraph/policy, personal reference and representation number. Appendices to Statements should be limited to those which are essential and should not contain extracts from any publication that is already before the Examination, such as the Core Documents and nationally available Government guidance in Circulars, PPGs and PPSs, as the Inspector is already familiar with these. Appendices should have a contents page and be paginated throughout and tagged at the side.

## **8 Core Documents and the Examination Library**

The Council has prepared a list of **Core Documents** (CDs) including the Regional Spatial Strategy (RSS), 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. As they are already Examination documents, please do not attach extracts from them to your statements. The Programme Officer confirmed that a list of Core Documents is available from him on request. The list has also been posted on the Council's website. The majority of documents contained in the list are in the process of being uploaded on to the website for ease of access.

The Programme Officer will maintain and supervise the **Examination Library** containing hard copies of the Action Plan and associated documents, all representations, the Core Documents and each further submission as it received. Mr Kemp will assist anyone wishing to see and copy any document and will maintain lists of all documents submitted. In the run up to the Examination, the Examination Library will be based at Swindon Borough Council's Premier House building, where photocopying will be available at a cost of 10p per sheet. Once the Examination is underway, there will also be a full set of documentation based at the Pilgrim Centre, where photocopying will be available at the Council's rate. It is hoped however that placing relevant documents on the website will reduce the need to reproduce Core Documents in hard copy.

Mr Brunwin (Swindon Civic Trust) enquired as to whether statements could be submitted electronically to the Programme Officer. Mr Kemp responded by saying electronic submission of documents would be requested for ease of circulation and they would also be placed on the website. Electronic copies of all statements are therefore requested.

## **9 The Examination arrangements and procedure**

As previously indicated, the Hearing sessions will commence at 10 am on 24 June at the Pilgrim Centre, Regents Circus. The first draft programme indicates that the Hearings will be spread over 3 consecutive weeks ending on Wednesday 9 July. After the opening session, the Hearings sessions will normally start at 09.30 am and 2.00 pm each day. A short break may be taken mid-morning and mid-afternoon, with around an hour for lunch about one o'clock.

The sessions will normally take the form of an informal Hearing where there are only a few parties present. This approach will provide an informal setting for dealing with issues, by way of a discussion that the Inspector will lead. Those attending may bring with them professional advocates and witnesses if they wish to. However, there will be no formal presentation of evidence or cross-examination. The Inspector stressed that there is no need for parties to bring advocates/legal representation but, if they do attend, they are there to take part as a member of the team, rather than as a traditional advocate.

The discussion will focus on the issues identified in the agenda and the questions posed by the Inspector, together with any additional points raised by the written submissions. The Inspector will begin by asking those present to introduce themselves, then make a brief statement concerning the matters under discussion and the issues she wants covered. Individuals will then be invited to make their contribution in response to the points the Inspector has raised. The hearing will progress under guidance of the Inspector, drawing those present into the discussion so as to enable her to get the information necessary to come to a firm decision on the matters under consideration. There will be an opportunity in the discussion to ask questions of the other parties. Advocates and witnesses may join in any discussion when invited to do so by the Inspector. Participants will be grouped together according to the issues being considered.

## **10 Site visit arrangements**

The Inspector confirmed she had already carried out a brief tour of the central area to familiarise herself with the locality and will visit all those sites referred to in the representations, before, during, or after the Examination. This will mostly be done unaccompanied by the parties. If it is necessary to gain access to private land, the Inspector will ask the Programme Officer to contact the parties involved so that a mutually convenient date and time can be arranged for an accompanied visit.

## **11 Close of the Examination**

Once the Inspector has gathered all the information necessary to come to reasoned conclusions and decisions on the main issues, she will write her Report. The Examination

itself remains open until the Report to the Council is submitted. However once the Hearing sessions part of the Examination is completed in July, the Inspector can receive no further information from any party, unless it is a matter on which she has specifically requested. Any unsolicited items sent in will be returned to the sender. At this stage, it is anticipated that the Inspector's report will be submitted to the Council in November 2008.

## 12 Examination Programme

A draft programme for the Hearings has already been circulated. This consists of two sessions on strategic policies, three sessions covering area-based issues, one session on general matters relating to the Plan and one sum up/feedback session. The final programme for the Hearing sessions is circulated with this note.

A detailed Agenda for each session will be circulated in the week before the Hearing session. This is intended to help focus attention on those matters which the Inspector has identified as areas where she seeks a fuller understanding of the issues and respective positions. If, on receiving a copy of an agenda, you feel that a change should be made, then please inform the Programme Officer without delay, but with reasons.

## 13 Questions

Mr Awojobi indicated that the Local Planning Authority would like the New Swindon Company to attend the Hearing sessions to assist the Council. He appreciated that supporters did not have the right to appear at the Examination. However, as the New Swindon Company is an alliance between the Council and English Partnerships and a key stakeholder in the delivery of the objectives of the CAAP, he hoped this arrangement would be acceptable.

The Inspector indicated that she did not wish the New Swindon Company to appear as a separate party supporting the Council's case. Nevertheless, she accepted that the role of company and its relationship to the Council is slightly different to that of other representors supporting the Plan, and this might justify the company's appearance as part of the Council's team. Since the PEM, the Inspector has come to the view that further consideration should be given to the role of the New Swindon Company at the Hearings sessions. A formal response will follow in due course.

The Council explained that they would like to appoint an advocate to represent them in relation to the Canal issues. The Inspector emphasised the informal nature of the proceedings. Whilst she had no objection to the Council appointing an advocate, this person would be acting as a member of the Council team. They would not be permitted to act in an adversarial manner, or formally cross-examine parties presenting evidence at the session.

## 14 Closing remarks

The Inspector reminded everyone that it is 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 appropriate time. Finally the Inspector urged everyone to:

- make the best use of the remaining time before the start of the hearing sessions as the deadline for any written statements is Friday 23 May
- ensure that the timescales and deadlines are adhered to, otherwise attendance at the examination may have to be rearranged or curtailed at best
- be aware of the Core Documents, the topic papers and any other relevant material produced by the Council
- keep in regular contact with the Programme Officer

The Inspector thanked all those present for their attendance and closed the meeting.