

**KNOWSLEY LOCAL PLAN
CORE STRATEGY EXAMINATION**

EX12

NOTES OF PRE-HEARING MEETING

Held on 26 September 2013 at the Huyton Suite, Poplar Bank, Huyton

Introductions

- 1 The Pre-Hearing Meeting (PHM) was opened at 2 o'clock by the Inspector, Martin Pike. He is appointed by the Secretary of State to carry out the Examination into the soundness of the Knowsley Local Plan: Core Strategy (KLPCS). He introduced Paul Morris, the Programme Officer for the Examination. The Council introduced its team: Lisa Harris, Director of Regeneration and Housing; Jonathan Clarke, Places and Neighbourhoods Manager; Rachel Apter, Senior Planner; Gareth Wildgoose, Senior Planner; Justin Wilson, Principal Planner; Nigel Fagan, Business Advisor; and Stuart Barnes, Head of Planning. 47 other persons were present, representing local residents, various organisations and the development industry.
- 2 The purpose of the meeting was to discuss procedural and administrative matters relating to the management of the Examination. The Inspector stressed that there would be no discussion at the PHM of the content or merits of the KLPCS and the representations made.

Role of the Programme Officer

- 3 Paul Morris is acting as an impartial officer of the Examination under the Inspector's direction and not as an employee of the Council. He is the point of communication between the Inspector and all other parties, and is responsible for:
 - organising the hearing sessions of the examination;
 - recording and circulating all material received;
 - maintaining the Examination library of documents;
 - assisting the Inspector with procedural and administrative matters.

Thus, if the Council or anyone else has any queries about the Examination which they wish to raise with the Inspector, these should be addressed through the Programme Officer (PO). Similarly, all communications from the Inspector will be through the Programme Officer – this is to ensure his independence at all times.

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Scope of the Examination and the Inspector's role

- 4 The Inspector explained that the Examination begins with the submission of the KLPCS by the Council and ends with the submission of his Report to the Council. The starting point for the Examination is the assumption that the Council has submitted what it considers to be a sound plan. The Inspector's task is to consider, firstly, whether the KLPCS meets the requirements of the Planning and Compulsory Purchase Act 2004 and associated Regulations, and secondly whether it is "sound" in terms of the four tests of soundness set out in the National Planning Policy Framework. These tests examine whether the CS is ***positively prepared, justified, effective and consistent with national policy***.
- 5 The Inspector emphasised that those seeking changes should demonstrate why the KLPCS is unsound by reference to one or more of the tests of soundness. He will consider the representations made to the KLPCS as the starting point for his assessment, but only insofar as they relate to these tests. Thus he is not required to consider every point seeking a change to the plan, nor to report on every representation that has been submitted. The Inspector also explained that his remit does not extend to making the KLPCS "more sound" in the sense of recommending improvements that are not essential to make the plan sound.
- 6 On a cautionary note, the Inspector explained that if he was to find that the proposed modifications, either individually or collectively, are so fundamental that they would significantly change the underlying strategy of the plan such that it is tantamount to being a different plan, then he would have to seriously consider whether the KLPCS is capable of modification. If he decided that it was not capable of modification, he would ask the Council whether it preferred to withdraw the plan, or to receive his report with its conclusion that the plan is unsound.

Representations to Submission Core Strategy

- 7 The Council confirmed that 323 individual representations to the Submission KLPCS, from 120 organisations and individuals, had been submitted in accordance with the correct procedure and timetable. No late representations had been received, though the Council was aware of a few recent communications received by the PO: it would consider how to respond to these and advise the Inspector in due course.
- 8 The Inspector stated that he had only been supplied with copies of representations made at the Submission KLPCS stage (in December 2012), and is not aware of the specific content of representations made during the earlier stages of the Core Strategy process.

The Examination Process

- 9 The Inspector referred all parties to the Guidance Notes issued in August 2013 which give a broad outline of the Examination process.

Following his initial study of the KLPCS and the representations, he issued a "Matters, Issues and Questions" document and a draft Programme for the Hearings. The "Matters, Issues and Questions" document sets out the topics which the Inspector regards as crucial to the soundness of the KLPCS and will serve as the focus for the Hearing sessions.

- 10 The Hearing sessions will take the form of an informal round table discussion, led by the Inspector, where the Council and those who seek changes to the KLPCS can debate the key points and issues. There will normally be no formal presentation of evidence or cross-examination. Each party is expected to have read the cases of the other parties attending the particular Hearing session. The Inspector will endeavour to manage the Hearings in an effective and efficient manner, keeping a tight hand on the discussions and the time taken.
- 11 The draft Hearings Programme identifies participants for each of the Hearing sessions based on information provided as part of the December 2012 consultation. If participants believe that they have been wrongly included or excluded as a key contributor to a particular Hearing session, or if they change their mind about their preferred method of pursuing representations, they should let the PO know. The Inspector explained that the written representations already submitted carry equal weight to oral contributions at the forthcoming Hearing sessions, so there is no need for participants to attend the Hearings if they are content to rely on what has already been stated in writing.

Procedural Questions for the Council

- 12 In answer to the Inspector's questions the Council confirmed that, in its view, the KLPCS:
 - has been prepared in compliance with the duty to co-operate requirements of the 2004 Act;
 - is in general accordance with the Statement of Community Involvement;
 - has emerged from a transparent process which identifies how the preferred strategy was selected;
 - has been subject to Sustainability Appraisal, Strategic Environmental Assessment and Appropriate Assessment under the Habitats Regulations;
 - has had regard to the Council's Sustainable Community Strategy;
 - has been prepared in accordance with the Local Development Scheme;
 - meets all the requirements of the 2004 Act and the 2012 Regulations.
- 13 The Inspector acknowledged that some representors question whether the public consultation procedures, in particular, have been properly conducted and indicated that there would be an opportunity to discuss this on the first morning of the Hearings.

“Matters, Issues and Questions”

- 14 The Inspector briefly introduced the “Matters, Issues and Questions” document. He stated that under question 5.3 on page 6, the reference to an Appendix of the Green Belt Technical Report should refer to Appendix 6 rather than 5; a corrected version of the document is attached to these Notes. Participants raised the following matters:
- (i) Mr Bent, speaking on behalf of Knowsley Older People’s Voice, asked for continued consultation in the future and called for additional care home provision.
 - (ii) Mr Nicholls asked if the Matters, Issues and Questions document was still in draft form. The Inspector explained that the document was final unless changes were necessary.
 - (iii) Mr Monaghan asked if ‘flood risk’ (which is referred to in Q5.24) could be added to Q5.22. The Inspector replied that this matter was intended to be considered under his reference to ‘environmental issues’ but agreed to insert ‘flood risk’ into Q5.22.
- 15 To assist the Council, the Inspector identified four particular issues on which he had a significant concern over soundness. These are the assessment of housing need, provision for gypsies and travellers, minerals, and monitoring. He also stressed that the identification of these issues should not be taken to imply that all other aspects of the KLPCS are likely to be found sound – much will depend on the evidence given during the Examination.

Hearing sessions - times, venue and administrative arrangements

- 16 The Hearing sessions of the Examination will commence at 10.00am on Tuesday 5 November 2013. It is anticipated that about 9 days will be required over three weeks, sitting for three days each week. This will leave the Monday of each week free for preparation, and the other day available to accommodate any overruns and for site visits.
- 17 The Hearing sessions will be held in the same room as the Pre Hearing Meeting. Hearings will start at 10.00am and 2.00pm on each day, with a break for lunch at about 1.00pm; the intention is to finish each day at about 5.00pm. There will normally be a short break during each morning and afternoon session.
- 18 Some representors expressed concern at the charges made by the Council for car parking and the 2 hour limit that applies in some locations. Mr Clarke indicated that there was a long term car park nearby which had a daily charge of £2.40. In response to arguments that parking charges could act as a deterrent to participation, the Council undertook to consider the matter further. Consideration will also be given to holding specific parts of the Examination in other locations (notably Kirkby and Halewood) to make it easier for people from these places to attend, though this would be subject to the logistical arrangements concerning the overall hearing programme.

- 19 The Inspector stated that an updated and more detailed Hearings Programme and Agendas would be compiled once the further statements had been received. It is important to be aware that the Hearings Programme may change again as further refinements are made. Therefore persons wishing to attend a particular Hearing session should check the latest position by contacting the PO or viewing the Programme on the website.

Submission of further Statements

- 20 Persons who have made representations to the Submission KLPCS have the opportunity to provide further written Statements, if they wish, in advance of the Hearing sessions. The Inspector stressed that it was not necessary to repeat arguments that had already been made at the Submission KLPCS stage in December 2012, as all original representations will be taken into account. In some cases it may be beneficial for representors and the Council to produce a joint Statement of Common Ground which identifies areas of agreement; the separate Statements for each party can then focus solely on the matters in dispute.
- 21 Any further Statements should only address the Matters, Issues and Questions identified by the Inspector, and should explain the nature of the party's concern; they should not stray beyond the issues raised in the original representation. Separate Statements should be provided for each of the Matters or Issues to be examined. **It is important that all further Statements explain:**
- Which particular part of the Core Strategy is unsound?
 - Which soundness test(s) does it fail?
 - Why does it fail?
 - How can the Core Strategy be made sound?
 - What is the precise change/wording that is being sought?
- 22 The Council's Statements should deal with all of the Issues and Questions, even if they are not subject to representations. The Council should say why it considers the KLPCS to be sound in that particular aspect (or suggest modifications to make it sound), and why the changes sought by other parties would make it less sound or even unsound.
- 23 Submissions should be succinct, avoiding unnecessary detail and repetition - statements should be no longer than 3,000 words. There is no need for verbatim quotations from the KLPCS, policy guidance or other Core Documents – cross references will suffice. Nonetheless, it is vital that the fundamental elements of cases are set out clearly and succinctly – the Hearing sessions are not the place for new arguments to be introduced. It is the quality of the reasoning that carries weight, not the bulk of the documents.
- 24 The format for Statements is set out in Appendix A of the Guidance Notes. All Statements should be sent to arrive with the Programme Officer by no later than **5pm on Monday 21 October 2013**. Both

respondents' and the Council's Statements have the same deadline. There will be no further opportunity for rebuttals of these Statements, unless the Inspector decides that he needs further information on a particular point.

- 25 Mr Nicholls stated that he would be referring in his statement to recent surveys on shopping patterns in Prescot; the results of these surveys would be sent to the Council as soon as possible. Mr Clarke expressed concern at new information being submitted at this late stage, arguing that it should have been provided much earlier; he would not formally respond until the information had been received. The Inspector echoed Mr Clarke's concern but, mindful of the desirability of having up-to-date information, he said that it may be accepted provided there was no prejudice to the Council. He urged Mr Nicholls to get the survey results to the Council without delay and said that the matter may have to be set back in the Hearings programme if the Council needed more time.

Modifications to the Submission Core Strategy

- 26 The Inspector acknowledged that some further changes to the KLPCS will be inevitable as the Examination process unfolds. All changes should be specified at the earliest possible stage and discussed with the relevant parties. This approach could mean that in some cases, changes which would meet soundness but which are not fundamental to the KLPCS come forward with agreement among the parties. A process of early negotiation can save time at the Hearings.
- 27 As explained in the Guidance Notes, any minor changes which do not materially affect the policies of the plan are referred to as "Additional Modifications" and can be made by the Council without the need to be examined; these will generally not be discussed at the Hearings. The Council has already suggested some Additional Modifications (document CS02) and the Inspector anticipated that more will follow.
- 28 More substantial changes which are necessary if the CS is to be found sound or legally compliant are known as "Main Modifications". These have to be recommended by the Inspector in his report and will invariably need to be subject to public consultation and, potentially, revised Sustainability Appraisal. The legislation (section 20(7C) of the 2004 Act) requires the Council to formally request that the Inspector recommend any 'Main Modifications' necessary to make the CS legally compliant and sound. On 20 September 2013 the Council made such a request in writing (document EX09).
- 29 The Inspector advised that the most likely consequence of the modifications process is an additional round of consultation after the final hearing session. This is to ensure that the rights of all third parties are not prejudiced by recommendations on matters which would take them by surprise. He would take the responses to this consultation into account before finalising his report. In some situations it might also be necessary to reconvene the hearings, though usually matters can be dealt with in writing.

- 30 The Inspector asked the Council to keep all parties informed of any changes by regular up-dates to the KLPCS Examination page of its website. Respondents should monitor this, or keep in regular contact with the PO, in case they wish to comment upon changes at the Hearing sessions or via the PO.

Site visits

- 31 The Inspector stated that before the Hearing sessions commence he would be making a tour around the Borough in order to familiarise himself with some of the key features raised in the representations. He will also undertake further visits during and after the Hearings. He will generally carry out these visits on an unaccompanied basis – it is only necessary for him to be accompanied where access to private land is essential. If anyone else feels that an accompanied site visit is necessary, the Programme Officer should be advised.

Submission of Inspector's Report

- 32 The Inspector indicated that following the end of the Hearing sessions he will prepare a Report for the Council with his conclusions and any changes required to the KLPCS. He intends to give a clearer forecast of the timescale involved at the end of the Hearing sessions, as the submission date necessarily depends on the complexity and length of the examination process and whether further consultation is required.

Other Matters

- 33 The Inspector stated that his Report would be based on up-to-date Government policy and guidance at the time his Report is submitted. He will therefore have regard to forthcoming changes such as the emergence of National Planning Practice Guidance, the review of housing standards, and so on. Parties will be given the opportunity to comment on the implications of these changes as they occur.

Inspector's Closing

- 34 The Inspector thanked everyone for their attendance at the PHM and looked forward to meeting many of them again at the Hearing sessions. The meeting closed at 3.35pm.

Martin Pike

Inspector
4 October 2013