

**CASTLE POINT CORE STRATEGY DPD EXAMINATION  
PRE-HEARING MEETING (PHM)  
11 MAY 2010 (2pm)**

**NOTES OF MEETING**

**1. Introductions**

The meeting was opened by Mr Paul Crysell, the independent Inspector appointed by the Secretary of State to conduct the Examination into the Soundness of the Castle Point Core Strategy DPD (CS). He introduced Mrs Andrea Copsey, the Programme Officer who is helping to organise the running of the hearings.

**2. Purpose of PHM**

The Examination Hearings will commence at 10.00am on 22 June and will take place in the Borough Council offices. The Pre-hearing Meeting provides an opportunity for procedural and administrative matters to be explained and discussed, together with the form and likely content of the programme of hearings.

**3. The Inspectors' role**

The Inspectors' role is to consider the soundness of the DPD. The Inspector will consider all representations to the Plan and any other matters, irrespective of whether representations have been made, which could indicate the plan is unsound. Following the close of the Examination he will report to the Council with conclusions and any changes required to it. His report will **not** review in detail the content of individual representations but will concentrate on the main issues which they raise. The aim is to ensure that the document provides a sound strategic basis for the future planning of Castle Point Borough over the plan period. The report and its conclusions will be **binding** on the Council, which will then move to formally adopt the DPD, as changed by the Inspector's recommendations.

The scope for making changes to the document is, however, limited. Without suspending the process it is difficult to make changes which would affect its substance, and/or prejudice the Sustainability Appraisal or public consultation which has already taken place. The Inspector's role is to consider whether the DPD as submitted is sound. This is not to say that the Council can't make minor changes, but if it does so it needs to publish and update a schedule of all changes on which it may invite the Inspector to recommend.

**4. The Role of the Programme Officer (PO)**

Andrea Copsey will act as the main point of contact between the Inspector, the Representors (i.e. those who have made representations on the submitted DPD document), and the Council. She will maintain the reference library of Examination Documents which inform the hearing sessions; an updated documents list is on the Council's web pages. Representors are welcome to use the hard copies lodged in the Council's offices though preferably by prior appointment. In addition most of the key documents are now available via the Council's website. Andrea will keep the hearings programme up to date and act as a mail box to receive and send out agenda papers and any additional papers for use by people participating in the public hearing sessions. For queries about the process in general, or representations in particular, Andrea is there to help.

**Her contact details are: Tel: 01268 882368      Email: [acopsey@castlepoint.gov.uk](mailto:acopsey@castlepoint.gov.uk)**

**5 Council's Introductions**

The Council's Officers expected to appear at the hearings were introduced:

Steve Rogers – Head of Regeneration and Homes.  
Amanda Raffaelli – Senior Planning Policy Officer.  
Emma Clay – Planning Policy Officer.  
Ian Burchill – Corporate Director.

## 6 Procedural Questions for the Council

The Council confirmed that the DPD had been prepared in accordance with statutory procedures. Should there be any outstanding queries in this regard they will be raised at the start of the Hearing sessions under Matter 1.

The Council also confirmed that the DPD was prepared in accordance with:

- Statutory procedures.
- Its Local Development Scheme (Ref: CP/LOCAL/002).
- Its Statement of Community Involvement (Ref: CP/LOCAL/003).

That the submitted DPD was supported by:

- A Sustainability Appraisal (Ref: CP/LOCAL/013).
- A Habitat Regulations Assessment (Ref: CP/Key\_Doc/002).
- A Strategic Flood Risk Assessment (Ref: CP/OTHER.SUPP/031).
- PPS25 Sequential and Exceptions Test (Ref: CP/Key\_Doc/003).

It also clarified that:

- That it intends to include a schedule of superseded policies from the existing local plan in an appendix to the CS (this would be Appendix D to the document and is put forward by the Council in its list of recommended changes).
- That the programme for preparing other LDF documents had changed slightly but that priority was being given to the CS.
- That in preparing the DPD it had sought to take account of other relevant plans such as its Community Strategy and the Local Transport Plan (Ref: CP/LOCAL/001, CP/SUB/REG/001).
- That it had prepared a Summary of Main Issues (Reg 30(1)(e) Statement) which was now available on the Examination web pages (Ref: CP/Key\_Doc/006).
- It is in the process of producing a topic paper covering Green Belt matters.
- A draft revision to its Annual Monitoring Report which was anticipated by the end of May.
- An update to the Strategic Housing Land Availability Assessment.

The Council said that it had not identified any fundamental procedural shortcomings and that the DPD was considered to be in general conformity with the published Regional Spatial Strategy for the East of England (Ref: CP/REG/002).

In relation to the Evidence Base the Council confirmed that the vast majority of evidence was now submitted and publicly available either via web links or in the Examination Library at the Council.

## 7. Number and scope of representations and Council's Responses

402 representations had been received by the Council following the submission of the DPD. The general scope and key issues emerging from the representations is shown in section 10 of the Regulation 30(1)(e) statement (Ref CP/Key\_Doc/006).

The Council has provided a generic response to the representations made to the CS. It does not intend to respond to the representations individually but will prepare statements for each matter addressing the issues identified in the Inspector's schedule of Matters and Issues.

The Council has suggested a number of **minor changes** to the Submitted DPD for the Inspector to consider following the receipt of Representations (Ref: CP/Key-Doc/004).

## 8 The Nature of the Examination

The examination process will concentrate on the soundness of the DPD, having regard to the representations. The Inspector's starting point as the examiner is that the Council has submitted what it considers to be a sound document and others must be able to show that this is not the case by evidence presented either in writing or at the hearings. Those seeking changes must demonstrate why the CS is unsound by reference to one or more of the tests of soundness (is it: JUSTIFIED; EFFECTIVE; CONSISTENT WITH NATIONAL (and Regional) POLICY) and say what they think should be done to make it sound. The Inspector is required by law to consider all representations made to the submitted CS but his report will not deal with each and every point

made in each and every representation but only those which focus on fundamental questions of soundness.

## **9 Methods of considering representations: hearings and written statements**

The right to appear and be heard during the Examination process applies specifically to those who have made representations that the DPD is in some way "Unsound". Supporters of the plan have no statutory right to be heard but, if considered helpful on a particular topic, the Council may choose to include them as part of their team to explain how and why they support the Council's approach.

Representors should already have indicated whether they wish to attend the hearings to discuss their representations or to have their views considered in written form. **Both methods carry the same weight.** Attendance at a hearing session will only be useful if representors wish and need to participate in a debate. If representors change their mind about their preferred method of pursuing your representations they should confirm this in writing or by email to the PO.

**If having seen the draft programme a representor wishes to pursue a duly made representation by participation at one of more of the scheduled sessions they should confirm that with Andrea Copsey in writing or by email so that the numbers for each session can be finalised and practical arrangements made. This should be done as soon as possible and no later than Monday 17<sup>th</sup> May so that a revised Matter and Issues document can be issued.**

In addition, it would be helpful if agents representing more than one client and who have been invited to various hearing sessions could advise Mrs Copsey which sessions they will be appearing at and the organisation they will be representing.

### ***The Hearing Sessions***

At the hearings the Inspector will focus on the Matters that he considers to be the most significant as set out in his schedule of Matters & Issues. As the CS is not site-specific the Examination will concentrate on strategic issues rather than particular sites or particular developments. However, it will on occasion be necessary to refer to specific locations in order to examine the approach adopted in the CS.

The Hearing sessions will follow an inquisitorial, rather than adversarial, approach. That is, they will be based on the Inspector's questions and the responses received rather than by listening to the parties putting competing cases. In other words the original representations made on the Submission Document will largely be taken as read. The sessions are intended to be structured, but relatively informal, so that each representor has the opportunity to put over their point of view and ask questions of the Council.

The Inspector's questions have been drafted so that every representor has a 'hook' on which to hang the thrust of their concerns about the DPD. The schedule will be finalised after this meeting and supplied to all representors in the next few days. If any representor considers that an essential point has been overlooked or omitted please alert the PO preferably by email no later than 17<sup>th</sup> May.

At the start of any hearing session the Inspector will make brief comments on the questions to be covered and will then invite individuals to make their contribution in response. People will be drawn into the discussion to enable matters to be clarified and so that firm conclusions can be drawn. There will be an opportunity to ask questions of the other side.

However, if anyone has any concerns other than the soundness of the DPD which you wish to explore with the Council, the Examination Hearings are **not** the place to do this.

### ***Additional Statements***

Representors, whether participating at a hearing session or intending to rely on a written statement have the opportunity to amplify their representations if they wish by focusing on the Inspector's questions. This is not essential but if they do so they should concentrate on the tests

of soundness and be clear about what should be changed in the document and how. **Brevity is essential.**

## **10 The Examination Programme**

A draft Programme of hearings has already been distributed. Following questions at the PHM (see below) a revised version of the Programme will be sent out in the next few days and will be posted on the Council's Examination web pages.

It is up to individual participants to check the progress of the Examination, either on the website or with the PO, and to ensure that they are present at the correct time.

The morning hearings sessions will start at 10.00am and the afternoon sessions at 2.00pm. A short break will be taken mid morning and mid afternoon. Lunch will be taken about 1.00pm. It is currently anticipated that there will be eight sitting days spread over three weeks. It is not anticipated that this will change substantially.

## **11 Examination Documentation**

Various Reference Documents are in the Examination Library. These include the Regional Spatial Strategy (RSS), Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs), the evidence base on which the Core Strategy relies and other background documents to which parties may wish to refer. Many of these documents are also available on the Council's website.

The Council confirmed that relevant statutory and other key bodies had been actively engaged in this process (e.g. Environment Agency, Natural England, Suffolk County Council and other statutory undertakers). Should the Council wish to do so it can ask them to support its position while the Inspector intends to invite some parties to the hearing sessions.

The Inspector thanked the representatives of those organisations who have responded to his invitation to attend today's meeting. He emphasised that he would be particularly keen to understand the various physical and technical constraints to development. He also needed to be clear on the role which the various organisations would play in delivery of new planned development necessary to meet the document's strategic vision for the Borough while conserving those features which make it distinctive.

## **12 Timetable for Submission of Documents**

### ***Background Topic Papers, Hearing Statements, Written Representations***

The smooth running of the Examination is dependent on everyone sticking to the deadlines set out below.

**Hearing Statements** from the Council and from representors and any amplified written representations also responding to the M & I Schedule, should be submitted to the PO by:

**For Week 1 hearings – Wednesday 26 May**

**For Weeks 2 & 3 hearings – Wednesday 2 June**

There is no need for representors to wait for the Council's statements. All Hearing Statements and amplified written representations should address the identified Matters and Issues for Examination. None of the statements should exceed 3,000 words plus essential appendices. **Any submissions longer than this will be returned for editing.** All submissions will be available on the Council's web pages. Where maps/diagrams or other information is included and results in large electronic files then these submissions should be made on CD to avoid overloading the email system.

Also please remember that the Examination Hearings are not the place to spring surprises. Nothing should arise at the Hearings which has not been raised in the previous consultations except, possibly, insofar as new national and regional policy or other unforeseen/unfolding events are concerned.

### **13 Statements of Common Ground**

The Inspector would welcome Statements of Common Ground between parties because these are useful in narrowing the issues in dispute. An attempt should be made to reach agreement on factual matters and statistics even if there might be different views on the conclusion to be drawn from them. This can avoid wasted time at the hearing sessions. Any Statements of Common Ground should be agreed and submitted to the PO by 2 June.

### **14 Possible Revised Agendas**

It may be that the hearing statements, amplified written representations and any statements of common ground enable the Inspector to refine and revise the questions he wishes to deal with at the hearings. If that is so, then he intends to set these out, if possible, before the hearing sessions. However, this will not prevent anyone from discussing the items identified in the Matters and Issues paper.

### **15 Document Copies and Referencing**

The following advice applies:

- A4 portrait format;
- 1 copy in electronic form as a 'Word' document;
- 5 hard copies for office purposes plus sufficient copies for all other parties taking part in the relevant hearing session;
- Punched with 2 holes and no wire or comb bindings;
- no more than 3,000 words per Matter;
- identified on top RH corner with:
  - DPD Matter No / Session title & date;
  - personal ID No;
  - Representation No.

NB If you haven't already said how you think the Document needs to be changed to make it sound please spell this out in your statement in specific words and/or actions necessary.

### **16 Site visits**

The Inspector has already visited parts of the Borough and said that he would carry out further visits. He also pointed out that he might need to revisit particular places after the hearings although he anticipated that most, if not all, such site visits would be unaccompanied. If, exceptionally, there were areas of private land which representors considered he needed to see, then they should contact the PO to explain why this was necessary and to allow suitable arrangements to be made.

### **17 Close of the Examination and submission of Inspector's Report**

The Examination formally opened when the Core Strategy was submitted (1<sup>st</sup> March 2010) and will not formally be closed until the Inspector has completed his report to the Council. The fact that the examination remains open during this period allows him to obtain any further information if he considers this to be necessary.

### **18 Questions**

#### **1. Councillor Neville Watson – Canvey Island Independent Party**

Can we please see minor changes and Green Belt topic paper at least 10 days before the hearing session?

The Council said it would endeavour to publish before this deadline.

NB. The current list of minor changes is available on the Council's website – Ref: CP/Key-Doc/004.

#### **2. George Whatley - Canvey Green Belt Campaign**

Mr Whatley asked whether the Inspector had seen key sites including the roundabout approach to Canvey Island, the major installations on Canvey and their impact on traffic movement.

The Inspector said that he had been to the roundabout at Waterside and seen the hazardous installations as well as walking along the seafront/river. He had also visited all the sites which the Council had suggested to him including potential development sites and those which had attracted representations. He confirmed he was willing to visit other sites including those where issues arose at peak times such as the congestion experienced on Canvey Island. He requested that where representors were keen for him to see particular sites then they should inform the PO with a list of sites and times to visit if this was relevant.

### **3. Steve Sawkins – Canvey Green Belt Campaign**

Mr Sawkins pointed out that representations had been made in good faith and that some matters such as the hazardous installations were a community issue. This had a bearing on the format in which they had been presented.

The Inspector confirmed that he understood the installations to be a widely held concern and said that such matters would be discussed during the hearings although he stressed that he would expect only one of the individuals representing an organisation to present the case. In addition he did not want points repeated because it was unnecessary to do so and would waste time.

### **4. Chris Still – Fox Land and Property**

Mr Still pointed out that further documents from Council will be available after the Inspector's deadlines and asked how this would be dealt with i.e. in writing or at the hearing?

The Inspector said that, if possible, he would like to get written responses before the hearing session if there was sufficient time (e.g. a week before the session). If information was not available until later then it would be dealt with orally at the relevant session.

### **5. Councillor Lee Barratt – Canvey Island Independent Party**

Councillor Barratt referred to the number of background documents and asked whether the Council could make them available at the hearings? This was necessary to assist him in getting his statement together and to present his case. In this respect it would be helpful if the documents were available in the room.

The Inspector said that it would be helpful if he could include relevant references to Council documents in his submissions. There was limited scope to interrupt round table discussions by having to refer to key documents although he accepted that if it was necessary he would allow time for any representor to find a document while he moved the discussion on.

### **6. Councillor Neville Watson – Canvey Island Independent Party**

Councillor Watson pointed out that circumstances had changed since the Core Strategy had been prepared and asked whether the Inspector was checking the local media and having regard to new circumstances?

The Inspector said that would take into account information that was before him but that it was incumbent on the parties to make him aware of matters which they thought were relevant. This included any recent changes. However, he pointed out that the Core Strategy was a strategic document that set out the framework for development in the Borough over the next 15 years and that it would be impossible for it to cover all circumstances. Nevertheless, he accepted that something of a fundamental nature might require all or part of the Core Strategy to be reviewed.

### **7. Councillor Ray Howard – Essex, Borough & Town Councillor**

Councillor Howard was concerned that he had had no input to the Core Strategy but that he had a personal interest and wondered how he might be able to represent himself and his constituents?

The Inspector queried the site involved (land by Cornelius Vermuyden School where there had been 2 previous inquiries at which Cllr Howard had given evidence). He also clarified that Cllr Howard had not made a representation to the Core Strategy and that, in principle, this meant that he was unable to do so now. However, he suggested that he set out his case in writing and pass this to PO. He will then consider whether it was appropriate for Cllr Howard to participate in the proceedings.

#### **8. Simon Hart – Hands off our Green Belt**

Mr Hart asked whether the Inspector was examining this version of Core Strategy?

The Inspector confirmed that only the submitted version was being examined. Earlier versions had been the subject of consultation and revision and had ultimately led to the version which was now before him. The earlier versions of the document were not being examined so objections to these versions were not relevant.

#### **9. Anthony Pharoah – Rapleys for W Morrison**

Asked why the Matters and Issues paper did not include him and asked if he could still attend?

The Inspector said that he was happy to consider further attendees particularly if they had been inadvertently missed from relevant sessions. He advised Mr Ferrer to write to the PO to clarify the sessions he wished to attend and this would be considered.

#### **10. Russell Forde – Smart Planning**

Asked why there were no questions linked to Matter 9 but only Matter 10?

The Inspector said that both matters were covered by the same list of questions so that broad issues relating to employment could be addressed to begin with before moving on to the more detailed issues relating to Canvey Island.

#### **11. Philip Rowell – Adams Henry Consulting**

Mr Rowell wanted to know if the Core Strategy was in accordance with the RSS and whether there was any formal confirmation of this?

On behalf of the Council Amanda Raffaelli explained that representations had been made by Helen de la Rue on behalf of the East of England Regional Assembly.

### **Finally**

Five points by way of summary/reminder:

- **Equal regard will be had to views put orally or in writing**
- **Be succinct**
- **Meet the target dates**
- **Focus on the Matters for Examination and the tests of soundness**
- **Be clear in saying how you think the DPD should be changed**

