

# PEAK DISTRICT NATIONAL PARK CORE STRATEGY

## PRE-HEARING MEETING on 3 February 2011

### INSPECTOR'S EXAMINATION GUIDANCE NOTES

#### 1 Opening Announcements and Introductions

- 1.1 I shall open the Pre-Hearing Meeting for the Peak District National Park Core Strategy, which forms part of the Authority's Local Development Framework, at 10.30 on Thursday 3 February 2011.
- 1.2 I shall introduce myself as Shelagh Bussey. I am a Senior Planning Inspector for the Planning Inspectorate. I am a Chartered Town Planner and I hold a Masters Degree in Environmental Planning, post graduate Diplomas in Town Planning and Environmental Management, and I am a Doctor of Philosophy. I have been appointed by the Secretary of State under Section 20 (4) of the Planning & Compulsory Purchase Act 2004 to hold the Examination into the soundness of the Peak District National Park Core Strategy.
- 1.3 I shall introduce the Programme Officer for the Examination; Kerry Trueman, who for the purposes of the Examination, is acting as an independent Officer, under my direction, not as employee of the Authority. Her contact details are: **Ms K Trueman, Programme Officer, Peak District National Park Authority Office, Aldern House, Baslow Road, Bakewell, DE45 1AE, [kerry.trueman@peakdistrict.gov.uk](mailto:kerry.trueman@peakdistrict.gov.uk), telephone number 01629 816256.**
- 1.4 The Programme Officer is responsible for finalising the programme for the Hearing Sessions of the Examination, for maintaining the Examination Library, recording and circulating all material received, and assisting me with procedural and administrative matters.
- 1.5 The Programme Officer will be able to advise you on any programming queries, and any procedural queries should be addressed to her in the first instance. Any matters which the Authority or anyone wishes to raise with me should also be addressed to the Programme Officer initially.
- 1.6 The Authority's team will then be introduced as:
  - 1.6.1 Policy Planning Manager – Brian Taylor
  - 1.6.2 Policy Planners
    - Peter Abbott
    - Sue Marriott
    - Ian Fullilove
    - Judith Fidler
  - 1.6.3 Transport Policy Manager – Emily Davies
  - 1.6.4 Minerals Team Manager – David Bent
  - 1.6.5 Minerals consultant – Anthony Northcote

## **2 Purpose of the Pre-Hearing Meeting**

- 2.1 The purpose of the Pre-Hearing Meeting is to explain and discuss procedural and administrative matters relating to the management of the Examination, including the programme for the Hearings, the matters to be examined and related issues, the timetable and participants at each of the sessions, how representations will be heard, key dates for the submission of topic papers and further representations, and any other relevant matters. However, the contents or merits of the Core Strategy will not be discussed.

## **3 Scope of the Examination and Inspector's Role**

- 3.1 My role is to consider whether the Core Strategy meets the requirements of sections 19 and 24 (i) of the 2004 Act and the associated Regulations, and whether it is sound in terms of being justified, effective and consistent with national policy. The starting point for the Examination is the assumption that the Authority has submitted what it considers to be a sound plan, and the Authority should rely on evidence collected while preparing the Core Strategy to demonstrate that it is sound. Representors seeking changes to the Core Strategy have to demonstrate why they consider it to be unsound and how their suggested changes would make it sound.
- 3.2 Representations made to the submitted plan, will be considered insofar as they relate to its soundness, but they will not be reported on individually.
- 3.3 The Examination will be closed when I submit my report to the Authority, on my conclusions and actions or changes needed as regards the soundness of the Core Strategy.
- 3.4 There are several possible outcomes of the Examination of the Core Strategy. The most serious would be a finding of unsoundness in relation to a critically important part of it, leading to a recommendation that it should be withdrawn. However, less serious outcomes may be that:
- Additional work needs to be undertaken before the Examination can be completed;
  - Part of the Core Strategy should be excluded or changed (having regard to the implications in terms of community involvement and sustainability appraisal requirements), and the remainder adopted;
  - Part of the Core Strategy should be excluded and subsequently brought forward in a revised form in a fresh DPD, and the remainder adopted.
- 3.5 Ideally, only a limited number of minor changes to be suggested by the Authority should be made to the Core Strategy, if necessary for soundness, at this stage. I may only endorse such changes to the submitted plan if they are sound and meet the requirements for public consultation and sustainability appraisal.

## **4 Procedural Questions for the Authority**

- 4.1 Before outlining the arrangements for the Examination, I shall ask the Authority the following procedural questions.

- 4.2 Can the Authority confirm that the Core Strategy has been:

*(i) prepared in accordance with the statutory procedures under*

*Section 20 (5) (a) of the 2004 Act?; Yes*

- (ii) prepared in compliance with the 2004 Regulations (as amended), specifically regarding the publication of prescribed documents, their availability at the Authority's principal offices and website, the placing of local advertisements and notification of the DPD bodies?; Yes*
- (iii) is the Authority aware of any fundamental procedural shortcomings concerning the Core Strategy? None*
- (iv) has this meeting been advertised? Yes How? On website, all consultees, deposit locations, libraries and press advert*

## **5 Representations made on the Core Strategy**

- 5.1 Some 310 representations were made by a total of 53 organisations and individuals during a 6-week consultation period between 15<sup>th</sup> September and 26<sup>th</sup> October, prior to the formal submission of the Core Strategy to the Secretary of State on 17<sup>th</sup> December 2010. 221 representations considered elements of the Core Strategy to be unsound, 89 representations considered it to be sound. In some cases representations received by post or email did not explicitly state if the plan was sound or unsound and in these cases the Authority had to make an assumption.
- 5.2 The representations cover most aspects and policies of the Core Strategy. In response to these the Authority has now prepared a schedule of suggested changes, which are contained in a 'living' suggested changes schedule that has a Core Document reference **G011**, which can be viewed on the Authority's website at: <http://www.peakdistrict.gov.uk/ldf>. A paper copy will also be kept in the Examination Library.

## **6 Methods of considering representations**

- 6.1 Those who have made representations on the Core Strategy and consider it to be unsound need to decide whether they want their views to be dealt with in writing or if they wish to present them orally at the relevant Hearing Session of the Examination. Both methods carry the same weight and I shall have equal regard to views put to me orally or in writing. Attendance at the Hearings will only be helpful if you wish to participate in the debate.
- 6.2 With reference to the two main ways in which representations on the Core Strategy can be considered:
  - Written representation – This is based on the original representation. Those people who wish to proceed by written representations can, if they wish, rely on what they have already submitted in writing and take no further action, or they may send in a further written representation in support of their position, having regard to my Matters, Issues and Questions Papers (MIQs) that are relevant to their objections. Most representations will be considered by this method. Written representations will not generally be discussed at the Hearings and attendance at the Hearing Sessions is not necessary, although all will be public meetings;

- Oral representations – Where Representors have indicated on their representation form or the Programme Officer’s questionnaire that they wish to be heard, relevant points of their representation will be considered at a Hearing Session of the Examination, where the Authority and other participants will be able to debate the main points on the key issues, in a structured discussion led by me.

6.3 Whichever method you select, please remember that my role is to consider the soundness of the Core Strategy in the light of the representations received, rather than considering all the points raised in those representations. Only those parties seeking specific changes to the Core Strategy are entitled to attend the Hearing Sessions of the Examination. There is no need for those supporting or merely making comments on the plan to attend, unless they wish to, as observers.

## **7 Procedure and Programme for the Hearing Sessions of the Examination**

7.1 The Hearing Sessions for the Core Strategy will commence at **09.30** on **Monday 11 April 2011** in **The Boardroom at the Peak District National Park Authority Office, Aldern House, Baslow Road, Bakewell, DE45 1AE**, as will all other Hearing Sessions for the Core Strategy, which will extend over the remainder of that week and the following week until **Thursday 21 April 2011**.

7.2 The sessions will start at 09.30 and 14.00 each day, with a break for lunch at about 13.00 and they will finish at about 17.00. When convenient, a short break will be taken mid-morning and mid-afternoon.

7.3 The Hearing Sessions will take the form of a structured discussion, where the Authority and those who have been invited to participate will discuss the key issues, around a table. This will provide a relaxed and informal setting for dealing with the MIQs. Those attending may bring professional representatives with them, who may ask other participants questions, but there will be no formal presentation of evidence, cross-examination or formal submissions. If the Authority or any Representors intend to invite their legal representatives/expert witnesses to any of the Hearing Sessions please would they inform the Programme Officer and provide her with their details so that the necessary administrative and seating arrangements can be made.

7.4 I have set out a range of MIQs on which I need information or a response from the Authority and Representors. These accompany this note. They are also available to view on the Authority’s website and there is a paper copy in the Examination Library. The discussion at the Hearing Sessions will focus on the relevant MIQ paper, which will provide the agenda for the Hearing Session. I shall make a few brief opening comments on the matters I want covered in the Session. I shall then invite the participants to make their contribution in response to the points that I have raised. The Hearing Session will progress under my guidance, drawing those present into the discussion in such a way as to enable me to gain the information necessary to come to firm conclusions and recommendations with regards the soundness of the Core Strategy. There will be opportunity in the Hearing Sessions to ask questions, and professional representatives and advocates can also join in the discussion.

7.5 The Hearings will be conducted on the basis that everyone taking part has read the relevant documents, although participants will be able to refer to and elaborate on relevant points, as necessary. I shall endeavour to progress the Hearing Sessions in an effective and efficient manner. As part of that process, I aim to minimise the amount of material to that necessary to come to informed conclusions on the Main Matters.

## 8 Hearings Programme

8.1 The Hearings Timetable is attached. Also attached is the Hearings draft Programme. If you wish to change sessions or attend additional sessions to those indicated on the draft Programme, or if you wish to change the method of considering any of your representations, please inform the Programme Officer as soon as possible before **31 January 2011**. It will be for individual 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.

8.2 The Main Matters identified for the Core Strategy Hearing Sessions are:

- **MAIN MATTER 1 – Sections 1-8 including policies DS1, GSP1 – GSP4**  
*An Overview of the Soundness of the Core Strategy*  
*Whether the Core Strategy Spatial Portrait, Spatial Vision, Objectives, Development Strategy and General Spatial Policies cover a suitable range of issues, are the most appropriate, satisfactorily address cross-boundary issues, are justified, effective and consistent with the purposes of the National Park, and with national policy.*
- **MAIN MATTER 2 – Whole Core Strategy**  
*Legal Requirements/Evidence Base*  
*Whether the Core Strategy meets all of the legal requirements of the Planning and Compulsory Purchase Act 2004 and associated Regulations (as amended in 2008), and is informed by robust, up-to-date and proportionate evidence.*
- **MAIN MATTER 3 – Policies L1-L3 and RT1- RT3**  
*Landscapes and Conservation, and Recreation and Tourism*  
*Whether the policies and proposals of the Core Strategy which seek to conserve and enhance the landscape and valued characteristics of the National Park, whilst addressing the key strategic issues for recreation, tourism, environmental education and interpretation are justified, effective and consistent with the purposes of the National Park, and with national policy.*
- **MAIN MATTER 4 – Policies CC1-CC5**  
*Climate Change and Sustainable Building*  
*Whether the policies and proposals of the Core Strategy, which address the strategic role of the National Park in relation to mitigating and adapting to climate change are justified, effective and consistent with the purposes of the National Park, and with national policy.*

- **MAIN MATTER 5 – Policies HC1-HC6  
*Homes, Shops and Community Facilities***  
*Whether the policies and proposals of the Core Strategy, which seek to address the social needs of communities in the National Park are justified, effective and consistent with its purposes, and with national policy.*
- **MAIN MATTER 6 – Policies E1 and E2  
*Supporting Economic Development***  
*Whether the policies and proposals of the Core Strategy aimed at achieving a diverse and prosperous local economy, are justified, effective and consistent with the purposes of the National Park, and with national policy.*
- **MAIN MATTER 7 – Policies MIN1-MIN4  
*Minerals***  
*Whether the policies and proposals of the Core Strategy for minerals extraction, restoration and safeguarding, are justified, effective and consistent the purposes of the National Park, and with national policy.*
- **MAIN MATTER 8 – Policies T1-T7  
*Accessibility, Travel and Traffic***  
*Whether the policies and proposals of the Core Strategy will achieve a sustainable approach to transportation that is justified, effective and consistent with the purposes of the National Park, and with national policy.*
- **MAIN MATTER 9 – Whole Core Strategy  
*Delivery, Monitoring, Implementation and Flexibility***  
*Whether the delivery and monitoring strategy for the Core Strategy effectively demonstrates; what, where, when and by whom its policies and proposals will be delivered and that its contingencies for promoting their delivery are flexible, appropriate and effective.*
- **MAIN MATTER 10 – Whole Core Strategy  
*Miscellaneous Matters***  
*Any other miscellaneous and procedural matters.*

8.3 Bearing in mind their associated Issues and Questions, I shall ask for confirmation of the Authority and attendees of the Pre-Hearing Meeting that these are the main matters that go to the heart of the soundness of the Core Strategy.

## **9 Preparation and submission of further material**

### **Core Documents**

9.1 The Authority has prepared a list of Core Documents, which includes web links to those documents. A paper copy of this list can be obtained from the Programme Officer and is also available on the Authority's website. Paper copies of the Core Documents are available for inspection in the Examination Library, which is located in the offices of **Peak District National Park Authority**, at **Aldern House, Baslow Road, Bakewell, DE45 1AE**, subject to prior appointment with the Programme Officer. They are also available to

view on the Authority's website at: <http://www.peakdistrict.gov.uk/ldf>. The Examination Library also contains copies of the submitted Core Strategy and associated documents, all representations, the Core Documents and further representations and statements, as received.

### **Topic Papers to be provided by the Authority**

- 9.2 In response to **each** of my Matters, Issues and Questions papers (G008) the Authority will be asked to prepare a full written response in the form of an individual Topic Paper. They should include full and precise references to the evidence base to justify a particular strategy/proposal/policy, along with any supporting documentation. They should also include references to any suggested changes considered necessary to make the Core Strategy sound. These Topic Papers will provide the Authority's detailed answers to my questions and will set the scene for the issues to be debated at the Hearings sessions. The Authority's Topic Papers should be submitted to the Programme Officer by **Friday 11 March 2011**. In addition, any suggested changes arising from the Authority's responses to the MIQs should be added to its schedule of suggested changes document (GO11) by the same date.

### **Submission of further written statements and other material by Representors**

- 9.3 The representations already made should include all the points and evidence to substantiate Representors' cases. However, if you wish to submit further evidence in response to my MIQ paper that is relevant to your representation, either for the Hearings or for written representations, it should be sent to the Programme Officer by **Friday 11 March 2011**. If you have made a number of representations that are to be considered at more than one Hearing Session, a copy of your further written statement is required for **each** of the relevant Hearing Sessions.
- 9.4 I emphasise the need for succinct submissions, avoiding any unnecessary detail and repetition. There is no need for verbatim quotations from the Core Strategy, or other sources of policy guidance. Nonetheless, it is vital that the fundamental elements of cases are set out clearly, since the Hearings are not the place for new points or evidence to be presented for the first time. Please note that it is the quality and substance of the reasoning that carries weight, not the bulk of the documents.
- 9.3 The Programme Officer will require **4 paper copies of all topic papers and written statements, which should also be submitted in electronic form, if possible**. Statements should be no longer than **3,000 words**, either for a Hearing session or further written representations. Statements which are excessively long or contain irrelevant or repetitious material may be returned. Technical evidence should be limited to appendices, and should be clearly related to the Main Matter. Any supporting material should be limited to that which is essential and should not contain extracts from any documents that are already in the Examination Library, although these should be cross-referenced if referred to. All statements should focus on the elements of soundness; justification, effectiveness and consistency with national policy, and they should specifically demonstrate how the submitted Core Strategy is unsound, and how it could be made sound by adopting the approach advocated by the Representor. **All statements should clearly indicate the**

**policy/paragraph/page of the Core Strategy at issue, and the relevant aspect of soundness.**

- 9.4 There is no need for summary statements. Statements should be on A4 paper, not spiral bound, but punched with two holes for filing. Photographs should be in A4 format, annotated on the back. Plans or diagrams should fold down to A4 size. **All statements should be marked with your unique reference number as indicated on your PHM Questionnaire, and the Main Matter to which it refers.** If you have mislaid your reference number please contact the Programme Officer. If you wish to make further representations that cover more than one Main Matter a separate copy of your statement is required for each Main matter, and should be appropriately referenced.

## **10 Site visit arrangements**

- 10.1 I shall visit of all the main locations referred to in the Core Strategy and I shall make a familiarisation tour of the National Park prior to the Hearing Sessions, on an unaccompanied basis. If, exceptionally, there are particular reasons for an accompanied visit, participants should discuss these with Programme Officer.

## **11 Close of the Examination**

- 11.1 The Examination will remain open until my report is submitted to the Authority. However, I shall not accept any further representations or evidence after the Hearing sessions have finished, unless I specifically request further information on particular topics. Any late or unsolicited material will be returned.

## **12 Submission of the Inspector's Report to the Authority**

- 12.1 I shall announce the date when I expect to submit my report to the Authority at the last Hearing Session.

## **13 Matters Requiring Early Clarification**

- 13.1 Early into the Examination I identified a number of matters regarding the soundness of the Core Strategy upon which I requested early clarification from the Authority, Note 1 (G012). The Authority has responded to these in writing in a document referenced (G013) which is in the Examination Library and on the website. At the Pre-Hearing Meeting I shall ask the Authority to briefly outline its response on these matters in order that any implications for further public consultation can be considered.

## **14 Questions**

- 14.1 I shall then invite questions from the Authority and attendees about the procedure and management of the Examination.

## **15 Pre-Hearing Note**

- 15.1 The Pre-Hearing Note will comprise a summary of the Authority's response to my request for early clarification of some matters that may have implications for the soundness of the Core Strategy, a summary of any questions from the Authority and other attendees of the Pre-Hearing Meeting about the procedure and management of the Examination together with my responses to those questions, the final Hearings Programme, my Matters, Issues and Questions

papers, the Authority's schedule of suggested changes to the Core Strategy and a summary of the Key Examination dates.

*Shelagh Bussey*

Inspector

17 January 2011