

SEFTON LOCAL PLAN EXAMINATION

NOTES OF PRE-HEARING MEETING

Held on 24 September 2015 at the Ballroom, Town Hall, Bootle

Introductions

- 1 The Pre-Hearing Meeting (PHM) was opened at 10 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 Sefton Local Plan (SLP). He introduced Carmel Edwards, the Programme Officer for the Examination. The Council introduced its team: Steve Matthews (Local Planning Manager), Alan Young (Strategic Planning & Information Manager), Ingrid Berry (Team Leader, Local Planning) and Anthony Gill of Counsel. 110 other persons were present, representing local residents, various organisations and the development industry.
- 2 The purpose of the meeting was to discuss the scope of the examination and the procedural and administrative matters relating to its management. The Inspector stated that there would be no discussion at the PHM of the content or merits of the SLP, or of the representations made.

Role of the Programme Officer

- 3 Carmel Edwards is an impartial officer of the examination under the Inspector's direction. She 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 SLP 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 SLP meets the requirements of the legislation, 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 SLP is **positively prepared, justified, effective and consistent with national policy**.

- 5 The Inspector emphasised that those seeking changes are asked to demonstrate why the SLP is unsound by reference to the tests of soundness. He will consider the representations made to the SLP 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 SLP "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 plan 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. He hoped that this would not be necessary in this case.

Examination scope – Treatment of new household projections

- 7 When submitting the SLP for examination, the Council indicated that an early review is likely to be necessary. The need for an early review is set out in the Housing Technical Paper (TP.1) and arises from new government household projections which, in the Council's view, indicate that the Submission SLP does not fully meet Sefton's housing need, particularly if the demographic-based housing requirement is adjusted to take into account employment-led growth scenarios. The Council has commissioned further studies to investigate this in more detail.
- 8 The Council asks that the Plan be adopted in its current form, with the commitment to an early review. If this is not possible, the Council believes that the most likely alternative is that the Plan would have to be withdrawn and re-written, setting the process back by a number of years. In support of its position, the Council points to a recent Written Ministerial Statement which stresses the importance placed by the government on local authorities having up-to-date local plans in place, if necessary committing to an early review to ensure that a plan is not unnecessarily delayed.
- 9 The Inspector pointed out that significant changes which occur to matters such as the evidence base or national policy are normally taken

into account when determining the soundness of the Plan. In his view, this means that consideration has to be given to the new (2012-based) household projections at the examination, at least insofar as they are a factor in determining the objectively assessed housing need. The Council accepted this, agreeing that its Review of Objectively Assessed Housing Requirement (July 2015, HO.1), which is based on the 2012 household projections, will form part of the evidence base to be examined.

- 10 The Inspector asked the Council to confirm that, in effect, it was asking him to proceed with the examination on the following basis:

If the Inspector finds that the housing delivery does not meet the substantially increased “Objectively Assessed Housing Need” based on 2012 household projections, the fact that the increase in housing need arose very late in plan preparation, coupled with the commitment to an early review, would be sufficient for the SLP not to be found unsound.

The Council agreed that this summarised its position, emphasising the support given by the Ministerial Statement and relevant case law.

- 11 Many representors present supported this approach. Mr Mitchell (Barton Willmore) said that his clients were keen to have the Local Plan examination proceed without delay. This was endorsed by Mr Francis (DPP). No-one present argued against this course of action. Mr Lee (NJL Consulting) asked whether proceeding on this basis carried with it an implication that the SLP would not be found unsound on other issues. The Inspector clarified that he was not prejudging the outcome of the examination and that the SLP could still be found unsound for other reasons. In response to a question from Patrick McKinley (Leader of Maghull Town Council), the Inspector confirmed that his role was to ensure the Plan was consistent with the NPPF and this included all three elements of sustainability.
- 12 The Inspector stated that, having carefully considered the case made by the Council for an early review and in the absence of any overriding objection, the examination will proceed on the above basis.

The Examination Process

- 13 The Inspector will shortly issue a “Matters, Issues and Questions” document which will provide a framework for the hearing sessions. Participants will be invited to submit written statements, if they wish, on the points raised in the “Matters, Issues and Questions” document. By concentrating on the critical matters to be examined, the submission of further statements will help to focus discussion at the hearings on the key soundness issues.
- 14 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 SLP 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 explained that written representations already submitted carry equal weight to oral contributions at the hearings, so there is no need for participants to attend if they are content to rely on what has already been stated in writing.

- 15 A draft programme for the hearings will be issued in the next few weeks and will list the participants under each of the main matters to be examined. The Inspector indicated that the draft programme will be based on information previously provided by representors about their intention to attend the hearings. If anyone thinks that she/he has been wrongly included or excluded as a contributor to a particular hearing session, they are asked to contact the PO and the programme will be amended.
- 16 Some representors including Adrian Swift, Peter Neild, Nick Lee (NJL Consulting) and Laurence Rankin (Sefton Green Party) expressed concern about the on-going publication by the Council of a number of important evidence-base studies; this concern was shared by the Inspector. Mr Matthews explained that the Council was intent on having the most up-to-date information available at the hearings, and that some studies had been commissioned to address points made in the representations to the Publication Draft Plan.
- 17 Because all parties must have time to take new evidence into account before it is discussed at the hearings, the Inspector indicated that the late release of documents has the potential to disrupt the hearings programme. He set out a minimum period of two weeks between the publication of a new study and the hearing session at which that study will be discussed; this period may have to be extended if a particular document is very large or complicated. Mr Matthews acknowledged the points made and undertook to speed up publication of outstanding studies wherever possible. The Council would produce a list of outstanding documents with estimated publication dates.
- 18 Mr Fraser and Mr Tibenham (Pegasus) asked whether parties who had not submitted comments at Publication Draft stage because they were satisfied with the content of the SLP would be given the opportunity to submit representations and appear at the examination if the Council changed its position as a result of the new evidence being produced. The Inspector indicated that, in the interests of fairness, he would allow new representations to be submitted in these circumstances, subject to compliance with the deadline set for responses to his "Matters, Issues and Questions" document.
- 19 Mr O'Hanlon (Maghull & Lydiate Action Group) asked whether the examination would be addressing sites proposed for development that had not been selected by the Council, and if so, whether there would be the opportunity to submit comments on them. The Inspector confirmed that the alternative sites considered during plan preparation but not allocated – called "omission sites" – would be included in the

examination as they are relevant to the tests of soundness. These sites would be identified in his “Matters, Issues and Questions” document, giving all parties the opportunity to submit statements on them and discuss them at the hearings.

- 20 In response to the Inspector’s question about legal representation at the hearings, the Council said that it would have Counsel present. No other party indicated that they would be legally represented.

Modifications to the Submission Plan

- 21 The Inspector indicated that further changes to the SLP are likely as the examination process unfolds. He explained that minor changes which did 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.
- 22 More substantial changes which are necessary if the SLP 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 requires the Council to formally request that the Inspector recommend any ‘Main Modifications’ necessary to make the SLP legally compliant and sound.
- 23 Recent changes to national planning policy and guidance have the potential to trigger Main Modifications to the Plan. The Inspector outlined some recent changes, though not all are likely to require the Plan to be modified:
- (a) Written Ministerial Statement of 18 June 2015 relating to onshore wind turbine development.
 - (b) Revisions to Planning Practice Guidance concerning changes to thresholds for affordable housing contributions (31 July 2015).
 - (c) Revisions to Planning Policy for Travellers Sites, 31 August 2015.
 - (d) Housing – Optional Technical Standards come into force on 1st October 2015.
- 24 Some representors expressed concern that members of the public find it difficult to keep track of these changes, thereby making it difficult to comment on the implications. The Inspector indicated that he and the Council would ensure that details of how to access the changes would be provided on the Sefton Local Plan Examination page of the Council’s website www.sefton.gov.uk/planning-building-control/planning-policy/local-plan-examination.aspx .
- 25 Mr Matthews stated that, in response to representations to the Submission Plan, the Council intends to make a series modifications following Cabinet meetings on 1 October and 5 November. The Inspector stressed the importance of the Council keeping all parties informed of any changes by regular up-dates to the Local Plan Examination page of its website. Respondents should monitor this, or

keep in regular contact with the PO, in case they wish to comment upon the modifications at the hearing sessions.

- 26 The Inspector asked the Council whether it had considered the reporting and delegation arrangements for agreeing to any Main Modifications that are necessary. He explained that having a streamlined system for decision-taking can contribute considerably to the smooth running of the examination, though he acknowledged that such decisions may be provisional and subject to formal ratification under the Council's procedures. Mr Matthews said the Leader of the Council was able to make some executive decisions to report back to Council. He would take the matter back for discussion and they would agree an approach.

Hearing sessions - times, venues and administrative arrangements

- 27 The hearing sessions of the examination will commence at 10.00am on Tuesday 17 November 2015. It is anticipated that at least 12 days will be required over a 4 week period, sitting for at least 3 days each week. This would leave the Monday of each week free for preparation and Friday available to accommodate any overruns or for site visits. An outline of the likely programme is as follows:

Week 1 17-19 Nov: Legal/Procedural matters, Overall strategy of Plan (Chapters 1-5 including principle of Green Belt releases), Housing need & requirement and employment need & requirement (Policy MN1 and general points of policy MN2).

Week 2 24-26 Nov: Chapters 7-12 – Economic Development/Regeneration, Housing and Communities, Infrastructure, Design and Environment, Natural and Heritage Assets, Implementation.

Week 3 1-3/4 Dec: Site specific allocations for southern half of plan area – Crosby, Maghull, Melling, Aintree, Bootle + omission sites.

Week 4 8-10/11 Dec: Site specific allocations for northern half of plan area – Southport, Ainsdale, Formby, Hightown + omission sites.

- 28 For weeks 1 and 2 the hearing sessions will be held in the Town Hall at Bootle; week 3 will be at Maghull Town Hall and week 4 at the Professional Development Centre, Park Road, Formby. The move away from Bootle in weeks 3 and 4 is to assist the many participants who felt that hearings should take place closer to the communities where much of the development is proposed. In response to concern from representors who felt that Formby was too distant for many Southport residents, the Council explained that it had been unable to find a suitable location in Southport so close to Christmas.
- 29 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 comfort break during each morning and afternoon session. A hard copy of the primary evidence base will be available at each venue during the hearings for use by all participants.
- 30 The Inspector reported that the PO had received requests from some

representors for evening sessions of the hearings. There was no support for evening sessions from those present at the PHM, but the Council undertook to investigate further.

- 31 Christine McGregor asked if a transcript or film recording of the proceedings would be undertaken and made available to those unable to attend the hearings. The Inspector said that a transcript would not be provided. Although it was not common practice to film such events, he would have no objection to a recording being made. Mr Matthews said that the Council did not intend to record the proceedings.
- 32 The Inspector was asked whether the hearings were open to everyone and what would happen if a large number of people turned up. He said that anyone may attend, though he would not look favourably on a lot of people seeking to make similar points as this is not good use of limited time. The Inspector understands the strength of objection to many of the Plan's proposals, and advises persons wishing to object to the same matter or site to get together and appoint spokespersons to present their views. Organised groups may find it beneficial if one person speaks on (for example) Green Belt matters, another person deals with transport, another with environmental issues, and so on.

Submission of further Statements

- 33 The Inspector stressed that it is not necessary to repeat arguments that have already been made at the Publication Draft stage in January 2015, as all these representations will be taken into account. Consequently, any further written evidence should be limited to responding to the Inspector's "Matters, Issues and Questions" document insofar as relevant to the content of the original representations. Separate statements should be provided for each of the Matters or Issues to be examined.
- 34 The Council's statements should deal with all of the Issues and Questions, even if they are not subject to representations. The Council's statements may also include any responses to the matters raised by the representations to the Publication Draft Plan, and should include any suggested modifications to the wording of SLP policies or explanatory text.
- 35 Statements should be succinct and avoid unnecessary detail and repetition. There is no need for quotations from the SLP, 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.
- 36 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 Friday 30 October 2015** unless the deadline for a particular topic has been extended as a result of the

Council's late publication of an evidence-base study (see the website for any information about deadline extensions). The same deadline applies to statements from representors and the Council. There will be no further opportunity for rebuttals of these statements unless the Inspector invites further information on a particular point.

Site visits

- 37 The Inspector stated that before and during the hearing sessions he will be travelling around the borough in order to familiarise himself with some of the key features raised in the representations. He will also undertake further visits 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 feels that an accompanied site visit is necessary, the PO should be advised.

Submission of Inspector's Report

- 38 The Inspector indicated that following the end of the hearing sessions he will prepare a report for the Council with his conclusions and any modifications required to the SLP. 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.
- 39 The Inspector advised that there is likely to be an additional round of consultation after the final hearing session. He will usually issue a note of his interim findings to the Council to enable it to consider the Main Modifications necessary for the Plan to be found sound. Provided these are accepted, there will be full consultation with all participants on the modifications and the Inspector will take the responses 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.

Inspector's Closing

- 40 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 12 noon.