

# SOUTHAMPTON CORE STRATEGY PRE-EXAMINATION MEETING – WEDNESDAY 27<sup>TH</sup> MAY 2009 – 2PM

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## NOTES OF MEETING

### 1 OPENING ANNOUNCEMENTS

The Inspector confirmed that the hearings part of the Examination will commence at 10.00 am on Tuesday 7 July 2009 at Jury's Inn, Southampton (Suite 104).

### 2 INTRODUCTIONS

He introduced himself and Irene Smith, the Programme Officer (PO). The Council then indicated who represented them at the meeting.

### 3 PURPOSE OF THE PRE HEARING MEETING

The meeting provided an opportunity for:-

- i) **procedural and administrative matters** relating to the examination to be explained and discussed,
- ii) consideration of the **draft programme**, the draft issues identified, the likely running order, the participants for each session and any other related matters.

The Inspector then explained the **chronology** of the pre-hearing stage, then the hearing sessions and then what happens after that. He confirmed that a more detailed agenda for each session would be prepared later – but that it will retain the basic format indicated.

### 4 SCOPE OF THE EXAMINATION AND INSPECTOR'S ROLE

This is to consider whether the Core Strategy meets the requirements of the Act and associated Regulations against the **tests of legal compliance and soundness** set out in paragraphs 4.50 to 4.52 of Planning Policy Statement 12 [PPS 12].

The examination will focus on these tests of soundness. The Council should rely on evidence collected whilst preparing the document to demonstrate that it is sound. **Those seeking changes to the Core Strategy have to demonstrate why that is not the case.**

The Inspector explained how the process of examining plans under the new Local Development Framework system is **different from the previous local plan system.**

- Firstly, the **focus is on the plan** rather than the objections. Under the new system the Inspector examines the soundness of the whole plan, having regard to the representations submitted, rather than just objections made.

- Secondly, the **process of examination** is more akin to an Examination in Public into a Structure Plan, with “round table” sessions addressing particular topics, rather than the traditional form of public inquiry considering objections.

Following the closure of the hearing sessions, the Inspector will prepare a **report to the Council** with conclusions and decisions as to the action it needs to take with regard to the soundness of the document. This report is **binding** on the Council and it should amend the document in the light of the decisions and move swiftly to its formal adoption.

In terms of published documents, PPS 12 – Local Spatial Planning - should help interested parties get an understanding of the new process but if still not clear there is other advice available on the DCLG, PINS and Council websites that should assist.

Representations from 70 or so different organisations or individuals were received during the 6 week period following formal submission of the CS to the Secretary of State.

The Council accepts a few of the points raised that relate to minor changes to the wording, without affecting the soundness of the plan or impacting upon the sustainability appraisal. They have prepared a **schedule of changes, also available on the website, and have asked that this be referred to in the Report.**

Otherwise, in line with the advice in PPS 12, the Council are not expected to put forward any more substantive changes. If, exceptionally, more fundamental changes are proposed, the Council must fully explain and justify the reasons for the changes, with supporting evidence. They should also indicate the implications in terms of the soundness of the document and ensure that they have been subject to the same process of sustainability appraisal, publicity and opportunity to make representations as with the submitted version.

## 5 THE PROGRAMME OFFICER AND HER ROLE

Irene Smith has been appointed as Programme Officer. For the purposes of this examination she acts as an **impartial** officer of the Examination, under the Inspector’s direction, rather than as an employee of the Council.

Details of **how to contact her** up to and during the running of the examination are set out at the end of these notes.

Her principal functions are:

- i) to **liaise** with all parties to ensure the smooth running of the examination.
- ii) to ensure that the **documents** received before 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.

She will be able to **advise** on any programming queries and all practical and procedural queries should be addressed to her in the first place. She will pass them on to the Inspector for a reply, if necessary, but carries his authority to act in accordance with the regulations.

## 6 PROCEDURAL QUESTIONS FOR THE COUNCIL

The Inspector asked the Council formally:

Can the Council confirm that the Core Strategy has been prepared in accordance with:-

- the statutory procedures?
- the Council's Local Development Scheme?
- the Statement of Community Involvement?
- Is it supported by a sustainability appraisal (SA, SEA & AA)?
- Are there any fundamental procedural shortcomings?

The Council answered "yes" to the first four questions and "no" to the last.

Can the Council also confirm the opinion of the **Regional Planning Body** on the general conformity of the Core Strategy with the Regional Spatial Strategy (RSS) (South East Plan) and any issues arising from this opinion?

The Council confirmed that this had been obtained in relation to RPG 9 at the time of submission of the CS to the Secretary of State and would now seek further written confirmation in relation to the recently adopted South East Plan (RSS).

## 7 PROCEDURE PRIOR TO THE OPENING OF THE HEARINGS

The Examination Hearings will be progressed in **an effective and efficient** manner, with a tight rein on the discussions and time taken. As part of that process the amount of written material should be limited to that necessary for the Inspector to come to informed conclusions on the issues. A **short, focussed**, series of hearings should lead, in turn, to a short, focussed, report.

Those who have made representations on the document should have already decided whether their views can be dealt with in a **written form** or whether they need to come and present them **orally** at a hearing session. Both methods will carry the same weight and the Inspector will have equal regard to views put orally or in writing.

Attendance at a hearing session will only be useful and helpful to the Inspector if participants engage in a debate. Anyone participating in a hearing session should, four weeks in advance of attendance at that session, prepare a **statement of their position, focussed upon the issues** identified and circulated in the programme for that session.

Anyone who has not already decided must do so by **Friday 5 June** so that arrangements can be finalised or it will be assumed that they are content to rely on written reps.

Those who wish to proceed by written means only need take **no further action**; they can rely on what they have already submitted in writing. However, if anyone wants to submit **further written evidence** supporting their position, this should be **focused** upon the issues identified for the hearing sessions or they risk being returned.

The Council may then respond to any further representations with its own statement.

The Council have prepared a list of **Core Documents** (CDs) that is available in the Examination Library and on the Council's website. These include the Regional Spatial Strategy, Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs), Background Papers and many other documents that parties may wish to refer to. Accordingly, participants should not need to attach extracts of these documents to statements as they are already Examination documents and the Inspector is familiar with them. Copies of the list are available from the PO or on the Council's website.

The Inspector also emphasised the need for **succinct submissions**, with the avoidance of unnecessary detail and repetition. There is no need for verbatim quotations from the Core Strategy or any other sources of policy guidance. Nonetheless, it is vital that the fundamental elements of cases are set out clearly and succinctly but it is the quality of the reasoning that carries weight, not the size of the documents or the width of the appendices.

**Essentially, the Inspector needs to know the following** from those people submitting further statements:

- What particular part of the document is unsound?
- Which soundness test(s), set out in paragraphs 4.23 and 4.24 of PPS12, does it fail?
- Why does it fail?
- How could the document be made sound?
- What is the precise change/wording sought?

**From the Council a response statement may be submitted on each issue or representation**, setting out why it considers the Core Strategy to be sound in that respect and why the changes sought by other parties would make it unsound.

The Council has prepared a series of **Background Papers**, which are available from the PO and on the website.

**Any further statements for the hearings (or further written representations) should be sent to the PO no later than four weeks before the date of the hearing that will be attended. The response from the Council should be available by a date not less than two weeks before.**

The PO requires **6 copies** of all submitted statements, which should be concise and focussed on the issues identified. These should be no longer than **3,000 words**, whether for a hearing session or further written representations. Any submissions that are of excessive length and/or containing irrelevant or repetitious material will be returned.

Any technical evidence should be limited to Appendices and also kept brief, with a non-technical summary attached.

Submissions should be prepared on A4 paper, without hard covers and unbound, but with two holes punched at the side for inclusion in the PO's files. No photographs need be submitted. Any plans or diagrams should also be folded to A4 size and listed as Appendices.

No additional statements or documents whatsoever will be accepted at the Examination.

All statements and appendices should be **clearly marked** with the relevant soundness test number, paragraph/policy, personal reference and representation number.

Supporting material – **Appendices** to Statements – should be limited to those which are essential and 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.

Appendices should have a contents page and be paginated throughout and tagged at the side too. Anyone submitting Appendices should indicate which parts are particularly pertinent and on which they are relying to support their case.

The PO will maintain an **Examination Library** at the Council's offices. This will contain copies of the Core Strategy and associated documents, all representations, the Core Documents and each further submission as it received. The Library will be under the supervision of the PO, who will assist anyone wishing to see and copy any document.

**Limited copying facilities** will be available for participants at the examination but charges will be made.

The PO will maintain lists of all documents submitted. The up-to-date Programme, lists of appearances and other relevant material will be on display on the examination **notice board** which will be on show at the hearing venue.

## **8 THE EXAMINATION ARRANGEMENTS AND PROCEDURE**

The hearing sessions will **commence at 10.00 on 7 July 2009 in Suite 104 at Jury's Inn**. The programme indicates that the hearings will be over 2 consecutive weeks.

Apart from the first day, the hearings sessions will normally start at 0930 and 1400 each day. A short break may be taken mid morning and mid afternoon, with around an hour for lunch from about 1300.

A separate session will be held on **each of the main issues** identified in the draft programme. All are welcome to attend to listen to the debates even if not taking part and, of course, all sessions are also open to the public and the press to observe.

The sessions will take the form of **Round Table Sessions**, where several parties are present, rather than an informal hearing where there are only one or two parties present. This approach will provide an informal setting for dealing with issues, by way of a discussion led by the Inspector.

There will be **no formal presentation** of evidence or cross-examination.

Those attending may bring with them professional advocates and witnesses, but at Round Table sessions there will only be space at the table for one representative of each group or organisation (apart from the Council who are allowed two), though there is no objection to the representative changing at any time providing that this is notified to the Inspector and other participants. There is no need for parties to bring advocates/legal representation but, if they do, they take part as a member of the team, rather than in a traditional advocate's role, as no cross examination or opening/closing statements will normally be permitted.

The discussion will focus **on the issues identified in the agenda** and the questions posed, together with any additional points raised by the written submissions. Those present will be asked to introduce themselves.

The Inspector may then make a **brief statement** as to his understanding of the issues under discussion and then **invite participants** to make their contribution in response to the points raised starting usually, but not exclusively, with the Council.

The hearing will then progress with the Inspector drawing those present into the discussion in such a way as to enable him to gain the information necessary to come to a decision on the relevant matters. There should be opportunities within the discussion to ask questions of the other parties, with the Inspector's approval, and all those involved may join in the discussion, when invited to do so.

Participants will be grouped together according to the issues being considered. Where many people have the same viewpoint, they should appoint one or two people as spokespersons to represent them as the Inspector will not hear from everyone on very similar points.

## **9 SITE VISIT ARRANGEMENTS**

The Inspector has already toured the city and its surroundings but 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 onto private land, the PO will contact the parties involved so that a mutually convenient date and time can be arranged for an accompanied visit. Friday 10 July and Friday 17 July are currently kept free for site visits in the programme.

## 10 CLOSE OF THE EXAMINATION

Once all the information necessary to come to reasoned conclusions and decisions on the main issues has been gathered by the Inspector, he will write the Report. The Examination itself **remains open** until this is submitted to the Council, however once the hearing sessions part of the Examination is completed at the end of July he can receive **no further information** from any party, unless it is a matter on which he specifically requests it. Any unsolicited items sent in will be returned.

## 11 SUBMISSION OF THE REPORT TO THE COUNCIL

The report is expected to be submitted to the Council during October (2009).

## 12 EXAMINATION PROGRAMME

**A draft programme** for the hearings is now available. Any comments should be sent to the PO as soon as possible.

A revised version of the Programme, to be followed by a more detailed Agenda for each session, will be sent out after these Notes. The purpose of the detailed agendas for each session is **to focus attention** on those matters which are identified as areas where the Inspector is seeking 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 PO without delay, but with reasons.

## 13 ANY OTHER BUSINESS/QUESTIONS?

Q. Edward Gerry – New Forest District Council

Can representors comment on the Council's Schedule of Proposed Changes?

A. Yes – they can do so in any further written submissions in relation to the issues identified for the Examination or at the hearings when the changes will be discussed on a policy by policy basis.

Q. Graham Tuck – Southampton City Council

There are two areas where the Council wishes to submit further supporting evidence; City Centre – retail needs update (next two weeks) and Strategic Transport Assessment. Can supplementary evidence be supplied to the same deadlines?

A. If this is new material the Council should make it available as soon as possible on their website, to the PO and also add it to the Core Documents List preferably before the deadlines for other participants to complete any further written submissions. If not, there will be a problem if they are completed too close to the Examination hearing dates as others will need to see them well in advance of the hearings to which they relate. If they cannot be discussed at the Examination for this reason, the Inspector will have to consider allowing further written submissions to be made after the Examination hearings have closed but this is to be avoided if at all possible.

Q. Alex Walton – Highways Agency

Statements of Common Ground

A. They can be useful but only really help if they are comprehensive and prepared by the relevant submission date. They cannot be submitted the night before the Transportation discussion, for example, as this would be unfair to other parties.

Q. Neil Holmes – Quayside Architects

Confusion between dates of deadlines for submissions as given on Draft Programme and 5<sup>th</sup> June?

A. Friday 5<sup>th</sup> June is the deadline for confirming names and numbers for attendance at Examination hearing sessions.

Q. Philip Rowell – Adams Hendry (ABP)

1. Regional Spatial Strategy (RPG9) – one letter relating to submission document, but nothing else requested by the Council regarding the new South East Plan?

2. Length of statement/rebuttal statement?

3. Are there any arrangements for recording examination proceedings?

A. 1. – The Council will write to the relevant parties seeking confirmation that the CS complies with the new SE Plan (or, if not, why not?).

2. – No rebuttal statements are to be submitted; any comments on the Council's responses should be made on the relevant day of Examination attendance.

3. - No, it is not practical or cost effective to record the proceedings but the Inspector will be taking full notes of the debates.

Q. Paul Nichols – Southampton City Council

Inspector's "brief statements" – are they written or verbal?

A. Likely to be just short verbal responses on the day, just to direct/assist the discussions – they will have no formal status at all.

Q. Neil Holmes – Quayside Architects

Is there an opportunity to see hard copies of written representations? – the Council Website is very slow to upload scanned documents. It is important to see what others are saying.

A. You can request copies of the representations for the days you are attending the Examination. Please contact the Programme Officer.

Q. Debbie Mobbs – Southampton City Council

Is it possible to break up the Issues for examination days? SCC may have different people attending for different issues on the same day. Will items be given a specific amount of time?

A. The draft programme sets out the issues in order but it is not always possible to allocate a set amount of time to each. It may be possible to telephone before SCC staff need to attend. The Inspector will try to allocate indicative time slots to particular issues between now and the start of the examination.

## 14 CLOSING REMARKS

Participants should **keep in touch** with the PO to check the progress of the Examination and to ensure that they are present at the appropriate time.

The Inspector urged everyone to:

- Make the best use of the remaining time before the start of the hearing sessions as the first statements are needed by **Tuesday 9 June**.
- 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 Background Papers and any other relevant material produced by the Council.
- Keep in regular contact with the PO.

The Inspector thanked everyone for attending the meeting.

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## ATTENDANCE:

Nigel Payne	-	Inspector
Irene Smith	-	Programme Officer
Alex Walton	-	Highways Agency
Marie O'Sullivan	-	GOSE
Mark Harris	-	Turley Associates
Cllr. Prof. Rest	-	West End Parish Council
Graham Johnstone	-	Natural England
Jo Lines	-	Nursling & Rownhams Parish Council
Jean Wawman	-	East Bassett Residents Association
Elizabeth Burt	-	Savills
Steve Williams	-	English Heritage
Jerry Gillen	-	Highfield Residents Association
Alan Sayle	-	Paris Smith LLP
Kristine Soloman-Olson	-	Southampton & Fareham Chamber of Commerce
Ed. Gerry	-	New Forest District Council
Tim Guymer	-	Eastleigh Borough Council
Pauline Holmes	-	Hants & IOW Trust
Anne Greaves	-	Southampton City Council
Paul Nichols	-	Southampton City Council
Debbie Mobbs	-	Southampton City Council
Graham Tuck	-	Southampton City Council
Fiona Riley	-	Southampton City Council
Andrew Herring	-	Southampton City Council
Alan Heys	-	Southampton City Council
Jagdeep Birk	-	Southampton City Council
Helen Krzanowski	-	Southampton City Council
Kevin White	-	Southampton City Council
Richard Eastham	-	Southampton City Council (City Design)
Sherree Stanley	-	Southampton City Council
Peter Wirgman	-	SFRA
Sarah Cornwell	-	Turley Associates
Martin Moore	-	EBRA
D. Edwards	-	Oakland Way Res Assoc
J. Edwards	-	Oakland Way Res Assoc
Toby Ayling	-	Hampshire County Council
Mike Smith	-	Utilicom & Business Southampton
Richard Wood	-	Madison Property Developments
Max Holmes	-	Madison Property Developments
Neil Holmes	-	Quayside Architects
Charlotte Lines	-	Environment Agency
Laura Bourke	-	Environment Agency
Adrian Vinson	-	Highfield Residents Association
Graham Linecar	-	SCAPPS
Jean Velecky	-	SCAPPS
Philip Rowell	-	Adams Hendry