

HASTINGS LOCAL PLAN – DEVELOPMENT MANAGEMENT PLAN

NOTES OF, AND ARISING FROM, THE PRE-HEARING MEETING (PHM) – 2 PM 7 OCTOBER 2014 AT HORNTYE PARK SPORTS COMPLEX, BOHEMIA ROAD, HASTINGS, TN34 1EX

1. Welcome, emergency exit arrangements and introductions

- 1.1 The Inspector welcomed everybody to the meeting and explained the emergency exit arrangements. He introduced himself as Richard Hollox, a Chartered Town Planner and Chartered Surveyor who had been appointed by the Secretary of State to examine the Hastings Development Management Plan. These Notes would supersede the Guidance Notes previously issued to participants apart from the requirements concerning the submission of statements set out in the Guidance Notes paragraph 7 a) – h). He said that the Hearings were due to start on Tuesday 18 November 2014 and could last for 3 weeks, with Hearings taking place during 3 days of each week. This was, however, a draft programme, and more or less time, and fewer or more days might be required. It was essential therefore to keep in touch with the Programme Officer to ensure that all concerned were at the Hearing for the topics that most interested them. The Hearings would take place at the Hornty Park Sports Complex, Bohemia Road, Hastings, TN34 1EX.
- 1.2 For the Council, Mr David Phillips introduced himself and his core team. They would be supplemented as required by specialist staff to respond to some of the specific Matters at Hearing sessions .

2. Purpose of the Meeting

- 2.1 This was to provide an opportunity to discuss the administrative and procedural matters relating to the Examination and the programme of Hearings. It was also an opportunity to discuss the draft Matters, Issues and Questions (MIQ) and to give people an opportunity to register their interest in participating in the Hearings. The list of participants was based on information held at present, but it was not cast in stone and if anybody considered that they should be invited to a particular Hearing or Hearings, now was the time, or within the next week or so, to speak to the Programme Officer, giving reasons for their request. The final version of the MIQs would be sent to all those who had made representations, together with the notes of this meeting.
- 2.2 The purpose of the PHM was not to discuss the merits or otherwise of policies and proposals of the Plan. The Hearings would be the place for that.

3. Scope of the Examination and the Inspector's Role

- 3.1 The Inspector explained that his role was to consider whether the Council had prepared the Plan in accordance with the Duty to Co-operate, in accordance with the other legal and procedural requirements and whether it was "sound". To be sound and thereby in accordance with the National Planning Policy Framework (the Framework), it must meet the tests of having been positively prepared, justified, effective and consistent with national policy. Further details about the Examination process could be found in the Planning Inspectorate's booklet *Examining Development Plan Documents: Procedure Guidance*. There was a copy in the Examination Library which could be viewed via the Programme Officer.

- 3.2 The starting point was the assumption that the Council had produced what it considered to be a “sound” plan. The Council would be expected to demonstrate, from its evidence, that the Plan was sound and complied with all the legal requirements. Those people seeking changes to the Plan were expected to convince the Inspector that it was not sound or legally compliant, and he would be putting questions to the Council throughout the Examination on these matters. Changes were of 2 types. Main Modifications were those which went to the heart of the Plan and which could be made to make an unsound plan sound. Additional, sometimes called Minor, Modifications were those which were essentially about updating, corrections and clarification.
- 3.3 After the close of the Hearings, a Report would be made to the Council with conclusions and recommendations on the action which it needed to take on the Plan. The options were as follows: a recommendation that the Plan be adopted as it was, having been found sound and legally compliant; that it be not adopted because it was not sound or legally compliant; or that it be adopted with the inclusion of one or more Main Modifications to make it sound.

4. Role of the Programme Officer

- 4.1 Like the Inspector, the Programme Officer was independent of the Council and everybody else. She would continue to work with the Inspector, assisting him in ensuring the smooth running of the Examination. She would be in charge of the Library/office which contained all the Examination documents. It was essential to keep in contact with her, as the Examination programme could change. All procedural matters should be taken up with her in the first place and she would refer them to the Inspector if need be.
- 4.2 The Examination Library would contain hard copies of all the Examination documents. They would be available for inspection at all reasonable times by arrangement with the Programme Officer.
- 4.3 The Inspector thanked her for all that she had done so far in helping him and all concerned.

5. Procedural Questions to the Council

- 5.1 These were set out in the agenda and the Council was invited to respond under item 12. If anybody whose submitted representation challenged the Council’s position that the Plan accorded with all the statutory requirements, they should write to the Programme Officer explaining how the Council had, in their view, failed to comply with these requirements, specifying the requirement(s) which had not been met. These letters should be submitted to her in time for the first day of the Hearings, by 31 October 2014. The Council would be given fair opportunity to respond.
- 5.2 The Council was asked if it had undertaken a “self-assessment” exercise as referenced in the Procedure Guidance at paragraph 3.4 concerning compliance with the legislation and associated Regulations.

6. Procedure prior to the Hearings

- 6.1 The Inspector advised that he would conduct the Hearings as efficiently as possible. He would discourage repetition and encourage participants to keep to the point. The short, focused series of

Hearings would be followed by a short, focused Report. The essential message of the Report would be on the soundness and legal compliance, or otherwise, of the Plan. Participants should already know whether they wished to participate in the Hearings or rely solely on their written representations. Both methods carried equal weight. The names of people who had expressed a wish to take part in the Hearings had been noted on the MIQs document and the Programme Officer had prepared a further list of participants to which further names could be added, as appropriate. It was not uncommon for people who had expressed no wish to participate to be invited to do so. The Inspector's view was that if someone could help him in his task, he would be happy to hear from them. It was the duty of everybody involved to help him in his task and, through him, the Secretary of State. In return, the Inspector said that he wanted to work with everybody in ensuring a fair hearing for all and the smooth and efficient running of the Examination.

- 6.2 Anyone who wished to take part in a Hearing who intended to add/amplify their original representations should submit any additional statement in advance of the Hearings. An additional statement could also be submitted if a person did not wish to participate in a Hearing. Statements for Matters to be discussed during the first week of the Hearings must be submitted to the Programme Officer by 4 pm on Friday 31 October 2014. Statements for Matters to be discussed during the second week of the Hearings must be submitted by 4 pm on Friday 7 November 2014, and Statements for Matters to be discussed during the 3rd week of the Hearings must be submitted by 4 pm on Friday 14 November 2014. These changes would give participants extra time to prepare their statements and deal with any IT problems. A good reason indeed would have to be given to explain any late submission.
- 6.3 Any such Statement must be within the context of the original representation and geared to the MIQs. The same requirements applied to the Council. There was no need to wait until these deadlines. It would help the Inspector if they were submitted as soon as they were ready, to give him as much time as possible to read and study them. Any Statements of Common Ground between the Council and any other party should also be received, as appropriate, by these deadlines. Requirements for these statements, which should be succinct, were set out at paragraph 7 a) - h) in the Guidance Notes. Participants were encouraged to submit an electronic copy in MS Word format, but this was not a requirement. The Council should not be expected to copy statements for participants, owing to the resources involved. Participants were expected to meet their own costs.

7. Arrangements for, and Procedure at, the Hearings

- 7.1 The first Hearing would start at 10 am on Tuesday 18 November 2014 and subsequent ones would be likely to start at the same time. There would be about one hour for lunch with mid-morning and mid-afternoon breaks with the proceedings finishing no later than about 5 pm. The Hearings would focus on the MIQs with the questions forming the agenda for each Matter and Issue. The Hearings would be open to the public, although only those who had submitted duly made representations on the submitted Plan would be entitled to take part in the discussions.
- 7.2 The Hearings would take the form of round table sessions, where several or more parties were present, or an informal discussion where there were only 2 or 3 people present. The emphasis would be on informality and courtesy, the Inspector leading the discussions and giving everybody a fair opportunity to state their views, put questions to each other and to answer any questions

which he might put to them. Those people participating could bring professional advocates and witnesses, but it was highly unlikely that there would be any formal presentation of evidence, cross-examination and re-examination etc which was usually associated with a formal inquiry concerning a major planning application/appeal. Any advocates would be expected to take part in the discussions in much the same way as other participants.

8. Procedure for handling any proposed Main and/or Additional Modifications

8.1 Main Modifications would have to be advertised in much the same way as the Plan, giving people an opportunity to comment on them. It may be necessary to hold another hearing to give them an opportunity to do so. Additional Modifications could be made as the Hearings proceeded. The Council confirmed that it would be editing a copy of the Plan to show any Minor Modifications required. Any Main Modifications would be set out in an Appendix, and the Inspector advised that they would need to be placed "on deposit" for consultation, with the possibility of a further Hearing to consider them.

9. Draft Matters, Issues and Questions (MIQ)

9.1 The emphasis was on the word "draft". Various suggestions were made and they have been incorporated in the MIQs dated 8 October 2014.

10. Arrangements for Site Inspections

10.1 The Inspector advised that he had a fairly good knowledge of the Borough following his examination of the Planning Strategy and of the Hastings Local Plan about 10 years ago. It was, however, necessary for him to look at all the proposed allocations together with anything else which was relevant. Most, perhaps all, site inspections would be unaccompanied, unless land could not be adequately seen from the public highway. Where there was a strong public interest in a particular site or sites, he said that he could be easily persuaded to conduct an accompanied site inspection, with a reasonable number of people. These visits were not an opportunity to present further evidence on the merits or otherwise of a proposed development. The Hearings were the place for that. Only things that could be seen or heard could be pointed out to him. Site Inspections would probably take place during the 3 weeks of the Hearings, maybe on the Mondays and Fridays.

11. Close of the Examination and Submission of Report

11.1 The Inspector intended at the end of the last Hearing to give an idea of the suggested date of submission of his Report to the Council. No further evidence would be accepted after the last Hearing unless he asked for it. The Programme Officer would return any unsolicited correspondence.

12. Questions, Answers, Comments and AOB

12.1 Most points raised are included in the above paragraphs. In addition, the following points were made.

12.2 The Council advised that it had prepared the Plan in accordance with the Local Development Scheme and in compliance with the Statement of Community Involvement. It had had regard to the Sustainable Community Strategy for the area, and that the Plan had been the subject of a Sustainability Appraisal and had been prepared in accordance with the Habitats Directive. It had been prepared in accordance with the Duty to Co-operate, was legally compliant and was sound.

12.3 In essence, the Council confirmed that it had prepared a draft plan and consulted local residents and other bodies and organisations on it, under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. It had taken account of all the representations made on it, amended it as it thought appropriate and then produced versions of the Plan which it proposed to submit to the Secretary of State for independent examination. Before submitting it, however, these versions were placed "on deposit" for representations to be made on them, under Regulations 19 and 20 and advertised as being on deposit. The examination would be of the Proposed and the Revised Proposed Versions of the Plan. In response to the Inspectors query at paragraph 5.2 of the notes Mr Phillips also confirmed that the Council had carried out a self assessment of the Plan .

12.4 The Inspector confirmed that he had been provided with all the representations submitted on the Proposed and Revised Proposed Versions of the Plan. There were 4 volumes of each, and they would all be taken into account.

12.5 The Council agreed to look again at its IT system in so far as it applied to the Plan and make any necessary adjustments to make the various documents more accessible.

13. Close with thanks.

13.1 The Inspector thanked everybody for coming to the Meeting which he closed at 4.15 pm.

Richard E Hollox

Inspector

09 October 2014