

*The Sevenoaks District Local Development Framework
Core Strategy Submission Development Plan Document
Independent Examination*

Inspector: Mrs Elizabeth Fieldhouse DipTP DipUD MRTPI

Inspector's Note 1 – Initial Questions to Sevenoaks District Council

1. Pre-Hearing Meeting
When does the Council envisage the date for the Pre-Hearing Meeting? Inspector suggests either 10 or 17 August 2010, about 6 weeks before the hearing sessions. Please note that at least six weeks notice of the PHM, including press advertisement, is required. *Where is the venue for the PHM likely to be?*
2. Hearing sessions
When does the Council envisage the hearing sessions commencing? Again, six weeks notice is required, including press advertisement. On the Inspector's suggested dates for the PHM, the earliest date would be 21 or 28 September 2010 but accepts 5 October 2010 and would envisage a minimum of two hearings a day. *Has the Council selected a venue for the hearings? Has the Council any idea of how long the hearing sessions will be?* I know the Council has suggested that the hearings may last 2 weeks but I would hope that with two hearings a day it may be shorter. A medium-sized meeting/committee room with "U"-shaped table and rows of seats for observers would be convenient. A room/s for the Programme Officer and Inspector will also be needed.
3. Submission of documents and information
Could the Council confirm that all the documents and information included in Regulation 30 of the Local Development Regulations have been submitted to the Secretary of State, and that there are no outstanding documents to be completed or submitted? The inspector notes that a Regulation 30(1)(d) report has been submitted, along with the Summary of Main Issues raised at publication stage (Regulation 30(1)(e)).
4. Representations
The inspector confirms that paper and electronic copies of the representations have been received and I note that they should be displayed on the web site in an electronic form. The Council has to decide whether the representations are "duly-made", and also has to decide whether to accept late representations. Late representations which are not formally accepted by the Council are not forwarded to the Secretary of State and the Inspector does not consider them. Please note that the Inspector has no discretion to accept late representations. *Has the Council received any late*

representations and have any been or not been accepted?

5. Council responses to representations

The Council does not have to formally respond to the representations, but if they do, the responses should be publicised and included on the database. *Does the Council intend to produce a response to the points raised in the representations made at publication stage other than the Summary of Main Issues raised in the Representations and does it intend to circulate this to representors, and if so, what is the likely timetable?*

6. Database

The Inspector understands that the Programme Officer has access to the Council's database of representations, with all relevant details of the representations and representors. A key element is an indication of which representors have made comments on each policy/paragraph of the Core Strategy (included in the Summary of Main Issues raised in the Representations), together with a list of those who request an oral hearing. The Programme Officer will need to produce a schedule of the representations, indicating who wish for an oral hearing or are relying on their written representation on a policy-by-policy basis. It might be helpful if the database is self-contained; i.e. only includes those who have made representations at submission stage, rather than earlier in the plan-preparation process. It is also helpful if the inspector can have a copy of the database (frozen at a specific date).

7. Proposed changes to the submitted DPD

Proposed changes to the DPD post-submission are not encouraged, since all changes (both major and minor) to the published Core Strategy should have been made before submitting it to the Secretary of State. The inspector is aware of the Schedule of Changes from the Publication document. Is there a track-changes version of the published Core Strategy as amended. *Did the Council formally publicise and invite representations on the Schedule of Changes, and was any further work on sustainability appraisal needed as a result of these changes? Does the Council envisage wishing to make any further changes to the submitted Core Strategy, and if so, what is the timetable for producing such minor changes? Does the Council envisage any major changes to the submitted Core Strategy, which might require further public consultation and further work on the sustainability appraisal?*

8. Self-Assessment of Soundness

The Inspector notes that the Council has undertaken a Self-Assessment of Soundness of the Core Strategy. Has a Legal Compliance Self Assessment been carried out? *Is the Council content that the submitted Core Strategy is both legally compliant and sound?*

9. Conformity with regional guidance

Prior to the recent Government announcement to abolish RSS, was

the Core strategy in general conformity with the Regional Spatial Strategy. *Has the Council received an indication from the Government Office for the South East about the general conformity of the Core Strategy with the adopted RSS? Are there any implications for the Core Strategy or changes the Council wish to make as a result of the Secretary of State's announcement to abolish RSS.*

10. *It would also be helpful if the Council could indicate whether there are any "showstoppers" raised in the representations which could lead to a potential finding of fundamental unsoundness at an early stage.*
11. PPS3 and the definition of previously developed land
Are there any implications for Housing policies from the revisions to PPS3 in relation to the definition of previously developed land. Are there any changes the Council would wish to put forward as a result of the change to PPS3.
12. Meetings with other representors
Does the Council intend to have meetings with any representors with a view to resolving key areas of dispute and disagreement, and if so, what is the timetable for such meetings?
13. Appropriate Assessment under the Habitat Regulations
The inspector notes that there is a Habitats Regulations Assessment – Final Appropriate Assessment Report; has an Appropriate Assessment Screening Report been produced? *Can the Council confirm that there are no outstanding issues relating to these reports raised by relevant bodies, particularly Natural England?*
14. Strategic Flood Risk Assessment
The inspector notes that a Strategic Flood Risk Assessment has been completed. *Can the Council confirm that there are no outstanding issues relating to this work, and that the approach has been agreed with the Environment Agency?*
15. Economic viability of affordable housing targets and thresholds
The inspector notes that there is a report on Affordability Housing Viability Assessment. *Have any of the representors seriously challenged the assumptions or conclusions of this assessment and does the Council consider these aspects will need to be debated in detail at the hearing sessions?*
16. Topic/Background Papers
The Inspector has topic papers on Distribution of Development, Economic Development, Infrastructure, Green Infrastructure and Biodiversity, Transport, Climate Change and Sustainable Development and Housing Needs. Does the Council envisage preparing any more Topic/Background Papers on key topics relevant to the Core Strategy, and if so, what topics are likely to be covered and what is the timetable for preparation? All

Background/Topic Papers should be produced by the time of the PHM.

17. Advisory Visit

Has the Council had a LDF Front-Loading Visit from the Planning Inspectorate and can a copy of the notes of the meeting be provided?

18. Core Evidence base

The Inspector has received the Submission Documents and Evidence-based Documents. *Is any other substantial work/reports likely to be undertaken for the examination, and if so, what is the timetable for such work? A link to all the Submission and Evidence-based Documents should also be provided on the Council's web-site.*

19. Web site

The Programme Officer will need a dedicated web-page on the Council's web site to include his contact details, the name of the Inspector, the date/venue for the PHM and hearings, list of core documents, copies of the representations, and any material produced by the Council, representors, Inspector and Programme Officer.

20. Hearings

The Inspector's guidance notes produced before the PHM will outline the nature of the hearing sessions. Please note that only those representors who seek some change to the plan can request an oral hearing. The hearing sessions are similar to an EIP into a Structure Plan or formally into RSS. There is no formal presentation of evidence or cross-examination; the procedure is an inquisitorial process, with the inspector asking questions based on the Matters & Issues identified for Examination. There is no need for any legal representation, but lawyers are welcome as a member of the team. *Has the Council decided whether they will be legally represented at the hearings?* The Council will need to nominate lead officers to address each topic and these people should be identified at the PHM. Hearing sessions for a Core Strategy rarely last more than 1-2 weeks, depending on the issues raised and the number of participants.

21. Future programme

The basic procedure is to set a date for the PHM and notify representors at least six weeks before of the date. Brief guidance notes on the LDF examination process will be circulated before the PHM. By the time of the PHM, the inspector should have determined the Matters & Issues for examination to be discussed at the hearings, and drawn up a draft programme for the hearings. Any Topic/Background Papers prepared by the Council should be available by the time of the PHM. The Council and representors will have the opportunity to provide responses to the Inspector's

Matters & Issues, to be submitted 3-4 weeks before the hearings commence.

22. Key issues

Does the Council have any idea about the likely key issues arising from the consultation period? The Inspector has noted the Regulation 30(e) Statement which mainly gives a summary of the representations made. Are there any other key issues the Council consider should be raised. *Who are the main players likely to be (ie. those who are likely to request an oral hearing and be raising key points)? Are any of the matters likely to be so complex that a longer hearing should be scheduled.*

23. Note-taking

In order for efficient progress to be made during the hearing sessions, the inspector would like the Council to provide a note-taker to record the main gist of the discussions. This is not intended as a verbatim record, but to remind the inspector about the key points/agreements/concessions made during the discussion. Although these notes are not formal examination documents, they are kept in the examination library and can be released, if necessary. The note-taker can be a member of the Council's Planning Department (although not someone directly involved in the preparation of the Core Strategy), other departments, the Programme Officer or an external person. For the purposes of taking notes, they are an officer of the examination. Although the Programme Officer can sometimes assist, he may have other duties during the course of the hearing sessions. *Can the Council confirm that arrangements will be made for someone to take notes at the hearing sessions if necessary?*

24. Guidance

The Council should be fully aware of the published guidance in PPS12(2008) and on the PAS web-site. PINS has also produced two important guidance notes, which they should be aware of, since these set out advice on the nature and process of examining DPDs under the new LDF regulations¹. *Can the Council confirm that*

¹ *Planning Policy Statement PPS12 – Local Spatial Planning* [DCLG: June 2008]
Plan Making Manual (web-based guidance) [Planning Advisory Service]
Lessons Learned Examining Development Plan Documents [PINS; June 2007]
Local Development Frameworks: Examining Development Plan Documents: Learning from Experience [PINS; September 2009]
Local Development Frameworks: Examining Development Plan Documents: Soundness Guidance [PINS; August 2009] & *Procedure Guidance* [PINS: August 2009]
Planning & Compulsory Purchase Act 2004 (as amended) and associated regulations

they are fully aware of this guidance?

25. The Inspector would like an initial response to these questions by 26 July 2010, if possible.

EMF 24/6/10

