

Minutes of Pre-Hearing Meeting (PHM) – Examination of City of Westminster Core Strategy Development Plan Document
Friday 18 June 2010
City Management Suite, 18th Floor, Westminster City Hall, 64 Victoria St, London SW1E 6QP

Introductions

Jill Kingaby introduced herself as the Inspector appointed to examine the City of Westminster Core Strategy
Mr Robert Young is the programme officer for the Examination.
The Inspector welcomed everyone who had come along to the PHM.

Purpose of the Pre-Hearing Meeting

This was to deal with any preliminary procedural matters, and to ensure that everyone who will be taking part in the Hearing sessions next month knows what the format will be, and what will be expected of them.

The Inspector's earlier Briefing Note about the Examination and Hearings processes should be read to provide additional information on procedures.

The Inspector's role is to examine the Core Strategy (CS) and ensure that it complies with legal requirements under the Planning and Compulsory Purchase Act 2004 and the Regulations as amended, and to determine whether it is sound. The Council confirmed that the starting point for this Examination is the submission draft CS March 2010 [CS/CS/01].

The examination has already started and it will finish when the Inspector's final report reaches the Council.

The Inspector had early concerns about the soundness of the document on 2 matters. Those were Waste Infrastructure and Management, and Housing Policy. The Council has sent a written response to her questions on these matters. In addition, the Greater London Authority (GLA), which contended that the approach to Waste in the CS was not in general conformity with the London Plan, has agreed to attend the Hearings. The Inspector considers that the best way forward is to explore and discuss the problems in full in July/August at the Hearings. However, these matters may require more work before the CS can be found sound.

The Changing Government Context

The Inspector recognises the challenge of putting together a long-term plan which is consistent with national policy and is robust enough to endure for 15 or more years, when the national policy framework is undergoing change. She highlighted the following recent documents and pointed out that that some updates may be needed:

- PPS4: Planning for Sustainable Economic Growth (Dec 2009)
- PPS5: Planning for the Historic Environment (March 2010)
- PPS25: Development and Flood Risk (revisions in March 2010)
- PPS: Consultation – Planning for a low carbon future in a changing climate

- PPS: Consultation – Planning for a natural and healthy environment
- Sec of State’s letter of 27 May re the abolition of Regional Strategies (but the London Plan which provides the strategic context for the City of Westminster’s CS is not to be abolished)
- PPS3: revisions to the definition of pdl to counter ‘garden grabbing’ and to relax the minimum density of 30 dwellings per hectare
- CIL Regulations April 2010

The Hearing Sessions

A key part of the examination process will be the Hearings. The Hearing sessions will take place in the City Council offices, 64 Victoria Street, on the 3rd floor, in the Inquiry Chamber. They will start at 10am on Tuesday 27 July, finishing on Friday 6 August.

All those who made written representations on the Core Strategy within the relevant time period between November 2009 and January 2010; who stated that the Core Strategy had to be changed to make it sound; and stated that they wished to attend the Hearings, have a right to be heard.

A draft programme for the Hearings, with a list of participants at each session was agreed. The parties were urged to keep in touch with the Programme Officer to ensure that dates and any variations to them are fully understood.

The Inspector explained briefly the format for the Hearings which will proceed by way of round-the-table discussion of the principal matters and issues which she has identified as critical to the soundness of the CS.

Any questions about the Hearings, the programme or the venue must be directed to the Programme Officer. Mr Young will also be responsible for the Examination Library which will include all the main items of evidence for the Core Strategy. There is public access to the Library, including electronic access.

Meeting the Legal Requirements

The Council confirmed that it has carried out a “self-assessment”, and has addressed the legal requirements for the preparation of the CS. The Inspector explained that she will ask the Council to repeat its statement on this matter at the start of the Hearing sessions.

Hearings - Draft Matters and Issues

The Inspector had prepared a draft programme for the Hearings which listed 9 main matters. Starting with (1) context and general approach; then moving on to (2) the Spatial Strategy for Development; (3) Housing; (4) Economic Development; (5) Climate change and renewable energy, flood risk and water; (6) Countryside; (7) Transport; (8) Infrastructure and Delivery; (9) Waste.

It was agreed that these covered all main matters; the Inspector confirmed that the question of noise nuisance would be addressed. The

advantage of bringing forward the Waste session to the first week, and freeing Friday 6 August for AOB or any overrun was agreed.

The Hearings will run from 10am on the first day, and 9.30am on subsequent days until about 5pm, with a break for lunch at 1pm. Other breaks would be called as appropriate.

People attending the Hearing sessions

A list of participants at the various sessions had been prepared and circulated. Participants should contact the Programme Officer immediately if they are unable to attend at the planned times.

The Inspector explained that she has the power to invite people to the Hearings whom she considers could make a useful contribution to the examination process. On this basis, the Government Office for London had been invited. In view of the Environment Agency's particular expertise regarding flood risk and water matters, she confirmed that they too should be invited.

The Inspector advised that she needed to know exactly who will be representing each of the parties at each of the Hearing sessions. In order to ensure that there is a fair balance of participants at each session, there should be no more than 2 persons from each party sitting at the table.

Written Material

The Inspector advised as follows:

- The list of Matters and Key Issues contains a series of questions which should form the basis for discussions at the Hearings. Those who have made representations already should submit their further thoughts in writing on the questions posed. All those who made relevant representations, including those who said they do not wish to attend the Hearings, will be invited to submit further reps on these issues and questions. All responses will be circulated for wider consideration.
- Further written reps should be as concise as possible; please read the earlier briefing note. Further written representations should say exactly what is wrong with the CS, and how it can be changed to make it sound.
- Ensure that you write the appropriate Matter number and relevant respondent reference and name at the top right of your paper. If you refer to the evidence base in your representations, please use references to the Examination Library [eg. CS/Reg/07].

All written material must be submitted by 8 July at the absolute latest. Early submissions will be appreciated. Appendix A sets out the requirements for the presentation of all statements.

There should be no other written material other than responses to the main matters – it will be returned.

Agendas will be sent out a few days ahead of each hearing session based on the matters and questions already posed.

Changes to the Core Strategy

The Inspector's experience is that, as a result of discussion at the Hearings, changes are likely to be required to make the CS sound.

The legislation enables the Inspector to make binding recommendations, but she explained that it was her aim to issue a report which contained no surprises to those who had followed the examination. She sought a full and frank discussion of any potential changes at the Hearings; hopefully she would win support from the Council and agree forms of wording for any necessary changes to make the document sound. If potential changes were substantial, they would require sustainability appraisal and further public consultation which could delay the achievement of an adopted CS. If they were so substantial that they changed the direction of the CS or required a comprehensive re-write, the CS might have to be found unsound.

However, experience shows that changes may not need to be so fundamental. The Inspector intended to adopt a practice which has been used elsewhere, providing further Sustainability Appraisal and very extensive consultation is not necessary. She would request the Council to advertise the potential changes arising out of the discussions for 4 weeks at the end of the Hearing sessions, and take account of any responses in her report.

Site Visits

These would be made to all the relevant places referenced in the CS, before during and, if necessary, after the Hearings. Generally the Inspector would be unaccompanied unless access to private land was essential. Then she would ask the PO to set up an accompanied visit with the landowner's representative and an officer from the Council.

Any other business

On the time for submission of her report, the Inspector stated that this would depend on whether further work was required. The earliest date, with no further consultation etc, would be the end of September. However, the Inspector would give a date at the end of the Hearing sessions.

Format and presentation of all response statements

- A. The deadline for submission of all statements is **5:00pm Thursday 8 July 2010**.
- B. Please submit emailed electronic versions of all statements and appendices to the PO (in Word or PDF format), as well as the paper copies specified below.
- C. I emphasise the need for succinct submissions, with the avoidance of unnecessary detail and repetition of the original representation. It is the quality of the reasoning that is important. There is no need for verbatim quotations from the DPD or other sources of policy guidance.
- D. At most Examination hearings to date there has been imposed a maximum limit of **3,000 words**. This also applies in this Examination and any submissions longer than this will be returned by the PO for editing. However, given the general nature of many of the issues to be addressed (compared with site specific/technical issues), I expect most contributions from respondents to be much, much shorter than this limit.
- E. All parties should provide **4** paper copies of their response statements (to include one unbound for further copying, one hole-punched, for the Inspector's ring binder and stapled in the top left hand corner and the other 2 similarly stapled). Statements should be prepared on A4 paper, printed on both sides,
- F. Supporting material in the form of appendices to statements should be limited to those which are essential and should not contain extracts from any publication that is already before the Examination, such as the Core Documents and nationally available Government guidance. The name of the document, its CD reference and a clear paragraph or page reference is all that is necessary. Any appendices should have a contents page and be paginated. Anyone submitting appendices should indicate in their statement which parts are particularly pertinent and on which they are especially relying. The Council should ensure that sites/locations/projects/documents and so on are referred to in a consistent way throughout their responses. Where sites or locations are referred to which have not previously been shown on a plan in the submitted material please provide a plan.
- G. No statement/piece of paper will be accepted if it fails to be clearly marked on the front page, **at the top, right hand corner**, with the appropriate Matter number and relevant respondent reference and name. The Council's Response Papers should be separately referenced WCC, followed by the Issue/sub issue number (e.g. WCC/Issue 5.1).
- H. All participants should adhere to the timetable for submitting statements. If material is not received by the deadline the PO will assume that you are relying only on the original representations. It would be very helpful for parties to submit statements as far in advance of the deadline as possible.