

ROYAL BOROUGH OF KINGSTON UPON THAMES LOCAL DEVELOPMENT FRAMEWORK

Examination of the Kingston Town Centre Area Action Plan

NOTE OF PRE-EXAMINATION MEETING HELD AT THE GUILDHALL KINGSTON UPON THAMES ON WEDNESDAY 28 NOVEMBER 2007

Introduction

1. The Inspector, Michael Hetherington, introduced himself and the Programme Officer (PO), Robert Young. A Briefing Note had already been circulated to all of those making representations about the Area Action Plan (AAP). **This Note of the Pre-Examination Meeting replaces that Briefing Note.**
2. The oral Examination into the Council's submitted Kingston Town Centre Area Action Plan (AAP) will open at **10.00am on Tuesday 29 January 2008 at The Queen Anne Suite, The Guildhall, High Street, Kingston upon Thames.**
3. The Council's team introduced themselves to the meeting: Roy Thompson (Service Director: Planning and Transportation); Pat Loxton (Planning Projects Manager); Ransford Stewart (Interim Policy and Implementation Manager), Daniel Hawes (LDF Manager) and Sheree Yap (Senior Planning Officer).
4. The Inspector explained that the purpose of the Pre-Examination Meeting was to provide an opportunity for the discussion of administrative matters as well as the examination programme and any other relevant concerns. A draft version of a paper listing the matters and issues for examination had already been sent to respondents. Draft copies of the hearing programme were available at the meeting. The Inspector apologised for not being able to circulate these earlier in the week: this had been due to an e-mail failure at Temple Quay House. Final versions of both of these documents are circulated with this meeting note. More detailed agendas for the hearing sessions will be issued much nearer to the hearings themselves (see below).

Scope of the Examination and the Inspector's Role

5. The Inspector's task is to consider the whether the Area Action Plan meets the requirements of the 2004 Act and associated Regulations. The examination will focus on the **tests of soundness** set out at paragraphs 4.23 and 4.24 of Planning Policy Statement 12¹, *Local Development Frameworks* (PPS12). Further details of these tests, and the Examination process in general, are contained in The Planning Inspectorate's booklet *Development Plans Examination – A Guide to the Process of Assessing the Soundness of Development Plan Documents* (particularly section 1.4). This document, along with other guidance about the Local Development Framework (LDF) process, may be viewed at the website listed below².
6. The Inspector's starting point is that the Area Action Plan is **sound**, unless it is shown to be otherwise as a result of the evidence presented in written representations or at the hearings. The Council should rely on evidence that it has collected whilst preparing the Area Action Plan to demonstrate that it is sound. Those seeking changes to the Plan have to demonstrate why this is not the case.

¹ Copies of the Government's PPSs and PPGs are available to view on the CLG website at:
<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements/>
² http://www.planning-inspectorate.gov.uk/pins/appeals/local_dev/index.htm

The process of examining plans under the new Local Development Framework system is different from the previous local plan system. Particular changes are:

- Firstly, the **focus is on the plan** rather than the objections. Under the new system the Inspector's role is to examine the soundness of the plan having regard to the representations made, rather than simply considering objections as before.
 - Second, the **process of examination** comprises round table or hearing sessions addressing particular topics, rather than the form of public inquiry considering objections.
7. Following the closure of the hearing sessions the Inspector will prepare a **report to the Council** with his conclusions and decisions as to the action it needs to take with regard to the soundness of the Area Action Plan. This report is **binding** on the Council and, on receipt, the Council should amend the Plan accordingly and move swiftly to its formal adoption – subject of course to a finding of soundness.

Representations

8. Some 196 representations were received from 32 parties. 10 additional representations were received from 9 parties in respect of the Council's consultation on the proposed site allocations. 5 further responses were received to a subsequent consultation on changes to secondary shopping frontages. This is a slight change from the totals set out in the briefing note.
9. In response to the Inspector's question, the Council confirmed its view that the changes proposed in respect of the secondary shopping frontages do not affect the soundness of the plan or impact upon the sustainability appraisal. The Inspector informed the Council that, in line with the advice in PPS 12, he did not expect the Council to be coming forward with substantive changes at this stage. If, exceptionally, more fundamental changes are intended, for example in response to matters raised by the Inspector or other parties, the Council must explain the reasons for the changes, with supporting evidence. It should also indicate the implications in terms of the soundness of the Area Action Plan and their impact upon the Sustainability Appraisal and any other relevant appraisal.

The Programme Officer and his Role

10. Robert Young, the Programme Officer (PO), is acting as an impartial officer, under the Inspector's direction, rather than as an employee of the Council. Prior to and during the examination he can be contacted on 020 8547 5739 (voicemail) or on e-mail at Robert.Young@rbk.kingston.gov.uk .
11. The principal functions of the PO, under the Inspector's direction, are: to liaise with all parties to ensure the smooth running of the examination; to ensure that the documents received both before and during the examination are recorded and distributed; to maintain the examination library, including the Core Documents; and to assist the Inspector with procedural and administrative matters. He will be able to provide advice on the programme. All procedural questions should be addressed to him in the first place. He will then pass them on to the Inspector for a reply.

Procedural questions to the Council

12. In response to the Inspector's questions, the Council said that all statutory procedures had been complied with. A self-assessment of soundness has been prepared and will be made available as a core document. In response to a further

question by the Inspector, the Council stated that, in its view, the letter received from the Greater London Authority (19 November 2007) amounted to a statement that the Plan is in general conformity with the spatial development strategy.

Procedure Prior to the Opening of the Hearings

13. The Inspector stated that he aimed to run the Examination Hearings as efficiently as possible, keeping a tight rein on the discussions and time taken. As part of that process he intended to minimise the amount of material to that necessary to reach an informed conclusion on the issues. He hoped to conduct a short, but focussed, series of hearings and, in turn, to write a short, focussed report.
14. Those who have made representations on the AAP should have already decided whether their views can be dealt with in written form or whether they need to present them orally at a hearing session. Where this has not been clarified, this will be followed up by the PO. Both methods will carry the same weight and the Inspector shall have equal regard to views put orally or in writing.
15. Anyone wishing to take part in a hearing session must submit a statement of their position in advance of the hearing. This should be focussed upon the issues that have been identified on the matters and issues paper and should be sent to the PO for receipt by the end of **Monday 7 January 2008**.
16. Those speaking at the hearings should ensure sufficient copies of all statements are provided to the PO for issuing to each participant, plus four (for the Inspector, Council, Library and one unbound for further copying), e.g. if 5 people are listed for a hearing, then the PO will require 9 copies. Four copies of statements for written representations (including one unbound) should be submitted. None of the statements should be longer than 3,000 words, be they for a hearing session or amplification of written representations. Any submissions longer than this will be returned by the PO for editing. Statements should be prepared on A4 paper, printed on both sides, not spiral bound, but punched with two holes for inclusion in files. Any photographs should be submitted in A4 format and should be annotated on the back. If possible, statements should also be submitted electronically.
17. 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. Any appendices should have a contents page and be paginated throughout. Whilst the word limit does not include text in appendices, they should respect the aim of succinctness and anyone submitting appendices should indicate which parts are particularly pertinent and on which they are particularly relying.
18. The need for succinct submissions is emphasised, with the avoidance of unnecessary detail and repetition. It is the quality of the reasoning that carries weight, not the bulk of the documents. There is no need for verbatim quotations from the DPD or other sources of policy guidance. Nonetheless, it is vital that the fundamental elements of cases are set out clearly and succinctly – the hearings are not the place for rabbits to be drawn out of hats!
19. The Examination starts from the basis that the AAP is sound unless otherwise shown. Where it is not apparent from the representations already made, the Inspector needs to know the following from those submitting statements:
 - What part of the AAP is unsound?
 - Which test(s), set out in paragraphs 4.23 and 4.24 of PPS12, does it fail?
 - Why does it fail?

- How can the AAP be made sound?
 - What is the precise change/wording that is being sought?
20. From the Council a statement is required setting out its responses to the questions that have been posed by the Inspector, explaining why it considers the AAP to be sound in these respects, as well as its comments on the changes to the Plan that have been suggested by respondents. While this is likely to exceed the 3000 word limit referred to above (as it will address a wider range of matters than individual respondents), the need for succinctness, brevity and a focussed approach remains.
21. Those people 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 does want to submit further written evidence in support of their position, these submissions should be focussed upon the matters and issues identified by the Inspector – and submitted within the same timescale.

Core Documents

22. The Council has prepared a list of **Core Documents** (CDs) that will be available in the Examination Library. These will include the Regional Spatial Strategy, Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs), Background Papers and any other documents that the parties are likely to need to refer to. Accordingly, parties need not attach extracts of these documents to their statements as they are already Examination documents. A copy of the core documents list is circulated with this meeting note. The PO will maintain lists of all documents submitted – and he is the first point of contact for queries of this nature. There is also a web site for the examination³.

The Examination Arrangements and Procedure

23. The hearing sessions will commence on **Tuesday 29 January 2008** at the Guildhall. These will be spread over five days. A copy of the Hearings Programme is circulated with this meeting note. **Please note that this contains some changes from the version that was tabled at the Pre-Examination Meeting.** The hearing sessions will normally start at 10.00 am each day. A short break may be taken mid morning and mid afternoon, with a lunch break about 1.00 pm. They will focus on the matters and issues that have been outlined by the Inspector. They are public hearings and interested persons are welcome to sit in, even if not taking part.
24. The sessions will either take the form of round table sessions, where several parties are present, or 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 that shall be led by the Inspector. Those attending may bring with them professional advocates and witnesses, though there will be no formal presentation of evidence or cross-examination. There is no need for parties to bring advocates/legal representation but, if they do, they may take part as a member of the team, rather than as a traditional advocate. The PO will ask hearing participants who will be speaking at the sessions.
25. A more detailed agenda will be circulated closer to the hearing sessions. It is intended that this will be circulated on or around Monday 21 January 2008.

³ This can be accessed at http://www.kingston.gov.uk/browse/environment/planning/kplus20/kplus20_eip.htm

Site Visit Arrangements

26. The Inspector has already viewed most of the sites referred to in the AAP (and mentioned in representations) from the public road. He will visit all sites before, during, or after the Examination. This will be done unaccompanied by the parties, unless it is considered that an accompanied visit is necessary – for example where the land concerned cannot be seen from the public road. In such cases, the PO will liaise with the parties to make arrangements. These visits will not however be the opportunity for discussion of the merits of the cases concerned.

Close of the Examination

27. Once the Inspector has gathered all the information necessary to come to reasoned conclusions and decisions on the main issues, he will write his Report. The Examination itself remains open until the Report is submitted to the Council. However, once the hearing sessions are completed the Inspector can receive no further information from any party, unless it is a matter on which he has specifically requested it. Any unsolicited items sent in will be returned to the sender. The Inspector will announce the likely date of report's submission at the final hearing. However, he indicated at the Pre-Examination Meeting that his current expectation is that submission will take place in early April 2008.

Questions

28. **Mr Adams** (Kingston Area Travellers Association) asked a question about the status of the Council's detailed proposals for the Eden Quarter. The Inspector replied that he was unable to hear any discussion on the substance of the AAP at the Pre-Examination Meeting. He suggested that, in the meantime, Mr Adams may want to discuss this matter with the Council.
29. **Mr Adams** also asked how much time would be available for interested bodies to present their case at the hearings. The Inspector replied that formal presentation of cases would not take place and that hearings would take the form of a structured discussion. He explained that this would allow ample time for concerns to be voiced. However, he restated his comment that the key elements of cases should be set out beforehand in the hearing statements.
30. **Mr McNally** (Kingston Town Centre Manager) asked whether there was scope for parties who have not participated in the process to date to make representations. The Inspector explained that his ability to consider new issues of substance at this stage was strictly limited. Parties wishing to make such representations would need to explain why they were not able to do so during the consultation exercises that have already taken place – and adhere to the programme already discussed. He stressed the importance of ensuring that the Council's ability to make its case is not disadvantaged at this late stage in the process – and emphasised that the Local Development Framework system is based upon the early consideration and discussion of key issues and concerns. Mr McNally clarified that he was not aware of any particular bodies wishing to make such late representations.
31. No questions were raised about the matters and issues paper or the draft examination programme. The Inspector indicated that any comments on the latter documents should be submitted in writing within a week.

Closing Remarks

31. The Inspector emphasised that:

- It will be for participants to **keep in touch** with the PO to check the progress of the Examination hearing and to ensure that they are present at the appropriate time.
- Participants should make the best use of the remaining time before the start of the hearing sessions as the statements are needed by **Monday 7 January 2008**.
- There is no need to make further submissions if you intend to rest upon the written representations that you have already made.
- Timescales and deadlines should be adhered to.
- Participants should be aware of the core documents, the topic papers and any other relevant material produced by the Council.

32. The Inspector thanked everyone for coming and the meeting closed at 10.55 am.

Michael Hetherington
Inspector for the Kingston Town Centre AAP Examination
December 2007