

**INSPECTOR'S INITIAL QUESTIONS TO THE COUNCIL
EXAMINATION OF THE DERBYSHIRE DALES LOCAL PLAN
PRE-SUBMISSION DRAFT PLAN (LP)**

1. Introduction

The following notes and **questions** arise from an initial appraisal of the LP submission and consideration of a likely timeline. Some of the answers may well be within the documentation submitted. In such cases it will be a matter of directing the Inspector to the relevant document. Further questions relating to the substance of the LP and its soundness will follow shortly as a precursor to identifying the matters and issues which will be the focus of the examination of the LP, including that part to be conducted through hearings.

2. Pre-Hearing Meeting

Taking into account the nature of the LP and advice within the Inspectorate's Procedural Practice¹ a Pre-Hearing Meeting is not considered necessary.

3. Hearing sessions

Six weeks' notice is required, including press advertisement. In order to avoid the Easter Holidays and the Local Government Elections and fit around the Inspector's and Council's commitments, the earliest that the Stage 1 hearings could start would be the week commencing 8 May 2017.

Stage 1 - It is envisaged that strategic matters such as duty to cooperate, statutory compliance, housing and economic development needs and the overall strategy would be dealt with during the first week. The first week would also accommodate preliminary discussions on the components of housing supply and whether these would be sufficient to meet the housing requirement over both the whole plan period and next 5 years.

Stage 2 - Then strategic sites, other allocations, settlement boundaries and development management policies would be dealt with later. However, at present the Inspector is not in a position to confirm whether Stage 2 hearings would follow on soon after Stage 2 or whether a more significant gap would be required. This will, to an extent, depend on the Council's response to some of the Inspector's preliminary questions relating to soundness which will be tabled in the near future.

In terms of programming each week would normally involve 3 days of hearings sessions (Tuesday to Thursday), albeit an additional day, probably a Friday, could be included if this avoided the need for a further week at Stage 1 or 2.

Is this broad timetable acceptable for the Council?

Are the Council still of the view that the hearing sessions are likely to take between 3 and 4 weeks having regard to the issues

¹ Procedural Practice in the Examination of Local Plans – The Planning Inspectorate June 2016

to be considered and the likely number of representors who wish to appear?

Are suitable rooms available for the first week? A separate room will be needed for the Inspector and Programme Officer.

The Programme Officer will write to representors shortly to confirm participation in the hearing sessions.

4. Submission of documents and information

Could the Council confirm that all the documents and information included in Regulation 22, including supporting documents relevant to the preparation of the LP², have been submitted and that there are no outstanding documents to be completed or submitted?

5. Representations

The Inspector confirms that copies of representations have been received comprising some 799 duly made representations³. Tables 1 and 2 on page 5 of the Regulation 22 (c) Consultation Statement (SD10) suggest that the majority of representations question the soundness of the LP which does not appear to be consistent with the commentary in the paragraph between the tables.

Please explain this apparent anomaly?

SD10 contains a summary of key issues raised in representations (some 7 subject areas). There are Schedules of Duly Made Representations (by Plan order and Representor order) which accompanied the submission letter but these do not contain a summary of the issues raised, just a 'Yes' or 'No' answer to questions about legal compliance, soundness and the duty to cooperate (DTC). The 'Detailed Summary of Representations' contained on the 'Local Plan Consultation' page of the website is some 1900 pages long! Moreover this document does not appear to be a summary, rather a copy of all the response forms. The report to the Special Council meeting on 8 December 2016 (CR01) included at Appendix 3 a 'Detailed Assessment of Duly Made Representation' [sic] but this extends to over 1000 pages.

Is there another document that I can refer to that more succinctly summarises representations in Plan order?

In this respect I note that the report to the Local Plan Advisory Committee of 22 June 2016 on the earlier version of the draft plan included a 'Detailed Summary of Representations' extending to some 170 pages.

Is an equivalent document available for the Pre-Submission Draft Plan? Alternatively a hard copy of the Appendix 3 a 'Detailed Assessment of Duly Made Representation' would appear to be sufficient (now provided).

² Regulation 22(1)(e)

³ According to the Regulation 22 – Statement of Consultation Section 4

The 'Detailed Assessment of Duly Made Representation' which forms part of Committee Report CR01 should be added alongside the 'Detailed Summary of Representations' on the website.

Finally there should be a full set of original representations ordered by Representor number for the public to access at the Council Offices.

Please can the Council confirm that representations will be provided as above?

6. Council responses to representations

The Council have included a response to the key issues in SD10. A 'Schedule of Minor Modifications' (SD03) has also been prepared some of which respond to representations. The Council does not have to formally respond to the representations. However, discussions may have taken place or be ongoing with some of those making representations. In addition further responses beyond those referred to above may have been prepared.

Are there any such discussions or responses?

The responses should be publicised on the web site and regularly updated.

Do the Council intend to have further 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?

7. The submitted LP

It is assumed that SD03 referred to above is not intended to represent a formal addendum to the LP as it has not been subject to consultation or sustainability appraisal as necessary.

Can the Council confirm that the Plan to be examined comprises solely the document entitled the 'Derbyshire Dales Local Plan Pre-Submission Draft Plan August 2016'?

It appears that most of the changes suggested in SD03 do not go to 'soundness' and would therefore form the basis of 'Additional Modifications' (AMs) suggested by the Council during the examination.

The AMs would be distinct from any further changes to the submitted LP which arise during the examination and are required to make the LP 'sound' which will comprise Main Modifications (MMs). Assuming that any are necessary a Schedule of MMs should be produced during the examination which should be a living document to be updated and included on the website. After the hearing sessions it will be necessary to consult on MMs and consider any implications for the Sustainability Appraisal. To ensure that the number of MMs does not become unwieldy all proposed changes to a particular policy and consequential changes to its explanation should be encompassed within a single MM.

Please confirm that the Council would wish the Inspector to recommend any MMs that he considers are necessary to resolve

any issues of legal compliance or 'unsoundness'?

Other changes to be made to the LP which improve the LP or its clarity but do not go to soundness may arise during the examination process. Although it would be helpful to know about any such AMs these do not need to be subject to the formal examination process. That said it would be helpful to those involved if the Council publicised these in a separate 'living document' schedule on the website.

8. Soundness

The Inspector notes that the Council has submitted a DTC Statement and a Legal Compliance Checklist in addition to the documents prescribed under Regulation 22. The starting point for the examination is the assumption that the Council have submitted what it considers to be a 'sound' plan.

Is the Council content that the submitted CS is both legally compliant and sound?

9. Website and Library

There is a dedicated web-page on the Council's website for the examination. All submission documents will be included on this page in addition to hard copies being kept in the Examination Library.

The submission letter refers to some documents not having web links or not being uploaded. Has this been rectified?

It is important that all correspondence, statements and other documents are added to this page in addition to the library soon after they are submitted to allow people to track progress on the examination. A clear referencing system should be used.

10. Hearings

The Inspector will produce guidance notes and Matters and Issues outlining the nature and content of the hearing sessions well in advance of the hearings, including the timetable for the submission of any statements. Please note that only those representors who seek some change to the plan can request an oral hearing. At the hearings 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.

11. Future programme

The basic procedure is to set a date for hearings and notify representors before those dates (at least 6 weeks' notice). Brief guidance notes on the LDP examination process will be circulated in the next week or so.

The Inspector will determine the Matters & Issues for examination, to be discussed at the hearings, and draw up a draft programme for the hearings. If the Inspector considers it necessary the Council and representors may have the opportunity to provide statements in response to the Inspector's Matters & Issues, to be submitted 3 weeks before the hearings commence.

Will the Council be able to meet these programme requirements?

12. Familiarisation with the area

The Inspector intends to visit the Derbyshire Dales area in this initial preparation period. He will meet the Programme Officer and familiarise himself with the main settlements and the proposed strategic sites.

Are there any other particular sites or areas that the Inspector should see at this stage to give him a flavour of the District?

13. The Inspector would like an initial response to these questions by **8 February 2017.**

Mark Dakeyne

PLANNING INSPECTOR

3 February 2017