1 Opening Announcements and Introductions

1.1 The Inspector will open the Pre-Hearing Meeting for the Site Allocations Development Plan Document (DPD) and Proposals Map, which forms part of the County Council’s Mineral and Waste Development Framework, at 10:30.

1.2 He will introduce himself as Brian Cook. He is a Senior Planning Inspector for the Planning Inspectorate. He is a Chartered Town Planner and holds a BA Honours Degree in Geography, a post graduate Diploma in Town Planning and is a Member of the Royal Town Planning Institute. He has been appointed by the Secretary of State under Section 20 (4) of the Planning & Compulsory Purchase Act 2004 to hold the Examination into the soundness of the submitted Site Allocations DPD and the Proposals Map.

1.3 The Inspector will introduce the Programme Officer for the Examination, Kerry Trueman, who for the purposes of the Examination, is acting as an independent officer, under his direction, not as an employee of the Council. Her contact details are: Kerry Trueman, Programme Officer, County Council, County Offices, Busher Walk, Kendal, Cumbria, LA9 4RQ Tel: 07974 773984 Email: kerry.trueman@cumbriacc.gov.uk

1.4 The Programme Officer is responsible for finalising the programme for the Hearing Sessions of the Examination, for maintaining the Examination Library, recording and circulating all material received and assisting the Inspector with procedural and administrative matters.

1.5 The Programme Officer will be able to advise you on any programming queries, and any procedural queries should be addressed to her in the first instance. Any matters which either the Council or anyone else wishes to raise with the Inspector should also be addressed to the Programme Officer initially.

1.6 The Council’s team will then be introduced.

2 Purpose of the Pre-Hearing Meeting

2.1 The purpose of the Pre-Hearing meeting is to explain and discuss procedural and administrative matters relating to the management of the Examination, including the programme for the Hearings, the matters to be examined and related issues, the timetable and participants at each of the sessions, how representations will be heard, key dates for the submission of topic papers and further representations, and any other relevant matters. However, the contents or merits of the DPD will not be discussed.
3 Scope of the Examination and Inspector’s Role

3.1 The Inspector’s role is to consider whether the DPD and Proposals Map meet the requirements of sections 19 and 24 (i) of the 2004 Act and the associated Regulations, and whether the DPD is sound in terms of being justified, effective and consistent with national policy and the adopted Cumbria Minerals and Waste Development Framework Core Strategy. The starting point for the Examination is the assumption that the Council has submitted what it considers to be a sound plan, and the Council should rely on evidence collected while preparing the DPD to demonstrate that it is sound. Representors seeking changes to the DPD and Proposals Map have to demonstrate why they consider these to be unsound and how their suggested changes would make them sound.

3.2 Representations made to the submitted documents will be considered insofar as they relate to its soundness, but they will not be reported on individually.

3.3 The Examination will be closed when the Inspector submits to the Council his report on his conclusions and actions or changes needed as regards the soundness of the documents. His recommendations are binding on the Council.

3.4 There are several possible outcomes of the Examination of the documents. The most serious would be a finding of unsoundness in relation to a critically important part of it, leading to a recommendation that it should be withdrawn. However, less serious outcomes may be that:

- Additional work needs to be undertaken before the Examination can be completed;
- Part(s) of the documents should be excluded or changed (having regard to the implications in terms of community involvement and sustainability appraisal requirements), and the remainder adopted;
- Part of the DPD should be excluded and subsequently brought forward in a revised form in a fresh DPD, and the remainder adopted.

3.5 Ideally, only a limited number of minor changes should be made to the documents, if necessary for soundness, at this stage. The Inspector may only recommend a change to the submitted plan if that change is itself sound and meets the requirements for public consultation and sustainability appraisal.

4 Procedural Questions for the Council

4.1 Before outlining the arrangements for the Examination, the Inspector will ask the Council the following procedural questions.

4.2 Can the Council confirm that the submitted documents have been:

   (i) prepared in accordance with the statutory procedures under Section 20 (5) (a) of the 2004 Act?;

   (ii) prepared in compliance with the 2004 Regulations (as amended), specifically regarding the publication of prescribed documents, their availability at the Council’s principal offices and website, the placing of local advertisements and notification of the DPD bodies?;
(iii) is the Council aware of any fundamental procedural shortcomings concerning the submitted documents?

(iv) has this meeting been advertised? How?

5 **Representations made on the submitted documents**

5.1 The Council advises that some 381 representations were made by a total of 98 organisations and individuals during a 6-week consultation period prior to the formal submission of the documents to the Secretary of State. 106 representations considered elements of the documents to be unsound, 180 representations considered them to be sound and 85 representations were simply comments that did not judge elements of the Plan as sound or unsound.

5.2 The representations made under Regulation 28 cover most aspects and policies of the DPD and the Proposals Map published as the Pre Submission documents under Regulation 27. The documents then formally submitted for Examination under Regulation 30 were substantially different although the changes concerned mainly the format, including substantial editing of the material included, rather than the content. However, the way that the Council has dealt with this procedurally has been the subject of correspondence between the Inspector and the Council (see Examination Documents ED45 to ED48) and the Council has been asked to deal with this matter specifically in responding to question 4.2 (ii) above.

6 **Methods of considering representations**

6.1 Those who have made representations on the documents and consider it to be unsound need to decide whether they want their views to be dealt with in writing or if they wish to present them orally at the relevant Hearing session of the Examination. Both methods carry the same weight and the Inspector will have equal regard to views put to him orally or in writing. Attendance at the Hearings will only be helpful if you wish to participate in the debate.

6.2 With reference to the two main ways in which representations on the documents can be considered:

- **Written representation** – Most representations will be considered by this method and will be based on the original representation made under Regulation 28. These will also have helped the Inspector identify the Matters, Issues and Questions to be discussed at the Hearing sessions. Those people who wish to proceed by written representations can rely on what they have already submitted in writing and take no further action. Alternatively, having read the Inspector’s Matters, Issues and Questions Papers they may wish to add a further written representation in support of their position where relevant to those Matters, Issues and Questions. Written representations will not be specifically discussed at the Hearings and attendance at the Hearing sessions is not necessary, although all will be public meetings;

- **Oral representations** – Where Representors have indicated on their representation form or the Programme Officer’s questionnaire that they wish to be heard, relevant points of their representation will be considered at a
Hearing session of the Examination, where the Council and other participants will be able to debate the main points on the key issues, in a structured discussion led by the Inspector.

6.3 Whichever method you select, please remember that the Inspector’s role is to consider the soundness of the documents in the light of the representations received, rather than considering all the points raised in those representations. Only those parties seeking specific changes to the documents are entitled to attend the Hearing sessions of the Examination. There is no need for those supporting or merely making comments on the plan to attend, unless they wish to, as observers.

7 Procedure and Programme for the Hearing Sessions of the Examination

7.1 The Hearing Sessions for the Examination will commence at 09.30 on Tuesday 28 September 2010, in Committee Room 2, County Offices, Busher Walk, Kendal, Cumbria, LA9 4RQ. It is currently intended that the Hearing sessions will continue there on the Wednesday and Thursday of that week before moving to the Activity Room, The Beacon, West Strand, Whitehaven, Cumbria, CA28 7LY for Tuesday 5 October 2010 and Wednesday 6 October 2010. An evening session has been arranged for Monday 11 October 2010 at the War Memorial Hall, Main Street, Kirkby Thore, Penrith, Cumbria, CA10 1XU. The sessions will continue at County Offices, Busher Walk, Kendal, Cumbria, LA9 4RQ on Tuesday 12, Wednesday 13, Thursday 14 and Friday 15 October 2010. The final week of Hearing sessions will take place at the Town Hall, Highgate, Kendal, Cumbria, LA9 4DQ on Monday 18, Tuesday 19 and Wednesday 20 October 2010. The Hearing sessions will end on Wednesday 20 October 2010.

7.2 The sessions will start as indicated on the Hearing Timetable. Sessions will not start before the advertised time and will finish when the business is completed. On all day sessions there will be a break for lunch each day of not more than an hour and each day will finish at about 17.00. Where sessions are timed to run all morning or afternoon short breaks will be taken mid-session.

7.3 The Hearing Sessions will take the form of a structured discussion, where the Council and those who have been invited to participate will discuss the key issues, around a table. This will provide a relaxed and informal setting for dealing with the Main Matters, Issues and Questions. Those attending may bring professional representatives with them, who may ask other participants questions, but there will be no formal presentation of evidence, cross-examination or formal submissions. If the Council or any respondents intend to invite their legal representatives/expert witnesses to any of the Hearing Sessions, please would they inform the Programme Officer and provide her with their details so that the necessary administrative and seating arrangements can be made.

7.4 The Inspector has set out a range of Main Matters, Issues and Questions on which he needs information or a response from the Council and Representors. These accompany this note. They will also be on the Council’s LDF website. The discussion at the Hearing Sessions will focus on the Matters, Issues and Questions identified in the relevant agenda and may be added to or amended in the light of further submissions (see section 9 below). The Inspector will
make a few brief opening comments on the matters he wants covered in the session. He will then invite the participants to make their contribution in response to the points he has raised. The Hearing Session will progress under his guidance, drawing those present into the discussion in such a way as to enable him to gain the information necessary to come to firm conclusions and recommendations with regards the soundness of the Documents. There will be opportunity in the Hearing Sessions to ask questions, and professional representatives and advocates can also join in the discussion.

7.5 The Hearings will be conducted on the basis that everyone taking part has read the relevant documents, although participants will be able to refer to and elaborate on relevant points, as necessary. The Inspector will endeavour to progress the Hearing Sessions in an effective and efficient manner. As part of that process, he will aim to minimise the amount of material to that necessary to come to informed conclusions on the Main Matters.

8 Hearings Programme

8.1 The draft Hearings Timetable is attached. Would you please confirm to the Programme Officer as soon as possible but no later than **Friday 20 August 2010** if you intend to attend the Hearing session(s) to which you have been invited or rely instead on the written representations that you have already made. It will be for individual participants to keep in touch with the Programme Officer to check the progress of the Examination and to ensure that they are present at the appropriate time.

8.2 The Main Matters identified for the Hearing Sessions are:

- **MAIN MATTER 1 – Legal Requirements, Evidence Base & Relationship to other M&W DPDs**
  Whether the Documents meet all of the legal requirements of the Planning and Compulsory Purchase Act 2004 and associated Regulations (as amended in 2008), are informed by robust, up-to-date and proportionate evidence and are consistent with the Core Strategy and Generic Development Control DPDs.

- **MAIN MATTER 2 – Policies 1, 2 and 3: Proposed Waste Facilities Excluding Landfill**
  Whether the identified sites are justified, effective, deliverable and consistent with national policy and the Core Strategy.

- **MAIN MATTER 3 – Policy 4: Proposed Additional Non-Inert Landfill Capacity**
  Whether the identified sites are justified, effective and consistent with national policy and the Core Strategy.

- **MAIN MATTER 4 – Policy 5: Proposed sites for Low Level and Very Low Level Radioactive Wastes**
  Whether the identified sites are justified, effective and consistent with national policy and the Core Strategy.
• MAIN MATTER 5 – Policy 6: Preferred Areas for Minerals and Policy 7: Mineral Safeguarding Areas
   Whether the identified sites and areas are justified, effective and consistent with national policy and the Core Strategy.

• MAIN MATTER 6 – Monitoring and Implementation
   Whether the scheme in Section 6 of the DPD provides a robust basis to enable measurement to take place and the need for remedial action to be identified.

• MAIN MATTER 7 – Proposals Maps, Mineral Consultation Areas and Other Matters
   Any other miscellaneous, procedural and outstanding matters.

8.3 Bearing in mind their associated Issues and Questions, the Inspector will ask for confirmation of attendees of the Pre-Hearing Meeting that these are the main matters that go to the heart of the soundness of the documents.

9 Preparation and submission of further material

Core Documents
9.1 The Council has prepared a list of Core Documents, which includes web links to those documents. A paper copy of this list can be obtained from the Programme Officer and is also available on the Council’s website. Hard copies of the Core Documents are available for inspection in the Examination Library, which is located in the offices of Environment Unit, County Offices, Busher Walk, Kendal, Cumbria, LA9 4RQ, subject to prior appointment with the Programme Officer. They are also available to view on the Council’s website at: http://www.cumbria.gov.uk/planning-environment/planning/policy/minerals_waste/mwdf/SAPExam.asp

The Examination Library also contains copies of the submitted DPD and proposals map and associated documents, all representations, the Core Documents and further representations and statements, as received.

Topic Papers
9.2 In response to each of the Inspector’s Main and Sub Matters, Issues and Questions Papers the Council will be asked to prepare a full written response in the form of an individual Topic Paper; each Main Matter Topic Paper will address the sub matters as appropriate. They should include full and precise references to the evidence base to justify the particular approach taken in the DPD and proposals map, along with any supporting documentation. They should also include references to any suggested changes considered necessary to make the documents sound, bearing in mind that any further changes suggested at this stage should be assessed against an associated sustainability appraisal and the implications for further public consultation. These Topic Papers will provide the Council’s detailed answers to the Inspector’s questions and will set the scene for the issues to be debated at the Hearings sessions. The Council’s Topic Papers should be submitted to the Programme Officer by Friday 20 August 2010. In addition, two lists of the suggested changes arising from the Council’s responses to the MIQs are required by the same date. The first list will be those changes that the Council consider necessary to make the documents sound while the second will be those minor changes
that do not go to soundness but which are nevertheless considered necessary by the Council to correct errors and omissions. Both lists are likely to be added to following debate during the Hearing sessions and the Council will keep them up-to-date.

9.3 The only exception to the timetable set out above concerns the Topic Paper for Main Matter 4. In this case the Council has been asked to prepare the Topic Paper by **Friday 16 July 2010**. A copy will be submitted to the Programme Officer by that date and also placed on the Council’s web site. The Issues and Questions for this Main Matter will be made available before or at the PHM.

**Submission of further written statements and other material**

9.4 The representations already made should include all the points and evidence to substantiate Representors’ cases. However, if you wish to submit further evidence in response to the Inspector’s Matters, Issues and Questions Paper that is relevant to your representation, either for the Hearings or for written representations, it should be sent to the Programme Officer by Friday 20 August 2010. If your representations are to be considered at more than one hearing session, a copy of your further written statement is required for each of the relevant Hearing sessions. If you have not already done so in your representations you must explain how you wish to see the documents changed in order for them to be found sound.

9.5 The Inspector emphasises the need for succinct submissions, avoiding any unnecessary detail and repetition. 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, since the Hearings are not the place for new points or evidence to be presented for the first time. Please note that it is the quality and substance of the reasoning that carries weight, not the bulk of the documents.

9.6 The Programme Officer will require **3 hard copies of all topic papers and written statements, which should also be submitted in electronic form, if possible.** Statements should be no longer than **2,000 words**, either for a Hearing session or further written representations. Statements which are excessively long or contain irrelevant or repetitious material may be returned. Technical evidence should be limited to appendices, and should be clearly related to the Main Matter. Any supporting material should be limited to that which is essential and should not contain extracts from any documents that are already in the Examination Library, although these should be cross-referenced if referred to. All statements should focus on the elements of soundness; justification, effectiveness and consistency with national policy and the adopted Core Strategy, and they should specifically demonstrate how the submitted documents are unsound, and how they could be made sound by adopting the approach advocated by the Representor. **All statements should clearly indicate the policy/paragraph/page of the DPD or the part of the proposals map at issue, and the relevant aspect of soundness.**

9.7 There is no need for summary statements. Statements should be on A4 paper, not spiral bound, but punched with two holes for filing. Photographs should be in A4 format, annotated on the back. Plans or diagrams should fold down to A4 size. **All statements should be marked with your unique reference number as indicated on your PHM Questionnaire, and the Main Matter**
to which it refers. If you have mislaid your reference number please contact the Programme Officer. If you wish to make further representations that cover more than one Main Matter a separate copy of your statement is required for each Main Matter, and should be appropriately referenced.

10 Site visit arrangements
10.1 The Inspector will visit of all the sites and locations referred to in both the DPD and the representations and he will make a familiarisation tour of the County prior to the Hearing Sessions, on an unaccompanied basis. If, exceptionally, there are particular reasons for an accompanied visit, participants should discuss these with Programme Officer.

11 Close of the Examination
11.1 The Examination will remain open until the Inspector’s report is submitted to the Council. However, he will not accept any further representations or evidence after the Hearing sessions have finished, unless he specifically requests further information on particular topics. Any late or unsolicited material will be returned.

12 Submission of the Inspector’s Report to the Council
12.1 The Inspector will announce the date when he expects to submit his report to the Council at the last Hearing Session.

13 Matters Requiring Early Clarification
13.1 Early into the Examination the Inspector identified a particular matter regarding the soundness of the documents upon which he requested early clarification from the Council (see paragraph 5.2). The Council has also been requested to complete the ‘self assessment’ exercise. At the Pre-Hearing Meeting the Inspector will ask the Council to briefly outline its response on these matters in order that any implications for public consultation and the draft Hearings timetable can be considered.

14 Questions
14.1 The Inspector will then invite questions from the Council and attendees about the procedure and management of the Examination.

15 Pre-Hearing Note
15.1 The Pre-Hearing Note will comprise a summary of the Council’s response to the Inspector’s request for early clarification of some matters that may have implications for the soundness of the documents, a summary of any questions from the Council and other attendees of the Pre-Hearing Meeting about the procedure and management of the Examination together with the Inspector’s responses, the final Hearings Timetable and a summary of Key Examination dates.

Brian Cook
Inspector