

WARWICK DISTRICT LOCAL 1996-2011

NOTES OF THE PRE-INQUIRY MEETING

(Held on 5 January 2006 in the Town Hall, Leamington Spa)

Clive Richardson JP BA(Hons) MCD MRTPI

Introduction

1. The Inspector introduced himself and explained that he had been appointed by the First Secretary of State to hold an inquiry into objections to the Warwick District Local Plan 1996-2011. The inquiry will open at 10am on Tuesday, 4 April 2006 at the Town Hall, The Parade, Leamington Spa CV32 4AT.
2. The purpose of the pre-inquiry meeting was to provide an opportunity for procedural, administrative and programming matters relating to the inquiry to be explained and discussed. Objectors have previously been sent some Guidance Notes by post.
3. The Inspector's task will be to consider objections to the Plan. Because he has been appointed after the commencement date of the Planning and Compulsory Purchase Act 2004, this plan comes under the 'transitional' arrangements. Following the close of the inquiry he will prepare a report to Warwick District Council with actions that will be binding.
4. Notes of the pre-inquiry meeting are being circulated to all objectors. Further copies are available from the Programme Officer. A draft programme will be distributed shortly.

Programme Officer

5. Mr Ian Kemp has been appointed as Programme Officer. His office is located at The Conservatives Room, Town Hall, The Parade, Leamington Spa CV32 4AT. His telephone number is 01926 456927 (mobile 07723 009166). His e-mail address is Ian.Kemp@warwickdc.gov.uk. He is an officer of the inquiry and his principal functions, under the Inspector's direction, are to organise the inquiry programme, to ensure that all documents received both before and during the inquiry are recorded and distributed, and to maintain the inquiry library. During the inquiry Mr Kemp will be able to tell you how closely we are following the programme. Any other questions should be raised initially with him.
6. Every effort will be made to keep to the programme. However, it is your responsibility to keep in touch with the progress of the timetable and to be available to present your case when called. Attempts are being made to programme and accommodate specific requests but parties should not expect to be allocated a particular inquiry slot purely on the basis of their preferred availability.

Number and Scope of Objections

7. 1,117 objections were duly made by some 305 objectors during the First Deposit period which ran for 6 weeks from 12 December 2003 to 23 January 2004. Following consideration of those objections the Council prepared a Revised Deposit Draft version of the Plan. This was placed on deposit for 6 weeks from 8 July 2005 to 19 August 2005 and resulted in 601 objections. 121 objections have subsequently been withdrawn on the

basis that the Revised Deposit Plan satisfies those objections. Consequently, at this point in time there are some 1,597 objections for the Inspector to consider.

8. The issues addressed by the objections cover a broad spectrum. The single most controversial matter relates to Coventry Airport.

Appearances

9. The Inspector invited the Council to indicate who will be representing them at the inquiry. A list of the names, positions and qualifications of those individuals is set out in Annex C to these Notes and will be placed on the inquiry notice board. The appearances of other participants to the inquiry will be taken when they present their cases. Unless already provided, written details including qualifications should be given to the Programme Officer as soon as possible.
10. If the press attend the inquiry they should give the name and address of the organisation they represent to the Programme Officer, and follow a similar procedure on each occasion.
11. All persons will be required to sign an attendance list each day. This will be located near the door of the inquiry room or passed around those attending.

Statutory Formalities

12. At the start of the inquiry confirmation will be sought from the Council that all statutory formalities have been complied with.

Procedure

13. Objectors have previously been supplied with Guidance Notes that set out in some detail the procedures that will be followed at this inquiry. The Inspector confirmed that use will be made predominantly of round table discussions and hearings. Only in exceptional circumstances will there be traditional formal inquiry sessions. Unrepresented objectors have been provided with further Guidance aimed specifically at them.
14. The inquiry will sit between 10.00 hrs and 17.00 hrs Tuesdays to Thursdays inclusive and from 10.00 hrs to 14.00 hrs on Fridays. Except on Fridays, there will be a lunch adjournment between 13.00 hrs and 14.00 hrs approximately. Each day there will be short comfort breaks midway through the morning and afternoon sessions.
15. Following the Inspector's formal opening of the inquiry, the Council will be invited to make a brief statement of not more than 20 minutes outlining the context of the Plan, its certification and the scope of the changes made to the First Deposit Plan in the light of the objections received. Attention will be drawn to those objections that have subsequently been withdrawn. Core (background) documents will be formally introduced into the inquiry at this stage by the Council. The inquiry will then proceed to consider the outstanding objections in programme sequence.

Oral objections

16. Objections will be heard on a topic basis, generally following the Plan order - that is, Introduction; User Guide; Core Strategy; Development Policies; Sustaining Communities; Urban Area Policies; Town Centre Policies; Rural Area Policies; Designated Area Policies; Site Specific Policies; Appendix 1 (Employment Land Supply); Appendix 2 (Housing Land Supply); Appendix 3 (Local Nature Reserves and Ancient Woodlands); Glossary; and Plans. Where there are related objections attempts

will be made to programme them as a group. This will allow objectors to present a joint case if they so wish. Such an arrangement is encouraged since it results in cost savings for all parties, avoids unnecessary duplication, and is economical on inquiry time. It will enable the Council to make a single response.

17. In order to consider objections efficiently, the procedure for hearing objections will vary according to circumstances. A number of **round table sessions** will take place at the appropriate times. They will cover managing housing supply (Policy SC8a and Appendix 2); affordable housing (Policy SC9); protecting employment land and buildings (Policy SC2); and safeguarding land for Warwick and Leamington Spa park and ride (Policy SSP5). These topics are likely to be of particular relevance and interest to organisations who will be selected and invited to participate on the basis of their anticipated contribution. In general, individuals will generally have their objections dealt with by the other inquiry procedures, although they will be able to attend the related round table session as an observer. On the basis of the objections made, the Inspector will prepare a preliminary paper listing the main points at issue. This will be used as an agenda for the discussion which the Inspector will lead. Each participant will be asked to submit a brief written statement of case, not exceeding 1000 words, which will be circulated to all other participants 3 weeks prior to the round table session. The Programme Officer or a Planning Officer working for the Planning Inspectorate will be asked to take notes at the round table sessions. These notes will be sent out to participants to highlight points agreed and outstanding matters of dispute. Since the purpose of a round table session is to expedite inquiry proceedings, those taking part will not be permitted to go over the same ground again during later parts of the inquiry. Each organisation will be allowed only one spokesperson at the table at any particular time. Legal representation will not be necessary.
18. Most inquiry sessions will be conducted as **informal hearings** since these offer the most efficient use of inquiry time. The procedure will normally be as follows:
 - The Inspector will summarise the disagreements between the objector and the Council.
 - The Inspector will ask both sides to respond to his questions.
 - The objector and the Council will have the opportunity to ask questions of each other through the Inspector.
 - The Council, and then the objector will have the opportunity to make a short closing statement.
19. **Formal hearings** will be held when specifically requested and agreed to by the Inspector. These will replace the traditional inquiry sessions that have been employed at inquiries in the past. The procedure will be similar to the informal hearing, but with an opportunity for the formal testing of evidence.
 - The Inspector will outline the cases and the issues to be discussed, and then lead an open discussion of each issue in turn. All parties should endeavour to cover all relevant matters during this discussion. Parties will be free to challenge points made by the opposing side.
 - When the Inspector considers that an issue has been fully explored through discussion, he will ask the advocates (usually starting with the objector) whether there are any outstanding matters on which they would like to put formal questions to opposing witnesses (i.e. cross-examine). Advocates should indicate the nature of

the outstanding issues and give an estimate of the time required. Questions will be permitted at the Inspector's discretion.

- Advocates may choose to keep their formal questions on all issues until the end of the discussion on all matters, and should indicate their intentions in this regard to the Inspector when first invited to put questions.
- At the end of the hearing the Inspector will ensure that all parties are satisfied that the issues have been adequately examined before giving an opportunity for final comments to be made by the Council's advocate and then the objector's.

20. For both formal and informal hearings the guiding principle will be to minimise the time taken and avoid repetition. The Inspector may intervene to achieve this. All objectors will be urged to concentrate on the principles that underlie the Plan. Matters of detail normally considered at the planning application stage will not be discussed at this inquiry.

Written objections

21. These have the same status as objections dealt with orally. The Council is required to respond to all objections. If the Inspector finds it necessary to raise queries about any of the written representations or the Council's responses he will do so in writing through the Programme Officer and arrange for a copy to be sent to the other party. The replies received will be circulated as appropriate and copies of all correspondence placed in the inquiry library.

Inquiry Programme

22. A provisional inquiry programme will be sent out to objectors as soon as possible based upon replies received to the Programme Officer's questionnaire. If anyone has not yet returned a completed questionnaire they should do so immediately. A more firm programme will be sent out to all objectors approximately 3 weeks before the inquiry is due to open. As things stand at present it looks as though the inquiry will last for approximately 6 weeks. Sitting dates will be as follows:

Session 1: Tuesday 4 April 2006 to Thursday 13 April 2006

Session 2: Tuesday 25 April 2006 to Friday 5 May 2006

Session 3: Tuesday 16 May 2006 to Friday 26 May 2006

Proofs/Statements of Evidence and Further Written Representations

23. Objectors' proofs/statements of evidence should normally be limited to no more than 3,000 words per witness, plus supporting documents. All evidence should be disclosed in advance; nothing should come as a surprise to the opposing party on the day. For those objections heard in the first week of the inquiry, proofs/statements should be with the Programme Officer by 17 February 2006. The Council's responses should be available 3 weeks later, i.e. by 10 March 2006. This will ensure that all parties have 3 clear weeks to study relevant submissions prior to the opening of the inquiry. A rolling programme of submission dates will apply thereafter. The deadlines for each session of the inquiry are set out in Annex A to these Notes. Failure to comply with these deadlines will place the inquiry programme at risk. To minimise disruption and inconvenience to other participants, those objectors who ignore these requirements will be re-programmed to appear at a later time convenient to the inquiry or asked to proceed by way of written representations.

24. The deadline for submission of any additional written representations will be 24 February 2006. The Council's responses will normally be included in its proof/statement of evidence to the inquiry on relevant policies and proposals. Where separate responses to written representations are necessary, they must all be submitted to the Inspector before the inquiry is closed, and preferably still in accordance with the timetable for inquiry evidence on the relevant part of the Plan.
25. Under no circumstances will any documentation be forwarded to or considered by the Inspector after the close of the inquiry.

Site Inspections

26. The Inspector will be making a series of unaccompanied site inspections at various times before, during and after the inquiry. Where parties consider that an accompanied site visit will be necessary, for instance because a site cannot be seen from public vantage points, requests for such visits should be submitted to the Programme Officer who will prepare a list which will be displayed on the inquiry notice board. A representative of the Council must be present on all accompanied site inspections, as well as the objector. The Inspector will not be able to hear further evidence at those visits.

Availability of Information

27. An inquiry library is being set up and will be located in the Programme Officer's room. The library will contain all of the duly made objections, the core documents the Council will refer to and also copies of all statements of evidence, further written representations and Council responses. Access to the library will be by appointment with the Programme Officer.

Assistance with the Report

28. In the interests of producing a report as efficiently as possible and not duplicating work already done by the Council, the Inspector will be seeking the planning authority's assistance. That help will take the form of the supply of basic factual information in respect of chapter and policy headings, objector names and reference numbers etc. No information will be supplied which will influence the Inspector's consideration of the objections.

The Disabled

29. Should inquiry participants have any form of disability and require assistance (eg be hard of hearing, possess poor eyesight, or have mobility difficulties), they should contact the Programme Officer. He and the Inspector will do whatever they can to assist.

Other Facilities

30. Photocopying facilities will be available during the inquiry. There may be a charge made for that service.
31. An inquiry notice board will display an up-to-date copy of the programme at all times, together with other inquiry notices including lists of appearances, objectors, objections, core documents, standard sitting times, Notes of the Pre-Inquiry Meeting, and a schedule of site visits.
32. Smoking will not be permitted in the inquiry room. Mobile phones must be switched off at all times while the inquiry is in session.

Document Numbering System

33. A standardised document numbering system will be used which is set out in Annex B to these Notes. That scheme should be followed by all those preparing statements and responses.

Questions/Answers

34. Questions put by those attending the Pre-Inquiry Meeting and the Inspector's responses are set out at Annex D to these Notes.

ANNEX A – KEY SUBMISSION DATES

Formal inquiry sessions, formal hearings and informal hearings

Inquiry session	Dates	Proof/Statement – date due from objector	Response – date due from Council
Week 1	4 April to 7 April 2006	17 February 2006	10 March 2006
Week 2	11 April to 13 April 2006	24 February 2006	17 March 2006
Week 3	25 April to 28 April 2006	10 March 2006	31 March 2006
Week 4	2 May to 5 May 2006	17 March 2006	7 April 2006
Week 5	16 May to 19 May 2006	31 March 2006	21 April 2006
Week 6	23 May to 26 May 2006	7 April 2006	28 April 2006

Round table sessions

Statements of case due from all participants (objectors and Council) 3 weeks prior to the particular round table session.

Written representations

Any further written representations from objectors due by 24 February 2006. The Council to respond to all such objections before the close of the inquiry.

ANNEX B – DOCUMENT NUMBERING SYSTEM

Core Documents

Council's Core Documents:

CD/Doc Reference

eg CD/1

Objectors' Material

Further Written Statements (*written representations*)

FWS/Objector Number/Objection Reference/Policy Reference/Document Number

eg FWS/1/AC/DAP4/1

Should supplementary documents such as appendices be provided in addition to the further written statement they should be submitted in numerical sequence.

eg FWS/1/AC/DAP4/2
FWS/1/AC/DAP4/3

Proofs/Statements of Evidence (*formal inquiry sessions, round table sessions, formal hearings, informal hearings*)

POE/Objector Number/Objection Reference/Policy Reference/Document Number

eg POE/1/AE/SSP7/1

Again, as with further written statements subsequent submissions relating to the same objection should be referenced in numerical sequence.

eg POE/1/AE/SSP7/2
POE/1/AE/SSP7/3

Council's Material

Warwick District Council will use the same referencing system but will prefix the reference with WDC. Therefore, the Council's response to the above written statement would be:

eg WDC/FWS/1/AC/DAP4/1

And to the proof/statement of evidence:

eg WDC/POE/1/AE/SSP7/1

All further written statements, proofs/statements of evidence and documents should be numbered in the top right hand corner on the front cover, prior to submission, in accordance with this system. Six copies of each will be required. Lists of documents should be given to the Programme Officer.

ANNEX C - LIST OF ADVOCATES AND WITNESSES FOR THE COUNCIL

Name	Qualifications	Position
Advocates		
Jeremy Cahill QC		of Counsel (Coventry Airport)
Mark Watson		of Counsel (other formal sessions)
Witnesses		
John Archer	BA MCD	Head of Planning and Engineering
Philip Clarke	MSc DipTP	Group Leader (Policy, Projects and Conservation)
Tony Ward	DipTP	Senior Planner
Sally Jones		Senior Planner
Lorna Coldicott	Dip Urp	Senior Planner
Helen Absalom	MA (Cantab)	Senior Planner
Claire Parlett	BA(Hons)	Planning Assistant
Alan Mayes	BA(Hons) DipArch RIBA IHBC	Principal Architect/Planner

ANNEX D – QUESTIONS AND RESPONSES – PRE-INQUIRY MEETING, 5 JANUARY 2006

David Carter

Representing West Midlands Joint Transportation Committee

- 1) Would it also be appropriate to hold a round table session in relation to Policy SSP7 Coventry Airport?

The Inspector stated that thought had been given to holding a round table session in relation to Policy SSP7. However, as West Midlands International Airport Ltd (WMIAL) were seeking to pursue their objections through a traditional formal inquiry appearance of up to one week in duration, they would not be willing to participate in such a session. With one of the principal objectors excluded the Inspector believed it would not be appropriate to hold a round table session on this topic.

Mark Sullivan

Representing Campaign to Protect Rural England (Warwickshire Branch)

- 2) There may be programming difficulties resulting from a Miller Homes S78 appeal which has ramifications for Policy TCP7. The inquiry into that appeal is due to be heard during the Local Plan inquiry.

John Archer of Warwick District Council explained that the inquiry in question was a separate matter and Mr. Sullivan was welcome to make contact with him on the issue. While the Inspector was unaware of those appeal proposals, he indicated that Mr Kemp would liaise and do his best to prevent any programming clashes. This would allow the parties an opportunity to attend both inquiries if desired.

- 3) Given the lack of a formal response from the Council in respect of objections made at Revised Deposit Stage it will be difficult for objectors to meet the deadlines for submitting further evidence.

The Inspector acknowledged the point and explained that he had received three letters citing difficulties in relation to this matter. The Inspector had been in contact with the Council through the Programme Officer to try and address these concerns. Warwick District Council will employ delegated powers to produce a formal response to all objections to the Revised Deposit Plan without the need to pass them through full Council. Philip Clarke will ensure that the report is available for public inspection and posted on the Council's website by 31 January 2006.

- 4) Is it strictly necessary to provide further written representations as early as 17 February 2006?

The Inspector explained that a deadline for further written evidence had been established to allow the Council sufficient time to prepare their responses during a period when their resources would be stretched. The Inspector did, however, agree to extend the deadline for further written submissions by one week to 24 February 2006.

- 5) Will the Council be preparing topic papers and, if so, when will they be available?

The Inspector confirmed that there would be twelve topic papers produced by the Council covering:

- Background to the Local Plan
- Housing
- Affordable housing
- Employment
- Natural environment
- Development
- Historic environment
- Town centres and regeneration
- Transport
- Countryside
- Leisure, recreation and community facilities
- Coventry Airport

Such topic papers should ideally have been produced by the time of the Pre-Inquiry Meeting. However, this inquiry is subject to time constraints. The Council explained that the topic papers would be available by mid February as a worst-case scenario. The Inspector encouraged the Council to produce them as soon as possible and to release them individually rather than issuing the papers en bloc.

- 6) Are topic papers the Council's formal response to objections or are they being produced in support of the Council's case?

The Inspector expressed his view that topic papers should be treated as background information that would be used to inform the Council's formal responses rather than the formal response itself. Warwick District Council confirmed the Inspector's understanding.

- 7) After receiving the Council's response to an objection pursued to inquiry can further evidence be submitted in writing on the day of the appearance.

No, the appropriate mechanism for replying to the Council's response is verbally at the inquiry (if the objector has indicated a wish to appear in relation to that objection). If a further statement is deemed necessary after receipt of the Council's rebuttal it must be produced in good time and preferably at least a week prior to the appearance. Nothing should come as a surprise to either the Council or the objector on the day of the inquiry.

Robin Richmond

Representing The Leamington Society

- 8) Whilst pleased with the Council's commitment to publish its formal response to objections to the Revised Deposit Plan at an earlier date than originally indicated, and with the agreed extension to 24 February 2006 for receipt of further written representations, Mr. Richmond suggested that deadlines might still be difficult to meet.

The Inspector responded that in order for the Inquiry to run as efficiently and effectively as possible certain ground rules needed to be established although he appreciated the difficulties that certain objectors were under. The Inspector does not wish to alienate any objectors. If genuine difficulties are faced in meeting deadlines objectors should contact Mr. Kemp to discuss the matter. A degree of flexibility will be exercised where appropriate.