Northumberland Minerals and Waste Development Framework Core Strategy Independent Examination

PRE-EXAMINATION MEETING

TUESDAY, 27 NOVEMBER 2007 – 2.00 PM

Held in Conference Room 1, Hepscott Park, Morpeth

1. Introduction

Mr Jonathan King opened the Pre-Examination meeting in connection with the Examination into the Northumberland Minerals and Waste Core Strategy and introduced himself as the Inspector appointed by the Secretary of State under Section 20 of the Planning & Compulsory Purchase Act 2004 to hold the Examination into the soundness of the Core Strategy. This development plan document forms part of Northumberland County Council's Minerals and Waste Development Framework.

He introduced Sean Nicholson who had been appointed as the Programme Officer for the Examination, acting as an independent officer, working under his direction. He would be responsible for:

- organising the Hearing sessions of the Examination;
- maintaining the Examination library;
- recording and circulating all material received; and
- assisting the Inspector with procedural and administrative matters, including taking the notes of this meeting.

Any programming or procedural queries or any other matter which the Council or anyone wished to raise with the Inspector should be addressed through him. He is based at County Hall and his telephone number is (01670) 533217. He can be e-mailed at programmecorestrategy@northumberland.gov.uk

The officers representing the County Council at the meeting were Frances Wilkinson, Senior Minerals and Waste Policy Officer (Lead Officer at the Examination); John Bell, Head of Planning and Conservation, and Karen Ledger, Team Manager, Minerals, Waste and Development Control. In addition, Kevin Tipple, Assistant Planning Officer (not present) would assist at the Examination. The main team would be supported by other officers within the Minerals, Waste and Development Control team. This team included senior and assistant development control officers, student planners and administrative and technical support officers. If required, legal support was available from within the County Council's Legal Division.

The Inspector reported that an agenda for the meeting had been circulated, together with Guidance Notes for Participants.

2. The Purpose of the Meeting

Mr King reported that the purpose of this Pre-Examination Meeting was to explain and discuss procedural and administrative matters relating to the management of the Examination. These included:

- The nature and role of the Examination process under the new LDF regime;
- The procedure for examining the Core Strategy;
- Managing the Examination, including the Programme for the Hearings;
- Matters to be examined and related questions;
- How representations will be dealt with;
- The timetable for submitting statements and further material; and
- Any other relevant matters.

He explained that meeting was <u>not</u> to discuss the content or merits of the Core Strategy and the representations made, though he would raise a number of areas which, on a first reading of the Strategy and the representations made, had raised concerns in his mind.

The "**Examination**" referred to the whole process of examining this Core Strategy, from the time it is submitted to the Secretary of State to the submission of his report to the Council. So, in effect, the Examination had already started.

3. Background information

Mr. King referred to a number of key documents which would provide background information to the Examination process:

- **The Planning & Compulsory Purchase Act 2004**
  and associated Regulations
- **Planning Policy Statement PPS12** – *Local Development Frameworks* [ODPM];
- The **Companion Guide to PPS12** – *Creating Local Development Frameworks* [ODPM];

And from **PINS**:

- **Development Plans Examination** – *A Guide to the Process of Assessing the Soundness of Development Plan Documents*;
- **Frequently Asked Questions** *on the Examination of Development Plan;*
- A **Brief Guide to Examining Development Plan Documents**; and
- *Local Development Frameworks:* ***Lessons Learnt Examining Development Plan Documents****.*

These latter documents should be readily accessible on the PINS website, although assistance should be sought from the Programme Officer, if participants had difficulties accessing them.

4. The Role of the Inspector

Mr. King explained that his role was to consider:

- *Whether the Core Strategy meets the requirements of Sections 19-20 of the 2004 Act and associated regulations; and*
- *Whether it is sound in terms of the tests of soundness set out in paragraphs 4.23-4.24 of Planning Policy Statement 12 (PPS12).*

He also had to exercise his duties under Section 39 of the 2004 Act with the objective of contributing to the achievement of sustainable development.

5. The Purpose of the Examination

Mr King explained that the Examination would principally focus on **soundness**, in particular the 9 tests of soundness set out in PPS12.

Although he reported that there was no definition of "soundness", its ordinary meaning was "showing good judgement" and "able to be trusted"; and that is what he would be looking for.

He referred to the guidance notes that he had circulated, which had set out the 9 tests of soundness as focussing on three broad areas:

Procedural tests, tests of Conformity & tests of Coherence, Consistency and Effectiveness

He emphasised the importance of evidence to substantiate the plan and revealed that the most common question he would ask at the Examination would be *"what is the evidence for that".*

He also emphasised that the purpose of the Examination was to determine whether the Core Strategy was sound, rather than to consider individual objections. Unlike the old system, he was not required to consider each and every point made in each representation or to report on them, but to use them as a starting point in considering whether the plan was sound.

Under this "new" system, he would only consider the representations made to the submitted plan insofar as they related to the tests of soundness.

It was the role of those making adverse representations to demonstrate that the plan was unsound and to suggest how it could be made sound.

6. Representations

Mr. King reported that, according to the Council's Regulation 31 Statement, at the formal submission stage, 288 representations were received from 199 organisations or

individuals, most of whom considered various elements of the Core Strategy to be unsound. The County Council confirmed that this was the case, although some people had signed a petition and had been recorded as individuals, rather than "Mr & Mrs" as perhaps they had intended.

He had received a summary schedule of these representations, together with the Council's initial brief responses. The Council confirmed that a report summarising the representations would be presented to the Council's Executive on 3 December. The report would seek authorisation to delegate responsibility to Executive Member/Chief Officer to agree responses to the individual representations. This process would take place shortly after 3 December. Once the Council had approved the responses the schedules would be placed on the website and entered into the examination library as core documents.

The main areas of concern identified by the Council in its Regulation 31 statement relate to:

- The approach to **opencast coal** mining, in particular the designation of Coal Constraint Areas and Areas of Less Constraint. It is clear that this is the major area of dispute, both with respect to the industry and the public.

- The approach to **aggregates** provision, in particular the distribution of sources of supply within the county; and

- The level of detail in the **waste disposal** policies.

In addition, he highlighted two further areas of concern that he had identified from reading the Plan:

- The adequacy of the **consultation** process; and

- The adequacy of the **monitoring and implementation** framework, particularly with respect to the setting of targets.

There would be Hearing Sessions into these matters; and he would refer to some of them later in the meeting.

There may be Hearing Sessions into other matters, though most would be handled by way of written representations.

7. Procedural Questions

Mr. King reported that he had a number of procedural questions of the County Council. They were dealt with as followings:

(1) The Council confirmed that the Core Strategy had been:

- prepared in accordance with the **statutory procedures** under Section 20(5)(a) of the 2004 Act and the associated Regulations

- prepared in accordance with the Council's Minerals & Waste **Development Scheme**

- prepared in accordance with the **Council's Statement of Community Involvement** *[NB he noted that a number of representations disputed that – and so that would be the subject of a Hearing Session – quite probably the first session in February]*

- supported by a **Sustainability Appraisal** and

- subject to the Council's own **Self-Assessment** against the tests of soundness in PPS12

(2) The Council reported that they had sought legal opinion on whether there were any fundamental procedural shortcomings. They confirmed that as so far as they were aware, there had been no such shortcomings. However, Core Document I/CD/2 identifies 3 minor procedural inconsistencies at the Submission stage:

- the incorrect matrix of policies was included with the SA;
- omission of some submission representations from the web site, and
- incorrect boundary shown in a summary guide to the Reg 32 consultation.

These were all corrected as soon as the Council became aware of them and were not considered to be fundamental procedural failures. This view had been supported by legal opinion.

(3) The Council also confirmed that:

- the **Regional Planning Body** (ref: 407) responded to the Core Strategy on 6 August. It considered that the Core Strategy was in general conformity with the Regional Spatial Strategy;

- **Natural England** had confirmed the acceptability of the Screening Opinion and the Appropriate Assessment.

In addition, Mr. Carpenter, Government Office North East reported that proposed changes to the **Regional Spatial Strategy** were consulted on between May-August 2007. Further changes, mainly on housing and employment issues, were anticipated to go out to consultation in January 2008. The Council reported that some of those issues had been included in their Inspector Note 1.

(4) The Council confirmed that the adopted Minerals & Waste **Local Plans** policies were saved; but that there was no end date for saving.

(5) The Council confirmed that the Core Strategy had taken account of the Council's other plans:

- Adopted Local Plans;

- Community Strategy (this had been adopted in September 2007 and a copy would be provided to the Inspector and added to the Core Document List.

(6) The Council confirmed that the Core Strategy had taken account of plans and Community Strategies of **adjoining authorities;**

Mr King reported that he would confirm all those procedural matters again at the start of the Hearing sessions of the Examination.

He commented that he was aware that the Core Strategy had not been prepared in a vacuum, and that the planning environment was in a state of continuous change. He had already asked the Council to prepare for him a briefing note about matters which may have an influence on the Core Strategy during the course of the Examination. Amongst those were:

- The present state of play on the emerging RSS;
- The position with respect to the LDFs for the District Councils in Northumberland;
- The position with respect to the LDF for the National Park;
- The position with respect to the M&WDF for adjoining M&W Planning Authorities;
- Implications of Northumberland transferring to Unitary status;

and

- Recent major planning decisions, or any that were anticipated.

He reported that he had already received notes on most of those, and would ask the Council to keep him abreast of any events or developments that may have a bearing on the soundness of the plan during the course of the Examination.

The Council reported that the Secretary of State's decision, following an appeal before a Planning Inspector, regarding opencast mining at Shotton was imminent. (This has now been received). In addition, the Council's Planning and Regulation Committee were expected to determine UK Coal's application to opencast at Potland Burn, Ashington early in the New Year.

8. Matters and Issues for Examination

Mr. King again referred to his Guidance Note that stated that he would have prepared a Schedule of Matters and Issues for Examination. He reported that this was largely complete, but unfortunately not yet available its final form. However, it would be circulated very shortly along with the notes of this meeting. It would take the form of a list of issues and questions which he had drawn up to guide and focus the discussion at the Hearing sessions, together with his consideration of the written representations. Those matters and issues were based on his reading of the representations made to the Core Strategy and on his initial consideration of the document. An accompanying note would invite responses to the issues and questions raised, and provide guidance on how and when that should be done.

Mr King reported that the Programme Officer had received and collating the responses made to the questionnaire he sent out with the invitation to this meeting. One of the important questions related to whether representors wished to appear at a Hearing session. At this stage, it appeared that relatively few wish to come to the Hearings. At the last count, it was just 10.

He reported that he would draw up a draft **Programme** for the Hearings sessions, which were due to start on 26th February 2008; and of those people and organisations who should attend each session. Depending on the nature of the representations, it was

possible that he would invite other people or organisations to come to a Hearing Session if he thought that it was important to his consideration of the issues at hand. If he did, then the Programme Officer would contact them individually.

Nearer to the time, he would draw up detailed agendas for the individual sessions, and send these to those who would be attending.

9. Changes

Mr. King reminded participants that in his Guidance Notes he addressed the question of **changes** to the plan. He reported that as a result of considering the representations, the Council had prepared for him a schedule of changes it would like to make to the Core Strategy. He understood however that more may be proposed. The Council confirmed that this was the case and that they had been delegated to the Chief Officer/Executive Member.

He reported that he would consider those, but he had pointed out to the Council that it was the Core Strategy as submitted that is subject to Examination; and that the scope for the Council to make changes to it is very limited. Under the new system, it was of course permissible to make minor alterations that did not go to the soundness of the plan. However, it was not appropriate to make major changes to the plan that would affect the substance of the document or the sustainability appraisal and community consultation and the participatory processes already undertaken.

He emphasised that, in line with the advice in PPS12, fundamental changes to the Core Strategy should not be proposed by the Council before or during the Examination; and that there was a presumption against substantial changes to the Core Strategy at this stage. This was because the system worked on the basis that the plan preparation process should be "front-loaded" – that all matters had been considered before the submission document was published. The submission draft was supposed to be in its final form, not requiring any alteration. The need for changes – whether fundamental changes or a great many minor changes - brought into question the efficiency and effectiveness of the plan preparation process.

However, if any major changes were proposed, they would have to be subject to the same consultation and assessment processes as the submitted document. That may involve delay.

He reported that he could only recommend changes on the basis of evidence assessed during the Examination, and he had to give reasons for those changes.

His role was to consider whether the plan was sound, rather than making an otherwise sound plan "more sound" by making changes.

He had requested the Council to consider their proposed changes in the light of that advice. The Council reiterated their earlier response that delegated authority would be given to the Chief Officer/Executive Member at the Executive Meeting on 3 December 2007.

10. Format of the Examination

Mr. King advised participants that there were two methods by which representations to the Core Strategy could be dealt with:

- By written representations; or
- Orally at the Hearing sessions of the Examination.

Both methods carried the same weight and he would have equal regard to views put orally and in writing.

Attendance at the Hearings, rather than setting out your case in writing, would be helpful only if participants wished to participate in the debate and help him to consider the soundness of the plan.

(1) Written representations

Mr. King reported that most representations would be considered by this method.

In most cases, his consideration would be based on the original representation, with a response, if necessary, from the Council.

Those who wished to proceed by written representations could rely on what they had already submitted in writing and need take no further action. Attendance at the Hearing sessions was not necessary.

However, a few individuals and organisations had indicated a wish to submit further written material. That was permissible, but this should include all the material, evidence and supporting documents necessary to support the points made.

Written representations would not be discussed directly at the Hearings, though naturally some of the issues raised by them may well be addressed in the overall context of the subjects being discussed.

(2) Oral representations

Mr. King reported that this would take place where representors had indicated that they wished to have an oral hearing; or where he considered that in order to obtain the information he needed, a Hearing was necessary.

Only those parties seeking specific changes to the Core Strategy were entitled to attend the Hearing sessions of the Examination.

There was no need for those supporting or merely making comments on the plan to attend the Hearings. He understood that a request had been made by a supporter to appear at a Hearing session. This was not necessary – because the starting point was that the plan, as submitted, was sound. It was for those who considered it unsound to make out their case. The Council would respond to those arguments – to defend their plan - but they did not need any help. Therefore, while supporters were welcome to attend Hearing sessions as observers, in the normal course of events, they would not participate.

Those attending may bring professional representatives with them, but there was no need for legal representation, and there would be no formal presentation of evidence, cross-examination or formal submissions.

An important element of the new system was that the **Hearing sessions** of the Examination were intended to be an **inquisitorial** process under the Inspector's direction, rather than the previous more adversarial approach of the local plan Inquiry.

Relevant points in the representations would be dealt with either at a Round Table or a Hearing Session, where the Council and participants would debate the main points on the key matters and issues identified by the Inspector in a structured way. Mr King reported that one representor has asked whether they may proceed by way of a more formal approach. However, he had decided not to accede to that request, though he was prepared to have legal representatives present at the sessions, and for some direct questioning across the table. However, he would not allow formal cross-examination. It was not appropriate in this context, and he did not believe it would help him in his task.

11. Procedure at the Hearing sessions

Mr. King reported that the process of examining the soundness of the Core Strategy was more like an Examination in Public into a Structure Plan or Regional Strategy, with the **Hearing** sessions addressing particular **topics** and **issues identified by him**, rather than the traditional public Inquiry considering individual objections.

Since this Examination was into a Core Strategy, the discussion would focus on **strategic issues** and **policies**, rather than particular sites or proposed developments, which were addressed in the Site Specific and the Development Control DPDs prepared by the Council, which would be Examined on another occasion.

Therefore, and notwithstanding that a number of representations received were addressed to site-specific matters, it would not normally be appropriate to debate the merits of individual development schemes or to address specific land allocations, unless they were of strategic significance to the plan.

Similarly, there would be no debate about national and regional policies as such, but the Examination would consider the application and implications of such policies if they directly affected the areas and topics covered by the Core Strategy.

Discussion would focus on the issues identified in the agenda and the questions the Inspector had posed in the matters and issues.

The sessions would progress under the Inspector's guidance, drawing those present into the discussion at appropriate stages to enable him to gain the information necessary to come to a firm conclusion on the matters identified.

Everyone would be able to contribute; and there would be opportunity for questions, elaboration and discussion on the key questions and issues;

Hearings would be conducted on the basis that everyone had read the relevant documents, although participants would be able to refer to and elaborate on relevant points.

They should not, however, introduce new evidence at the Hearing: All evidence and material should be submitted beforehand. It was not the place for surprises.

Mr King reported that as part of that process, he aimed to minimise the amount of material submitted to that which was necessary to permit him to come to informed conclusions on the issues.

He would endeavour to progress the Hearing sessions in an efficient manner, keeping a tight hand on the discussions and the time taken.

Separate Hearing Session of the Examination would be held on the main Matters identified in the Programme.

He would set out a detailed agenda before each session, based on the Matters and Issues he would identify.

Hearing sessions of the Examination were currently scheduled to commence at 10.00am on **Tuesday 26th February 2008.** Subsequent sessions would normally start at 9.30am and 2.00pm Tuesdays to Fridays each day, with a lunch break at between about 12:30 and 1.00pm, and finish at 5.00pm. If convenient, short breaks would be taken mid-morning and mid afternoon. Refreshments would be available.

At present, he could not confirm how long the sessions would last – that was something that would be clearer when he had drawn up a draft programme and sought the views of the Council on it. However, he did not expect them to take longer than 2 weeks.

He reminded the Council to advertise the opening date of the Hearing sessions of the Examination at least SIX WEEKS before they commenced.

12. Preparation and submission of further material

(1) Core Documents & Availability of information

Mr. King advised participants that the Programme Officer would maintain an **Examination Library** at the County Council's offices; and, during the Hearing sessions, here at this venue.

It would contain copies of the Core Strategy and associated documents, all representations, Core Documents and further representations and statements, as they were received.

He indicated that he had requested the Council to prepare a list of **Core Documents**. They included PPGs & PPSs, MPGs, MPSs, Regional Spatial Strategy, existing Local Plans, and Community Strategies, together with **Background Papers** covering the topics of Coal, Aggregates and Waste produced by the Council. These were available on the County website, which also has external links to the DCLG and PINS websites.

The current version was available, but an updated one will be circulated with the notes of this meeting.

The Council should identify those documents and reports which constitute the **"Core Evidence Base"** for the Core Strategy. Mr. King emphasised the need for the Council to include in its Core Evidence Base **all** material that it had relied on in the drawing up of

the Core Strategy, in view of the importance of demonstrating a robust and credible evidence base – a requirement of test 7 in PPS12.

Mr. King reported that the Council had indicated that it did not intend to produce further background or topic papers. However, if it appears to him that evidence for any aspect of the plan was absent or insufficient, he may ask the Council to provide additional material, if it exists. He had already done this in relation to a number of matters. However, he asked the Council to note this material should be the evidence on which the DPD was based. In line with the "front-loading" approach of the new system, it would not be appropriate for the Council to undertake completely new work by way of post-submission justification. The intention was that all of the evidence base had been identified, or was capable of being identified.

The Council reported that there were three statements requested by the Inspector that were not currently available, but would be entered onto the Core Document List. They were the statements on coal, aggregates and waste which would address the representations made in broad terms.

Mr. King requested that participants should ensure that any documents **they** intended to refer to were included in the Core Documents List and provide copies of any missing documents to the Programme Officer.

The Programme Officer would supervise the Library and assist anyone who wishes to see and to copy any document.

He would also maintain lists of all documents submitted.

Lists of documents and appearances, the up-to-date Programme for the Hearing sessions of the Examination, and other relevant material would be on the Council's web site and on display on the Examination notice board at the venue, while the Hearing sessions were ongoing.

(2) Representations

Mr. King advised participants that representations already made should have included all the points and evidence to substantiate representors cases. It was not necessary to submit any further material based on the original representations.

However, if further representations were to be made, there was no need to attach extracts of documents, but they should be referred to where necessary, using the Core Documents numbering system.

He reported that from now on, all written submissions should address the Matters and Issues for Examination which shortly would be identified in his schedule.

Mr. King asked participants that although they may have made representations at earlier stages in the plan-making process, he only had copies of the representations made at formal submission stage. He did not know what was said earlier.

He reminded all participants that any additional Written submissions based on the **Matters and Issues for Examination** should be submitted at least **FIVE WEEKS** before the Hearing sessions started - i.e. **by 22nd January 2008**

If the Council or the participants wished to comment on each other's statements, any responses should be submitted at least **TWO WEEKS** before the Hearings started - i.e. **by 12th February 2008**

He urged everyone to adhere to the timetable for submitting further statements. Late submissions, additional documents or new evidence would not be accepted on the day of the Hearing unless there is a very good reason. Late submission of evidence could cause disruption, result in unfairness, and disadvantage the participants, since they may not be able to deal with the late material and may seek an adjournment of the Hearing.

Those who failed to meet the deadlines set may lose their right to be heard, unless there was a genuine and unavoidable reason, and the representation would then be considered by written representations.

If statements were not received by the deadlines stated, the Programme Officer would assume that no further representations were to be made by that participant.

All statements should focus on the tests of soundness and specifically demonstrate how the plan was currently unsound and how it could be made sound by adopting the approach advocated, with all the necessary evidence to support the case.

Mr. King reported that, as set out in his Guidance Notes, he essentially needed to know from participants when submitting statements:

- ***Which particular part of the Core Strategy is unsound?***
- ***Which soundness test(s), set out in paragraphs 4.23-4.24 of PPS12, does it fail?***
- ***Why does it fail?***
- ***How can the Core Strategy be made sound?***
- ***What is the precise change/wording that you are seeking?***

He reported that he needed a response statement from the Council on each topic, commenting on the points made in the representations, setting out why they consider the Core Strategy to be sound in that respect and why the changes sought by other parties would make it unsound.

Details of the form and length of submissions were set out in the Notes for Guidance. He emphasised the need for succinct submissions, avoiding unnecessary detail and repetition. There was no need for verbatim quotations from the Core Strategy or other policy guidance. But detailed references should be provided. It was vital that the fundamental elements of cases were set out clearly, with all the evidence necessary to support the case.

So far as possible, participants should attempt to reach agreement on factual matters and statistics before the Hearings began.

13. Site visits

Mr. King reported that he would be carrying out a tour of the area covered by the Core Strategy to familiarise himself with it. The Council had produced a suggested itinerary for the purpose. He intended to visit all the areas referred to in the representations, either before, during or after the Hearing sessions, either by himself, or on an

accompanied basis. However, as this was a core Strategy, it would not generally be necessary for him to visit specific sites.

If there were particular reasons for an accompanied visit, participants should discuss this with the Programme Officer.

14. Close of the Examination

Mr. King advised participants that after the Hearings sessions, the Examination would remain open until his report was submitted to the Council.

However, he would not accept any further representations or evidence after the Hearing sessions had finished unless he specifically requested further information on particular topics.

He would instruct the Council to return any late or unsolicited material.

15. Submission of Inspector's Report to the Council

Mr. King reported that after the Examination had closed, he would submit a binding report to the Council with his conclusions and recommendations on the actions or changes needed as regards the soundness of the Core Strategy. The date of submission would largely depend on the content, extent and length of the Examination, and he would confirm the likely date at the end of the Hearings sessions.

At this stage however, he expected that his report would be submitted to the Council within the 12-month period from submission of the Core Strategy, as anticipated in PPS12. However, this was dependent on the matters raised at the Hearings and his conclusions on them.

16. Outcomes

Mr. King reported that his **Recommendations** would be **binding** on the Council. They had to amend the Core Strategy in their light and, if found sound, to move swiftly to formal adoption, in line with the deadlines set out in the current Local Development Scheme.

There were a number of **possible outcomes** of the Examination:

- to find that the plan is <u>fundamentally sound</u>. The Examination starts from the basis that the Core Strategy was fundamentally sound unless shown to be otherwise. But there may (and almost always would be) a need for some <u>minor</u> amendments to policies/text to make them sound before the plan could be adopted, but he would recommend those in his report;

- to find that <u>parts of the plan are sound and others unsound</u>. In this case, he could either:

    - require further work to be undertaken on the unsound parts to make the plan sound before it may be adopted; or

- recommend that the unsound parts of the plan should be excluded, but allow the adoption of the remainder of the plan; or changed to make the plan sound so that it may be adopted; or

- recommend that unsound parts of the plan should be excluded and brought forward in a revised form in a fresh DPD, but adopt the remainder of the plan;

- to find that the plan was fundamentally unsound and should not be adopted, and consequently it should be formally withdrawn.

Mr. King reported that this was a new process, and every local authority going through it was doing so for the first time. He recognised that it was not easy, and that everyone was learning. He was aware that local authorities had put a great deal of work into the production of their plans; and he fully understood the fear that they had about the possibility that they may be found to be unsound. This may be formally at the end of the process when the Inspector's report was received – or sometimes the Inspector may indicate a serious concern as to soundness part way through the Examination, that could lead to a request by the Council to the Government Office for a direction that the Plan should be withdrawn.

The latter situation was awkward for both for the Inspector and the Council. The Inspector must not give the impression that he had reached a premature conclusion before having written his report. On the other hand, if he did have serious concerns that go to the question of soundness, then he was sure that most authorities would want him to draw this to their attention, so that they may consider the way forward. Hearings sessions were both time-consuming and costly; and there was no purpose in continuing with them if a finding of unsoundness was all but inevitable.

Councils should be given every opportunity to demonstrate that their Plan was sound. Against that background, he would tell the Council if at any time he had serious concerns about the soundness of the Core Strategy. If he did, the next stage may be to hold an Exploratory Meeting where the situation could be discussed, and the Council could then decide whether it wished to proceed with the Examination.

He reported however, that, at this early stage, he did have a number of concerns about the soundness of the plan. That was not to say that he had made up his mind about it – but for the reasons he had given, he thought it fair to the Council that they should know. His concern related in particular, to the robustness and credibility of the evidence base with respect to the approach of the Core Strategy to **Opencast Coal** mining. He reported that unless he was satisfied as to that evidence, then the Council ran the risk of a finding of unsoundness by reference to test 7.

He also reported his concern that there did not appear to be any **targets** within the monitoring framework. Again, this risked a finding of unsoundness with respect to test 8.

He indicated that he had already asked the Council to prepare papers on those subjects for him – and those would be available to representors within the next couple of weeks.

Mr. King also raised concerns with the Council about the nature of the **consultation** process on the plan. He had informed the Council that he would be looking for evidence that all statutory consultees were consulted at the appropriate time and that the process was in accordance with the Statement of Community Involvement. If he was not

satisfied as to the evidence, there was a risk that the Plan could be found unsound with respect to Test 2

He confirmed that, once he had seen the Council's papers and the evidence, then he would proceed to the Hearings. However, if his concerns were not allayed, then it may be necessary to hold an Exploratory Meeting to discuss the way forward. He was certain that the Council understood the importance of the points he had raised.

The Council confirmed that they did not have any queries in relation to that, or about any thing else concerning the procedure and management of the Examination.

Mr. King then invited questions from those participants in attendance.

Mr. Bissett, Castle Morpeth Borough Council (017) reported that his Council had commented on Policy SS6 and made observations on Policy SS8 of the Submission Draft DPD, but the County Council had not treated them as relevant to the Core Strategy. Mr. King agreed that those representations would be dealt with at a separate Examination later next year, which would deal with site specific issues arising from the Northumberland Minerals and Waste Development Framework.

Mr. Lamb, (457) reminded the Inspector that there were many detailed technical documents on the Council's web site relating to the Core Strategy and, as a lay man in these matters, admitted that he would be grateful for any guidance during the Hearings Sessions. Mr. King agreed that he did not expect members of the public to have the same level of expertise as professional planners. Although he would expect participants to be fully conversant with their own submissions, he would ensure that all sides fully understood the discussions and would offer assistance where appropriate.

Mr. Lamb, (457) referred to the summary of comments. Mr. King confirmed that these should cover the key issues. He had a full set of all the documents and gave an assurance that he would read them all.

Mr Carpenter, (542) referred to separation distances between settlements and sites of operation. He reported that this was not dealt with the in the Core Strategy as he believed it should be. Mr. King advised Mr Carpenter that it was open to him to argue that case in his submission.

Mr. Dickinson, (115) sought clarification on a number of issues that were not contained in the Core Document List. Mr. King reported that the Council had responded to a number of issues that he had raised that were contained in the Inspector's Notes 1 and 2, including Development Plan, Waste PFI, the three outstanding reports on coal, aggregates and waste and other matters. If anyone had any further queries, they should liaise with the Programme Officer who would endeavour to assist.

Mrs. Campbell, (413) sought clarification on whether those wishing to make oral representations of support could do so at the Hearing Sessions. Mr. King referred to his earlier comment that the starting position was that the Core Strategy was sound. He therefore did not think it was necessary for the Council to receive help in showing that to be the case.

Mr. King thanked everyone for their attendance at the Pre-Examination Meeting. He reported that the notes of this meeting would be circulated to everyone, along with the Schedule of Matters & Issues and the current Core Documents list.

He reported that the next information they would receive would be the Programme for the Hearing sessions. He reminded participants to ensure that they adhered to the deadlines for submitting further material. He asked them to be aware of any core documents, and general material produced by the Council, and other announcements made on the website and to keep in regular contact with the Programme Officer.

Finally, he looked forward to receiving all the material to help him examine the overall soundness of Northumberland's Minerals & Waste Core Strategy.

ATTENDANCE

PRE-EXAMINATION MEETING

27 NOVEMBER 2007

REF NO.	NAME	ORGANISATION (if appropriate)
	F. Wilkinson	Northumberland County Council
	J. Bell	Northumberland County Council
	K. Ledger	Northumberland County Council
011	G. Carpenter	Government Office North East
017	M. Bisset	Castle Morpeth Borough Council
019	P. Close	Natural England
025	C. Whittaker	W A Fairhurst for H J Banks
025	M. Walker	W A Fairhurst for H J Banks
090	M. Young	Tarmac Ltd
115	J. Dickinson	WYG for UK Coal
115	P. Wood	UK Coal
407	L. Mo	North East Assembly
413	M. Campbell	Entec UK Ltd
420	R. Warne	Morpeth Civic Society
457	B. Lamb	
542	J. Carpenter	
540	P. Lavery	
550	R. Brind	Ulgham Parish Council
554	D. Woodard	
554	S. Woodard	
570	E. Crocker	