

INDEPENDENT EXAMINATION OF THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA  
CORE STRATEGY WITH A FOCUS ON NORTH KENSINGTON

**PRE-HEARING MEETING MINUTES**  
**WEDNESDAY 9 JUNE 2010 – Commencing 10 00 hours**

**1 Opening announcements**

- 1.1 The Inspector welcomed everyone to the meeting. He explained that he is a Chartered Town Planner who has been appointed by the Secretary of State to hold the examination into the soundness of the Royal Borough of Kensington and Chelsea Core Strategy with a Focus on North Kensington.

**2 Examination opening date and location**

- 2.1 Confirmation was made that the hearing part of the Examination will commence at 10.00 am on Tuesday 20<sup>th</sup> July 2010 in Committee Room 1 in the Town Hall.

**3 Introductions**

- 3.1 The Inspector introduced, Chris Banks as the appointed Programme Officer. For the purposes of this examination the Inspector explained that he is acting as an impartial officer, under his direction, rather than as an employee of the Council.

- 3.2 There principal functions, under the direction of the Inspector, are:

- i) to liaise with all parties to ensure the smooth running of the examination
- ii) to ensure that the documents received both before and during the examination are recorded and distributed,
- iii) to maintain the examination library, including the Core Document list,
- iv) to assist him with all procedural and administrative matters.

The Programme Officer will be able to advise on any programming queries. All procedural queries or any other matter that the Council or anyone else wishes to raise with the Inspector should be addressed through him.

- 3.3 The Inspector asked if the Council could indicate the team representing them. Mr Jonathan Wade introduced himself and Ms Penelope Tollitt as the team members who would represent the Council throughout the Examination.

**4 Purpose of the Pre Examination Meeting**

- 4.1 The Inspector explained the purpose of the Pre Hearing Meeting was to provide an opportunity for;

- i) procedural and administrative matters relating to the examination to be explained and discussed, and
- ii) consideration of a draft examination programme, the topics identified, the running order, participants and any other relevant matter.

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- 4.2 This note of the Pre Hearing Meeting will be circulated to all those who have made representations. The Inspector will also prepare a detailed Agenda and points for discussion for each session later.

## **5 Scope of the Examination and the role of the Inspector**

- 5.1 The Inspector explained that his role is to consider the whether the Core Strategy meets the requirements of the 2004 Act and associated Regulations against the tests of soundness set out in the revised Planning Policy Statement 12 [PPS12]. The examination will focus on these tests. The Inspector explained that he will start from the presumption that the Council has submitted what is considers to be a sound Strategy, unless it is shown to be otherwise as a result of the evidence presented to him in written representations or at the hearings. The Council should rely on the evidence base provided to demonstrate that it is sound. Those seeking changes have to demonstrate why that is not the case.
- 5.2 The Core Strategy sets out the Council's vision, objectives and policies for the Royal Borough and the Inspector referred to the efforts made by the Council to ensure the plan suits the special circumstances of the Borough. This has resulted in a Core Strategy that is different, particularly in the degree of detail that it contains, to many core strategies produced by other local authorities. He emphasised that it is not his role to re-write the Strategy and he will not be making recommendations that are not absolutely essential to making the Strategy sound.
- 5.3 Following the closure of the hearing sessions the Inspector will prepare a report to the Council with his conclusions and decisions regarding the action it needs to take with regard to the soundness of the Strategy. The Inspector's report is binding on the Council and, on receipt it should amend the Strategy in the light of his decisions and move swiftly to its formal adoption.
- 5.4 In response to the representations the Council has indicated that it accepts some of the points raised and has prepared a schedule of changes which accompanies the Strategy, together with those changes being highlighted in the published version of the Strategy. The Inspector advised that, if the Council puts forward further substantive changes it must explain the reasons for those changes, with supporting evidence. It should also indicate the implications in terms of the soundness of the Strategy and ensure that they have been subject to the same process of sustainability appraisal, publicity and opportunity to make representations as with the submitted Strategy.

## **6 How the hearings will be conducted**

- 6.1 The Inspector explained that he will endeavour to progress the Examination Hearings in an effective and efficient manner, keeping a tight rein on the discussions and time taken. As part of that process it is his aim to minimise the amount of material that is necessary in order to come to informed conclusions on the issues. In that way he hopes to conduct a short, but focussed, series of hearings and, in turn, produce a short, focussed report.

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- 6.2 Those who have made representations on the Strategy should have already decided whether their views can be dealt with in a written form or whether they need to come and present them orally at a hearing session. Both methods will carry the same weight and the Inspector shall have equal regard to views put orally or in writing.

## **7 Matters and Issues for discussion**

- 7.1 The Inspector referred to the previously issued list of matters and issues which he identified as requiring further consideration. These arose from his preliminary examination of the Strategy and the Council's evidence base. The Inspector pointed out that if there were significant issues which were raised in any representations which representors believe will not be covered, either at the hearings or through written representations, they should inform the Programme Officer with a note. The Inspector will ensure that all issues raised have been considered. However, bear in mind that the Inspector is not required to consider each and every 'objection' or to report on it. After the PHM closed the Programme Officer sent out an email note informing that the deadline for inputs to the Matters and Issue is Monday 14<sup>th</sup> June 2010

## **8 Draft timetable for the Examination**

- 8.1 The draft programme has already been circulated for the hearings. Any comments should be sent to the PO ASAP. A final version of the Programme, to be followed by a detailed Agenda for each session, will be sent out after the Notes of this Pre Hearing Meeting. The Inspector wishes to remind everyone that the purpose of the detailed agendas for each session is to focus attention on those matters which the Inspector has identified as areas where he is seeking a fuller understanding of the issues and respective positions. If, on receiving a copy of an agenda, you feel that a change should be made, then please inform the PO without delay, but with reasons.

## **9 Inspector's requests for further written evidence**

- 9.1 Attendance at a hearing session will only be useful and helpful to the Inspector if you wish to participate in a debate. It would also be helpful if anyone participating in a hearing session could, in advance of attendance at the hearing session, prepare a very brief statement of their position, focussed upon the issues the Inspector will have identified and circulated in the Agenda for that session.
- 9.2 Those people who wish to proceed by written means only, need take no further action; they can rely on what they have already submitted in writing. However, if anyone does want to submit further written evidence in support of their position, these submissions should be focussed upon the issues the Inspector has identified in the hearing session Agendas. The Council will respond to any further representations with its own statement.

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- 9.3 The Inspector also emphasised the need for succinct submissions, with the avoidance of unnecessary detail and repetition. There is no need for verbatim quotations from any document in the Examination Library. Nonetheless, it is vital that the fundamental elements of cases are set out clearly and succinctly - it is the quality of the reasoning that carries weight, not the size of the documents or the width of the appendices!
- 9.4 The Examination starts from the basis that the Plan is sound unless otherwise shown. Essentially, the Inspector needs to know the following from those people submitting statements:
- What particular part of the Plan is unsound?
  - Which soundness tests does it fail?
  - Why does it fail?
  - How can it be made sound?
  - What is the precise change/wording that you are seeking?
- 9.5 Any further statements should be sent to the Programme Officer no later than **Friday 30 June for week one hearings** and **Friday 7 July for week two hearings**. As a general rule, these should be no longer than 3,000 words, be they for a hearing session or further written representations. No additional statements will be accepted at the Examination.

## **10 Procedural questions for the Council**

- 10.1 Following the Inspector's questions the Council confirmed that the Core Strategy has been:-
- Been prepared in accordance with the statutory procedures?
  - Been prepared in accordance with the Council's Local Development Scheme?
  - Been prepared in accordance with your Statement of Community Involvement?
  - Is supported by a sustainability appraisal?
  - Has regard to national policy?
  - Conforms generally to the London Plan?
  - Has regard to the Council's Community Strategy?

## **11 The Examination venue and administrative arrangements**

- 10.1 The hearings will be held in the Council offices which is accessible to the disabled and non-fixed seating will be provided.
- 10.2 The hearings will be spread over 2 consecutive weeks ending on Thursday 29 July. The hearings sessions will normally start at 10.00 and 14.00 each day. A short break may be taken mid morning and mid afternoon, with around an hour for lunch from about 13.00.
- 10.3 A separate hearing session will be held on each of the main topic areas identified in the draft programme. You are welcome to attend to listen to the debates even if you are not taking part and, of course, all sessions are open to the public and the press.

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- 10.4 The Programme Officer will maintain an Examination Library which will contain copies of the Core Strategy and associated documents, all representations, the Core Documents and each further submission as it received. The Programme Officer will assist anyone wishing to see and copy any document.
- 10.5 The PO will also maintain lists of all documents submitted. The up-to-date Programme, lists of appearances and other relevant material will be on display on the examination notice board which will be on show outside the hearing venue.
- 10.6 The sessions will normally take the form of an informal hearing and this approach will provide an informal setting for dealing with issues, by way of a discussion that the Inspector lead. Those attending may bring with them professional advocates and witnesses, though there will be no formal presentation of evidence or cross-examination.
- 10.7 The discussion will focus on the issues identified in the agenda and the questions posed by the Inspector, together with any additional points raised by the written submissions. The Inspector will begin by asking those present to introduce themselves. The Inspector will then make a brief statement as to his understanding of the issues under discussion and the issues he wishes to cover. He will then invite individuals to make their contribution in response to the points he has raised. The hearing will then progress under the Inspector's guidance, drawing those present into the discussion in such a way as to enable him to gain the information necessary to come to a firm decision on the matters before him. There will be an opportunity within the discussion to ask questions.

## **11 Site visit arrangements**

- 11.1 The Inspector indicated that he has already familiarised himself with parts of the Borough and will visit all the important sites before, during, or after the Examination. This will mostly be done unaccompanied by the parties. If it is necessary to gain access onto private land, the Inspector will ask the PO to contact the parties involved so that a mutually convenient date and time can be arranged for an accompanied visit.

## **12 Close of the Examination and submission of the Inspector's Report**

- 12.1 Once the Inspector has gathered all the information necessary for him to come to reasoned conclusions and decisions on the main issues, he will write his Report. The Examination itself remains open until the Inspector submits his Report to the Council, however once the hearing sessions part of the Examination is completed the Inspector can receive no further information from any party, unless it is a matter on which he has specifically requested. Any unsolicited items sent in will be returned to the sender. The current expectation is that the Inspector's report will be submitted to the Council by the end of September.

## **13 Closing remarks**

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- 13.1 The Inspector informed everyone that it would be for 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.
- 13.2 The Inspector thanked everyone for attending and closed the meeting at 11.30am