

**TORBAY LOCAL PLAN INQUIRY
NOTE OF THE PRE-INQUIRY MEETING HELD IN CONFERENCE ROOM 3,
TOWN HALL, CASTLE CIRCUS, TORBAY, THURSDAY 30 AUGUST 2001**

1. The Inspector introduced himself. He is Mr John R Mattocks, BSc DipTP MRTPI. He has been appointed by the Secretary of State for Transport, Local Government and the Regions to hold an inquiry into objections to the Torbay Local Plan as required by s.42 of the Town and Country Planning Act 1990.
2. The Local Plan Inquiry will open at 9.30 a.m. on Tuesday 20th November 2001. The purpose of the Pre-Inquiry Meeting was to provide an opportunity for procedural and administrative matters relating to the inquiry to be explained and discussed. There would be an opportunity for those present to ask questions on the procedures at the end. The notes of the meeting, together with a copy of the programme, will be circulated to all objectors. Copies will also be available from the Programme Officer.
3. These notes set out the rules for the conduct of the Inquiry including the submission of evidence for consideration by the Inspector.
4. The Inspector's task is to consider objections to the plan, that is those made at the first deposit stage in July 1999 which have not been withdrawn and those made to the revised deposit plan in October 2000. Following the close of the inquiry the Inspector will prepare a report to the Council, with recommendations as to the action to be taken by the Council with respect to each and every objection which has not been withdrawn. The Council will then consider the report and publish a statement of their decision, with reasons, on each recommendation.

Programme Officer

5. The Inspector introduced Mr. Brian Hagelstein who has been appointed as Programme Officer (PO). He is based in Room 149 at the Town Hall where he will be stationed throughout the Inquiry. His telephone number is 01803-208867. The fax number is 208868 and his E-mail address is brian.hagelstein@torbay.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 the PO will be able to tell you how closely we are following the programme. Any other questions should be raised initially with the PO.
6. An Assistant Programme Officer has also been appointed. She is Mrs. Denise Cone. She will also act as an officer of the inquiry.
7. Although the Local Plan Inquiry is held in public, unlike other kinds of planning Inquiry, only those who have made objections which have been accepted by the council as complying with the Development Plans Regulations may appear before the Inspector. Objectors appear at pre-arranged times in accordance with a Programme which is made publicly available. Others with an interest (including those in support of the plan) may observe the proceedings but not speak.

8. Every effort will be made to keep to the published Inquiry programme. However it is the objector's responsibility to keep in touch with the Programme Officer to check the progress of the timetable and to ensure availability to present the case when called. While every attempt will be made to programme and accommodate specific requests, parties should not expect to be allocated a particular inquiry programme slot purely on the basis of their preferred availability.

Assistant Inspector

9. It is possible that an Assistant Inspector may be appointed at a later date. Any Assistant Inspector would work with the lead Inspector and have specific responsibility for certain aspects of the Inquiry. Should this be the case full details will be provided at a later date.

Planning Assistant

10. Miss Helen Dike will be assisting the Inspector(s) during the inquiry. She is a Planning Assistant employed by the Planning Inspectorate. Miss Dike will be helping with routine professional tasks which are essential for the success of the inquiry. She may also be helping to prepare the first draft of the Inspector's responses to those objections made via written representations. The Inspector stressed that the Planning Assistant will be working under his direction at all times and will have no influence over the Inspector's recommendations in respect of each objection.

Number and Scope of Objections

11. The Torbay Local Plan was first placed on deposit on 5th July 1999 for 6 weeks which gave rise to a wide range of objections and representations. These were considered by the Torbay council in July 2000 when a significant number of changes to the plan were agreed in order to overcome as many as possible of the original objections. A revised deposit plan was put on deposit in October 2000 for a further 6 weeks at which time the only objections which could be made were those relating to changes from the first deposit plan. The council did not accept any objections which did not fully accord with the Town and Country Planning (Development Plans) Regulations 1999 and the Inspector was not asked to consider any.
12. There are currently 4342 representations on the plan from 1024 individuals although not all of those are objections. 69 objectors have indicated a wish to appear at the Inquiry to deal with 453 objections. Others will be considered by the Inspector in writing. The Inspector requested that council confirm, in due course, the exact number of outstanding objections which remain for his consideration.

Appearances

13. Mr Andrew Tait, who is a barrister, will be the council's advocate throughout the Inquiry. The Inspector asked that he introduce himself to the meeting and indicate the members of the council's planning team who will be called to give evidence for the council. A list is attached (Appendix A). This will be regularly up-dated and posted on

the Inquiry Notice Board. The appearances of other participants to the Inquiry will be taken when they present their cases. Written details should previously have been given to the Programme Officer, at the latest one week beforehand.

14. Everyone who attends the Inquiry, either to take part or to observe, should sign the daily attendance list giving their names and full addresses.
15. Should members of the Press wish to attend they should inform the Programme Officer in advance. In particular, arrangements will need to be made with me for any recording of the proceedings in audio or video.

Statutory Formalities

16. At the start of the inquiry the Inspector will ask the council to confirm that all statutory formalities have been complied with. The Council indicated that they intend to circulate the formal (Regulation 26) notice of the opening of the Inquiry with the notes of this meeting. The Regulation requires publication of the notice in the local press for two successive weeks at least 6 weeks before the opening of the Inquiry.

Inquiry Procedure

17. Attention was drawn to the DETR publication "Local Plans and Unitary Development Plans- A Guide to Procedures" which was available for all those attending. It is designed for those persons unfamiliar with Local Plan inquiry procedures it will answer many questions. Copies of this document are available free from the Programme Officer and all participants are recommended to obtain one.
18. The inquiry will usually be in session from Tuesdays to Thursdays between 9.30 am and 12.45 pm. and 1.45 and 5 pm., with quarter hour breaks around 11 am. and 3.15 pm. On Fridays there will be a morning session only. The Inquiry is programmed for 14 weeks. [The draft programme now suggests 15 weeks may be required] Weeks 1-3 will be between 20 November and 7 December 2001 after which there will be a 4 week break for Christmas/New Year. The Inquiry will re-convene on Tuesday 8th January 2002 for 2 weeks and thereafter will sit for 2 weeks with a week's break every third week until 22nd March (Easter). After Easter the Inquiry will re-convene on Wednesday 3rd April.
19. On the first day, Tuesday 20th November, following the formal opening of the Inquiry the Council will make a brief opening statement outlining the context of the plan, its certification, any general changes they propose to make in the light of the objections received; drawing attention to those objections that have subsequently been withdrawn, or withdrawn conditionally. This should be limited to no more than about 20 minutes. In addition, background documentation submitted by the Council will be formally introduced in the inquiry. The inquiry will then proceed to consider the outstanding objections.
20. The Inspector has circulated to objectors a brief note setting out the different procedures which may be used for the consideration of objections. Following the opening statements on the first day there will be a Round Table discussion of more technical matters on the approach taken to the identification and release of sites for housing. A

second Round Table session on Affordable Housing is programmed for Tuesday 4th December 2001.

21. Most objections will be heard on a topic, chapter or settlement basis. Unless the objector has requested the use of the simplified informal hearing procedure and the council have agreed that it would be appropriate for the objection to be considered that way, the formal inquiry procedure will be used. The format is as follows:-
 - (i) The objector(s) will be invited to present the objection.
The Council will ask some questions (cross-examination).
The Inspector may have some questions.
 - (ii) The Council will respond to the objector(s) case. Objectors may ask questions of the Council, (cross-examination). The Inspector may have questions.
 - (iii) Council Closing Summary/Submission/Statement.
 - (iv) Objector's Closing Summary/Submission/Statement.
22. The informal hearing procedure is a structured discussion led by the Inspector. There is no formal presentation of evidence or cross-examination but an examination of the main issues between the parties. The purpose is for the Inspector to obtain sufficient information on, and understanding of, the issues to enable him to report on the matter to the Council.
23. All outstanding objections will be considered by way of written representation. The Inspector will give equal weight in his report to all objections, whatever method has been chosen for their presentation. The Council are required to respond to all objections, including all of those submitted in writing and the Inspector will not close the inquiry until that process has been completed. Should the Inspector find it necessary to raise queries, either about any of the written representations or the Council's responses, he will do so in writing through the PO 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. The objector will always have the right of 'final say'.
24. The Inspector stressed that the inquiry will be concerned with matters of land use principle only and not detail, unless the Plan itself incorporates that detail. The inquiry is not a means to promote or oppose a particular development proposal. That should be done through a planning application and the development control process.

Submission of further evidence and programming

25. Only a brief outline of the programme had been prepared before the Pre-Inquiry Meeting. However, he has now produced a final draft programme which is circulated herewith for comment. This programme is based upon the replies participants have

made to the PO about the time needed to present evidence to the Inquiry and the procedure chosen. In the interests of the efficient and economic use of inquiry time, the programme assumes that only summaries of cases will be presented at the inquiry. The final programme will be sent to all objectors in due course and will be available on the council's web-site at www.torbay.gov.uk

26. The Council confirmed that they will be producing a series of topic papers covering in detail the background to different aspects of local plan policy. They indicated that these would be made available by 25th September 2001. They will be available as soon as they are produced on the web site. The Inspector requested that those topic papers dealing with housing issues to be considered by way of Round Table discussion should be made available as soon as possible. He also requested the Council to indicate which documents will be included in the inquiry library as core documents (CD...). The Core Documents should include all existing plans, government policy guidance and other relevant publications or research. The Inspector stressed that objectors should not include copies of any core documents with their evidence but to refer to relevant CD number.
27. Objectors' proofs and supporting documents should be clearly marked with the council's objection reference number to which they relate. The objection reference should be prefixed by the letters "OBJ". Any appendices should be numbered A1, 2 etc. Statements by more than one witness should include the witnesses' initials, as an identifier, at the end of the reference, after the appendix number. Council evidence should be numbered on the same system with the prefix "LPA". Full details of the referencing system are attached as Appendix B.
28. 6 paper copies will be required of all evidence to be considered at Inquiry sessions, 4 copies of any supplementary written representations. The Inspector would like as much evidence as possible to be submitted in electronic form. Inquiry documents should be prepared in Word 97 and include a floppy disk. Statements may also be sent as E-mail attachments. When this is done only 3 paper copies (with a disk) will be required to be posted later.
29. It is essential that evidence be submitted well ahead of time in order to provide maximum flexibility in programming. Participants should be prepared to appear earlier in the programme than originally anticipated in order to fill any gaps which may appear through late withdrawals. This is essential to the efficient running of the Inquiry.
30. Any supplementary statements on objections to being considered by the written method should be submitted to the PO by 30th October 2001 at the latest. The council will be expected to reply to them all during the course of the Inquiry, no later than 2 weeks before the close of the Inquiry, in order to allow time for any final response from the objector. The Inspector stressed that it is not necessary to supplement the original objections received.
31. All objectors' evidence for the first three weeks of the Inquiry should be submitted to be received by the PO by 16th October. Objector's statements of evidence for the

remainder of the Inquiry should be received by 27th November. In all cases, evidence submitted as an E-mail attachment may be submitted up to 3 days later, that is by the end of the same week. Special arrangements will apply for the Round Table Sessions.

32. The Council are required to submit their evidence for Inquiry sessions at least 4 weeks before the start of each 2 week sitting period. Should the Council's evidence raise any new matters which are not adequately covered in the objector's evidence as submitted earlier than objectors may submit supplementary evidence, or a rejoinder, no less than 2 weeks before the start of each 2 week sitting periods. Such a rejoinder should be restricted to points by way of response to the Council's case. The Inspector will only exceptionally allow new evidence to be presented for the first time at the Inquiry itself.
33. Full details of the required submission dates are set out in Appendix C to this note.
34. The Inspector emphasised that failure to comply with these deadlines will place the inquiry programme at risk. To avoid disruption and inconvenience to other inquiry participants, those who so fail will not normally be permitted to exceed their allocated programme time, and may be required to return later. Any such 'over-flow' time will be offered to meet the needs of the Inquiry and only one date will be offered. If that cannot be met the objector will be deemed to have exercised their right to appear at the Inquiry and any outstanding matters will be considered in writing.

Availability of Information

35. An inquiry library has been set up and will be located in the Programme Officer's room. The library contains all the duly made objections and will contain all of the core documents to which the Council intend to refer and all topic papers. In due course, copies of all statements of evidence to be considered at the Inquiry, any written supplementaries and all of the Council's responses will be available in the library. Access to the library will be by arrangement with the Programme Officer but normal opening hours will be Mondays to Fridays, 0900-1700 hrs., during the Inquiry.

Site Inspections

36. The Inspector will be making a series of unaccompanied site inspections at various times before, during and after the inquiry. Where parties consider an accompanied site visit will be essential, requests for such a visit should be submitted to the PO who will prepare a programme to be displayed on the Inquiry Notice Board. The Inspector stressed that accompanied visits are not often required in Local Plans because matters of detail are not at issue. If for any reason the Inspector considers that he needs to enter on a site in order to prepare his report he will notify the objector and the council accordingly. The Inspector will need to be accompanied by representatives of both the objector and the council at all times and there will be no discussion of the merits of the case. Requests should also be made through the PO for visits to be made during a particular season of the year or at a specific time.

Assistance with Report

37. In the interests of producing the Inspector's report as efficiently as possible and not to duplicate work already done by the Council, the Council's assistance is to be sought in the preparation of the report. This assistance will take the form of the supply of basic factual information on computer disc in respect of chapter and policy headings, and objector names and reference numbers. No information will be supplied which will influence the Inspector's consideration of the objections.

Access for the Disabled

38. Facilities are available to enable those with mobility difficulties to reach the Inquiry room. Should anyone require assistance in using these facilities, please do not hesitate to contact the PO. Likewise, should any participant suffer from any other form of disability, for example be hard of hearing or suffer from poor eyesight, please contact the PO who will do whatever is necessary to accommodate you.

Photocopying

39. Photocopying and fax facilities will be available during the Inquiry in the PO's office. There will be a charge of 10p. per sheet for photocopies of documents, at the PO's discretion.

Questions

40. There then followed a series of questions to the Inspector and the Council. These are set out in Appendix D to these notes.

APPENDIX A

TORBAY LOCAL PLAN (1995 – 2011)

**TORBAY LOCAL PLAN INQUIRY – NOVEMBER 2001
SCHEDULE OF TORBAY COUNCIL ADVOCATES & WITNESSES**

1. Advocates

Andrew Tait, Counsel, instructed by Chief Executive, Torbay Council

assisted by

Becky Sowlds, Principal Solicitor, Torbay Council

2. Main planning witnesses

Strategic Services Directorate, Strategy and Research Division, Torbay Council

Mike Fox - Head of Strategy and Research

Steve Turner - Group Manager, Strategic Planning

Tracy Brooks - Senior Strategic Planner

David Pickhaver - Senior Strategic Planner

3. Additional witnesses

Strategic Services Directorate, Strategy and Research Division, Torbay Council

Peter Brunt - Group Manager, Transportation

*Environment Services Directorate, Development and Conservation Planning Division,
Torbay Council*

Jane Knight - Landscape Officer

Note: Additional Torbay Council officers and consultants may be called as witnesses where appropriate.

APPENDIX B

NUMBERING SYSTEM

EXAMPLE

1. Local Planning Authority

Core Documents

CD/No.....

Topic Papers

TP/No.....

Statements of Evidence for Inquiry

I/LPA/objection
ref/A/1/jb

With OBJECTOR name at the top right corner of the front cover

Written Reps Responses

W/LPA/objection ref.....

With OBJECTOR name at the top right corner of the front cover

2. Objectors

Statements of Evidence for Inquiry (inc hearings)

I/Obj/Objection
ref/A/1/jb

Written Representation – further representations
Rejoinder (to LPA response)

FW/objection ref
R/objection ref

All statements should have OBJECTION NUMBERS at the top right corner of the front cover

3. Supporter

As for Objectors

FW/sup/objection ref

NB

- **THE LETTER 'A' IN THE ABOVE EXAMPLE REPRESENTS ANY APPENDICES YOU MAY HAVE.**
- **THE NUMBER BEHIND THE 'A' IS FOR THE PARTICULAR APPENDIX NUMBER.**
- **THE 'jb' IS ONLY APPLICABLE WHERE THE APPENDIX IS A WITNESS STATEMENT AND REPRESENTS THE WITNESSES' INITIALS. EACH SET OF WITNESS INITIALS SHOULD BE UNIQUE**

EXAMPLE OF FULL OBJECTION REFERENCE ON REVISED DEPOSIT PLAN IS AS FOLLOWS:

RD/7843/0346/10314/E1/19

- **THE 'RD' IS THE PARTICULAR VERSION OF THE PLAN**
- **THE 7843 IS THE OBJECTOR NUMBER**
- **THE 0346 IS THE FORM NUMBER ON WHICH OBJECTIONS WERE SUBMITTED**
- **THE 10314 IS THE INDIVIDUAL OBJECTION NUMBER**
- **THE E/19 IS THE POLICY REFERENCE .**

APPENDIX C

TORBAY LOCAL PLAN INQUIRY

FINAL DATES FOR SUBMISSION OF EVIDENCE TO INQUIRY BY POST E-MAILED EVIDENCE MAY BE SUBMITTED 3 DAYS LATER.

- 25 September 2001 - Council to complete series of Topic Papers
- 09 October 2001 - Statements for 1st Round Table Session (20 November)
- 16 October 2001 - Objectors evidence for Inquiry weeks 1 – 3
(20 November – 7 December inc)
- 23 October 2001 - Statements for 2nd Round Table Session (4th December)
- 30 October 2001 - All further written statements (supplementary for objections being considered in writing)
- 30 October 2001 - Council's response (evidence) for Inquiry (week 1) (except RTS)
- 06 November 2001 - Council's response (evidence) for Inquiry weeks 2 & 3
- 13 November 2001 - Objector's rejoinders for Inquiry week 1
- 20 November 2001 - Objector's rejoinders for Inquiry weeks 2 & 3
- 27 November 2001 - Objector's substantive statements of evidence for remainder of Inquiry (week 4 onwards, January 8th onwards)
- 18 December 2001 - Council's evidence for Inquiry weeks 4 & 5
- 02 January 2002 - Objector's rejoinder for Inquiry weeks 4 & 5
- 02 January 2002 - Council's evidence for Inquiry weeks 6 & 7
- 15 January 2002 - Objector's rejoinders for Inquiry weeks 6 & 7

Thereafter Council's evidence to be submitted 4 weeks prior to 1st day of 2 week sitting of Inquiry and Objector's rejoinders 2 weeks later, i.e. 2 weeks prior to 1st day of Inquiry sitting. Rejoinders should be by way of response to the Council's evidence and should not raise significant points of new evidence.

INQUIRY SITTINGS:

WEEKS 1 & 3 20 November – 07 December 2001 WEEKS 10 & 11 12 March – 22 March 2002
WEEKS 4 & 5 08 January – 18 January 2002 WEEKS 12 to 14 03 April – 19 April 2002
WEEKS 6 & 7 29 January - 08 February 2002 WEEK 15 30 April – 03 May 2002
WEEKS 8 & 9 19 February – 01 March 2002

TORBAY LOCAL PLAN – PRE-INQUIRY MEETING

NOTES OF QUESTIONS AND ANSWERS

Andrew Tait – Counsel for Torbay Council and Jo Hanslip – House Builders Federation requested confirmation of the submission deadline for the round table session on affordable housing. The **Inspector** clarified that submissions were required by 23rd October.

Andrew Tait inquired about the possibility of the Council also being given leeway on the submission date in the case of electronic correspondence. The **Inspector** agreed that it would be fair for the Council to have an extra three days if it was responding by e-mail.

Andrew Tait questioned whether the submission dates could be amended to provide the Council with more time to address evidence relating to the pre-Christmas inquiry sessions. The **Inspector** agreed that the suggestion for the Council to respond to the first week's submissions by the 30 October and the second and third weeks by the 6 November seemed reasonable. **Andrew Tait** assured the Inspector that the Council would attempt to meet the 30 October deadline for all three weeks anyway.

Colin Edwards – Chairman of Resident's Association expressed concern about the cost of the Public Inquiry process given the limited resources available to implement the existing plans. The **Inspector** noted the concern however indicated that it was not appropriate to discuss the matter at the Pre-Inquiry Meeting.

Ivan Parton – Resident of Brixham sought clarification that the Inspector's report would clearly identify the policy numbers (relating to initial and revised deposits) and the name of the policy or proposal. The **Inspector** explained that skeleton report, prepared by the Council, would clearly identify each objection. **Andrew Tait** added that a clear schedule of all policy number changes and policy/proposal descriptions can be found in the Revised Deposit version of the Plan at Appendix B.

Robert Excell – Torre Traders and the Federation of Small Businesses expressed concern about the complexity of the Inquiry process. He explained that he had submitted objections in person, however the Council has no record of them. **Andrew Tait** indicated that the Council would discuss the matter with Mr. Excell. The **Inspector** stated that it is very unfortunate if any objections have been overlooked, however accepted that the Council has had a very large amount of paperwork to address with relatively limited resources.

Mr. R Tarling – Collaton St. Mary Resident’s Association questioned whether supplementary evidence should be sent direct to the Programme Officer. The **Inspector** confirmed that this was the case.

Robert Smith – White Rock Action Group asked for an indication of which objectors would be appearing in the first three weeks of the Inquiry. He also questioned whether the Council was obliged to take account of the Inspector’s recommendations. On the first matter, the **Inspector** stated that at the earliest, the Inquiry programme would be sent out in the week commencing 10 September. However, **Mr Hagelstein - Programme Officer** may be able to provide objectors with an earlier indication of appearances over the telephone. The Inspector added that the Council were expected to take account of his recommendations and would have to provide sound reasons for not accepting them.

Madeline Clegs – T.C.C highlighted the problems of disabled access to the Town Hall. The **Inspector** agreed that if arrangements cannot be made to resolve the difficulties, an alternative venue would need to be found. **Mr Tait** assured those present that the Council could provide disabled access if they are given advance notice.

Mary Royle – Torbay Labour Party queried the content of supplementary written evidence. The **Inspector** explained that objectors are not obliged to submit further evidence, however if they wish to add to their initial representations, perhaps in the light of the Council’s responses, they have the opportunity.

Francis Pepper – Winner Street Traders considered that the pollution problems arising from traffic along Winner Street are not adequately addressed in policy. The **Inspector** indicated that this issue would be dealt with in the Environmental Statement, which is not subject to the Inquiry process.

Marshall Ritchie – Save the Harbour Action Plan and **Mrs Walton – Bouda – Harbour Users** expressed the view that the publication of the local plan and the inquiry process had not been adequately advertised. **Andrew Tait** responded that the Council had fulfilled all the legislative requirements for advertising. He confirmed that advertisements of the Public Inquiry are likely to be placed in the Herald Express, Torbay Weekender and Western Morning News in the week commencing 17th September.

In response to concerns expressed by **Mrs Walton – Bouda**, the **Inspector** confirmed that objectors could submit letters from other parties in support of their case.

Mr Hockaday – Cavanna Homes asked the Council whether the Housing Topic Papers will take account of the most up to date housing land availability figures and whether an Urban Capacity Study had been prepared. **Andrew Tait** confirmed that the Topic Paper on Housing Provision would include the latest position on housing land supply and that the Urban Capacity Study would be a core document.

In response to a question from **Mrs B Mazumdar**, the **Inspector** confirmed that notes of the Pre-Inquiry Meeting, including the submission dates would be distributed to all objectors. He continued that if individual objectors had difficulty in meeting the deadlines, the Programme Office would try and accommodate their needs as far as is reasonably possible.

Mr Turpin indicated that the reason why so many representations remain extant is that many objectors have not received letters giving them the opportunity to withdraw their comments in the light of changes to the Plan. **Andrew Tait** explained that a further letter would be sent out to objectors in due course, providing them with another opportunity to withdraw from the process.

In response to the concerns of the **CPRE**, the **Inspector** clarified that further submissions should clearly relate to the individual issues being addressed. He also explained that the Programme Officer required details of the names of those appearing at the Inquiry only one week in advance of the sitting day. Objectors are able to designate someone else to speak on their behalf.

Robin Michelmore – Whitley Wildlife Trust, Paignton Zoo, Churston requested further information about the use of technology during the Inquiry. The **Inspector** confirmed that if submissions were submitted on CD Rom or floppy disc, six hard copies would also be required. Double sided hard copies would be preferred. The ‘concession’ allowing only three copies applies only when submissions are made as E-mail attachments. The **Council** agreed that the submission dates could be posted on the website.