

**FeCRA**

Federation of Cambridge Residents' Associations

**Council Briefing held on 10<sup>th</sup> April 2014**

This document is a merger of feedback from Ron Clifton, Roger Crabtree, Michael Bond and Gillian Moore about the briefing, held on 10<sup>th</sup> April, which was organised by Patsy Dell and Melanie Jones. Hopefully, the compiler has not introduced any errors ....

Patsy had got two 'experts' to come along, one a QC, the other an experienced Planner, now consultant on handling inspections.

**The Examination**

The purpose of the "Examination" is to test the soundness of the Plan, not to modify it in the light of residents' (and other) representations. NB - the Inspector's job is not to make an acceptable plan better, but to determine whether it is at fault.

The Inspector already has received the draft Local Plan of last July, the comments submitted thereon and the amendments proposed by the Council leading to the Submission Plan.

It is not like a planning appeal

The Inspector makes an assessment of the soundness of the plan. In this context, soundness may not be the same as the best option for any particular development / policy, Key considerations will be:-

- Whether it meets legal requirements (see page 2 of the separate 'Brief Guide')
- Whether the process of creating it involved appropriate cooperation with other councils
- Whether the plan has any significant flaws including inconsistencies or inherent contradictions that would make the plan ineffective.

With regard to specific sites, the Inspector will not be interested in the detail. The question will be: could any concerns be addressed through the planning process? Or is there a showstopper? e.g. access, contamination, flooding, sometimes protected species.

The Inspector will not entertain "Johnny-come-latelies" who want to make changes to the plan by raising new sites and issues that could and should have been brought forward at the consultation stage.

Since the City Local plan refers to the 2031 County Transport Strategy, it should be integral to the soundness test of the overall plan.

Past decisions made by previous Inspectors are material considerations, but not binding on the Examiner, because circumstances change. A major change to a national planning or other policy with impact on planning would be relevant since the Plan should reflect the situation.

However the City Deal, given its expected timescale, does not invalidate the 2014 City Local Plan.

## **Timescales**

The current expectation is that the examination is likely to last several weeks—probably July, resuming in September.

The Inspector will issue a timetable for working through the plan so people who want to speak should have reasonable notice; also the questions she will want addressed for any particular part of the Local Plan. [We do not yet know who the Inspector is (except it is a she) or when it will take place.]

## **Who can input to the Examination?**

Anyone who submitted comments on the draft Plan (but not those who merely commented on the earlier Issues and Options report) will be entitled to attend the inquiry. There will be no opportunity to present a case. The Inspector will divide the sessions according to themes and will invite to those sessions anyone who commented on those themes.

It takes place in public (venue to be confirmed) but active participation is by invitation only, and is restricted to those who have made representations. RAs that submitted representations on the Draft Plan (not the Issues and Options report) should be invited to relevant session(s).

Anyone who made representations on the draft plan who has not received an invitation by the end of June to input to the Examination, and wishes to do so, should raise the issue.

Those with a right to speak (one representative from each organisation) will sit round a table. Speakers can be accompanied by others, and one of the others can replace the representative at the table if, say, they are more expert on the question being discussed.

## **How will the Inspector proceed: preparation**

Several weeks before the examination—most likely in **June**--the Inspector will publish a list of issues to be followed up creating in effect an agenda for the examination. Members of the public can, via the Programme Officer, propose changes to this list of issues, but the Inspector has the last word.

The Inspector's issues will probably start with the large and strategic, and later in the Examination they will become more specific. For each issue, the Inspector will have published a series of questions.

The Inspector will identify people or organisations she thinks should be part of each session and we will be able to request involvement if we can show a very good reason for involvement. "My understanding is she will be looking at issues that we have already identified and that she feels the plan may not have fully or adequately addressed. She can ask for clarification and the Local Authority might have to come forward with more information or explanation. Given the process we have gone through I would expect the plan to survive the examination in public."

The attenders will then be questioned by the Inspector on the relevant issues.

Attending and speaking involves answering questions the Inspector will have posed, not regurgitating objections again. She, the Inspector, will have read submitted objections and will not want to hear those arguments yet again.

To prepare for the speaking opportunity, focus on what the Inspector has asked. “If you get 10-15 minutes you’ll be doing very well.” The Inspector may request documents to be submitted, but otherwise, documents are not permitted. Even if written submissions are required, it is important to turn up. Preparation should include using document and paragraph reference numbers. But as well as being prepared, participants should be flexible, that is, be ready to adapt their message according to what has been said already.

### **The Examination**

It will be crucial for all RAs to take note of the matters the Inspector identifies as themes for her examination and if they think something important is being missed that might impugn the integrity of the plan as a working document they should raise their concern at that stage.

Participants are expected to address the questions, and not just to repeat what they said in their representation. There is no scope for formal cross examination, either by the Inspector or by one participant of another. At most, there may be a chance to ask a question of clarification.

Generally, in respect of every question the Inspector has put, the local authority gets the first and last word. One speaker on 10<sup>th</sup> April suggested that the Inspector would go round the table to elicit the other participants’ comments. Another speaker said that participants would have to indicate that they wished to speak; the Inspector would then choose the sequence. The Inspector may request groups with similar agendas to appoint a spokesperson so she doesn’t have to listen to the same point multiple times.

Members of the public not qualified to attend a particular session may attend in the public gallery but will not be able to speak.