1. **Pre-Hearing Meeting**
The inspector understands that the Council wishes the inspector to hold a Pre-Hearing Meeting (PHM) before the hearing sessions open. At least four weeks notice of the PHM, including press advertisement, is required. *The likely date for a Pre-Hearing Meeting would be w/c 4, 11 or 18 July 2011 (preferably Tuesday/Wednesday/Thursday at 2.00pm).* The venue should be large enough to accommodate the expected number of participants. *Can the Council indicate their preference for date of the PHM, including the venue?*

**Response:**
The Council’s preference for the date of the PHM is Tuesday 19th July 2011. The venue will be the Queen Elizabeth Room, Scaitcliffe House, Ormerod Street, Accrington.

2. **Hearing Sessions**
The inspector understands the Council would prefer the hearing sessions of the examination to start after the school summer holidays. He suggests several options for the Council to consider. The examination could be “fast-tracked”, without a PHM, with the hearing sessions commencing w/c 18 July 2011, but in view of the number of representations and nature of the issues raised, this may not be the best course of action. Alternatives would include the last two weeks in August (w/c 15/08/11), but this would be in the school holidays, and in September (w/c 19/09/11), reflecting the inspector’s availability. *Can the Council indicate their preference for dates of the hearing sessions?*

In view of the number and range of issues raised, the inspector suggests a period of eight sitting days for the hearing sessions. The inspector understands that the hearing sessions will be held in the Council’s offices at Scaitcliffe House, Accrington. A medium-sized meeting room with “U”-shaped table and rows of seats for observers would be convenient. The Programme Officer and Inspector will also need separate rooms.

**Response:**
The Council’s preference for the date of the hearing sessions is the week commencing 19/09/11. The venue proposed will meet the requirements of the examination and will be set out as required. Separate rooms will be provided for the Programme Officer and Inspector.

3. **Submission of documents and information**
The inspector has now received copies of all the documents submitted with the DPDs to the Secretary of State, including the submission documents and supporting evidence. *Can the Council confirm that all the documents and information included in Regulation 30 of the Local Development Regulations have been submitted to the Secretary of State? Are there any outstanding documents, reports or studies to be submitted, and if so, what is the likely timetable for completion? Does the evidence base include all the relevant documents referred to in the Core Strategy and Accrington Town Centre AAP (AAAP)?*

The Programme Officer will need to prepare an Examination Library, with a referenced list of the Submission Documents, Evidence Documents and other documents likely to be referred
to; a good start has been made on this. Paper copies of all documents in the Examination Library will be needed for the hearing sessions (copies for the Inspector, Programme Officer and Council).

Response:
The Council considers that all the documents required in accordance with Regulation 30 of the Local Development Regulations have been submitted. The Council will ensure that paper copies of the documents in the Examination Library will be available for the hearing sessions.

4. Representations
The inspector understands that he has to consider all the representations made to the Published Core Strategy and AAAP and the Revised Publication version of the Core Strategy. Some 160 representations from 40 consultees were received on the Publication version of the Core Strategy, and 51 representations from 18 consultees on the Revised Publication version. 45 representations from 9 consultees were received on the AAAP. Copies of all representations should be displayed on the Council’s web site in an electronic form. The Council has to decide whether the representations are “duly-made”, and whether to accept late representations. Late representations which are not accepted by the Council are not forwarded to the Secretary of State and the Inspector has no discretion to consider such late representations. Has the Council decided to accept or reject any late representations?

Response:
All representations from the Publication versions (of the Core Strategy and AAP DPDs) and from the Revised Publication version (Core Strategy only) are available on the submission pages of the Council’s website. Only a summary of the representations to the Revised Publication Core Strategy were submitted and made available on the Council’s website (see submission document CS_Sub 3.8, Core Strategy Revised Publication Consultation Statement). The original copies of representations to the Revised Publication Core Strategy are now (13th June 2011) available on the Council’s website, accompany this document and will form part of the examination library. The Council has not rejected any late representations.

5. Council responses to representations
The inspector notes that the Council has responded to the representations made to the Publication version of the Core Strategy and AAAP. Have these responses been circulated to the relevant representors?

Response:
The Council published its responses to representations on the Publication version of the Core Strategy when consulting on the subsequent Revised Publication Edition. A document containing a summary of the representations and the Council’s response (see Appendix 7 of Core Strategy Regulation (e) Statement, Submission Document CS_Sub3.4) was made available on the Council’s website and all representors were made aware of the consultation.

1 Regulation 30 (1)(d) Statements for Core Strategy and AAAP
Does the Council intend to respond to the representations made to the Revised Publication version of the Core Strategy, and if so, what is the likely timetable?

Response:
The Council intends to respond to the representations made to the Revised Publication version of the Core Strategy. The report will be made available in time for the Pre-hearing Meeting.

Does the Revised Publication version of the Core Strategy address relevant points made in representations?

Response:
The representations received at Publication stage have been considered and a response formulated. Where appropriate, changes and amendments have been suggested. These are detailed in Appendix 7 of submission document CS_Sub3.4 Reg 30 (1)(e) Consultation. A number of changes followed which were included in the Revised Publication version.

6. Meetings with other representors
Does the Council intend to have meetings with any representors with a view to resolving key areas of dispute and disagreement, and if so, what is the timetable for such meetings?

Response:
The Council has met with a number of representors following the close of the Revised Publication stage resulting in an agreement being reached with the respective interested parties. Burnley Borough Council have withdrawn their representations and no longer wish to participate in the oral hearing sessions. Similarly, the Council has been in discussion with Blackburn with Darwen BC have also withdrawn their objection to the Hyndburn Core Strategy.

The Council has also sought to meet with other representors making substantive comments on the Core Strategy, but have had difficulty in setting up such meetings. No further meetings are currently timetabled but the Council will continue to contact those representors raising issues it considers to be key with a view of having completed the discussions prior to the Pre-hearing meeting.

With regards to the Accrington AAP, the Council has approached the sole representor wishing to appear at the hearing sessions to discuss their representations. They have not taken up the offer of a meeting and state they understand the Council’s position as set out in the response to the Publication representations. In addition the Council propose to have a meeting with the Environment Agency to discuss their outstanding concerns. The Council believe these represent the only outstanding concerns.

7. Proposed changes to the submitted DPDs.
The inspector understands that the Council publicised the original Publication version of the Core Strategy and AAAP for a period of at least 6 weeks whilst the Revised Publication Core Strategy was publicised for a 4-week period. The Council has also submitted Schedules of Changes to the Core Strategy and AAAP with the submitted plans. Does the Council intend
to publicise these changes further and invite representations, or do they fall within the category of “minor/editorial changes” which do not require consultation?²

Response:
The Council has produced two Schedule of Changes for the Core Strategy and one for the Accrington Area Action Plan.

The ‘Schedule of Changes - Completed (Post Publication)’ (Document reference CS_sub2.1) contains changes made to the Publication edition of the Core Strategy. Some of the changes contained within this schedule go beyond minor editing changes and were subject to a four week consultation period. The 4-week consultation period was considered adequate and has not been raised as a concern by any respondents. The Council does not intend to publicise these further unless the Inspector considers otherwise.

The second schedule - ‘Schedule of Changes - Proposed’ (Document reference CS_sub2.2) contains changes which mainly comprise of alterations needed to bring the plan up-to-date since the Revised Publication Core Strategy was publicised. Given the nature of these changes the Council does intend to publicise these changes further and invite representations and submits them for the Inspectors consideration and recommendation.

The Council considers the Schedules of Changes to the Accrington AAP are minor/editorial changes to the plan largely to reflect the most up to date position/information. As such and given the limited number of such changes, the Council considers that further consultation is not required.

8. **Does the Council envisage any further changes to the submitted Core Strategy & AAAP, which might require public consultation and further sustainability appraisal?**

Response:
The Council is seeking formal clarification from Lancashire County Council in relation to the Whinney Hill Link Road and the Waste Technology Park at Huncoat. The Council will consider these issues in the Huncoat Topic Paper and, depending on the position, will need to consider its options. The Council have met with the two main landowners of the Huncoat Employment Site to consider the position should Lancashire County Council not proceed with wither the Link Road or the Waste Technology Park.

If material changes are made the Council would undertake consultation and would consider the need for the changes to be subject to sustainability appraisal. The Council will keep the Inspector informed of the position on Huncoat.

9. **Key issues.**
The inspector notes the key issues identified by the Council in the Regulation 30(e) Statements. The inspector will prepare a list of the main Matters and Issues relating to the soundness of the Core Strategy by the time of the PHM. *It would be helpful if the Council could indicate whether there are any “showstoppers” raised in the representations which could lead to a potential finding of fundamental unsoundness at an early stage.*

Response:
The Council does not consider that there are any “showstoppers”, however, it recognises that there is a need to reconsider the position in relation to Huncoat should Lancashire County Council confirm that it will not proceed with either or both the Whinney Hill Link Road and Waste Technology Park.

Should it be necessary for the Council to make changes in relation to the position at Huncoat, the Council do not believe that this would affect the wider aims or objectives of the Core Strategy.

10. Hearings
The Inspector’s Guidance Note produced before the PHM will outline the nature and scope of the hearing sessions. Please note that only those representors who seek some change to the plan can request an oral hearing. The inspector understands that 14 individuals/organisations have asked to participate in the hearings on the Core Strategy and only one organisation in respect of the AAAP. It would be helpful to have a list of these participants, along with the issues/policies they wish to discuss, as soon as possible.

Response:
The Council will provide this list as soon as is practicable.

11. The hearing sessions are similar to an EIP into a Structure Plan or RSS; the procedure is an inquisitorial process, with the inspector asking questions based on the Matters & Issues identified for Examination. There is no need for any legal representation, but lawyers can attend as a member of the team. Has the Council decided whether they will be legally represented at the hearings?

Response:
The Council has considered the matter of legal representation and at this stage does not propose to be legally represented at the hearings. The matter will be kept under review and the Council reserves the right to alter its decision should the need for legal representation arise. The Council confirms that the required notification and advertisement of the examination hearings will be undertaken at least six weeks before the start of the hearing sessions.

12. Relationship between the Core Strategy and Accrington Town Centre AAP
The Inspector notes the Council’s preference to hold the hearing sessions of the examination on the Core Strategy before those on the AAAP. At this stage, the inspector initially believes this would be an appropriate course of action, with the examination of the AAAP taking place immediately after the Core Strategy hearings. However, this is on the

3 Town & Country Planning (Local Development) Regulations 2004/2008 [Regulation 34]
basis that no serious or fundamental shortcomings are found with the legal/procedural aspects or soundness of the Core Strategy, which might affect the soundness of the AAAP.

Response:
The Council understands the Inspectors reasoning in respect of the relationship between the two documents and the timing of their examinations.

13. Future programme
The basic procedure is to set a date for the PHM (if required) and notify representors at least four weeks before of the date. Brief guidance notes on the LDF examination process will be circulated before the PHM. By the time of the PHM, the inspector should have prepared the Matters & Issues for examination and drawn up a draft programme for the hearings. The Council and representors will be able to provide responses to the Inspector’s Matters & Issues, to be submitted about 3 weeks before the hearings commence.

Response:
The Council note the procedure.

14. Programme Officer
The inspector is already in contact with the Programme Officer, Michael Walker. The Council’s team will need to work closely with Mr Walker in making the arrangements for the examination and hearing sessions. If the Council (or any representor) has any queries about the processes or procedures for the examination, they should not hesitate to contact the Programme Officer.

Response:
The Council will seek the advice of the Programme Officer whenever it feels this is necessary and advise those making representations to do the same.

15. Web site
The Programme Officer will need a dedicated web-page on the Council’s web site relating to the Examination, to include his contact details, the name of the inspector, the date/venue for the PHM and hearings, examination library and list of core documents, copies of the representations, and any material produced by the Council, representors, inspector and Programme Officer. Can the Council confirm that such a web-page will be set up as soon as practicable?

Response:
The Council can confirm that dedicated web pages have been set up for both the Core Strategy and Accrington AAP Examination along with access to the supporting documents. These pages will be updated to reflect the developing Examination Programme and supporting information. The links to the relevant pages are:

Core Strategy Examination Main Page and Documents Page:

Accrington AAP Examination Main Page and Documents Page
16. Database
The Programme Officer will need to have access to the Council's database of representations, with all relevant details of the representations and representors. A key element is an indication of which representors have made representations on each policy/paragraph of the Core Strategy/AAAP, together with a list of those who request an oral hearing. The Programme Officer will need to produce a schedule of the representors, indicating who wishes for an oral hearing/written representations on a policy-by-policy basis. The database should only include those who have made representations at Publication & Revised Publication stages, rather than earlier in the plan-preparation process. It is also helpful if the inspector can have a “frozen” copy of the database.

Response:
The information required by the Inspector is currently available in the form of Word tables. The Council will prepare a database to meet the requirements by the start of the hearing sessions.

17. North-West Regional Spatial Strategy
The inspector understands that the Regional Planning Authority have confirmed that the Pre-Submission version of the Core Strategy was in general conformity with the NWRSS, although comments were raised about the proposed changes to the Green Belt at Huncoat. Has the Council considered the implications of the Secretary of State’s announcement confirming that Regional Strategies will be revoked.

Response:
The Council considered the implications of the Secretary of State’s announcement confirming that Regional Strategies will be revoked prior to producing the Publication version of the Core Strategy. The matter was reported to the Council’s Development Plan Working Group and to a meeting of Full Council on 14th July 2010. Any required changes were incorporated into the Publication version of the Core Strategy.

18. The Planning Officers Society has suggested that local planning authorities could prepare a Statement of Intentions, outlining the position in terms of the RSS and its intended revocation. Has the Council prepared such a statement?

Will any further changes to the submitted Core Strategy be needed to address these implications?

Response:
The Council has not prepared a Statement of Intentions but has sought to ensure that issues associated with the changing status of RSS have been addressed (see the response to Q17 above). The Council consider that no further changes to the submitted Core Strategy will be required in this respect.

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4 Letter from 4NW dated 14 May 2010 [CS_Supp.5.3]
5 Parliamentary statement by Rt Hon Eric Pickles MP (Secretary of State for Communities & Local Government) [dated 6 July 2010], and subsequent related Cala Homes judgements
19. **Sustainability Appraisal**  
The Inspector notes the various documents on sustainability appraisal included with the submission documents. Is any further Sustainability Appraisal work needed in relation to the submitted plan (including the Revised Publication version and any post-publication proposed changes)?

**Response:**
No further Sustainability Appraisal work is needed in relation to the submitted plans.

20. **Appropriate Assessment under the Habitat Regulations**  
Can the Council confirm whether there are any outstanding issues relating to the Appropriate Assessment under the Habitat Regulations scoping opinion and other reports raised by relevant bodies, including Natural England?

**Response:**
There are no outstanding issues relating to the Appropriate Assessment under the Habitats Regulations scoping opinion.

21. **Strategic Flood Risk Assessment**  
Can the Council confirm whether there are any outstanding issues relating to the Strategic Flood Risk Assessment, and that the approach has been agreed with the Environment Agency?

**Response:**
The Council are not aware of any outstanding issues in relation to the Strategic Flood Risk Assessment and the approach adopted in producing the document was subject to discussion and agreement with the Environment Agency. Nonetheless, the Council will shortly be meeting with the Environment Agency and will confirm with them that they are satisfied with the approach taken.

22. **Self-Assessment of Soundness**  
The inspector notes that the Council has undertaken a Self-Assessment of Legal Compliance of the Core Strategy and AAAP. Has the Council undertaken a Self-Assessment of Soundness of the Core Strategy and AAAP, using the PAS Soundness toolkit?

**Response:**
The Council has commenced but not yet completed its Self Assessment of Soundness for the Core Strategy and Accrington AAP. It will complete and make these available prior to the Pre-hearing meeting.

23. Can the Council confirm that the submitted Core Strategy and AAAP are both legally compliant and sound, and that there are no failings in the legal/procedural requirements or shortcomings in terms of soundness?

**Response:**

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6 See documents CS_Sub1.9 & AAAP_Sub1.5  
The Council confirms that the Core Strategy and AAAP are legally compliant and believe them to be sound. The Council hope that the Inspector will agree and welcome this early dialogue on the issues. Submission document CS_Sub1.9 “Core Strategy Legal Compliance Self Assessment” sets out the position in relation to legal compliance. See response to question 22 in relation to soundness.

24. **Economic viability of affordable housing targets and thresholds**

The inspector notes that an Affordable Housing Viability Assessment has been produced. Have any of the representors seriously challenged the assumptions or conclusions of this assessment and does the Council consider these aspects will need to be debated in detail at the hearing sessions?

**Response:**
The Regulation 30(e) Statements identifies housing delivery as a key issue and representations have been received on the difficulties posed by the current economic climate in delivering housing. The Council recognise that the Inspector may consider that this should be an issue considered at the hearing sessions although no representations have been made which directly contest the assumptions or conclusions of the assessment.

25. **Topic/Background Papers**

The inspector notes that the Council has prepared Topic Papers on Economy, Green Belt, Housing and Infrastructure. Does the Council envisage preparing any other Topic/Background Papers on key topics relevant to the Core Strategy & AAAP, and if so, what topics are likely to be covered and what is the timetable for preparation? Background/Topic Papers should be produced by the time of the PHM, but should be authorised by the inspector before preparation.

**Response:**
The Council is preparing a further topic paper in relation to land at Huncoat which will be produced by the end of June. This is relevant to the Core Strategy. No papers are proposed in relation to the Accrington AAP.

26. **Note-taking**

In order for efficient progress to be made during the hearing sessions, the inspector would like the Council to provide a note-taker to record the main gist of the discussions. This is not intended as a verbatim record, but to record the key points/agreements/concessions made during the discussion. The note-taker can be a member of the Council’s Planning Department (although not someone directly involved in the preparation of the Core Strategy/AAAP), other departments or an external person. For this purpose, they are an officer of the examination, working under the direction of the inspector. The Programme Officer can sometimes assist, but he cannot take notes all the time, since he will have other duties during the course of the hearing sessions. Can the Council confirm that they will arrange for someone to take notes at the hearing sessions?

**Response:**
The Council will arrange for someone to take notes at the hearing session.

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8 See documents CS_Supp3.20-3.22
27. **Guidance**
The Council should be fully aware of the published guidance in PPS12 (2008) and on the PAS web-site. PINS has also produced several guidance notes\(^9\), which they should be aware of, since these set out advice on the nature and process of examining DPDs under the LDF regulations\(^10\). *Can the Council confirm that they are fully aware of this guidance?*

**Response:**
The Council is fully aware of this guidance

28. **Procedure and experiences**
The Council may wish to contact representatives of other local authorities to check feedback/experiences of the process and procedure of examining a Core Strategy. This inspector has already examined other Core Strategies in Lancashire, including Blackburn, Lancaster and Lancashire (Minerals & Waste).

**Response:**
The Council are grateful for the Inspector’s advice in this respect and will contact colleagues in the other local authorities referred to should it be necessary to seek advice on particular issues.

29. The inspector would like an initial response to these questions by 5 June 2011, if possible, by adding their responses on this document under the appropriate section. This will then become an examination document.

**Response:**
The Council welcomes the opportunity to clarify its position on these matters. Should the Inspector have any further questions the Council will seek to provide additional clarification.

SJP. 24.05.11

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\(^9\) Lessons Learned Examining Development Plan Documents [PINS; June 2007]
Local Development Frameworks: Examining Development Plan Documents: Learning from Experience [PINS; September 2009]
Local Development Frameworks – Procedural Advisory Note [PINS: August 2009]
\(^10\) Planning Policy Statement PPS12 – Local Spatial Planning [DCLG: June 2008]
Plan Making Manual (web-based guidance) [Planning Advisory Service]
Planning & Compulsory Purchase Act 2004 (as amended) and associated regulations