

**Examination into the London Borough  
of Hackney Core Strategy & Proposals Map DPD**  
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**NOTE OF PRE-HEARING MEETING HELD AT THE OCEAN,  
270 MARE STREET, HACKNEY ON WEDNESDAY 26 MAY 2010**

**Introduction**

1. The Inspector, Michael Hetherington, introduced himself and the Programme Officer (PO), Mr Simon Osborn. A guidance note had already been circulated to all of those making representations about the Core Strategy. **This Note of the Pre-Hearing Meeting replaces that guidance note.**
2. The examination hearings will open at **10.00 am on Tuesday 20<sup>th</sup> July 2010 at The Ocean, 270 Mare Street, Hackney, E8 1HE.**
3. The Council's team introduced themselves to the meeting: Mr John Hodson (Head of Policy and Strategy), Mr Bob Dolata (Planning Policy Team Leader), Mr Michael Toyer (Interim Project Manager) and Ms Patricia Narebor (Head of Commercial). The Greater London Authority (GLA) was represented by Mr Michael Mulhern. The Government Office for London was represented by Mr Chris Baker.
4. The Inspector explained that the purpose of the Pre-Hearing Meeting was to provide an opportunity for the discussion of administrative matters as well as the examination programme and any other relevant concerns. A draft version of a paper listing the Matters, Issues and Questions for examination, together with a draft programme of hearings, had already been sent to respondents. Final versions of these documents are circulated with this note. Agendas for the hearing sessions will be issued nearer to the hearings themselves.

**Scope of the Examination and the Inspector's Role**

5. The Inspector's role is to consider whether the Core Strategy meets the requirements of the 2004 Act and associated Regulations. The examination focuses on the plan's legal compliance and the tests of soundness, based upon the tests set out at paragraphs 4.49 to 4.52 of Planning Policy Statement 12, *Local Spatial Planning* (PPS 12)<sup>1</sup>. Further details about the examination process are contained in The Planning Inspectorate's booklet *Examining Development Plan Documents: Procedure Guidance*. This document may be viewed at the website listed below<sup>2</sup>.

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<sup>1</sup> Copies of the Government's PPSs and PPGs are available to view on the CLG website at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements/>

<sup>2</sup> [http://www.planning-inspectorate.gov.uk/pins/appeals/local\\_dev/index.htm](http://www.planning-inspectorate.gov.uk/pins/appeals/local_dev/index.htm)

6. The Inspector's starting point is the assumption that the Council has submitted what it considers to be a sound plan. He is not seeking to "improve" the Core Strategy or make it "more sound". The Council should rely on evidence that it has collected whilst preparing the Core Strategy to demonstrate that it is sound and legally compliant. Those seeking changes to the Plan have to demonstrate why this is not the case.
7. Following the closure of the hearing sessions the Inspector will write a report to the Council with his conclusions and decisions on the action it needs to take with regard to the Plan. Under present legislation, the report is binding on the Council and, on receipt, it should amend the Plan in the light of the Inspector's decisions and move swiftly to its formal adoption – subject to a finding of soundness and legal compliance.
8. Following its publication, the Core Strategy was subject to a consultation exercise, which ended in August 2009. The Council then published a document in December 2009 containing over 300 further changes, which was the subject of a further consultation exercise.
9. As will be seen from the written exchange that the Inspector has had with the Council (which is posted on the examination website<sup>3</sup>), he has taken the view that these changes (which in many cases respond to concerns raised by previous respondents) should form part of the submitted Development Plan Document. The Council has published a consolidated version of the Core Strategy that incorporates these changes. This was made available at the meeting and can also be obtained from Mr Osborn and downloaded from the examination website. This will be the starting point for the examination – although the Inspector will have regard to all of the representations made in both consultation exercises.
10. The Inspector clarified that this consolidated version is not the same as that contained in the submission papers. That document contained additional changes over and above those that were the subject of the second consultation exercise. The Inspector has not accepted these as being part of the Core Strategy to be examined. They have been set out in a separate schedule that was made available at the meeting (copies are also available from Mr Osborn). The Inspector will consider whether these changes should now be made in the same way that he will consider possible changes put forward by other parties.
11. When it comes to writing his report, the Inspector will only recommend substantive changes if he considers them to be necessary in order to make the Plan sound (or legally compliant) – assuming of course that this is his finding. It is however normal to include a list of endorsed minor changes: these will not however include typographical errors.
12. The Inspector has already had an exchange of correspondence with the Council in respect of its housing and employment evidence base. This exchange can be seen on the examination website. The matters raised will be discussed in detail at the relevant hearing sessions. The Council has the opportunity, when preparing its hearing statements, to amplify (and where necessary clarify) the evidence that it has already provided. The Inspector has posed some additional questions of detail in his Matters, Issues and Questions paper. However, he raised particular concern about the Council's most recent housing paper (dated 23<sup>rd</sup> April 2010). This is lacking some internal references and, as such, some of the points that it is seeking to make are unclear. The Inspector requested a "clean" copy of this document. **Mr Hodson** said that this would be available later that day. The Inspector said that he may well have further questions to put to the Council when this is received. In response to a question from **Mr Hodson**, he clarified that any such exchange would take place as soon as possible, and in any event before the start of the hearings. (*Inspector's note: these have been incorporated in the revised Matters, Issues and Questions paper*).

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<sup>3</sup> <http://www.hackney.gov.uk/core-strategy-examination-page.htm>

13. The Inspector reiterated that he has raised a particular concern about the Council's housing evidence base. He commented that, from what he has already seen, it appears that there is very little leeway between housing supply and required housing targets. The housing supply figures include a significant windfall element. As such, if the windfall assumptions cannot be supported (in the terms required by national policy in PPS 3), then this raises the possibility that the housing targets cannot be achieved. Failure to do so would have serious soundness implications.
14. In the Inspector's view this is a matter that needs to be tested more fully at a hearing session. He added that he would try to give an early signal – ideally as soon after the first hearing session as possible – if he felt that any outstanding concerns are unlikely to be resolved. This could have implications for the remainder of the hearing sessions – in effect, a view would need to be taken on whether or not to postpone, or abandon, the further hearing sessions.
15. The Inspector stated that it would assist him if the Government Office for London and the Greater London Authority could attend the first hearing session.  
**Mr Baker** and **Mr Mulhern** said that this would be possible. The Inspector invited both bodies to submit written comments on the Council's updated housing evidence.

#### **The Programme Officer and his Role**

16. The Inspector explained that Mr Simon Osborn, the Programme Officer, is acting as an impartial officer, under the Inspector's direction, for the purposes of the examination. His contact details are [simon@poservices.co.uk](mailto:simon@poservices.co.uk) and 07710 969411.
17. The principal functions of the Programme Officer are: to liaise with all parties to ensure the smooth running of the examination; to ensure that the documents received both before and during the examination are recorded and distributed; to maintain the examination library; and to assist the Inspector with procedural and administrative matters. He will be able to provide advice on the programme. All procedural questions should be addressed to him in the first place. He will pass them to the Inspector for a reply.

#### **Procedural questions to the Council**

18. In response to the Inspector's questions, **Mr Hodson** confirmed for the Council that all statutory procedures had been complied with – including requirements for sustainability appraisal and appropriate assessment under the Habitats Regulations. He added that the Core Strategy's preparation accords with the Council's Local Development Scheme and Statement of Community Involvement.
19. The Inspector noted that the GLA takes the view that the Core Strategy is not in general conformity with the spatial development strategy (The London Plan). In response to the Inspector's question, **Mr Mulhern** (GLA) confirmed that while the GLA was seeking to agree a statement of common ground with the Council, one issue was not agreed between the parties. He also confirmed that the GLA would wish to attend the third hearing session to pursue this matter.

#### **Procedure Prior to the Opening of the Hearings**

20. The Inspector stated that he aims to run the Examination Hearings as efficiently as possible, keeping a tight rein on the discussions and time taken. He will discourage repetition and will seek to minimise the amount of material to that necessary to reach an

informed conclusion on the issues. He hopes to conduct a short, but focussed, series of hearings and, in turn, to write a short, focussed report. This will not address individual objections, but will concentrate on the Core Strategy's soundness and legal compliance.

21. Those who have made representations 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. Where this has not been clarified, this will be followed up by the PO.
22. Anyone wishing to take part in a hearing session who intends to add to their submissions should submit any additional statement in advance of the hearing. Submission of a statement is not however a requirement. If a further statement is submitted, it should be focussed upon the matters, issues and questions that the Inspector has identified and should be sent to the PO for receipt by **5pm on Wednesday 30 June 2010**.
23. The requirements for such statements are as follows:
  - Statements should be clearly marked in the top right hand corner with the relevant matter number and representor reference number.
  - Statements should be limited to not more than 3,000 words on any one of the main matters. If more detailed material needs to be submitted it should be in the form of appendices (see below) but any such material should not duplicate the content of documents already included in the examination library.
  - A4 size is required, with any plans folded so as not to exceed that size.
  - Paragraph and page numbers should be included.
  - Any measurements should be in metric units.
  - Appendices should have a contents page and pages should be numbered consecutively. Where these and/or maps and other diagrams contain coloured material additional hard copies will be required and the requisite number should be checked in advance with the Programme Officer.
  - A separate statement should be submitted for each matter addressed.
  - Six hard copies of any statement should be submitted – with one of these copies being loose leaf. In addition a single electronic copy in MS Word format should be sent to the Programme Officer as an e-mail attachment by the deadline stated above.
24. The Inspector emphasised the need for succinct submissions, with the avoidance of unnecessary detail and repetition. It is the quality of the reasoning that carries weight, not the bulk of the documents. Nonetheless, it is vital that the fundamental elements of cases are set out clearly and succinctly – the hearings are not the place for rabbits to be drawn out of hats.
25. From the Council, the Inspector stated that he requires a statement setting out its responses to the questions that he has posed, explaining why it considers the Core Strategy to be sound in these respects. This should be submitted within the same timescale. He added that he did not generally require a schedule of detailed responses to the representations, this being a matter for the Council, although he had no objection to the Council responding to representations that they feel are of particular significance or concern. He has however sought the Council's responses to site specific representations regarding employment designations.
26. Those representors 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 any party wishes to submit further written evidence in support of their position, these

submissions should be focussed upon the matters, issues and questions that have been identified – and submitted within the same timescale.

27. The Inspector encouraged further discussion between the Council and representors – ideally leading to the submission of statements of common ground where possible (within the above-noted timescale).

### **Examination Library**

28. The Council has assembled a list of Core Documents that are available in the Examination Library. These will include the London Plan, UDP, Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs), Background Papers and any other documents that the parties are likely to need to refer to. Accordingly, parties need not attach extracts of these documents to their statements. A copy of the core documents list is available on the examination web-site. The examination library will be available for inspection both before and during the hearings.

### **Hearing Arrangements and Procedure**

29. The hearing sessions will commence on **Tuesday 20<sup>th</sup> July 2010 at The Ocean, 270 Mare Street, Hackney, E8 1HE**. A copy of the Hearings Programme is circulated with this meeting note. **Please note that this updates the version that was circulated prior to the Pre-Hearing Meeting.** Hearing sessions will normally start at 10.00 am. A short break may be taken mid morning and mid afternoon, with a lunch break about 1.00 pm. Where an afternoon session is shown, this will begin at 2.00pm. The hearings will focus on the matters, issues and questions that have been outlined by the Inspector. They are public hearings and interested persons are welcome to sit in, even if not taking part.
30. The sessions will either take the form of round table sessions, where several parties are present, or an informal hearing where there are only one or two parties taking part. This approach will provide an informal setting for dealing with issues, by way of a discussion that shall be led by the Inspector. As already noted, those attending may bring with them professional advocates and witnesses, though there will be no formal presentation of evidence or cross-examination. The PO will ask hearing participants who will be speaking at the sessions. More detailed agendas will be circulated before the hearings.

### **Site Visit Arrangements**

31. The Inspector will view relevant locations from public roads and footpaths before, during, or after the hearing sessions. This will be done unaccompanied by the parties, unless it is considered that an accompanied visit is necessary – for example where the land concerned cannot be seen from the public road. In such cases, the PO will liaise with the parties to make arrangements. These visits will not however be the opportunity for discussion of the merits of the cases concerned.

### **Close of the Examination**

32. Once the Inspector has gathered all the information necessary to come to reasoned conclusions and decisions on the main issues, he will write his report. The Examination itself remains open until the report is submitted to the Council. However, once the hearing sessions are completed the Inspector can receive no further information from any party, unless it is a matter on which he has specifically requested further comments. Any unsolicited items sent in will be returned to the

sender. The Inspector will announce the likely date of report's submission at the final hearing.

### Question

33. **Mr Kenyon** (South Shoreditch Community Association) asked whether the Inspector would be carrying out a late night site visit in the Shoreditch area. The Association's preference was that he should view the area late on a Friday or Saturday night. The Inspector replied that he intended to carry out a late night inspection of the area, but was unable to confirm whether this would be on a Friday or Saturday. He added that he was aware of the Association's concerns and had viewed its submitted DVD. He would address these matters in more detail at the respective hearing session. Mr Kenyon confirmed that the SSCA would be represented then.

### Closing Remarks

34. The Inspector emphasised that:
- It will be for participants to keep in touch with the Programme Officer to check the progress of the hearings and to ensure that they are present at the appropriate time.
  - Participants should make the best use of the remaining time before the start of the hearing sessions as the statements are needed by **Wednesday 30 June 2010**.
  - There is no need to make further submissions if you intend to rest upon the written representations that you have already made.
35. The Inspector thanked everyone for coming and the meeting closed at 10.55 pm.

Michael J Hetherington  
Inspector for the London Borough of Hackney Core Strategy Examination  
3 June 2010