

# Flintshire Local Development Plan 2015 – 2030

## Examination

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### **Note of Pre-Hearings Meeting held on 12 Jan 2021 (online)**

#### **1. Opening and Introduction**

The Inspector, Siân Worden (SEW) introduced herself and her colleague inspector, Claire MacFarlane, who are both Chartered Town Planners appointed by the Welsh Government Ministers to hold the examination into the soundness of the Flintshire Local Development Plan 2015 – 2030 (LDP).

Throughout the examination communications in Welsh will be welcomed. The translator was present and demonstrated to everyone how the translation facilities will work in the PHM and hearings, in the event that any participants wish to speak in Welsh.

SEW explained that the usual way to address female inspectors was as Ma'am or Madam but they were equally happy to be addressed by name – Mrs Worden and Ms MacFarlane.

Forewarning had been given that a participant wished to record the PHM. SEW explained that if anyone who wanted to ask a question at the end of the PHM was not happy to be recorded they should say so before they asked their question and recording should be ceased.

SEW also explained that, with regard to GDPR compliance in the way in which the recording was used, that was the responsibility of the person making the recording.

#### **2. Purpose of the Pre-Hearing Meeting (PHM)**

The examination refers to the whole process from the time the Council submitted the LDP to the Welsh Ministers in October 2020 to the submission of our report to the Council.

The hearings part of the examination is likely to commence at the end of February and they will be held online.

The purpose of the PHM was to provide an opportunity for the inspectors to introduce themselves and the Council team and to explain the procedural and administrative matters relating to the management of the examination. The contents or merits of the LDP or the representations which have been made would be discussed. There would be an opportunity to ask questions about the examination arrangements.

[Guidance Notes](#) relating to the examination been produced and published on the Council's LDP [examination website](#).

### **3. The role of the Programme Officer**

Miss Kerry Trueman has been appointed as Programme Officer (PO) for the examination. She acts as an independent and impartial officer, working under the inspectors' direction. Details of how to contact her are set out in the PHM invitation letter, on the [examination website](#) and in the guidance notes.

The PO is responsible for:

- liaising with all parties to ensure the smooth running of the examination
- ensuring that all documents received during the examination are recorded and distributed,
- maintaining the examination library, and
- assisting us with all procedural and administrative matters.

She can advise on any programming questions. All procedural queries or any other matter that the Council or anyone wish to raise with the inspectors should be addressed through the PO.

### **4. The scope of the examination and role of the inspectors**

The role of the inspectors is to consider whether the LDP is sound. Their authority to recommend changes to the LDP is limited to those that are necessary to make the LDP sound, as opposed to changes which would serve to improve a sound plan. They will consider the representations made by all parties but only insofar as they relate to the soundness tests.

The tests of soundness, which are set out in the [Local Development Plan Manual](#)<sup>1</sup>, are whether the plan fits? (is it clear that the LDP is consistent with other plans); is the plan appropriate? (is the plan appropriate for the area in the light of the evidence); and will the LDP deliver? (is it likely to be effective and can it be implemented?).

### **5. Procedural questions for the Council**

Andy Roberts (AR) and Adrian Walters from Flintshire CC were present at the PHM and would be its principal witnesses at the hearings. Other officers would also contribute at various hearing sessions and would be introduced as they appeared.

AR confirmed that the LDP:

- had been prepared in accordance with the statutory procedures under Section 64(5) (a) of the 2004 Act and associated regulations?
- was supported by a Sustainability Appraisal?
- was subject to a Habitats Regulations Assessment?
- complied with the requirements of the [Well-being of Future Generations Act](#)?
- complied, broadly, with national and regional policy?
- had regard to the [Wales Spatial Plan](#)? and
- that a self-assessment exercise been undertaken?

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<sup>1</sup> Table 27 beginning on page 166

## **6. Representations made on the LDP**

In total some 1281 duly made representations were received on the deposit LDP from 657 organisations and individuals.

Unless individuals have indicated that they wish to be heard at a hearing, their representations will be dealt with by written representations. If the inspectors need more information to properly understand a written representation, those persons and the Council will be requested to submit additional comments or clarification.

The representations that have been received cover a wide range of issues including the development strategy, the distribution and amount of new housing including affordable housing and accommodation for Gypsies and Travellers, employment, retail and tourism matters, and renewable energy.

The Council confirmed that the version of the LDP which was to be examined was the deposit version and that it considered the submitted LDP was sound.

Any further changes which the Council wishes to make during the examination should be in the form of a schedule which should be placed on the examination website and updated as necessary. Separate lists for minor and significant changes should be kept for each hearing session, and for those not related to any session. These changes should be kept to a minimum.

At the end of each hearing session the Council and Inspectors will quickly run through any changes that have been agreed and other matters arising during the hearing. The Council confirmed that it would keep a list of these which would eventually form the basis of the Matters Arising Changes (MACs) schedule. Others present during the hearings are welcome to stay and listen to these brief discussions but are not obliged to do so.

## **7. Methods of Considering Representations**

All representations, whether made at a hearing session or in writing, will be given the same weight. The examination will focus on issues that are relevant to the soundness tests and will not focus on individual objections.

Only those parties seeking specific changes to the LDP are entitled to participate at the hearing sessions and there is no need for those supporting or making comments on the LDP to attend.

## **8. Procedure at hearing sessions of the examination**

Details for the running of the hearings are set out in the Guidance Note. They will normally take the form of round table sessions which will be led by the Inspectors, based on an agenda provided beforehand. This approach will provide an informal setting for dealing with issues.

The discussion at each hearing session will focus on the issues identified in the agenda and the questions we have posed in the Matters and Issues. We will begin

by asking those present to introduce themselves. We will then make brief comments on the matters to be covered, if necessary, then invite individuals to make their contribution in response to the points we have raised. The hearing will then progress under our guidance, drawing those present into the discussion to enable us to gain the information necessary to come to a firm decision on the matters identified. All participants can ask questions and join in the discussion. At the end of each session participants are asked to sum-up the main points of their arguments.

The hearings will be conducted on the basis that everyone has read the relevant documents, although participants will be able to refer to and elaborate on relevant points.

Those attending may bring with them professional advocates and witnesses, though there will normally be no formal presentation of evidence or cross-examination. There is no need for parties to bring advocates/legal representation. AR confirmed that the Council would not be legally represented.

The inspectors would 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 we aim to minimise the amount of additional written material to that necessary to come to informed conclusions on the issues. In that way we hope to conduct a short, but focussed, series of hearings and, in turn, produce a short, focussed report.

AW confirmed that someone will be present at all times who has delegated authority to agree to changes to the LDP. He also stated that a delegation scheme was currently being agreed which he would be able to update the inspectors on by the start of the hearings' sessions.

### ***Virtual format***

The virtual, online format is quite new to most people and likely to result in a few glitches and unforeseen complications. The main advantage of being able to hold virtual hearings is that, despite the very challenging conditions all are living under at the moment, it will be possible to progress towards the adoption of the Flintshire LDP which is the essential document in ensuring the proper planning of the area. The main point for the Inspectors is that the online format should not disadvantage anyone who is entitled to be heard.

The hearing sessions will be held on the online platform Zoom (as PHM was) with all participants, including the inspectors, the PO, and the Council team, logging in via computers. They will also be open to observers.

SEW then stressed the difference between participants and observers as the virtual format made this less obvious. Only those who have submitted a duly made objection to the LDP are entitled to be heard and to participate in the hearing session/s relevant to their objection. If the hearings were taking place in a physical room, these participants would be seated around the table with the Inspectors and members of the Council's team; they would join in the discussion and be able to ask and answer questions.

Anyone can observe a hearing. In a real room, observers would be seated in rows behind or at the side of the hearing table. Observers cannot speak at a hearing or participate in any way.

As all parties will be working from screens, which can be intensive and tiring, there will be regular breaks during the hearings, probably every 90 minutes or so. During a break please do not log off or exit the session but switch the mic and camera off. Inspectors always work mainly from home and are well set up to do so. We are aware that most other participants may not be so fortunate and that might lead to delays or interruptions.

During the events please would participants keep cameras and microphones turned off until you are invited to speak, at least at the beginning of the hearing. In Zoom there is a raised hand button, by which you will be able to indicate that you would like to speak. Observers should ensure that their microphones and cameras are kept turned off throughout the session. Please could you also ensure that if you have a telephone near you, it is turned to silent or divert.

Participants will be grouped together on the programme according to the issues and matters being considered. If several people have the same viewpoint, for example all those who are objecting to a specific site or allocation, the inspectors will expect them to appoint one or two spokespersons to represent them at a hearing session; we will not want to hear from everyone on the same or very similar points.

This will be more challenging during a virtual event when people are not in the same location and cannot discuss their case easily. It still might be possible, however, for there to be spokespeople for a single matter/site who do the bulk of the talking during the relevant part of the hearing.

Not being in the same room and able to confer with each other may also be difficult for the Council team and for consultants. If any participants want a longer break or adjournment during a hearing please ask the Inspector.

Depending upon the extent of the Covid regulations at the time of the hearings, some might have home schooling or other caring responsibilities which could impinge upon their ability to participate in the hearings. Please raise any such concerns with the PO.

There is a chat function on Zoom but, at the moment, everyone should refrain from using it.

It is possible that IT problems, such as losing connections to the event, may arise during the events. If any of the participants suffer any, in the first instance we will adjourn, initially for 5 minutes. In that period, the participant should try and log straight back in, in the same way as they did before the event began.

If the problem persists then the adjournment may be longer and if it can't be resolved, the hearing may need to be adjourned to another day. Please will participants keep the PO's telephone number to hand during the hearings so that they can keep her informed if there are connection problems. There will be some practice sessions before the hearings to familiarise participants with the virtual format. More information and instructions on how to join or view hearings will be provided nearer to the time.

## **9. Examination hearings programme including issues to be debated**

A list of Matters and Issues, which includes questions which have arisen from the inspectors' reading of the plan, the evidence base and other core documents and the representations, will shortly be published on the examination website – hopefully by the middle of next week [20.1.21].\* This will provide the focus for the examination and will enable the inspectors to assess whether the LDP is sound and complies with the legal requirements. The questions should be used to structure any further submissions that participants make. The inspectors will use them to guide and focus discussion at the hearings and will address them in the final report.

The main matters which will be discussed at the hearings' sessions will be identified in broad terms on the draft programme. Prior to the hearings a detailed agenda for each session, based on the Matters and Issues, will be published. The agendas will be available at least one week prior to each hearing session.

If anyone who meets the criteria wishes to be heard and has not yet notified the PO, please would they do so by Friday. A draft programme will be published soon after the Matters and Issues. When it becomes available, all participants should check it. If anyone who has requested to be heard has not been included in the list of participants in the draft programme, please contact the PO as soon as possible. If anyone who originally wished to be heard decides that they will rely on their written submissions only, they should inform the PO at the earliest opportunity. Participants will be assigned to the most appropriate sessions based on their representations but if anyone thinks that they have been put in the wrong sessions, please tell the PO.

Whilst every effort will be made to keep to the programme late changes may be unavoidable. The PO will inform the hearing participants of any relevant late changes to the timetable but it is the responsibility of the participants to keep themselves up to date with the arrangements and programme.

## **10. Preparation and Submission of Further Material**

From now on all written submissions from participants should address only the identified matters and issues. They should take the form of a short statement addressing some or all of those matters identified and responding to the relevant questions. The Council should prepare a statement for each hearing covering all the matters and issues raised. If anyone, including the Council, considers that any of the questions have already been answered in the core documents they do not need to rephrase or repeat such answers but simply to refer to the document including the page/paragraph number.

Further detail on the content and deadline for submissions is set out in the Guidance Note. Please adhere to the guidance on the submission of written material and deadlines. Late submissions and additional papers are unlikely to be accepted.

If participants consider their original representation covers all the matters they wish to raise they do not need to submit a further statement. In these instances, it would be helpful if participants would notify the PO if they do not intend to submit further statements. Please note that the inspectors only have copies of representations made at and after the submission stage. They do not have copies

of any communications submitted to the Council before the LDP was placed on deposit.

### **11. Availability of information**

The PO maintains the [examination library](#) which contains core and examination documents, background papers and any other documents that are likely to be referred to including summaries of representations and hearing statements. The documents list is available on the examination website where it is also possible to inspect all the submission documents, summaries of the representations received in relation to the deposit version of the LDP and focussed changes, and the Council's response to these representations.

Participants should ensure that any documents they intend to refer to are included in the list of core documents; any missing documents should be emailed to the PO.

### **12. Site Visit Arrangements**

The inspectors will be carrying out a familiarisation tour of the area and, after the hearings, site visits to places referred to in the representations on an unaccompanied basis. If there are particular reasons for an accompanied visit, participants should discuss this with the Programme Officer.

### **13. Close of the examination**

The examination will remain open until the inspectors' report is submitted to the Council. Further representations or evidence will not be accepted after the hearing sessions have finished. The examination remains open to enable the inspectors to request further information if a deficiency is identified. Any late or unsolicited material is likely to be returned.

### **14. Submission of Inspectors' Report**

After the Hearing Sessions are closed and any necessary consultation completed, the inspectors' report with binding recommendations will be submitted to the Council. The date of submission will depend on the content, extent and length of the examination. The likely date will be confirmed at the end of the hearing sessions.

### **15. Questions**

In response to questions from attendees SEW confirmed that:

- the inspectors and PO would discuss measures to ensure that all participants were made aware of incoming documents and especially late information. AR stated that the Council team would do their utmost to submit information in a timely manner;
- there would be a deadline of two weeks before each hearing by which statements (for that hearing) should be submitted;

- all sites/allocations/policies which had been objected to and where objectors wished to attend hearings to discuss would be included on the programme;
- requests for matters other than those identified on the programme to be discussed should be forwarded to the PO for consideration by the inspectors; alternative sites would not, however, be considered by the inspectors unless they found that the housing requirement and/or the housing allocations were insufficient;
- as well as the material accompanying the LDP when submitted to the Planning Inspectorate (PINS), the inspectors had access via the Flintshire LDP and examination websites to all the information and documents prepared for previous stages in the preparation process;
- electronic links would be included in the PHM note [this note] wherever possible;
- the inspectors were unaware of the issue in respect of data protection but, following a brief summary of the incident from AR, did not consider that it was significant to their examination of the LDP. SEW stressed that this would focus on the soundness of the plan as set out in the LDP Manual tests;
- at the moment, the inspectors did not require hard copies of any documents although there might be the odd incidence in future where such would be helpful;
- the examination website would be the main source of information about the hearings including the programme (which would show the matters which would be covered, when and who was able to participate in each) and the documents available. The PO emphasised that if anyone needed any help whatsoever, including with finding documents relevant to their interests, she was happy to assist;
- if anyone had wanted to ask a question and not been able to, or had thought of a query after the meeting, they should forward these to the PO for the inspectors to consider.

## **16. Close of Meeting**

The meeting closed at about 16.30. SEW thanked those present for their attendance and said that the inspectors would look forward to meeting all those who would be attending the hearings.

SEW/CM  
Jan 2021

\* The Matters and Issues are not now likely to be published as soon as anticipated at the PHM.