

**ROSS & CROMARTY EAST LOCAL PLAN INQUIRY
NOTE OF PRE-INQUIRY PROCEDURE MEETING: 22 MARCH 2005**

Introductions

1. The purpose of the meeting was to discuss the arrangements for the forthcoming public local inquiry into objections that have been made and not withdrawn, to the Ross & Cromarty East Local Plan.

2. Mr Trevor Croft, who is an Inquiry Reporter with the Scottish Executive, has been appointed by Highland Council to conduct the inquiry, and to prepare a report containing recommendations as to whether the local plan should be altered in the light of the outstanding objections.

3. The Programme Officer is Mrs Morven Spalding. She is appointed by the council, and she works from council headquarters. She is not part of the council's inquiry team, and she is directly responsible to the Reporter, not the council, for the administration of the inquiry. She is the contact for the Reporter, council officers, objectors and their agents, as well as for the general public. Her duties also include:

- dealing with general correspondence on inquiry arrangements;
- maintaining the list of objections;
- establishing the nature of cases to be presented, including whether witnesses are to be called;
- bringing together objectors with a common interest;
- arranging the pre-inquiry exchanges of documents, precognitions and other written material;
- managing the day-to-day programme during the inquiry; and
- arranging the accompanied site inspections.

4. Mrs Spalding's postal address is Highland Council, Planning and Development, Glenurquhart Road, Inverness, IV3 5NX, and her other contact details are:

- direct dial telephone number 01463 702275;
- fax number 01463 702298; and
- e-mail address Morven.spalding@highland.gov.uk.

Objections to the Ross and Cromarty East Deposit Draft Local Plan

5. The consultative draft Ross and Cromarty East Local Plan was published in May 2002. In October 2003 the council agreed changes following consultation with an extended period for objections, allowing for the Christmas period, and a deposit draft was published. Formal objections were considered by the council and proposed changes made to the deposit draft were published on 4 February 2005, with a six week period for objections which ended on Friday 18th March. Where the council is proposing changes to the plan, the original objection will still be considered at the inquiry, if not formally withdrawn, together with comments on the proposed change.

6. All local plan objectors have been asked to make clear whether or not they wish to give oral evidence to the local plan inquiry, or whether they would prefer their objection to be

considered on the basis of a written submission. The status of a written submission objection is no different to those heard at the inquiry.

7. So far, in response to letters from the council, over 50 objectors, involved in over 50 issues, have confirmed their wish to take part in the inquiry, and around 70 objectors have opted to stay as a written submission. A large number of responses are outstanding. There have so far been 25 new objections to the proposed changes to the deposit draft. I am therefore setting a deadline of **12 April 2005**, for confirmation to the Programme Officer whether their position has changed in the interim. If no response is received, no change will be assumed, and the outstanding parties will rest on their written submissions, which means that they will take no active part in the inquiry.

Inquiry timetable

8. The inquiry will start on **Tuesday 7 June 2005**, and is expected to last some 5 weeks.

9. The inquiry will normally sit from Tuesday to Friday each week, with the aim of leaving Mondays free for preparation and travel. Fridays may be shorter to allow for any overruns and site inspections. The start time would usually be 10 00 in the morning, unless the inquiry is running behind the programme, in which case it may be earlier. Each day's proceedings would normally finish by 4.30 or 5 00 p.m., but again some flexibility will be needed to meet the timetable. A lunch break is usually taken each day at a convenient time, sometime between 12.30 and 1.00 p.m.

10. The council is preparing a first draft timetable for the inquiry, but because the overall picture is still evolving, it will definitely not be the last version. This draft will be circulated when ready, and objectors should study it, and contact Mrs Spalding with any specific queries or concerns. Generally though, parties should co-operate with the council and accept their slot in the timetable if at all possible, because the timetabling of an inquiry like this is a difficult logistical exercise, and alterations can create knock-on effects throughout. Please note that because the inquiry will be programmed on a topic basis, an objection to more than one policy or proposal may entail giving evidence on different days. The council anticipates publicising subsequent versions of the timetable on its web site.

Inquiry venues

11. The inquiry will be held primarily at the Victoria Suite, Ross County Football Club, Victoria Park, Dingwall, which is central to the local plan area, administratively convenient, and has access for disabled people. However, it is also hoped to hold sessions in outlying settlements, such as Ardross, Cromarty, Culbokie, Evanton, Fortrose, Munloch, North Kessock, Muir of Ord, and Tain, although some of these could probably be combined. Details of all these and other venues will be circulated in due course.

Scope for agreement between parties

12. To save inquiry time, the Reporter strongly suggests that the council and the objectors try to agree as many issues as possible before the inquiry. For example drainage or housing land supply issues, and there may be similar scope in other areas.

Scope for objectors with a common interest to group together

13. As a general rule, repetition is not helpful at an inquiry because it prolongs the proceedings without necessarily advancing the debate. Therefore, in circumstances where there are a number of objectors who share the same point of view, the Reporter strongly recommends that these objectors group together. That offers the benefit of pooling resources, it allows presentation of a co-ordinated case, and it avoids unnecessary duplication of effort.

Inquiry format

14. The Code of Practice for Local Plan Inquiries, which was produced by the Scottish Office in September 1996, is still a useful procedural guide. However, because best practice at inquiries has evolved since then, particularly with the introduction of the Town and Country Planning (Inquiries Procedure) (Scotland) Rules 1998, the Reporter will not necessarily follow every part of the 1996 Code to the letter. Where any difference does arise, parties should rely on the note of this meeting rather than on the detailed terms of the Code. Copies of both of these documents can be obtained from Mrs Spalding, or from the Scottish Executive Inquiry Reporters Unit, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR, and in the latter case, also from the Scottish Executive's web site.

Pre-inquiry procedures

15. The Code emphasises how important it is that everyone has as much prior notice as possible of other parties' evidence, and inquiries are now conducted in a way that requires advance disclosure of cases in a structured and consistent framework. All pre-inquiry material should be lodged with Mrs Spalding within the undernoted timescales, and parties should supply at least 5 copies of each, allowing for the reporter, public deposit and council use.

16. A note confirming the various dates for action before the inquiry was circulated immediately after this meeting, and is reproduced here for ease of reference. It is most important that all parties stick to these dates to avoid delays and inconvenience to others.

Date	Procedure
5 April 2005	Deadline for objectors to confirm how they wish to proceed
12 April 2005	Deadline for objectors to submit further written submissions.
19 April 2005	Deadline for receipt of Statement of Participation
26 April 2005	Deadline for objectors to submit documents relating to evidence being presented at the inquiry
3 May 2005	Deadline for receipt of Statement of Case
17 May 2005	Deadline for receipt of precognitions and for those involved in hearing or round table sessions to submit any response to issues raised in others' statements of case.
7 June 2005	Public Local Inquiry commences.

17. For the avoidance of doubt:

- a **written submission** is an objection made only in writing, where the objector does not take any part in the inquiry;
- a **statement of participation** is confirmation by an individual/organisation that they/it intend to take part in the inquiry;
- a **statement of case** is the framework of the full case that will be presented to the inquiry, whether at a hearing or round table session or formal inquiry session; it should include as appropriate an indication of the witnesses to be called, the topics they will cover, a list of documents to be referred to; and an estimate of how long evidence is likely to take to present; for a hearing or round table session no further documentation will normally be required unless some clarification is required by the Reporter; those taking part in hearings and round table sessions have an opportunity to respond to other parties' statements of case; for formal inquiry sessions this is done through the precognition;
- a **precognition** is a written statement of the evidence that each witness proposes to read to the formal inquiry sessions; if it exceeds 2,000 words a summary must be produced; for a particularly lengthy main precognition, the summary should not normally exceed 10% of the length of the original, and since only the summary will be read but witnesses will be open to cross-examination on their full precognition, opposing parties should make themselves familiar, in advance, with the detail of the evidence in each full precognition; where no precognition is supplied, that party will be restricted to reading out their written objection as evidence to the inquiry; precognitions must not contain appendices, as these should be lodged as supporting documents.
- a **hearing** is a simplified form of procedure where the Reporter chairs a discussion, usually between one or two objectors and the council; the Reporter will summarise the cases and ask each party to expand on any points they wish to raise; there is no formal cross-examination, but parties can ask questions through the Reporter; each party can make a closing statement, if they wish, with the objector going last; legal representation is discouraged;
- a **round-table** session is similar, but normally involves a greater number of parties than a hearing, and is helpful where there are a number of objectors on a single issue, but the formality of a full inquiry session is not required; the discussion is chaired by the Reporter, who will set out cases at the beginning of the session; legal representation is not normally necessary, but some parties may wish to be represented; questioning of parties is through the Reporter and closing statements may be read;
- a **formal inquiry session** is where each party presents its formal case, possibly through a legal representative or consultant; precognitions are read out and there is formal cross examination of those giving evidence; other than general direction of proceedings, and possible questioning, the Reporter does not play a direct role in the proceedings, but notes events and evidence as they take place.

18. By 12 April the council will lodge a list of the core documents that will be referred to in evidence, i.e. adopted local plans, approved structure plans, National Planning Policy Guidelines/Scottish Planning Policies, Planning Advice Notes, etc. The purpose of this list is to help to avoid unnecessary duplication, and it is hoped to have it published on the council's web site.

19. Documents, which include maps and photographs, should all be listed and numbered, and preferably placed in A4 lever arch files. If any of these documents have been included in the council's list of core documents, there is no need to provide a further copy.

Procedures at the inquiry

20. At the inquiry, the Reporter will ensure that the conduct of the proceedings follows well established principles of impartiality, openness, and fairness. All sessions will kept be as informal as possible, and generally, objectors will be allowed to present their case in their own way. To ensure that the inquiry is completed in the short time available, while still giving each party a fair hearing, the Reporter must maintain customary standards of order and discourage repetition. Objectors can be professionally represented if they wish, but there is no actual need for this, and it is especially inappropriate where the hearings procedure is to be used. The Reporter will listen carefully to everyone's point of view. The council does not intend to appoint counsel, but may have legal representation for the major topics.

21. Each objection topic will be considered in turn at the inquiry, and the council will have an opportunity to make a short opening submission at the start of each session, to explain any changes that it considers appropriate in the light of the formal objections, as well as to bring matters up to date where discussions have been ongoing. The normal procedure is then for the objectors to make their submissions to the inquiry, before the council responds. Generally, the Reporters will not hear representations in support of the plan policies or proposals.

22. Each witness at formal sessions will give their evidence from their summary or full precognition, as appropriate, unless the Reporter elects to take it as read. Witnesses will then be open to questions from those of opposing view, and generally, anyone taking part in the inquiry is entitled to question them on any part of their precognition, but not to ask 'friendly' or supportive questions where parties are essentially on the same side. In all cases, the Reporter may also ask questions, and always will intervene if he considers that a line of evidence or questioning is unlikely to assist if it continues.

23. At the end of each inquiry topic session, there will normally be an opportunity for those taking part to make closing submissions, with the objectors always being given the last word. The Reporters will usually ask for lengthy closing submissions to be lodged in typed form.

Site inspections

24. The Reporter will tour the local plan area before the start of the inquiry, and by the end of the inquiry he will also have visited every objection site. Many of these visits will be unaccompanied, but where the Reporter consider that he needs to have an accompanied site visit, that will normally take place at the end of a site specific or subject session. Similar arrangements will apply to written submissions sites.

After the inquiry

25. After the inquiry the Reporter prepares a report for the council, not for the Scottish Ministers, which will contain a brief summary of the main points of evidence, together with

conclusions and recommendations on the merits of each objection. Recommendations may be made as to:

- any new modifications that should be considered;
- which of the changes proposed by the council should be incorporated;
- which matters should be deleted from the plan altogether; and
- which matters should not be changed.

26. The report will be kept as brief and focussed as possible, making best use of electronic media (e.g. electronic templates), where appropriate. The timetable for submission will be agreed with the council as the inquiry closes. As the final content of the local plan is the council's responsibility, it is not obliged to accept the Reporter's recommendations. Similarly, the report is the council's property, so it retains the decision on when and how the outcome should be publicised. Ultimately though, the council will set out its response to each recommendation, giving its reasons for accepting or rejecting them. If the council then proposes to modify the plan, this must be publicised, and there will be a further opportunity to object.

TREVOR A CROFT
Reporter

31 March 2005