

CAIRNGORMS LOCAL PLAN INQUIRY
NOTE OF BUSINESS MEETING: 2 FEBRUARY 2009, AVIEMORE

Attendance:

Jill Moody, Inquiry Reporter
Hugh M Begg, Inquiry Reporter
David Henderson, Head of Administration Directorate of Planning and Environmental Appeals

Sara Krawczynska, Local Plan Inquiry Programme Officer

Murray Ferguson, Local Plan Project Manager, Cairngorms National Park Authority
Karen Major, Local Plan and Policy Planner, Cairngorms National Park Authority
Rebecca Riddell, Ledingham Chalmers LLP, for Cairngorms National Park Authority

Preliminary matters

1. The Cairngorms National Park Authority provided background briefing notes on:

- the key stages in the development of the Cairngorms National Park Local Plan;
- the relationship of the emerging local plan with the 4 relevant approved structure plans and the 4 relevant adopted local plans; and
- a summary of the objections and issues remaining, as an indication of the likely scope of the inquiry.

Copies of: the Cairngorms National Park Plan 2007; the Cairngorms National Park Deposit Local Plan (July 2007); the Cairngorms National Park Deposit Local Plan Strategic Environmental Assessment Environmental Report (July 2007); and the Cairngorms National Park Deposit Plan 1st and 2nd Modifications (October 2008) were also provided.

2. The Authority will advertise the forthcoming inquiry appropriately in the local press to appear before 28 February 2009 when the newly approved Town and Country Planning (Development Planning) (Scotland) Regulations 2008 come into force. The Reporters stressed the need for vigilance over this requirement.

3. Procedures at the inquiry will be based on Circular 17/1998 and Code of Practice for Local Plan Inquiries, published in September 1996. However, the Reporters will adopt those elements of new and best practice which will assist in the expeditious, efficient and effective completion of their work. Further detail on these and related matters will be raised for agreement at the pre-inquiry procedure meeting.

Minutes of appointment

4. The Authority has confirmed the appointment of Mrs Moody and Mr Begg to conduct the public local inquiry into objections made and not withdrawn to the Cairngorms National Park Local Plan. A formal minute of appointment for each to that effect will be issued in the form preferred by the Directorate.

Role of programme officer

5. Ms Sara Krawczynska has been appointed as inquiry programme officer and is responsible for the administration of the inquiry. The role of this post is explained in the Code of Practice for Local Plan Inquiries, published by SODD in September 1996. Ms Krawczynska will work directly for the Reporters and, for the avoidance of doubt, she will not be part of the Authority's inquiry team. Following the pre-inquiry procedure meeting, she will be the sole contact point between Reporters, Authority officers, objectors (and their agents), and the general public.

6. Included within her duties, Ms Krawczynska will:

- deal with general correspondence on inquiry arrangements;
- maintain the list of objections;
- establish the nature of cases to be presented, including whether witnesses are to be called at a hearing or formal inquiry session;
- produce the provisional inquiry programme and, thereafter, maintain an up to date version of that available to parties to the inquiry;
- seek to bring together objectors with common interest taking advantage, as appropriate, of the existence of Community Councils within the plan area;
- arrange pre-inquiry exchanges of documents, precognitions and other written material;
- manage the day-to-day programme during the inquiry; and
- arrange those few accompanied site inspections that the Reporters may judge necessary.

In addition, taking advantage of best practice elsewhere, Ms Krawczynska will advise on the extent to which the inquiry proceedings will be placed on the Authority's web site, and thereafter updated throughout the proceedings.

7. The Reporters welcomed the early appointment of a programme officer by the Authority and recognised the amount and quality of the work which she had already undertaken. They expressed a strong preference for their programme officer to be available to them at all times when the inquiry was sitting; and they noted that, in their experience, there was merit in the Authority ensuring that her services remain available to them thereafter, probably on a part-time basis, at least until their final delivery of the report. The Authority will identify an appropriate officer who will deputise for Ms Krawczynska should she be absent from work.

The objections to the local plan

8. The Authority will supply the Reporters with copies of all objections properly made and not wholly withdrawn. As of the date of the business meeting there are some 293 issues which are the subject of objection emanating from some 176 sources. A large petition has been received from the Dalfaber Action Group in Aviemore but it is hoped that the group will appoint a spokesperson to represent the views of all its signatories.

9. It is the responsibility of the Authority to ensure that all matters of objection are placed before the Reporters for their consideration. The details of the objections have been drawn together on a Microsoft Access Database, a sample of which will be supplied to the Reporters as soon as possible. The information will be made available to the Reporters in a form readily retrievable by them and classified by objector, by topic and, if relevant, by settlement. Discussions are continuing on whether each objector is content to have their objection considered by way of written submissions or whether a hearing or formal inquiry session is preferred and appropriate. The deadline for responses is 6 February 2009.

10. In accordance with the new Regulations (see paragraph 2 above), the Reporters' strong preference is for written submissions format, moving to a hearing if absolutely necessary. A formal inquiry can only be justified where the matters at issue are unusually complex and/or of a difficult technical nature. The Authority will advise the Reporters of the outcome of their discussions with the objectors as soon as possible. The number of written submissions and the nature of the objections will influence the decision on whether, subject to resource constraints, further Reporters might be called on to complete the report within a time period envisaged by the Authority.

11. The Authority and the Reporters agreed that objections which the Authority has judged to be not duly made, or late, or that support the

Authority's position will not be reported upon. In addition, the Authority will not place late objections before the Reporters that raise new issues, and the Reporters will not consider objections concerning the procedures adopted by the Authority in its consultations on the content of the emerging local plan. Neither can form any part of the inquiry and they will not be reported upon.

12. The Authority must bear in mind that the Reporters will still consider objections conditionally withdrawn, or that have a bearing on particular site choices and proposed modifications, to avoid inadvertent omissions and the need for a subsequent, second inquiry.

Objections to be heard at the local plan inquiry

13. Main issues raised by objectors include:

- the interrelationship of the terms of the Local Plan with the National Parks (Scotland) Act 2000, the National Park Plan 2007 and other related documents including approved structure plan and adopted local plans;
- the duties of the Cairngorms National Park Authority as planning authority in respect of particular issues;
- the policies of the local plan; the housing land supply; affordable housing; and
- housing allocations in particular settlements including An Camas Mor, Aviemore, Ballater, Carr-bridge, Grantown-on-Spey, and Nethy Bridge.

14. Working within the Inquiry Rules and the Code of Practice to be applied to the inquiry, the procedures will be as focussed and streamlined as possible. With this in mind, and in accordance with current best practice, objections by written submissions will have no place in the inquiry programme.

15. The Authority will consider further the possibility of adopting a template, which will be used to give the Reporters (in hard copy and electronic form) a summary of cases relevant to a particular objection or objections. That will serve as a basic building block in the preparation of their report. While the Authority will be responsible, in the first instance, for the summary of the objector's case, hard copy of the relevant material will be provided to the Reporters, to enable them to check, amend or rewrite the Authority's text if necessary. At a minimum, the summaries of case will set out clearly and succinctly the material considerations involved and the arguments for favouring one position rather than another. It will be helpful if the document sets can include, where appropriate, a location plan and photographic survey for each site at issue.

16. In the interest of efficient and effective use of inquiry time, the Authority will seek agreed statements with objectors on methodologies and complex matters such as the effective land supply and affordable housing. There is no

need for the provision of statement of participation from parties, or for the preparation of agenda for hearings. At formal inquiry sessions, precognitions, which should not exceed 2000 words, will generally be taken as read. Further detail on how the hearings and formal inquiry sessions will be run will form part of the pre-inquiry meeting.

17. The Authority will progress the draft timetable in the hope that an advanced draft version can be circulated to each objector along with the invitation and agenda for the pre-inquiry meeting or made available as soon as possible on the authority's website. In drafting that, the Authority will consider which topics might need to be heard jointly by the Reporters by way of strategic sessions, and those which can be heard separately. The latter will include objections relating to particular settlements. While the decision is for the Authority, the Reporters pointed out that there are some advantages to the programme officer and to the witnesses for the Authority, of timetabling sessions sequentially rather than concurrently. The Authority might also consider a break in the series, perhaps from the end of June to mid-August, to accommodate holiday and business arrangements of objectors and authority officials. It was emphasised by the Reporters that they would use all of any break productively, so that the period required by them to complete their report would not be extended as a result.

Pre-inquiry meeting and the inquiry

18. The pre-inquiry procedure meeting will be held on Monday 16 March 2009 opening at 14:00 hours at the Hilton, Coylumbridge, Aviemore. The meeting will be advertised in the local press and the Reporters will supply the authority with the draft agenda. The agreed version will be sent out to each objector at least 2 weeks before the meeting along with a draft inquiry timetable, if available. The Authority will make the usual arrangements appropriate to the likely size of venue and numbers of persons who may wish to attend. The Reporters will conduct the meeting, which will be restricted to procedural matters only.

Inquiry timetable

19. The inquiry will open on Monday 18 May 2009, probably at 10:00 hours, but possibly in the afternoon to allow for travel time. The Authority's current estimate is that the inquiry will last for at least 4 weeks.

20. The inquiry will sit for around 3 days each week, with the other days (normally Monday and Friday) being kept clear for site inspections, preparation and administration. The Authority will consider whether, in exceptional circumstances only, evening sessions should be offered. Once published, the Reporters will take all steps necessary to maintain the pace of the timetable. However, there may be unforeseen events and the Programme Officer will keep those appearing at the inquiry sessions aware of

any changes which require earlier or later appearances. Objectors (and/or their agents) will be invited to follow the progress of the inquiry and any changes to the timetable by way of the Authority's website.

Inquiry venues

21. The Authority intends that the inquiry be held at locations within its area which strike a balance between ease of access for objectors and the administrative costs to be borne by the Authority. On that basis the preferred locations are: Aviemore, Ballater, and perhaps Grantown-on-Spey. Each venue chosen will meet the requirements for disabled access and there will be provision for the secure storage of documents. At each venue, arrangements will be made for the programme officer and the Reporters to access a landline telephone, a photocopier and a fax machine, preferably also with a facility to use lap top computers. Ideally, a separate room will be available for the programme officer and the Reporters.

Pre-inquiry negotiations and other procedures

22. The Authority will continue its discussions and negotiations with objectors; and it is open to any objector to withdraw their objection, either in whole or in part, right up to the date of the formal close of the inquiry. The Reporters will give an opportunity to advise on any agreed changes and consequences arising, as each oral session opens.

23. The following are milestones on the way to the formal opening of the inquiry:

At least **7 weeks** before opening:

- major objectors and the authority to lodge statements of case for all formal inquiry sessions, listing topics, witnesses, and documents
- submission of agreed statements

At least **6 weeks** before opening:

- statements for hearing sessions to be submitted, with 2 weeks then allowed for a response

At least **5 weeks** before opening:

- authority to lodge schedule of core documents

At least **4 weeks** before opening:

- public notice in local press
- letter to objectors about inquiry arrangements
- final submissions for written objections, but only to cover material omissions from original submissions
- all documents to be lodged

At least **2 weeks** before opening:

- formal inquiry participants to lodge precognitions (none above 2000 words)

24. The Authority will place on public deposit, at suitable locations throughout the National Park, including in the settlements where the inquiry venues are (Aviemore, Ballater and Grantown-on-Spey) a full set of statements, documents and precognitions, the business meeting note and the pre-inquiry procedure meeting minutes, and up to date copies of the timetable.

25. Before the pre-inquiry procedure meeting, the Reporters will be free to consult directly with officials on any procedural matter which is beyond the Programme Officer. After that, the programme officer becomes very strictly the sole point of contact.

Scope for use of electronic documents

26. As indicated elsewhere in this note, maximum use will be made of IT before, during, and after the inquiry. For instance, lists of objectors, documents, and appearances will all be supplied to the Reporters electronically, and standard templates for Authority statements and precognitions will be considered. Templates must show oral session and written submission objections on the same topic together, as they will be reported in that way. The Authority's website will be used to provide relevant information to objectors and the general public. In particular it will be used to notify and publicise changes in the inquiry programme.

The report of the local plan inquiry

27. The report will be kept as concise and cost effective as possible. It will provide as a minimum: a short description of each matter in dispute, a brief summary of main points of evidence addressing those matters, the Reporter's conclusions and recommendation on each, and a list of any proposed modifications to plan arising. The precise level of detail, layout and composition of the report including its appendices will be agreed between the Reporters and the Authority once the inquiry is complete. The Reporters will provide: 2 bound and one unbound paper copy of their report; and one electronic copy.

28. The Reporters will ask the programme officer to produce the following lists, in a form approved by the Authority ready to be pasted into the report:

- all unresolved objectors and objections;
- appearances at each hearing and formal inquiry session (incorporating names, qualifications and affiliations);
- core documents (set out using the authority's conventions);

- documents relied upon by the authority and by each of the objectors; and
- the final timetable, including locations.

29. At this early stage it is not clear how long it will take the Reporters to produce the report. A general rule of thumb is 3 days writing for each hearing or inquiry sitting day. However, experience suggests that calculation must include an allowance for the numerous written submissions objections. At the close of the inquiry the Reporters will give the authority a more accurate estimate of the expected delivery date.

Payment of reporters' fees and expenses

30. The fee rates have been agreed with the Directorate and the authority will be billed monthly in arrears for work undertaken. The Reporters' expenses will be based upon the rates applied by the Directorate for travelling and subsistence, and claims will be made monthly in arrears, using the pro-forma adopted by the Authority for its own employees, details of which will be forwarded to the Reporters.

Site inspections

31. The Reporters will visit each location mentioned in evidence, to familiarise themselves with its characteristics and those of the surrounding area. Where a hearing or formal inquiry session is involved, the site inspection will be unaccompanied and in advance of the relevant session. However, in exceptional circumstances, an additional accompanied site inspection may be justified, in which case the Programme Officer will arrange it.

Note of business meeting

32. This note is a public document and it is to be available for inspection by inquiry participants and the general public at relevant locations, and on the Authority's website.

Mr Hugh M Begg
Mrs J Moody
Inquiry Reporters

12 February 2009