

**The Somerset Minerals Plan  
Note of Pre Hearing Meeting (PHM) held on 30 July 2014  
At the Luttrell Room, County Hall, The Crescent, Taunton,  
TA1 4DY**

**1. Opening**

- The PHM opened at 10.00am.
- The Inspector introduced herself as Liz Ord, a solicitor, who has been appointed by the Secretary of State to carry out the Examination of the Somerset Minerals Plan.
- A number of housekeeping matters were dealt with.

**2. Introductions**

- The Council introduced those present from its team as follows:

Mr Paul Browning – Planning Policy Manager  
Mr Guy Robinson – Senior Planning Policy Manager

Others present:

Mr Ian Kemp – Programme Officer  
Mr Dave Pring – Senior Planning Officer for the Environment Agency  
Mr Jonathan Sykes – Work Experience at Somerset County Council

**3. Purpose of PHM**

- It was explained that the purpose of the PHM was to discuss matters of process and procedure relating to the Examination and to introduce people.
- Whilst matters of concern to participants would be heard, this was not the time for detailed discussion of the merits of the Plan, these would be considered at the Hearing Sessions in due course.

**4. The Programme Officer**

- Ian Kemp was introduced as the Programme Officer. It was explained that he acts as an impartial officer of the Examination working to the Inspector's direction.
- The meeting was informed of Ian's main tasks, which are to liaise with all parties to ensure the smooth running of the Hearing Sessions and other parts of the Examination, to organise the Hearing programme, to ensure that all written and electronic material received both before and during the Hearing is recorded and distributed, and to oversee the Examination library of Documents and Statements. It was emphasised that all questions on procedure should be directed in the first instance to Ian.

## **5. Scope of the Examination**

### *General*

- It was explained that the purpose of the Examination was to assess whether the submitted Plan meets the requirements of the Planning and Compulsory Purchase Act 2004 as amended (including amendments made by the Localism Act 2011), and the requirements of the Local Planning Regulations 2012 as amended.
- An assessment would be made as to whether the Plan had been prepared in accordance with the Duty to Co-operate, whether it met the legal and procedural requirements, and whether it was sound. As a starting point for the Examination it is assumed that the Council had submitted what it considered to be a legally compliant and sound plan. It is for others to demonstrate through the provision of evidence why that may not be the case, which soundness tests are failed and to suggest changes required in order to make the plan sound.
- An assessment of soundness would be based upon the soundness criteria set out in paragraph 182 of the National Planning Policy Framework of March 2012 (the Framework), namely that the Plan was: Positively Prepared, Justified, Effective and Consistent with National Policy.
- The Examination, which began with the submission of the Plan, is to be focussed largely on the legal compliance and soundness of the Plan. It is not an Examination into objections, although regard would be had to all representations.
- The Hearings were intended to be inquisitorial rather than adversarial in nature.

### *Main Matters and Issues*

- A draft note of main matters and issues, which contained preliminary questions, had already been circulated. Whilst many of those questions were largely directed at the Council, comments from other interested representors would also be welcomed.
- The Council explained that some of the responses to the Inspector's Issues and Questions were already contained in the submitted documentation before the Examination. The Inspector asked the Council to direct her to specific documentation references when the Council submit their written statements in response to the Issues and Questions. It would be of great assistance if individual pages and or paragraph references could be cited in responding rather than whole documents if possible.

- General comments were also raised on the format of the Issues and Questions which had already been picked up in drafting. Version 3 of the Issues and Questions is currently the latest version, circulated previously by the Programme Officer and available online.

## **6. Modifications**

- It was explained that it might be found necessary to make main modifications to the Plan in order to make it legally compliant and/or sound. Main modifications would have to undergo sustainability appraisal, possibly habitats regulation assessment, and public consultation.
- The Examination is not concerned with minor modifications (called additional modifications) which might be matters of clarification, factual updating or correction. For example, the Plan would need to refer to Planning Practice Guidance in March 2014 and take account of the revocation of other guidance referred to in the Plan.
- The Council could make additional modifications of its own accord without publicity. However, it was good practice to publicise all modifications.
- A list of proposed modifications had already been submitted (SD6b), which the Council confirmed had not yet undergone public consultation. Some of those modifications might be main modifications, in which case it would be necessary for them to be reported upon. Main modifications should only be made if they were necessary to make the Plan sound or legally compliant. The Inspector will assess all proposed modifications before advising the Council of those she considers Main and Additional.
- The Council had requested the Inspector to recommend main modifications, where necessary, to make the Plan legally compliant and sound. A formal request will be submitted by the Council in writing in conjunction with the deadline for receipt of written statements.
- If the Council decided to adopt the Plan, it must do so with the recommended main modifications.

## **7. Preparation and timetable for further representations**

### *Statements of Common Ground*

- It was explained that Statements of Common or Uncommon ground between the Council and other participants were useful and their production, wherever possible, was to be encouraged. Such statements might, for example, include agreed wording for a suggested main modification, or might set out the detail of agreed factual information. Statements of common ground should be

produced by midday on Friday 5 September 2014, although consideration would be given to accepting later agreed statements.

- Currently the Council are considering a Statement of Common ground in relation to Peat. Decisions will be taken in due course as to whether additional Statements of Common Ground would be beneficial.

#### *Other Written Statements*

- If representors wished to make a further written submission, that submission should focus on the issues identified in the matters and issues document.
- The deadline for statements is midday on Friday 5 September 2014. Statements would be placed on the Examination website. The Briefing Notes set out the requirements for the presentation of statements.
- Essentially, statements should address the following:
  - Whether the Plan is sound and/or legally compliant and if not, why not;
  - What part of the Plan is unsound and/or not legally compliant;
  - Which soundness criterion it fails and why;
  - How the Plan can be made sound;
  - The precise wording of the modification sought.
- The Council could submit a response indicating why the Plan was considered to be sound/legally compliant in that particular respect, and why the modifications sought would make the Plan less sound/unsound. If appropriate, the Council could set out suggestions for main modifications. Such a response should be submitted by midday on Friday 12 September 2014.
- Representors are expected to tell the Programme Officer whether they intended to appear at the Hearings, and if so, upon which issue. This was to be done by midday on Friday 5 September 2014.
- In the interests of fairness, it would not be possible to change a submission from a written representation to an appearance at a Hearing session after midday on Friday 5 September 2014, due to the preparation work that had to be undertaken by other parties, particularly the Council.

### **8. Documents and the Examination Library**

- It was confirmed that the Examination documents were available on the Examination website.

<http://www.somerset.gov.uk/policies-and-plans/plans/somerset-minerals-plan-examination/>

- Submissions in response to the Matters and Issues would be added to the library once they were received, as would any additional submitted evidence.

### **9. Hearing Sessions Draft Programme**

- The draft programme for the Hearing Sessions had previously been circulated and this was discussed.
- It was generally accepted that the Programme was realistic with some flexibility built in in case of over-runs.
- **Please note that due to unforeseen circumstances the Hearing Sessions will now take place in the Genesis Room of Taunton College, Wellington Road, Taunton, Somerset, TA1 5AX. Not the Creative Innovation Centre as originally envisaged and notified.**
- **Information regarding the Genesis Centre including location information can be found via the following link.**

<http://www.genesisproject.com>

### **11. Site Visits**

- The meeting was informed of the schedule of site visits for the Inspector for 30 and 31 July 2014 and the sites that were to be visited. The Inspector would be accompanied by the Programme Officer and a representative of the Council. It was intended that operators would be met on site.
- Additional accompanied site visits would be arranged for Thursday 25 September 2014 with others to follow if required.
- The Inspector informed the meeting that any requests for her to visit any specific sites or areas should be made to the Programme Officer as soon as possible. Those requests would then be considered. If a participant wished to be present on such a site visit they should inform the Programme Officer.

### **12. Report Submission**

- It was explained that the Inspector's report would be produced after the Hearings and after consultation on main modifications, if main modifications were required. Consultation on main modifications should last at least six weeks.

- The report would recommend either that the Plan be adopted or that it not be adopted, giving reasons for the recommendation.

The PHM closed at 10.40am