

GUIDANCE NOTE FROM THE INSPECTOR

April 2014

Introduction

The resumed hearing sessions which are part of the overall Examination into South Somerset District Council's Local Plan (LP) will open on Tuesday 10 June 2014 at 10.00am in the Council Chamber at The Council Offices, Brympton Way, Yeovil BA20 2HT. In this regard, I have prepared schedules of the **Issues and Questions** that I want to discuss which are enclosed with this note together with a draft programme.

This Guidance Note is complementary to the Note that was published in March 2013.

The Inspector's Role

1. My task is **to consider the soundness of the LP** based on the soundness criteria set out in paragraph 182 of the National Planning Policy Framework (the NPPF) published in March 2012. The relevant soundness criteria are whether the LP is:
 - 1) *positively prepared* (based on a strategy that seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development);
 - 2) *justified* (the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence);
 - 3) *effective* (deliverable over its period and based on effective joint working on cross-boundary strategic priorities); and
 - 4) *consistent with national policy* (enabling the delivery of sustainable development in accordance with the policies in the Framework).
2. I will also consider whether the legal requirements have been met and whether the Council has complied with the duty to co-operate.
3. Following the Hearing Sessions that were held last year I concluded that there were some serious issues that the Council needed to address¹. The Council has now undertaken that work and is proposing a number of Main Modifications (MM) to the submitted Plan.
4. **The purpose of the forthcoming Hearings is to consider only the proposed MMs – it is not the opportunity to re-open the debate on other issues or to repeat evidence that has already been discussed.**
5. Following the close of the hearings I shall prepare a report for the Council with my conclusions and recommendations. **The report will deal with broad issues and not with each individual representation.**

¹ Inspector's Letter dated July 2013

The Programme Officer

6. The Programme Officer (the PO) for the Examination is Christine Self. She is not a Council employee and works under my direction. Mrs Self can be contacted on 01225 872654, mobile 07779 497934, by email at ac.self@blueyonder.co.uk or by post at Homefield House, Homefield Road, Salford Bristol BS31 3EG.
7. The main tasks of the PO are to act as a channel of communication between myself and all parties; to liaise with all parties to ensure the smooth running of the Examination; to ensure that all documents received are recorded and distributed; and to keep the Examination Library. Copies of the Examination documents are mainly on the Council's web site (see below). Anyone interested in viewing any of the documents should contact Mrs Self beforehand in order to ensure availability.
8. During the Examination the PO will be able to tell you how closely the hearing sessions are following the circulated programme. Alternatively, you will be able to view a regularly-updated programme on the web site at:
<http://www.southsomerset.gov.uk/localplanexamination>
9. Any participant who has a disability that could affect their contribution to the Examination should contact the PO as soon as possible so that any necessary assistance can be provided. Any other procedural questions or other matters that you wish to raise with me prior to the hearings should be made through the PO.

The Council's Team

10. The Council's team is likely to include:
Paul Wheatley; Planning Policy Team Leader
Martin Woods; Assistant Director - Economy

Number of representations

11. 1,039 representations were received on the MMs from 881 respondents (one objection included a petition signed by 318 people). I have full copies of all representations made during the consultation period and they will be taken into account by me but only insofar as they relate to my consideration of soundness.

Progressing your Representations

12. **The starting point for the resumed Hearings is the assumption that the Council has published what it considers to be Main Modifications that will ensure that the LP is sound. Those seeking changes should demonstrate why the MMs are unsound by reference to one or more of the soundness criteria set out in paragraph 1 above.**
13. Respondents may either wish their views to be dealt with in written form (in which case they need take no further action) or they may have requested to come and discuss them orally at a hearing session. **Both methods will carry the same weight and I shall have equal regard to views put at a hearing or in writing. Attendance at a hearing session will only be useful and helpful to me if you wish and need to participate in a discussion on a MM. There is normally no opportunity for participants to read out previously prepared statements.** Only those parties who have asked to attend and are seeking specific changes to the LP are entitled to participate at the hearing sessions.

14. The hearing sessions will discuss the issues and questions that I have raised. Contributions at the hearing sessions should bear directly on the Issues scheduled for discussion and must show clearly both how the LP is unsound and spell out the changes necessary to make it sound.

The Hearing Sessions

15. A number of different topics will be discussed at the hearings and an Agenda for each session will be circulated beforehand. Each topic or Issue will be the subject of a separate session. The format will provide a relaxed and informal setting for a discussion led by me. I have a copy of all the representations made. **There will be no need to repeat those representations at the hearings.**
16. The hearings will concentrate on my Issues and Questions for Discussion. I will draw those present into the discussion in such a way as to enable me to gain the information necessary to come to a firm conclusion on the matters before me. All statements should have been read beforehand by all participants and I will proceed on the assumption that they have been; there will therefore be no formal presentation of evidence. There will be an opportunity within the discussion to ask questions of the other participants. The Programme Officer will provide name boards for each participant, which should be up-ended to indicate a wish to speak. In that way I can invite contributions without overlooking anyone with a point to make. **No more evidence can be submitted once the hearing session has closed unless I expressly invite it. Any that is submitted will almost certainly be returned by the PO.**
17. The hearings will be inquisitorial rather than adversarial. I shall endeavour to progress them in an effective and efficient manner. As part of that process, it is my aim to minimise the amount of material necessary to come to informed conclusions on the issues of soundness. In that way I will conduct a short, focussed series of hearings and, in turn, produce a short, focussed report. In order to run efficient sessions I will not permit repetition of points at hearings or accept new evidence unless it has been agreed in advance.
18. Participants may bring professional representatives with them but there is no need for participants to bring advocates/legal representatives with them but, if they do, they may take part as a member of the team, rather than as a traditional advocate, and there will be no formal presentation of evidence/cross-examination. Supporters of the LP would not normally be expected to participate in the hearing sessions. Participants will be grouped together according to the issues being considered. **If several interested parties have the same viewpoint they should appoint one or two spokespersons** to represent them at a hearing session. Generally only one seat will be available at the table for each respondent.

The Hearing Programme

19. A draft timetable for the hearings, putting dates and times to the Issues and Questions for Discussion, accompanies this Guidance Note. If you have any queries, please raise them with the PO as soon as possible.
20. Should changes be required to the Programme it will be updated on the Council's web site (see para 8 for details). The PO will also be able to provide information on any changes. However, it will be for individual participants to check on the progress of the hearings, either on the web site or with the PO, and to ensure that they are present at the right time.

21. Hearing sessions will start at 10.00am and 2.00pm each day. No new session will begin before its stated start time but a later start may be unavoidable if a previous session has overrun. A short break will be taken mid-morning and mid-afternoon. Lunch will be taken at around 1.00pm.
22. Depending on the outcome of the hearing sessions, there is the potential for the need to consider further MMs. If such an eventuality occurs a similar process of public consultation would be required.

The Evidence Base and Examination Library

23. The Council has prepared an evidence base list that will be available in the Examination Library. Most of the documents in the library will also be available on the Council's web site, which will be regularly updated. Accordingly, parties should not attach extracts of these documents to their Statements as they are already Examination documents. However, where reference is made to an Examination document the reference number should be given as should the section or paragraph where the point referred to can be found. This will allow other participants to see for themselves the context in which the point is made.

Statements of Common Ground

24. Statements of Common Ground (SCG) are invited where these would be helpful in identifying points in dispute or not in dispute thereby assisting the hearings to concentrate on the key issues that truly need public discussion. **Work on such statements should commence now with the aim of completing them in time to feed into the relevant hearing Statement.** However, as a last resort, agreed SCG will still be accepted if submitted at least 2 weeks before the relevant hearing session.

Statements

25. All Statements, for both hearing and written representation matters, should be received by the PO by midday on **Friday 23rd May**. This deadline relates to the receipt of both paper copies and electronic copies. The Statements should only address my Issues and Questions. The Council's Statements may also include responses to matters raised in the representations on the MMs and should refer to any Council proposals for minor changes to the text or plans (see paragraph 28 below). Statements will be placed on the Examination web site.

Form of Statements

26. Appendix B of this document sets out the requirements for the presentation of all Statements. Its provisions should be thoroughly read and implemented. Statements that do not comply with these requirements will be returned. Please note the 3,000 word limit.
27. **In the Statements from respondents it would be very helpful for me to have a brief concluding section stating:**
 - What part of the MM is unsound.
 - Which soundness criterion it fails.
 - Why it fails (point to the key parts of your original representations).
 - How the MM can be made sound.
 - The precise change and/or wording that you are seeking.

From the Council I require answers to all the matters and issues that I have raised. The Council's response should take the form of a version of my Issues and Questions papers with answers following the related questions. **The word limit will not be strictly applied to the Council's Statements as it is important that full answers are given.**

Suggested Minor Changes

28. The Schedule of Additional Minor Modifications is an evolving document and such changes can be taken forward by the Council on adoption and need not form part of the Examination.

Site visits

29. I have already visited the main sites under discussion but will do so again before the close of the hearings.

Finally ...

30. I would like to emphasise:
- that I shall have equal regard to views put orally or in writing;
 - the need for succinctness, respecting the 3,000 word limit on any further submissions (with short appendices if necessary) - as set out in Appendix B;
 - that you must meet the target date for the submission of Statements; and
 - that your Statement should focus on my Issues and Questions document and the NPPF soundness criteria.

If there are any questions arising from this note they should be passed to me by way of the Programme Officer.

David Hogger

Inspector

Appendix A - List of relevant legislation and guidance

A. Legislation

These documents can be searched for and found on: <http://www.legislation.gov.uk/>

- Planning and Compulsory Purchase Act 2004
- The Town and Country Planning (Local Development) (England) Regulations 2004, as amended
- The Localism Act 2011

B. Government Policy and Guidance

These can be found by using the search facility on: <http://www.communities.gov.uk/>

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance

C. Examination and Evidence Base Documents

The Examination web site can be found at:

<http://www.southsomerset.gov.uk/localplanexamination>

Appendix B - Format for statements

- A. Please send, where possible, e-mailed electronic versions of all Statements and Appendices to the PO (in Word or PDF format) for the Examination web site **as well as** the paper copies as detailed below. It should not be necessary to have to open an electronic file to find out what it is or who it is from.
- B. I emphasise the need for succinct submissions with the avoidance of unnecessary detail and repetition of the original representation.
- C. It is the quality of the reasoning that carries weight not the bulk of the documents. There is no need for verbatim quotations from the LP or other sources of policy guidance. It is vital that the fundamental elements are set out clearly and succinctly – the hearing session is not the place for surprise contributions!
- D. None of the statements should be longer than **3,000 words**. For the avoidance of doubt, this limit applies to the statement for the Issue as a whole, not for the individual Questions within an Issue. Any submissions longer than this will be returned by the PO for editing. Statements should be prepared on A4 paper, printed on both sides, and **not bound** but just stapled and hole punched. Any photographs should be submitted in A4 format and should be annotated (back or front).
- E. Supporting material in the form of appendices to statements should be limited to that which is essential and should not contain extracts from any publication that is already before the Examination, such as evidence base documents and nationally available Government guidance – a paragraph or page reference will suffice. Any appendices should have a contents page and be paginated throughout. Whilst the word limit does not include text in appendices, the aim of succinctness should be respected. Anyone submitting appendices should indicate in their statement which parts they are especially relying upon.
- F. Those submitting statements (or further written representations) should submit **three hard copies** to the PO (for the Inspector, Council, and PO).
- G. All statements should be clearly marked to indicate the name of the representor, the respondent reference, the hearing session to which the statement is directed and the question that is addressed.
- H. All participants should adhere to the timetable for submitting statements. Late submissions and additional material **are unlikely to be accepted** on the day of the relevant hearing session since this can cause disruption and result in unfairness and the adjournment of the hearing. If material is not received by the deadlines stated below, the PO will assume that you are relying on your original representation:
- a. Statements of Common Ground: in time to feed into Statements or (as a last resort) at least **2 weeks** before the relevant programmed hearing, if agreed.
 - b. All Statements: by **midday on Friday 23rd May**.
 - c. **It is stressed that this last deadline refers to the receipt of both electronic *and* paper copies of statements. It is not sufficient to send an electronic copy by this deadline to be followed by paper copies at a later time.**
 - d. **All paper copies of statements should be addressed to the Programme Officer at the following address:**
**Mrs Christine Self,
Homefield House,
Homefield Road,
Saltford,
Bristol BS31 3EG.**