

# **NORTH SOMERSET SITE ALLOCATIONS PLAN 2006-2026**

## **EXAMINATION HEARINGS**

### **GUIDANCE NOTE FROM THE INSPECTOR**

#### **Wendy J Burden BA(Hons) DipTP MRTPI**

*The hearings on the North Somerset Site Allocations Plan [NSSAP] will open at 10.00 am on Tuesday 16 May 2017 as part of the examination of the Plan.*

#### **The Programme Officer**

- 1) Robert Young, the Programme Officer [PO], is responsible for the administration of the Examination. This includes ensuring that all Examination documents are made available to participants and organising the hearings programme. Robert works under my direction. He has not been involved in the preparation of the Plan.
- 2) Any procedural questions or other matters that you wish to raise should be directed to Robert. His contact details are:

Robert Young  
Programme Officer, Site Allocations Plan Examination  
c/o PP15  
Town Hall  
Walliscote Grove Road  
Weston-super-Mare  
BS23 1UJ  
Telephone: 07948 832257  
email: [robert.young@n-somerset.gov.uk](mailto:robert.young@n-somerset.gov.uk)

- 3) 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.

#### **The North Somerset Site Allocations Plan Examination webpage**

- 4) There is a dedicated Examination webpage which can be accessed via this link: <http://www.n-somerset.gov.uk/sites-policies-plan-part-2-site-allocations-plan-examination/>

- 5) All the material produced for the examination hearings will appear on the webpage. If you do not have access to the internet, documents and other information can be obtained from the Programme Officer. Hard copy documentation will be available prior to the Hearings and to view, upon appointment to ensure availability, at the Councils' offices:

Town Hall  
Walliscote Grove Road  
Weston-super-Mare  
BS23 1TG

### **The Inspector's role**

- 6) My role is to consider whether the Plan complies with relevant legislation and is sound. The *National Planning Policy Framework* [NPPF] makes it clear that in order to be found sound the Plan must be:
- (a) **positively prepared** – based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
  - (b) **justified** – the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence;
  - (c) **effective** – deliverable over its period and based on effective joint working; **and**
  - (d) **consistent with national policy** – able to achieve sustainable development in accordance with the NPPF's policies.

- 7) North Somerset Council has submitted what they consider to be a sound plan, as the NPPF requires. Those seeking changes must demonstrate why the Plan is unsound by reference to one or more of these tests.

### **Representations on the Plan and Evidence Base**

- 8) All the representations received on the Plan and the Evidence Base which contains documents that informed the preparation of the Plan are available via this link  
<http://consult-ldf.n-somerset.gov.uk/consult.ti/SAPPV/consultationHome>

### **Proposed Amendments to the NSSAP**

- 9) The Council has proposed amendments to the NSSAP as agreed by the 7 February 2017 executive committee (SD20). Whilst these proposed amendments do not form a part of the Plan itself, they will, where relevant, be discussed at the hearing sessions. Participants should therefore ensure they are aware of the proposed amendments.

## **Attending the hearing sessions**

- 10) Anyone can come and observe the hearings, but only those who are proposing changes to the Plan in order to make it sound or legally-compliant have the right to participate and speak. Besides those, I may invite a small number of additional participants to attend the hearings because I think their representations are particularly relevant to the matters under discussion.
- 11) The draft programme for the hearings lists all those participants who have been identified as having the right to speak at the hearings. Please contact the PO before midday on Wednesday 5 April if you consider that you have the right to participate in a particular session but have not been included in the list.

## **The hearings programme**

- 12) Any updates to the hearings programme will be posted on the Examination webpage. **It is the responsibility of individual participants to check the latest programme for the hearings, either on the Examination webpage or with the PO, and to ensure that they are present at the correct time.**
- 13) Unless otherwise indicated on the programme, morning and all-day sessions will normally start at 10.00, and afternoon sessions at 14.00. Short breaks will be taken at convenient points in the mid-morning and mid-afternoon. There will be a lunch break at about 13.00, with an end to the day's session at about 17.00.
- 14) The hearings programme sets out the matters that will be discussed at each session. These cover the matters on which I need to hear discussion in order to help me determine whether or not the Plan is sound and legally-compliant. They take into account the representations made on the publication draft plan.

## **Format of the hearing sessions**

- 15) Each hearing session will consist of a structured discussion led by me and based on my identification of matters and issues which need to be discussed in order to assess whether the Plan is sound. I will invite particular participants to begin the discussion on each question and others will then have a chance to contribute.
- 16) There will be no formal presentation of evidence, as I will have read all the relevant representations and hearing statements beforehand, and will expect all the other participants to have done so as well. Nor will there be any cross-examination, unless I consider it is necessary to deal with a particular issue or question. Barristers and solicitors, if present, will be treated as part of the respective team.

## **Hearing statements**

- 17) Oral and written representations carry equal weight, and there is no need for participants to submit an additional hearing statement. Representors should have put their full case in their representations on the publication draft plan. So there should normally be no need for hearing participants to submit an additional hearing statement.
- 18) If participants do wish to produce written hearing statements to supplement their original representations, for each matter they should be limited to:
  - i) the issues and questions identified in the Inspector's programme which are relevant to their original representations, and
  - ii) any new matters that have arisen since the original representations were submitted.
- 19) Similarly, North Somerset Council should not produce additional written material for any of the matters and issues that are already answered by material already published, but they may wish to make comment on matters raised in representations by objectors to the submitted Plan. The Council should include in their responses the provision of references to the material on which they rely.
- 20) Statements should be no longer than is necessary to deal with the subject matter, and in any event must contain no more than 3,000 words. This limit will be strictly applied.
- 21) The Council's statement for each matter should cover the matters listed in the Programme, either directly or by referring (giving references) to relevant evidence already submitted. Because of this requirement, the Councils' statements are not subject to the 3,000-word limit, but they should still be succinct.
- 22) For all statements, including those from the Council, **three hard copies and one electronic copy must be sent to the PO to arrive by 12 noon on Tuesday 25 April.**
- 23) Hearing statements will be posted on the Examination webpage, so that they are available to all participants and anyone else who wishes to read them. Because they will be available in this way, they will **not** be circulated directly to participants. However, anyone who is unable to access them on the webpage may request copies from the PO.

## **Allocated and omission sites**

- 24) Where a representor has an objection to a proposal for a residential development site, evidence should be confined to the tests of soundness set out above, and to demonstrate that the Plan would fail the tests of soundness if the site was to remain within the Plan.
- 25) In relation to alternative or omission sites, my duty is to examine the soundness of the Plan and of the proposals for development which make up the Plan. I will not therefore consider the merits of any proposals for development which have been omitted from the Plan. In the event that in the course of the examination there appears to be a need for additional development sites, it will be a matter for me to raise with the Council to ascertain what they would propose in order to meet such a need.

## **Statements of Common Ground**

- 26) Statements of Common Ground, agreed between two or more hearing participants, will be welcome where they would help to identify points not in (or remaining in) dispute, and so enable the hearings to concentrate on the key issues that need further discussion. At the very latest, any Statements of Common Ground should be submitted to the PO by 5.00pm on **Tuesday 2 May**.

*Wendy Burden*

Inspector

March 2017

## **ANNEX A**

### **FORMAT FOR HEARING STATEMENTS**

- A. Please send 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 three paper copies as detailed below. **Individual statements should be submitted for each issue addressed – please do not combine multiple issues in single statements.**
- B. The Inspector emphasises the need for succinct submissions with the avoidance of unnecessary detail and repetition of the original representation. Simply include the reference number of the original representation on which you rely.
- 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 Plan or other sources of policy guidance – again, simply quote the reference. It is vital that the fundamental elements are set out clearly and succinctly – the Hearing Sessions are 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 statements for the overall issue and not the individual questions. Statements should be prepared on A4 paper and not bound in any way but just stapled and hole punched. Any plans or diagrams should also be folded to A4 size and listed as Appendices.
- 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 with the examination library 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. A separate statement should be submitted for each issue covered. Multiple issues should not be combined into a single statement. Each statement should specifically address questions covered within an individual issue. This will assist distribution, publication and understanding during the Hearing Sessions.
- G. All participants should adhere to the timetable for submitting statements. If material is not received by the deadlines stated below, the PO will assume that you are relying only on the original representations.

H. **All statements must be received by the PO by 12 noon on:**

**Tuesday 25 April 2017**

- I. Any Statements of Common Ground should be prepared in time to feed into statements, and must be received by the PO by the above deadlines at the latest.
- J. **Late submissions of statements and/or additional material are unlikely to be accepted** since this can cause disruption and result in unfairness, and could result in the hearing being adjourned. **It is stressed that these deadlines refer 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.**
- K. **All paper copies of statements should be addressed to the PO at the following address:**

Robert Young  
Programme Officer, Site Allocations Plan Examination  
c/o PP15  
Town Hall  
Walliscote Grove Road  
Weston-super-Mare  
BS23 1UJ