Examination into the soundness of the North Somerset Core Strategy: consequential changes to policies CS6, CS14, CS19, CS28, CS30, CS31, CS32 and CS33

GUIDANCE NOTE FROM THE INSPECTOR

The hearings on the above plan will open on Tuesday 21 June 2016 and will form part of my examination of the consequential changes to the policies referred to above.

Introduction

1. I am the Planning Inspector appointed by the Secretary of State for Communities and Local Government to examine the soundness of the North Somerset Core Strategy: consequential changes to policies CS6, CS14, CS19, CS28, CS30, CS31, CS32 and CS33. I have prepared this guidance note. Its purpose is to explain the procedural and administrative matters relating to the Examination.

2. The Programme Officer (PO) for the Examination is Robert Young whose contact details have already been circulated to you. He is acting as an independent officer for the Examination, under my direction. He will be responsible for organising the programme of hearings, maintaining the Examination library, recording and circulating all material received, and assisting me with procedural and administrative matters. He will also advise on any programming and procedural queries. Any matters which the Council or participants wish to raise with me should be addressed to the Programme Officer. He can be contacted by:
   e-mail: robert.young@n-somerset.gov.uk
   Post: c/o PP15
   Town Hall
   Walliscote Grove Road
   Weston-super-Mare
   BS23 1UJ
   Telephone: 07948 83225

3. Information about the progress of the Examination and links to documents are provided on North Somerset District Council’s Examination website, http://www.n-somerset.gov.uk/my-services/planning-building-control/planningpolicy/core-strategy/re-examination-of-the-other-remitted-policies/.

The Inspector’s role

4. My task is to consider the soundness and legal compliance of the consequential changes to the policies, on the basis of the relevant legislation and the guidance in the National Planning Policy Framework (‘the Framework’). Considering soundness involves examining the consequential changes to determine whether the policies are:

   (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;
   (d) consistent with national policy – able to achieve sustainable development in accordance with the Framework’s policies.
5. Further details of the examination process are set out in Examining Local Plans – Procedural Practice (The Planning Inspectorate, 2013). See Annex A for details of where to find this document and other useful publications and advice.

6. My starting point for the examination is that the Council have submitted what they consider to be a sound plan, as the Framework requires. Those seeking changes must demonstrate why the consequential changes to the policies are unsound by reference to one or more of the tests of soundness.

7. I will seek to address unresolved issues concerning the soundness or legal compliance of the consequential changes to the policies through round-table discussion at the examination hearings, and consideration of the original written representations. It should be emphasised that my role is not to improve the policies concerned, but to determine whether or not they meet the soundness tests.

8. After the hearings have closed, I will prepare a report for the Council with my conclusions. The timetable for what remains to be done will then be posted on the website if possible. If I find the consequential changes to the policies are legally compliant and sound in all respects, my report will recommend their adoption. If I find that they are non-compliant or unsound in any respect, I will recommend modifications to make them compliant and sound. My report will deal with the main issues concerning the soundness of the consequential changes to the policies, taking into account all the representations received. However, it will not deal with each individual representation.

9. If modifications are recommended, I will need to ensure that adequate consultation takes place on them where necessary, so that the rights of interested parties are not prejudiced by recommendations on matters which would otherwise take them by surprise. Where appropriate, modifications may also need to be covered by a revised Sustainability Assessment. The Council may then, if they so wish, formally adopt the consequential changes to the policies, incorporating the modifications which I recommend.

**Number of representations**

10. 112 valid representations, were received on the consequential changes to the policies.

**Progressing your representations**

11. Respondents have already indicated whether their views should be dealt with in written form or whether they feel that they need 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 of one or more issues concerning the soundness or legal compliance of the consequential changes to the policies.

12. Those who wish to proceed by written means can rely on what they have already submitted. The right to participate in a hearing extends only to those who propose changes to the relevant policies in order to make them sound and legally-compliant. There is no need for those supporting the consequential changes or only making comments on them to take part in the hearings, although they may attend as observers. I may, however, invite additional participants to attend the hearings where I think they are needed to enable the soundness of the plan to be determined.

13. The original representations should have included all the points and evidence necessary to substantiate them, so there will be no need to submit further material based on the
original representations. Any further written evidence should be limited to responding to the issues and questions which I have identified. It should not merely repeat or expand on what is in the representations; neither should it stray beyond the issues to which each original representation refers.

The hearing sessions

14. The oral examination will take the form of a series of hearing sessions based on the matters, issues and questions that I have identified. Each hearing session, which I will chair, will deal with one or two matters, and will consider the identified issues and questions by way of a structured discussion which I will lead. The hearings will not normally involve cross-examination, unless I consider it is necessary to deal with a particular issue or question. Those attending may, if they wish, bring professional experts with them. Barristers and solicitors, if present, will be treated as part of the respective team.

15. The purpose of the hearings is to concentrate on the issues that I need to hear further discussion about. They are not an opportunity simply to repeat a case already set out in written representations. The discussion will focus on the issues and questions I have identified, structured around an agenda which will be issued in its final form a week or so before the hearing session. The emphasis will be on testing for soundness. I shall make a few brief comments on the matters I want covered, then invite individuals to make their contribution in response to the points I have raised. All participants will have an equal chance to contribute.

16. 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 and decision on the matters and issues before me. There will be no formal presentation of evidence, as I will have read all the relevant representations and statements beforehand, and I will expect all the other participants to have done so as well. No more evidence can be submitted once the hearing session has closed, except with my agreement.

17. The hearings will be inquisitorial, rather than adversarial. I shall endeavour to progress them in an effective and efficient manner, keeping a tight rein on the discussion and the time taken. In this way I aim to conduct a short, focused, series of hearings, and produce a short report.

18. In order to run efficient sessions I will not permit repetition of points at hearings. I would ask those who have submitted similar representations on the same matter or issue to please carefully consider whether your concerns could be dealt with by one or two appointed spokespeople.

The hearing timetable

19. The hearings are due to open on Tuesday 21 June 2016. A draft hearings timetable and draft list of participants will be published separately on the Council’s website. Regular updates to the timetable and list will be available on the Council’s website, or in paper form from the PO. It is the responsibility of individual participants to check the latest timetable for the hearings, either on the Council’s website or with the PO, and to ensure that they are present at the correct time.

20. The hearings sessions will normally start at 10.00am and 2.00pm each day, but these times may vary if longer or shorter sessions are necessary. Participants and observers should check the Council’s website for confirmation of start times. Short breaks will be taken at convenient points in the mid-morning and mid-afternoon, and lunch will usually be taken at about 1.00pm.
Examination Library

21. Documents prepared by the Council are available on the Council’s website and hard copies will be available in the Examination Library. As additional Examination Documents are produced, they will be added to the library. The library will therefore include all the documents that you are likely to need to refer to. Accordingly, participants should not attach copied extracts from Submission Documents, Supporting Documents or Examination Documents to their statements, but should simply refer clearly to the document number and the relevant paragraph or page that they are relying on. Regularly-updated lists of Examination Documents, including participants’ hearing statements, will be kept on the Council’s website, with paper copies available from the PO.

Hearing statements

22. While I shall invite further written statements to be produced for the hearings, they should not repeat material already contained in the original representations. Instead, for each matter they should be limited to the issues and questions that I have identified. Statements should be no longer than is necessary to deal with their subject matter, and in any event must contain no more than 3,000 words. This limit will be strictly applied.

23. All statements should be sent to the PO to arrive by **5:00pm Wednesday 18 May 2016**.

Form and content of statements

24. **Annex B** sets out the presentational requirements for all statements. Its provisions should be carefully read, and followed. Otherwise statements will be returned.

25. From the Council I require statements which explain why they consider the consequential changes to the policies to be sound or compliant in that particular aspect and why the changes sought by other parties would make it less sound or even unsound. They may also include any responses they wish to make to the matters raised by the original representations (including from those representors not attending the hearings). The Council’s statements should deal with all my issues and questions, even if they are not subject to representations. Because of these additional requirements, the Council’s statements are not subject to the 3,000-word limit, but they should still be succinct. They should be submitted by the same deadline of **5:00pm Wednesday 18 May 2016**.

26. Hearing statements will be posted on the Examination website, 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 website may request copies from the Programme Officer.

Statements of Common Ground

27. 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 hearing to concentrate on the key issues that need further testing to establish whether the plan is sound. They could, for example, include agreed wording of a suggested change to a policy, agreed factual information, or clearly-identified points of disagreement.

28. Work on them should commence now, with the aim of completing them in time to feed into the relevant hearing statement.
Site visits

29. Where necessary, I shall visit sites and areas referred to in the representations and statements before, during, or after the hearings. These visits will generally take place unaccompanied by any other parties, unless I need to arrange access to private land.

Closing the examination

30. The examination will remain open until my report is submitted to the Council. However, no further representation or evidence will be accepted after the hearings sessions have closed, unless I specifically request it. Any late unsolicited material will be returned.

Finally

31. I emphasise:

- I shall have equal regard to representations made in writing and those made orally at the hearings;
- any further statements should focus on my issues and questions;
- be aware of the need for succinctness, respecting the letter and spirit of the 3,000 word limit on any necessary further statements, and the other requirements set out in Annex B; and
- you must meet the deadline of 5:00pm Wednesday 18 May 2016 for the submission of statements.

Jonathan Bore

Inspector

April 2016
ANNEX A

Sources of relevant documents and advice

A. The Council’s website

All documents and information for the Local Plan examination are available on the Council’s website at:
http://www.n-somerset.gov.uk/my-services/planning-building-control/planningpolicy/core-strategy/re-examination-of-the-other-remitted-policies/

Among other things, it provides access to relevant Government policy and guidance. If you do not have access to the internet, documents and other information can be obtained from the Programme Officer whose details appear on page 1 above.

B. Relevant legislation

These documents can be searched for and found at: http://www.opsi.gov.uk:

☐ Planning and Compulsory Purchase Act 2004
☐ Planning Act 2008
☐ Local Democracy, Economic Development and Construction Act 2009
☐ Localism Act 2011
☐ The Town and Country Planning (Local Development) (England) Regulations 2012
☐ The Environmental Assessment of Plans and Programmes Regulations 2004

This document can be found at:

C. Guidance from the Planning Inspectorate

Examining Local Plans – Procedural Practice (The Planning Inspectorate, 2013). See:
ANNEX B

Format for statements

A. Please email electronic versions of all statements and appendices to the Programme Officer [PO] in Word or PDF format, as well as sending paper copies as described below.

B. Statements should be succinct, avoiding unnecessary detail and repetition of the original representation. For each Matter, they should address those of the Issues and Questions defined by the Inspector that are relevant to your original representation.

C. **No statement should be longer than 3,000 words.** Longer statements will be returned by the PO for editing. Statements should be prepared on A4 paper, printed on both sides and not bound, just stapled. Any photographs should be submitted in A4 format and should be annotated (on the back or front).

D. Please only submit appendices to statements where they are essential. The statement should make it clear why they are relevant. Appendices should have a contents page and be paginated throughout. They should not contain extracts from any publication that is already before the examination, such as the Submission, Supporting and Examination Documents – a paragraph number or page reference will suffice. The 3,000-word limit does not include the text in appendices, but they should also respect the aim of succinctness.

E. Anyone submitting a statement should email an electronic copy, and send 3 paper copies, of it and of any appendices to the PO (one each for the Inspector, Council and Library).

F. 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 session** since this can cause disruption and result in unfairness, and could result in an adjournment of the hearing. If material is not received by the deadlines stated below, the PO will assume that you are relying only on the original representations:

G. All statements must be received by the PO by **5:00pm Wednesday 18 May 2016.**