

Examination of the South Worcestershire Development Plan

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STAGE 2 OF THE EXAMINATION HEARINGS

INSPECTOR'S GUIDANCE NOTE

This note is mainly for the benefit of those intending to appear at the examination hearings. Please also see the separate Explanatory Note on the Examination Process.

The Programme Officer

1. Helen Wilson, 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. Helen works under my direction. She is not an employee of the South Worcestershire Councils. Her contact details appear at the head of this page. Any procedural questions or other matters that you wish to raise should be directed to Helen.

The Examination webpages

2. The Examination has a dedicated series of webpages which can be accessed via the SWDP webpage:
<http://www.swdevelopmentplan.org/>

Click on the "SWDP EXAMINATION" tab at the top right corner of the homepage.

3. All the material produced for the examination hearings will appear on the SWDP EXAMINATION pages. If you do not have access to the internet, documents and other information can be obtained from the Programme Officer.

The Inspector's role

4. My role is to consider whether South Worcestershire Development Plan [SWDP] complies with relevant legislation and is sound. The *National Planning Policy Framework* [NPPF] says that in order to be found sound a 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.
5. The Councils have submitted what they consider to be a sound plan, as the NPPF requires. Those seeking changes must demonstrate why the SWDP is unsound by reference to one or more of the NPPF tests.

Representations on the Plan and the proposed modifications

6. The Councils’ statement on the representations made on the published SWDP, and all the representations received, are available on the SWDP website. The responses to the recent consultation on the Councils’ proposed modifications to the Plan are also available on the website.

Attending the hearing sessions

7. Anyone can come and observe the hearings, but only those who have duly-made representations which propose changes to the Plan in order to make it sound or legally-compliant have the right to participate. Besides those, I may invite a small number of additional participants to attend the Stage 2 hearings because I think their representations are particularly relevant to the matters under discussion.

The hearing timetable

8. An overall timetable for Stage 2 is published on the Examination webpage. Detailed timetables will be published for each block of hearings, and any updates to the timetables will also be posted on the Examination webpage. **It is the responsibility of individual participants to check the latest detailed timetables, either on the webpages or with the PO, and to ensure that they are present at the correct time.**
9. The hearing sessions will normally start at 9.30am and 2.00pm each day, but these times may vary if longer or shorter sessions are necessary. Short breaks will be taken at convenient points in the mid-morning and mid-afternoon, and there will be a lunch break at about 1.00pm.

Format of the hearing sessions

10. Each hearing session will consist of a structured discussion led by me and based on a list of Matters, Issues and Questions that will be issued beforehand. I will invite particular participants to begin the discussion on each question, and others will then have a chance to contribute. 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.

Dealing with sites at the hearing sessions

11. Part of my task is to examine the soundness of the sites that are allocated for development in the submitted SWDP, and of the additional sites and the

extensions to, or additions to the housing numbers on, certain allocated sites that form part of the Councils' proposed modifications. Those who have submitted representations to the effect that a site is unsound will be able to put their views to me at the hearing session, if they have made a request to do so. The Council will have the opportunity to respond.

12. Some of the allocated or proposed sites have already received planning permission for development. The legal status of that permission will not be altered in any way by any recommendation I may make in my report.
13. Sites that have been put forward for inclusion in the SWDP, but not selected for allocation by the Councils, are known informally as "omission sites". It is not part of my role to examine the soundness of omission sites, and, subject to the legal right to be heard (see paragraph 7 above), such sites will not normally be discussed in detail at the hearing sessions.
14. Should the situation arise that additional site(s) are needed (for example, because one or more of the allocated sites is found to be unsound), I will look to the Councils in the first instance to decide which alternative site(s) should be brought forward for examination.

Site visits

15. I will carry out site visits unaccompanied, except for any sites that can only be viewed adequately from private land, when I will need to be accompanied by representatives of the landowner and of the Councils. On any such accompanied site visits I will not hear additional evidence or arguments over the merits of the site.

Hearing statements

16. Participants may 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 Matters, Issues and Questions document which are relevant to their original representations, and (ii) any new matters that have arisen since the original representations were submitted. **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.
17. The Councils' statement for each matter should deal with all my issues and questions. Because of this requirement, the Councils' statements are not subject to the 3,000-word limit, but they should still be succinct.
18. There will be separate deadlines for statements for each block of hearings. All statements, including those from the Councils, should be sent to the PO to arrive by the relevant published deadline.
19. Hearing statements will be posted on the Examination webpages, 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 PO.

Form and content of statements

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

Statements of Common Ground

21. 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 discussion. At the very latest, any Statements of Common Ground should be submitted by the published deadline together with the statements to which they are relevant.

Roger Clews

Inspector
December 2014

ANNEX A

Sources of relevant documents and advice

A. The South Worcestershire Development Plan website

All documents for and information about the Plan are available on the SWDP website at:

<http://www.swdevelopmentplan.org/>

Within that website, there is a series of webpages dedicated to the Examination, which you can access by clicking the "SWDP EXAMINATION" tab at the top right corner of the homepage. All the material produced for the examination hearings will appear on the SWDP EXAMINATION pages.

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.legislation.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 [SI No 2012/767]*
- *The Environmental Assessment of Plans and Programmes Regulations 2004 [SI No 2004/1633]*

This document can found at:

<http://ec.europa.eu/environment/eia/sea-support.htm>:

- *European Directive on Strategic Environmental Assessment (2001/42/EC)*

C. National Guidance and guidance from the Planning Inspectorate

See: <http://www.planningportal.gov.uk/planning/planningsystem/localplans>, which provides links to the following:

- *The National Planning Policy Framework*
- *Local Development Frameworks – Examining Development Plan Documents: Procedure Guidance (3rd Edition, December 2013)*
- *Examining Development Plan Documents: Learning from Experience (September 2009)*

See also the national Planning Practice Guidance, available at:

<http://planningguidance.planningportal.gov.uk/>

ANNEX B

Format for hearing statements

- A. Anyone submitting a statement should email an electronic copy in Word or PDF format, and send four paper copies, of it and of any appendices to the PO (one paper copy each for the Inspector, PO, Councils and Examination Library).
- 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. All the Submission Documents, the evidence base and background papers for the Plan are available on the SWDP website. Participants should not attach copied extracts from documents to their statements, but should simply refer clearly to the document number or title and the relevant page or paragraph.
- E. 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. The 3,000-word limit does not include the text in appendices, but they should also respect the aim of succinctness.
- F. 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:
 - All statements must be received by the PO by the deadline for the relevant block of hearings.
 - Statements of Common Ground: in time to feed into statements, or to be received by the PO by the relevant deadline at the latest.
- G. **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 the hearing being adjourned.