

## SELBY DISTRICT LOCAL DEVELOPMENT FRAMEWORK CORE STRATEGY EXAMINATION

### GUIDANCE NOTES FOR PARTICIPANTS

#### Introduction

- 1 These Guidance Notes are to assist those involved in the Examination into the Selby District Core Strategy. This is one of a number of *Development Plan Documents* (DPD) the Council intends to produce as part of its *Local Development Framework*.

#### Inspector and Programme Officer

- 2 The Secretary of State has appointed a Government Planning Inspector, **Martin Pike** BA MA MRTPI, to hold an independent Examination into the soundness of the Selby District Core Strategy.
- 3 The Programme Officer for the Examination is **Elsbeth Fowler**. She is acting as an independent officer for the Examination, under the Inspector's direction. She will be responsible for organising the programme of hearings, recording and circulating all material received and ensuring the smooth running of the Examination. Any matters which participants wish to raise with the Inspector should be addressed to the Programme Officer. She can be contacted on 07976 071909 or by email at [programmeofficer@selby.gov.uk](mailto:programmeofficer@selby.gov.uk).

#### Pre-Hearing Meeting (PHM)

- 4 A Pre-Hearing Meeting will take place on Wednesday 20 July 2011 at starting at 10.00am. The purpose of the PHM is to explain and discuss procedural and administrative matters relating to the Examination of the Core Strategy. This will include details about the programme, further submissions and the procedure to be followed. **The content and merits of the Core Strategy and the representations will not be discussed at this meeting.**
- 5 At the PHM the Inspector will ask the Council a series of procedural questions to confirm that the Core Strategy has been prepared in accordance with the statutory procedures and with regard to relevant documents.
- 6 An agenda for the PHM is attached to these notes. A note of the PHM will be circulated after the meeting to all those who have made representations on the Draft Submission Core Strategy.

#### Purpose and Scope of the Examination

- 7 The Inspector's task is to **consider whether the Core Strategy is sound** in terms of the three broad tests set out in Planning Policy Statement 12 (PPS12): *Local Spatial Planning*, i.e. whether it is **justified** (founded on a robust and credible evidence base), **effective** (deliverable, flexible and able to be monitored) and **consistent with national policy**. The Examination will focus on these tests of soundness. The

Inspector aims to work collaboratively with the Council and the Examination participants in a proactive, pragmatic and solution-orientated manner to deliver a positive social, economic and environmental outcome for the people of Selby District.

- 8 The starting point for the Examination is that the local authority has submitted what it considers to be a sound plan. The Inspector is required to consider all the representations made to the submission document but only so far as they relate to the three matters of soundness (and legal compliance). The Inspector asks those seeking changes to the Core Strategy to demonstrate why the document is not sound and how the suggested changes would make it sound. Further information on the process can be found in the Planning Inspectorate's explanatory booklets: "A brief guide to examining development plan documents" and "Local Development Frameworks: Examining Development Plan Documents: Soundness Guidance" (go to: [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)).
- 9 Respondents have already indicated whether their views should be dealt with in a written form or discussed orally at a hearing session. **Both methods carry the same weight and the Inspector will have equal regard to each.** Attendance at a hearing session will only be helpful if participants need to contribute further to a debate. Only those parties seeking specific changes to the Core Strategy are entitled to attend the hearing sessions and there is no need for those supporting or merely making comments on the Core Strategy to take part, although they may attend as observers.
- 10 The Council should not propose any fundamental changes to the submitted Core Strategy before the hearing sessions of the Examination. Minor changes, such as those which are necessary to deal with factual updating, clarification or correction, should not affect the substance of the document, its overall soundness or the submitted sustainability appraisal. It should not be necessary to discuss such minor changes at the Hearings.
- 11 If, exceptionally, more fundamental changes are proposed, they must be subject to the same process of sustainability appraisal, publicity and opportunity to make representations as the submitted plan. This can lead to the need for adjournments and delay the process of Examination. There may be changes which would achieve soundness but would not require adjournments to the Examination. Potential changes should be specified at the earliest possible stage and discussed with the relevant parties, notably the Council. This approach should mean that in some cases, appropriate changes come forward with agreement among the parties. A process of early negotiation can save time at the Hearings and overall.
- 12 The Council has already suggested some minor changes and is likely to suggest more. These changes should be cumulatively listed on the Council's website on a regularly updated basis. Respondents should monitor this in case they wish to make comments on them.
- 13 After the Examination has closed, the Inspector will submit a report to the Council with his conclusions and recommendations on any changes necessary to achieve

soundness. The Inspector will deal with the main issues of concern and **will not** report on each representation individually. His recommendations are binding on the Council which can then formally adopt the Core Strategy, if it so wishes, changed as necessary.

#### **Procedure and Programme for Hearing sessions**

- 14 The Hearings will proceed by way of an informal, but structured, round-the-table discussion that the Inspector leads, based on a Matters and Issues schedule he has prepared. There will be no formal presentation of evidence or cross-examination so legal representation should not be necessary, though it is recognised that some representors may choose to be professionally represented. The Inspector will ensure that everyone has the chance to explain the nature of their concerns, thereby helping him to come to a conclusion on the soundness of the Core Strategy.
- 15 The Hearing sessions of the Examination will commence at 10.00am on Tuesday 20 September 2011 (venue to be confirmed). It is currently anticipated that up to 5 or 6 days will be required over two weeks at the end of September 2011. Hearing sessions will start at 10.00am and 2.00pm on each day, with a break for lunch at about 1.00pm; the intention is to finish each day at about 5.00pm. There will normally be a short break during morning and afternoon sessions.
- 16 A programme for the Hearings will be available shortly before the PHM, along with the schedule of the Matters and Issues identified by the Inspector. Participants will be circulated with the statements relevant to their particular hearing sessions. The hearings will be conducted on the basis that everyone taking part has read the relevant documents.
- 17 Every effort will be made to keep to the programme, but late changes may be unavoidable. The Programme Officer will inform the participants of any late changes to the timetable but **it is the responsibility of all participants to keep themselves up to date with the arrangements and programme** to ensure that they do not miss their allotted day and time for attendance.

#### **Submission of further written statements and other material**

- 18 The representations already made at submission stage should include all the points, documents and evidence to substantiate representors' cases. It should not therefore be necessary to submit any further material based on the original representations. Please note that, although representations may have been made at earlier stages of the plan process, **the Inspector only has copies of representations made at the Core Strategy Submission Draft stage** (Publication Version, January 2011).
- 19 Any further written statements should be limited to responding to the forthcoming Matters and Issues for Examination identified by the Inspector and provided prior to the PHM. Statements should not expand on what is in the original representations; neither should they stray beyond those issues relevant to each representation. The only exception is where new matters have arisen since representations were

submitted – for example, a change in national policy, or where new documents have been produced or changes have been proposed by the Council. The Inspector will ask the Council and those who have made representations to provide their statements of response according to the dates he sets at the PHM.

- 20 To assist the Inspector, any further statements from participants should explain:
  - Which particular part of the Core Strategy is unsound?
  - Which soundness test(s) does it fail?
  - Why does it fail?
  - How can the Core Strategy be made sound?
  - What is the precise change/wording that is being sought?
- 21 Submissions should be succinct, avoiding unnecessary detail and repetition of what has already been provided. There is no need for verbatim quotations from Core Documents, cross references will suffice where necessary. Statements should be no longer than 3,000 words for each matter or issue. Statements which are excessively long or contain irrelevant or repetitious material will be returned.
- 22 The Programme Officer will require 4 copies of all statements and material plus a copy for each participant attending that hearing session. Participants should ask the Programme Officer closer to the time of submission to clarify how many copies are needed. They should also be submitted in electronic form, if possible.
- 23 All statements should clearly reference the Core Strategy Matter No. (from the Inspector's Matter and Issues paper), the representor's personal ID No, the relevant policy/paragraph/ page of the Core Strategy to which it relates and the relevant soundness test. Technical evidence should be limited to appendices, and should be clearly related to the case. Supporting material should be restricted to that which is essential and need not contain extracts from any documents that are already in the Examination library. Submissions should be on A4 paper, unbound but punched with two holes for filing. Plans or diagrams should fold down to A4 size.
- 24 Participants should attempt to reach agreement on factual matters and statistics before the hearings start. They are encouraged to maintain a dialogue with the Council and other participants in order to narrow down any areas of disagreement. Representors with common interests are encouraged to agree a spokesperson to avoid repetition of cases. The Inspector will seek to avoid any repetition of points because it is not helpful and wastes hearing time. Statements of Common Ground can be useful in focusing on the issues in dispute and should be submitted within the timescale set out at the PHM.
- 25 There is no need to prepare a further statement on Matters/Issues if all the points are already covered in the original representation. However, participants are asked to notify the Programme Officer if they do not intend to submit any further statements so it is clear that their original representation represents their views.
- 26 All participants should adhere to the timetable for submitting any further material.

Late material will disrupt the hearing timetables, be unfair to others and will not be accepted. If material is not received by the dates to be set by the Inspector, the Programme Officer will assume that no further representations will be made by that participant.

### **Core documents**

- 27 The Council has prepared a list of key documents (referred to as Core Documents). These are the documents expected to be referred to most frequently and include the Regional Spatial Strategy (RSS), Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs), Background Papers and any other documents to which participants are likely to need to refer. Extracts of these documents should not be attached to statements as they are already Examination documents.
- 28 The list of Core Documents will be up-dated from time to time and is available from the Programme Officer at the District Council Offices and is also posted on the Council's website. Links to electronic versions of the reference documents are provided wherever possible. The Programme Officer will assist anyone wishing to see and copy any document.

### **Site Visits**

- 29 The Inspector will carry out site visits before, during or after the Hearing sessions. These will be carried out on an unaccompanied basis unless it is necessary to go onto private land to see the relevant features. If accompanied visits are deemed necessary, the Inspector should be accompanied by a representative of the landowner and the Council. Arrangements for any accompanied visits should be made through the Programme Officer.

### **Close of the Examination**

- 30 The Examination will remain open until the Inspector's report is submitted to the Council. However, the Inspector will not accept any further representations or evidence after the hearing sessions have finished unless he specifically requests further information. Any late or unsolicited material is likely to be returned.

### **Final Key Points**

- 31 It is important to emphasise:
- that the Inspector will have equal regard to views put orally or in writing;
  - the need for succinctness, respecting the letter and spirit of the 3,000 word limit on any necessary further submissions;
  - that the target date for further Statements must be met; and
  - that Statements should focus on the "Matters and Issues" document and the PPS12 soundness criteria.

*Martin Pike*

Inspector

Revised 9 September 2011