

ROCHFORD CORE STRATEGY EXAMINATION

GUIDANCE NOTES FOR PARTICIPANTS

Pre Hearing Meeting: 14.00 on Wednesday 24 March 2010

Hearings commence: 10.00 on Tuesday 11 May 2010

Venue: Civic Suite, Hockley Road, Rayleigh, SS6 8EB

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Examination website:

http://www.rochford.gov.uk/planning/policy/local_development_framework/core_strategy_dpd.aspx)

ROCHFORD CORE STRATEGY EXAMINATION GUIDANCE NOTES FOR PARTICIPANTS

1 Introduction

- 1.1 These Guidance Notes have been prepared to assist those who wish to be involved in the Examination into the soundness of the Rochford Core Strategy (CS). This is a key *Development Plan Document* (DPD) in the Council's new *Local Development Frameworks* (LDF) produced under the Planning & Compulsory Purchase Act 2004. It was formally submitted to the Secretary of State on 14 January 2010.

2 Inspector and Programme Officer

- 2.1 The Secretary of State has appointed the Inspector, **Miss Laura Graham** BSc MA MRTPI, under Section 20 of the Planning & Compulsory Purchase Act 2004 to hold the Examination into the soundness of the Core Strategy.
- 2.2 The Programme Officer for the Examination is **Lissa Higby** and her contact details are on the cover of these notes. 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, maintaining the Examination library, recording and circulating all material received and assisting the Inspector with procedural and administrative matters. She will advise on any programming and procedural queries and any matters which the Council or participants wish to raise with the Inspector should be addressed to the Programme Officer.

3 Purpose of the Examination

- 3.1 The purpose of the Examination is to examine the soundness of the CS. It is important to note that the "Examination" relates to the whole process of examining the plan, from the time of submission of the CS to the Secretary of State to when the Inspector's report is sent to the Council.
- 3.2 The Inspector's role is firstly to consider whether the CS meets the legal requirements of Sections 19-20 of the 2004 Act and associated regulations. This includes whether it has been prepared in accordance with the Local Development Scheme & Statement of Community Involvement, has been subject to sustainability appraisal, has regard to national policy, conforms generally to the Regional Spatial Strategy and has regard to any sustainable community strategy for its area.
- 3.3 The second part of the Inspector's role is to assess whether the CS is sound in terms of the tests set out in the revised 2008 Planning Policy Statement 12 (PPS12) – *Local Spatial Planning*. She will prepare a schedule of Matters and Issues which will form the basis of the Examination. Any further material submitted should relate specifically to those Matters and Issues identified by the Inspector. The Council should rely on evidence collected while preparing the CS to demonstrate that it is sound. Those seeking changes to the CS have to demonstrate why the document is not sound and how their suggested changes would make it sound.

3.4 The tests of soundness from PPS12 are whether the CS is:

Justified

- founded on a robust and credible evidence base
- the most appropriate strategy when considered against the reasonable alternatives

Effective

- deliverable
- flexible
- able to be monitored

Consistent with national policy

3.5 The new LDF system is different from the former process of considering objections to a local plan. The starting point is that the Council has submitted what they consider to be a sound plan. The Inspector considers the representations in respect of the soundness tests but is not required to report on them individually. The most serious possible outcome if the CS is found to be unsound is a recommendation that it be withdrawn because a critically important part of it is unsound. However, less serious outcomes may be that additional work needs to be undertaken before the Examination can be completed; that parts of the CS should be excluded or changed (having regard to the implications for sustainability appraisal and public consultation).

3.6 As this Examination relates to a CS, the discussion will focus on strategic issues rather than particular sites or proposed developments; these detailed matters will be dealt with in subsequent DPDs. Similarly, national and regional policies as such will not be debated but the Examination will consider the implications of such policies if they directly affect the areas and topics covered by the CS.

3.7 Prior to formal submission, the Council is expected to have made any changes needed to the CS as a result of representations at publication stage. There is a very strong expectation that the Council will not seek changes after submission although minor updating and editorial matters can be accommodated. Where the Council considers changes are necessary, these should not affect the substance of the document, its overall soundness nor the submitted sustainability appraisal. If, exceptionally, more fundamental changes are proposed, they must be subject to the same process of sustainability appraisal and public consultation as the submitted plan.

3.8 After the Examination has closed, the Inspector will submit her report to the Council with her conclusions and recommendations on the actions or changes needed as regards the soundness of the CS. These recommendations are binding on the Council and formal adoption will normally follow promptly.

3.9 The *Planning & Compulsory Purchase Act 2004 and associated regulations* set out the legal requirements for the conduct of the Examination. In terms of published documents, all participants should be familiar with the following which set out procedures and guidance:

- *Planning Policy Statement PPS12 – Local Spatial Planning 2008* [CLG]

- *The Planning Advisory Service web-based Plan Making Manual* (www.pas.gov.uk)
- *Local Development Frameworks – Examining Development Plan Documents: Procedure Guidance* [The Planning Inspectorate - PINS]
- *Local Development Frameworks – Examining Development Plan Documents: Soundness Guidance* [PINS]
- *Lessons Learned Examining Development Plan Documents* [PINS]

4 Pre Hearing Meeting (PHM)

- 4.1 The Pre Hearing Meeting will take place at 14.00 on **Wednesday 24 March 2010 in the Council Chamber, Civic Suite, Hockley Road, Rayleigh, SS6 8EB.** The purpose of the PHM is to explain and discuss procedural and administrative matters relating to the management of the Examination, including the programme for the hearings, the Matters and Issues to be examined, the running order and participants, the methods of dealing with representations, the timetable for submitting statements and any other relevant matters. The content and merits of the CS and the representations will not be discussed at this meeting. **It is important that all those who wish to be involved in the hearing sessions of the Examination attend the Pre Hearing Meeting if at all possible.**
- 4.2 A draft hearing programme, list of participants and schedule of Matters and Issues will be circulated at the PHM and will be placed on the Examination website. At the PHM the Inspector will ask the Council's team a series of procedural questions regarding the legal tests for the CS. A note of the PHM, along with a programme for the hearing sessions and a final schedule of the Matters and Issues for Examination will be circulated after the PHM to all those who have made representations, and will be placed on the Examination website. The PHM note will supersede these guidance notes.

5 Progressing your Representations

- 5.1 There are two main ways in which representations will be considered:
- Written representations – based on the original representation with a response, if necessary, from the Council. Most representations will be considered by this method and attendance at the hearing sessions is not necessary.
 - Oral representations – where representors have indicated that they wish to be heard, relevant points will be dealt with at a hearing session where the Matters and Issues identified by the Inspector are debated in a structured and informed discussion. This is a fundamental change from the previous adversarial system of considering objections to local plans. Only those representors seeking changes to the CS are entitled to contribute to the hearing sessions although they are all open to the public.
- 5.2 Both methods carry the same weight and the Inspector will have equal regard to views put orally or in writing.

6 Procedure at the Hearing Sessions of the Examination

- 6.1 The hearing sessions of the Examination are programmed to commence at 10.00 on **Tuesday 11 May in Committee Room 4 at the Civic Suite, Hockley Road, Rayleigh, SS6 8EB.** Please note that this date may be subject to review once the date of the General Election has been announced.

Hearing sessions will normally start at 10.00 and 14.00 each day, with a break for lunch at about 13.00, and will finish no later than 17.00, with a short break mid-session as necessary.

- 6.2 The Inspector will begin each session by making a few brief comments on the matters to be covered before inviting participants to make their contribution to the debate. The session will progress under the Inspector's guidance, drawing participants into the discussion in such a way as to enable her to gain the information necessary to come to a firm conclusion on the issues. There will be an opportunity to ask questions and professional representatives may join in the discussion as part of a team but there will be no formal production of evidence or cross examination. The Inspector will manage the hearing sessions in an efficient manner, keeping a tight hand on the discussions and time taken. As part of that process she will aim to minimise the amount of material that is necessary to come to informed conclusions on the issues.
- 6.3 Following the deadline of 20 April 2010 (see below), those hearing statements relevant to each particular hearing session will be circulated to participants, as will detailed agendas. The hearings will be conducted on the basis that everyone taking part has read the relevant documents.

7 Hearings Programme

- 7.1 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 the participants to keep themselves up to date with the arrangements and programme which will be updated on the Examination web page.

8 Core documents

- 8.1 The Council has prepared a list of Core Documents which are available in the Examination library and on the Core Strategy website. These include the Regional Spatial Strategy, Planning Policy Guidance Notes (PPGs) & Planning Policy Statements (PPSs), Background Papers, reports from various authorities and agencies plus any other documents that they are likely to refer to. The list of Core Documents should represent the Council's full evidence base for the Examination. Participants should ensure that any documents they intend to refer to are included in the Examination library and if they are not already included they should provide the Programme Officer with four copies and an electronic copy.

9 Submission of further written statements and other material

- 9.1 The representations already made before the CS was submitted 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 in respect of the January 2010 published CS.**
- 9.2 From now on, all written submissions should address the Matters and Issues for Examination which will be identified by the Inspector and provided at the PHM. The Inspector will ask the Council and those who have made representations to provide their statements of response to the Matters and Issues no later than 3 weeks before the hearings begin ie. **by 20 April 2010.**

This date may be subject to review if the start date of the hearings is changed (see paragraph 6.1 above). Representors should confine their statements to issues that relate to their original representations.

- 9.3 The Examination starts from the basis that the Council has submitted what it considers to be a sound plan. Essentially, any further statements from participants need to explain:
- Which particular part of the CS is unsound?
 - Which soundness test(s) of PPS12, does it fail?
 - Why does it fail?
 - How can the CS be made sound?
 - What is the precise change/wording that is being sought?
- 9.4 From the Council, the Inspector needs a general response to each issue, setting out why it considers the Core Strategy to be sound in that respect and why the changes sought by other parties would make it unsound.
- 9.5 Those relying on the written procedure should follow the guidance set out here, **including the deadline date of 20 April** for any response they wish to make to the Matters and Issues.
- 9.6 Submissions should be succinct, avoiding unnecessary detail and repetition of what has already been provided. They should be no longer than 3,000 words. Statements which are excessively long or contain irrelevant or repetitious material may be returned. There is no need for verbatim quotations from the Core Strategy, other sources of policy guidance or any Core Documents. Nonetheless, it is vital that the fundamental elements of cases are set out clearly and succinctly, since the hearings are not the place for new points of evidence to be presented. All statements should focus on the Matters and Issues identified by the Inspector and on the tests of soundness and demonstrate why the plan is unsound and how it could be made sound. **It is essential that all statements are marked on the front with the personal reference number and the representation number as well as the relevant policy/paragraph/ page of the Core Strategy.** There is no need to prepare a further statement if all the points are already covered in the original representation but participants should notify the Programme Officer if they do not intend to submit further statements so that the original documents can represent their views. Representors with common interests are encouraged to agree a spokesperson to avoid repetition of cases.
- 9.7 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. **Statements of Common Ground** can be useful in focusing on the issues in dispute and should be submitted within the timescale set out above.
- 9.8 The Programme Officer will require **6 copies of all statements and material**. They should also be submitted in electronic form, if possible. However, the latter does not remove the need for paper copies to reach the Programme Officer by the deadline.
- 9.9 Technical evidence should be limited to appendices, and should be clearly related to the case. Any supporting material should be limited to that which is essential. Submissions should be on A4 paper, unbound but punched with two holes for filing. Plans or diagrams should fold down to A4 size.

- 9.10 **All participants should adhere to the timetable for submitting any further material by 20 April 2010.** Late material would disrupt the hearing timetables, be unfair to others and will not be accepted. If material is not received by this date, the Programme Officer will assume that no further representations are to be made by that participant.

10 Availability of information

- 10.1 The Examination library is available at the Council Offices, South Street, Rochford, apart from on the days of the PHM and the hearings, when it will be available at the Civic Suite, Rayleigh. It will contain copies of the CS, associated documents, all representations, Core Documents and further representations and statements, as received. The library will be under the supervision of the Programme Officer who will assist anyone wishing to see and copy any document.
- 10.2 The Programme Officer will maintain lists of all documents submitted. Lists of documents, the up-to-date Programme for the hearing sessions of the Examination and other relevant material will also be included on the website. Anyone who requires assistance or special facilities for disabled persons should contact the Programme Officer beforehand to enable appropriate arrangements to be made.

11 Site visit arrangements

- 11.1 The Inspector will carry out a tour to familiarise herself with the area, visiting places on an unaccompanied basis. If, exceptionally, participants consider that access is needed to private land, they should discuss this with the Programme Officer.

12 Close of the Examination

- 12.1 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 she specifically requests further information. Any late or unsolicited material is likely to be returned.

13 Submission of Inspector's Report to the Council

- 13.1 After the Examination has closed, the Inspector will submit her report with binding recommendations to the Council. The Inspector will confirm the likely date for submission of her report at the end of the hearings sessions of the Examination.