

ADUR LOCAL PLAN (2016)

GUIDANCE NOTE FROM THE INSPECTOR

November 2016

Introduction

The hearing sessions in relation to the Examination into the Adur Local Plan (ALP) will open on Tuesday 31st January 2017 at 9.30am at The Shoreham Centre, QEII Room, Pond Road, Shoreham-By-Sea, BN42 5WU. In this regard, I have prepared a schedule of the **Issues and Questions** which are enclosed with this note together with a draft programme.

It is sometimes necessary for a Pre Hearing Meeting (PHM) to be held at which I would explain the purpose of the Examination; the procedures to be followed; the format of further Statements to be submitted; the timetable; and other administrative matters. However, in the interests of efficiency I have decided not to hold a PHM but to provide advice and information through this written note.

What is Being Examined

For the avoidance of doubt the document being examined is the 'Submission Adur Local Plan 2016'. The Council has already published a number of what it has described as Major Modifications to the aforementioned Local Plan (library reference CD07/4) and as these reflect the Council's current approach to planning issues in the District, I intend to consider them as part of the hearings process. If after I have considered all the written and oral evidence I consider that the Council's Major Modifications are justified in the interests of soundness, they will be published, together with any other significant changes, in the 'Schedule of Main Modifications' which will then be subject to public consultation.

The Inspector's Role

1. My task is to consider **firstly whether or not the relevant legal requirements have been met and secondly the soundness of the ALP**. The latter is based on the soundness criteria set out in paragraph 182 of the National Planning Policy Framework (the NPPF) published in March 2012. The relevant soundness criteria are whether the ALP is:
 - 1) *positively prepared* (based on a strategy that seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development);
 - 2) *justified* (the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence);
 - 3) *effective* (deliverable over its period and based on effective joint working on cross-boundary strategic priorities); and
 - 4) *consistent with national policy* (enabling the delivery of sustainable development in accordance with the policies in the Framework).

2. Appendix A contains a list of useful publications and web sites for advice.
3. I shall aim to work collaboratively with the Council and the Examination participants in a proactive, pragmatic and solution-orientated manner. I cannot recommend as 'Main Modifications' changes that are merely 'improvements' to the plan which do not affect the soundness of the ALP. The Council is free to make minor changes because they do not affect the soundness of the Plan (see also paragraph 34).
4. Following the close of the hearings (and any consultation on Main Modifications if required), I shall prepare a report for the Council with my conclusions and recommendations. **The report will deal with broad issues and not with each individual representation.** The Council has already requested me to make Main Modifications to the ALP, in accordance with s20(7C) of the Planning and Compulsory Purchase Act 2004 as amended.
5. I will need to be satisfied that the Main Modifications have been subject to both appropriate consultation and, if necessary, Sustainability Appraisal.

The Programme Officer

6. The Programme Officer (the PO) for the Examination is Chris Banks, who works under my direction. Mr Banks can be contacted on 01903 783722 or by e-mail at bankssolutionsuk@gmail.com or by post at Banks Solutions, 64 Lavinia Way, East Preston, West Sussex, BN16 1EF
7. The main tasks of the PO are to act as a channel of communication between myself and all parties; to liaise with all parties to ensure the smooth running of the Examination; to ensure that all documents received are recorded and distributed; and to keep the Examination Library. Copies of the Examination documents are mainly on the Council's web site (see below). Anyone interested in viewing hard copies of any of the documents should contact Mr Banks beforehand to arrange an appointment.
8. During the Examination the PO will be able to tell you how closely the hearing sessions are following the circulated programme. Alternatively, you will be able to view a regularly-updated programme on the web site at:

<http://www.adur-worthing.gov.uk/alp-examination/>
9. Any participant who requires specific adjustments in order to participate in the Examination should contact the PO as soon as possible so that any necessary assistance can be provided. Any other procedural questions or other matters that you wish to raise with me prior to the hearings should be made through the PO.

The Council's Team

10. Although subject to change, the Council's team is likely to include:

Moira Hayes , Principal Planner
Ben Daines , Senior Planning Officer

Number of representations

11. A total of 73 representations were received on the 2014 Submission Plan and the Amendments to the Proposed Submission Plan (2016) from 53 respondents. I have full copies of all representations made during the consultation periods and they will be taken into account by me in the examination of the Plan but only insofar as they relate to my consideration of soundness.

Progressing your Representations

12. The starting point for the Examination is that the Council has submitted what it considers to be a sound Plan. Those seeking changes should demonstrate why the Plan is unsound by reference to one or more of the soundness criteria set out in paragraph 1 above. Some representations relate to housing allocations or alternative housing sites not being proposed by the Council. **It should be emphasised that I cannot recommend an alternative or amended allocation for development if it can be demonstrated that the Council's proposals are sound.**
13. Respondents may either wish their views to be dealt with in written form (in which case they need take no further action) or they may have requested 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 the debate. There is normally no opportunity for participants to read out previously prepared statements.** Only those parties who have asked to attend and are seeking specific changes to the ALP are entitled to participate at the hearing sessions.
14. I stress the need for all sides to work together during the Examination process on changes that could be made to the Plan whilst avoiding producing so many alterations that they together might render the Plan unsound.

The Hearing Sessions

15. A number of different topics/settlement proposals will be discussed at the hearings and an Agenda for each session will be available beforehand. Each topic or Issue will be the subject of a separate session. The format will provide a relaxed and informal setting for a discussion led by me. Contributions at the hearing sessions should bear directly on the Issues scheduled for discussion and must show clearly both how the Plan is unsound and spell out the changes necessary to make it sound.
16. The hearings will concentrate on my Issues and Questions. If necessary, you may submit supplementary information (restricted in scope to the subject matter of your original related representation) in advance of the hearings – see paragraphs 28-31 below. However, I would normally expect your case to be covered in the representation that you have already made – indeed it is these and my own reading of the Plan that has led to the framing of the Issues and Questions in the first place. I have a copy of all the representations made. **There will be no need to repeat in detail those representations at the hearings.**
17. 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 on the matters before me. All statements should have been read beforehand by all participants and I will proceed on the assumption that they have been; there will therefore be no formal presentation of evidence. There will be an opportunity within the discussion to ask questions of the other participants.
18. The Programme Officer will provide name boards for each participant, which should be up-ended to indicate a wish to speak. In that way I can invite contributions without overlooking anyone with a point to make.
19. The hearings will be inquisitorial rather than adversarial. I shall endeavour to progress them in an effective and efficient manner. As part of that process, it is my aim to minimise the amount of material necessary to come to informed conclusions on the issues of soundness. In that way I will conduct a short, focussed series of hearings and, in turn, produce a short, focussed report. **In order to run efficient sessions I will not permit repetition of points at hearings or accept new evidence unless it has been agreed in advance. No more evidence can be**

submitted once the hearing session has closed unless I expressly invite it. Any that is submitted will almost certainly be returned by the PO.

20. Participants may bring professional representatives with them but there is no need for participants to bring advocates/legal representatives but, if they do, they may take part as a member of the team, rather than as a traditional advocate, and there will be no formal presentation of evidence/cross-examination. Supporters of the ALP would not normally be expected to participate in the hearing sessions because it is the responsibility of the Council to 'defend' the Plan. Participants will be grouped together according to the issues being considered. **If several interested parties have the same viewpoint they should appoint one or two spokespersons** to represent them at a hearing session. Generally only one seat will be available at the table for each respondent, although if necessary participants may 'hot-seat' at an appropriate time. In order to assist the organisation of the hearings please advise the Programme Officer of the name(s) of those people participating.

The Hearing Programme

21. A draft timetable for the hearings, putting dates and times to the Issues and Questions, accompanies this Guidance Note. If you have any queries, please raise them with the PO as soon as possible.
22. Should changes be required to the Programme it will be updated on the Council's web site (see paragraph 8 for details). The PO will also be able to provide information on any changes. However, it will be for individual participants to check on the progress of the hearings, either on the web site or with the PO, and to ensure that they are present at the right time.
23. Hearing sessions will start at 9.30am (see draft Timetable) and 2.00pm each day. No new session will begin before its stated start time but a later start may be unavoidable if a previous session has overrun. A short break will be taken mid-morning and mid-afternoon. Lunch will be taken at around 1.00pm.
24. Following the completion of the hearing sessions and the consultation on Main Modifications, I will prepare a report to the Council with my conclusions on legal compliance and soundness.

The Evidence Base and Examination Library

25. The Council has made its evidence base available in the Examination Library. Most of the documents in the library are also available on the Council's web site, which will be regularly updated. Accordingly, parties should not attach extracts of these documents to their Statements as they are already Examination documents. However, where reference is made to an Examination document the reference number should be given, as should the section or paragraph where the point referred to can be found. This will allow other participants to see for themselves the context in which the point is made.

Statements of Common Ground

26. Statements of Common Ground (SoCG) are invited where these would be helpful in identifying points in dispute or not in dispute thereby assisting the hearings to concentrate on the key issues that truly need public discussion. They could for example include agreed wording of a suggested change to a policy criterion, agreed factual information or areas or points of disagreement.
27. **Work on such statements should commence now with the aim of completing them in time to feed into the relevant hearing Statement.** However, as a last resort, an agreed SoCG will still be accepted if submitted at least 2 weeks before the relevant hearing session.

Statements

28. All Statements from representors should be received by the PO by **midday on Thursday 22nd December 2016**. This deadline relates to the receipt of both paper copies and electronic copies. The Statements should only address my Issues and Questions as they relate to the objection submitted by the representor.
29. Because the Council is required to respond to all my questions and its workload is therefore high, its Statements must be submitted **at least two weeks before the relevant hearing session**. The Council's Statements may also include responses to the matters in the original representations and should refer to any Council proposals for changes to the text or plans (see also paragraph 34 below).
30. From the Council I require answers to all the matters and issues that I have raised. The Council's response should take the form of a version of my Issues and Questions papers with answers following the related questions. **The word limit will not be strictly applied to the Council's Statements as it is important that full answers are given.**
31. All Statements will be placed on the Examination web site. If your Statement refers to specific sites which are not identified in the Plan, **please attach a map showing the location.**

Format of Statements

32. Appendix B of this document sets out the requirements for the presentation of all Statements. Its provisions should be thoroughly read and implemented. Statements that do not comply with these requirements will be returned. Please note the 3,000 word limit.
33. **In the Statements from respondents it would be very helpful for me to have a brief concluding section stating:**
 - What part of the Plan is unsound.
 - Which soundness criterion it fails.
 - Why it fails (point to the key parts of your original representations).
 - How the Plan can be made sound.
 - The precise change and/or wording that you are seeking.

Suggested Minor Amendments

34. I expect that the Council will suggest further minor changes as a result of the discussions that we will have. The Schedule of Proposed Minor Modifications (CD07/5) will be an evolving document and updated regularly. These changes can be taken forward by the Council on adoption and need not form part of the Examination but I shall consider whether any minor changes proposed by the Council are in fact 'Main Modifications' that must be published for consultation and be referred to in my report.

Site visits

35. Where necessary, I shall visit relevant sites and areas referred to in the representations before, during or after the hearings. I shall normally carry out site visits on my own.

Finally ...

36. I would like to emphasise:
 - that I shall have equal regard to views put orally or in writing;

- the need for succinctness, respecting the 3,000 word limit on any further submissions (with short appendices if necessary) - as set out in Appendix B;
- that you must meet the target date for the submission of Statements; and
- that your Statement should focus on my Issues and Questions document and the NPPF soundness criteria.

If there are any questions arising from this note they should be passed to me by way of the Programme Officer.

David Hogger

Inspector

Appendix A - List of relevant legislation and guidance

A. Legislation

These documents can be found at: <http://www.legislation.gov.uk/>

- Planning and Compulsory Purchase Act 2004
- The Town and Country Planning (Local Planning) (England) Regulations 2012
- The Localism Act 2011

B. Government Policy and Guidance

These can be found by using the search facility on: <http://www.communities.gov.uk/>

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

C. Plan Making

The Planning Advisory Service web-site www.pas.gov.uk includes a number of documents relevant to plan making.

D. Guidance from the Planning Inspectorate

This can be found at: <http://www.planningportal.gov.uk/planning/plans>

E. Examination and Evidence Base Documents

The Examination web site can be found at <http://www.adur-worthing.gov.uk/alp-examination/>

Many of the above documents and most of the evidence base documents are available on-line on the Council's web site.

Appendix B - Format for statements

- A. Please send, where possible, 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 the paper copies as detailed below. Please include the name of the representor, the respondent reference number and the hearing matter number, in the filename.
- B. I emphasise the need for succinct submissions with the avoidance of unnecessary detail and repetition of the original representation.
- 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 NPPF or other sources of policy guidance. It is vital that the fundamental elements are set out clearly and succinctly – the hearing session is 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 the statement for the Issue as a whole, not for the individual Questions within an Issue. Any submissions longer than this will be returned by the PO for editing. Statements should be prepared on A4 paper, printed on both sides, and **not bound** but just stapled and hole punched. Any photographs should be submitted in A4 format and should be annotated (back or front).
- 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 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. Those submitting statements (or further written representations) should submit **three hard copies** to the PO (for the Inspector, Council, and PO).
- G. All statements should be clearly marked to indicate the name of the representor, the respondent reference, the hearing session to which the statement is directed and the question that is addressed.
- H. 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 hearing session since this can cause disruption and result in unfairness and the adjournment of the hearing. If material is not received by the deadlines stated below, the PO will assume that you are relying on your original representation:
- Agreed Statements of Common Ground: in time to feed into Statements or at least **2 weeks** before the relevant programmed hearing.
 - All Statements from representors: by **midday on Thursday 22nd December 2016**.
 - **It is stressed that this last deadline refers 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.**
 - **All paper copies of statements should be addressed to the Programme Officer at the following address** Banks Solutions, 64 Lavinia Way, East Preston, West Sussex, BN16 1EF