NEW FOREST DISTRICT COUNCIL - LOCAL PLAN (PART 2) EXAMINATION

INSPECTOR’S GUIDANCE NOTES – UPDATED DECEMBER 2012

The notes have been updated to take account of the new start date for the hearings and events that have already happened, but otherwise the advice is as previously issued.

1. Introduction

1.1 These Guidance Notes have been prepared by the Inspector to assist those individuals and organisations who wish to participate further in the Examination. There will be no Pre-Hearing Meeting (PHM).

1.2 Ms Lynette Duncan is the Programme Officer (PO). She is an independent officer for the Examination working under the Inspector’s direction. The main tasks of the PO are to liaise with all parties to ensure the smooth running of the Examination, to organise the hearing timetable, to ensure that all documents received are recorded and distributed, and to keep the Examination Library of Core Documents and statements. The PO does not work full time on this Examination (and has commitments to other Examinations) and so will not always be able to respond to questions immediately. Any matters which the Council or participants wish to raise with the Inspector should be addressed to the Programme Officer.

1.3 The Inspector has also been appointed to conduct the Examination of the Council’s submitted CIL charging schedule. That Examination is completely separate to the Examination of the Local Plan. Those who made representations on the charging schedule will be contacted separately in relation to that Examination.

1.4 The Inspector’s role is to determine whether the submitted plan meets various legal and procedural tests and whether it is sound. To be sound, a plan should be positively prepared, justified, effective and consistent with national policy. The Inspector’s report will deal only with the broad issues that he has identified and will not comment on each individual representation.

2. The Hearings

2.1 The hearings will start on Tuesday 19 February 2013 at 10 am. The hearings are expected to last 3 weeks. The Inspector has prepared a list of the main issues around which the Examination will progress and on which his report will be based. A draft hearings programme has also been prepared showing how the hearings will be structured and allocating participants to hearing sessions. The identified participants are drawn from those who have specifically indicated that they wish to be heard.

2.2 Not all respondents have indicated whether their views should be dealt with in written form only or whether they want to discuss them at a hearing. Both methods carry the same weight and the Inspector will have equal regard to views put at a hearing or in writing. Attendance at a hearing session is only helpful if you wish and need to participate in a discussion on the issue.

2.3 Only those who have made representations relating to unsoundness relevant to the topic under discussion and who have indicated in advance that they want to participate at a hearing will be allowed to speak. The hearing sessions are open to all to observe, but questions or comments from non-participants will not
be allowed. Those who submitted representations in support of the Local Plan (Part 2) DPD (and are not seeking any change) do not have a right to participate in the hearings on that topic and will not be able to do so. Some supporters may have been listed in the hearing programme by mistake, but if so, no right to be heard is being offered.

2.4 Please inform the PO by 4th January 2013 if:
- you are listed as a participant, but have decided not to attend;
- you consider that your representation more closely relates to a different issue/session than that for which you are listed;
- you think you have been wrongly omitted from a session;
- you wish to attend a hearing relating to your representation but have not previously indicated that you wish to be heard or have changed your mind;
- you are a supporter (i.e. not contesting the soundness of the plan) of a particular policy or allocation and have wrongly been listed as a participant for that matter.

Participation will only be possible if the original representation clearly relates to the matter to be discussed at a particular hearing session. Clarity about the intended participants is essential for the PO to organise the hearing programme in an efficient manner. If any parties insist on being heard on topics/policies not encompassed in the main issues identified they will be accommodated in a session on the last day of the hearings.

2.5 Participants should check the progress of the hearings, either on the Council’s Examination webpage or with the PO, to ensure that they are present at the appropriate time. Those who wish to observe a particular hearing should also keep up to date with progress of the hearings because, with the agreement of participants, the timing of hearings may be adjusted during the sessions to make the most efficient use of time.

2.6 The hearings will take the format of a discussion led by the Inspector. Most hearings will have a number of participants and all will follow a roundtable format (within the constraints of the accommodation). For example, all housing allocations in a particular settlement are likely to be discussed at one joint session. The only exception will be if the number of participants in relation to a particular site is more than can comfortably be accommodated and will thus need to be heard separately. To make the roundtable format manageable, each respondent can expect to have only one seat at the table. There will be space behind for other members of a respondent’s team if needed. The lead spokesperson for a respondent may change during a hearing session.

2.7 The purpose of the hearings is to concentrate on the matters that the Inspector needs to explore and clarify, having taken into account all the written material. They should not be used simply to repeat a case already set out in representations.

2.8 Before each hearing the Inspector will have read all statements submitted (by the deadline) in response to his questions. Other participants should read such material in so far as they want to participate. (All the statements will be available on the Examination webpage). There will be no formal presentation of evidence. **No new evidence or documents should be submitted at the hearings or afterwards unless specifically requested by the Inspector.**

2.9 The Inspector will prepare a short agenda for each hearing session which will highlight the matters which will be the focus of the discussion. The PO will
distribute these to the relevant participants for that hearing a few days before the
hearing session and they will be posted on the Council’s Examination webpage.

3. Responding to the Inspector’s Questions

3.1 The Inspector will prepare a list of questions relating to the identified issues
on which further comments are invited. This list will be issued by 7 December
2012 and circulated to all respondents.

3.2 All further statements in response to the Inspector’s questions must be
received by the PO by **5pm Friday 25 January 2013**. Meeting this deadline is
essential to allow the Inspector and other participants to prepare thoroughly for
the hearing sessions. All statements will be placed on the Council’s examination
webpage after the deadline. There is no disadvantage in submitting statements
in advance. This would help the PO organise the documents, which is a
substantial task.

3.3 The Council should respond to all the questions listed, with a separate
statement for each issue and sub-issue. There is no need to repeat or restate
matters set out in supporting evidence, but it should be clear the extent to which
reliance is placed on that supporting evidence with cross references to specific
parts of the evidence.

3.4 Respondents may submit a further response to the questions, but this must
be limited to those questions directly related to the scope of their original
representation. A response to the questions is not necessary if the points have
already been adequately covered in the representation. A separate statement for
each matter and sub-matter should be submitted. Respondents not participating
in the hearings have the same opportunity as participants to respond in writing to
the questions, so far as they are relevant to their original representation.

3.5 Appendix A sets out the requirements for the presentation of all
further statements. Its provisions should be carefully implemented as
otherwise statements will be returned.

3.6 Further information unrelated to the these questions will not be accepted.

4. Statements of Common Ground

4.1 Statements of Common Ground (SCG) are invited where these would be
helpful in identifying points not in dispute or in clarifying specific points of
disagreement, thereby assisting the Inspector in focussing the hearings on the
matters that truly need discussion. Parties who intend to raise any
technical/numerical matters should discuss the matter with the Council in
advance of producing a response statement. The hearing is not the venue for
raising for the first time technical/numerical problems. Any differences in data
should be highlighted and explained before the hearings. The deadline for the
submission of statements of common ground is the same as set out above for
responding to the Inspector’s questions.

4.2 The Inspector has identified 3 matters on which SCGs would seem
particularly helpful and these are set out in a separate note. These are identified
now so as to give the parties sufficient time to discuss matters.

5. Possible changes to the submitted plan
5.1. The Council has requested that the Inspector recommends any modifications which are necessary to make the plan sound. Any such recommended changes are known as **main modifications**. The Inspector would set out the precise wording of any such modifications in a schedule accompanying his report on the Examination. If the plan is to be adopted by the Council, the plan has to be changed in accordance with the recommended main modifications. Prior to adoption, the Council has the opportunity to make other changes known as **additional modifications** provided that (taken together) they do not materially affect the policies set out in it. The Inspector is concerned solely with changes necessary to remedy any unsoundness, not with the wording of any possible additional modifications.

5.2 The Council has consulted on various changes it wishes to make to the submitted plan. The Inspector will only recommend any of these published changes if there is unsoundness which a published change would remedy. The Inspector will take into account representations made on the published changes in considering whether a change would remedy any unsoundness. The Council has subsequently suggested further changes.

5.3 If there is unsoundness which published changes would not remedy, the Inspector will invite the Council to consult on possible further changes and will take any further representations into account before concluding on the matter. Representors promoting alternative sites should note that it is very unlikely that the Inspector would be able recommend the allocation of a specific alternative site on the basis of the presently planned hearings. If the Inspector were to conclude that a particular residential/employment allocation is unsound and that an alternative site needs to be identified, the Inspector would ask the Council to select and consult on any alternative sites. A further hearing may well be required to consider representations on any such alternative site which is proposed for allocation in the plan.

6. **Core Documents and Examination Library**

6.1 The Council has prepared an initial list of Core Documents (CDs) that is available on the Examination webpage (titled *Examination Documents List*). The PO will send a paper version of the list to anyone who requires it and does not have access to the internet. Most of the documents are available via links from this list on the webpage or can be viewed at the Council’s offices.

6.2 The CDs include the National Planning Policy Framework, the Council’s evidence and other documents at submission. Extracts from CDs should not be attached to statements. The statement should make reference to the relevant document using its CD reference and highlighting particular pages/paragraphs. A regularly updated list will be on the Council’s website. The Inspector will not be reading documents which appear to him to be peripheral background material unless the Council or another party makes a specific reference in their statement to such a document and highlights the critical point relied on from the document.

7. **Site Visits**

7.1 The Inspector has already made unaccompanied familiarisation visits (from public viewpoints only) to the main allocations made in the plan. Similar visits may be made during and after the hearings. Accompanied site visits will be necessary only if essential to see allocated land not visible from public vantage points and where such a visit is essential to determining soundness. Any such visits will be coordinated via the PO, most likely during or after the hearings. If
the Council or a representor consider that a site visit on private land is essential, please inform the PO, giving brief details.

Simon Emerson
INSPECTOR
6 December 2012

Attached: Appendix.
Appendix A **Format for all response statements**

A. Please send, where possible, emailed electronic versions of all further statements and appendices to the PO (in Word or PDF format), **as well as** the paper copies specified below.

B. Submissions should be succinct, with the avoidance of unnecessary detail and repetition of the original representation. It is the quality of the reasoning that is important. There is no need for verbatim quotations from the Local plan or other sources of policy guidance.

C. At most Examination hearings to date, there has been imposed a maximum limit of **3,000 words** for each statement on a topic. This also applies in this Examination and any submissions longer than this will be returned by the PO for editing. However, the Inspector expects most contributions from respondents to be much shorter than this limit.

D. All parties should provide **3 paper copies** of their response statements (to include one unbound for further copying, one hole-punched for the Inspector’s ring binder and stapled in the top left hand corner and the third copy only stapled). Statements should be prepared on A4 paper.

E. Supporting material in the form of appendices to statements should be limited to those which are essential and should not contain extracts from any publication that is already before the Examination, such as the Core Documents and nationally available Government guidance. The name of the document, its CD reference and a clear paragraph or page reference is all that is necessary. Any appendices should have a contents page and be paginated. Anyone submitting appendices should indicate in their statement which parts are particularly pertinent and on which they are especially relying. **The Council should ensure that sites/locations/projects/documents and so on are referred to in a consistent way throughout its responses. Any party referring to a non allocated site which is included in the Sustainability Appraisal should include the site reference number and page from Annex 2 of the SA Report. Where sites or locations are referred to which have not previously been shown on a plan in the submitted material, please provide a plan.**

F. No statement/piece of paper will be accepted if it fails to be clearly marked, **at the top right hand corner**, with the appropriate Issue/Sub matter and relevant respondent reference and name. The Council’s Response Papers should be separately referenced NFDC, followed by the Issue/sub issue number.