

GUIDANCE NOTE FROM THE INSPECTOR (REVISED 30 July 2013)

Introduction

1. The examination for the Aligned Core Strategies (ACS) began on 7th June 2013, when the plan was submitted to the Planning Inspectorate. A pre-hearing meeting has been scheduled for Tuesday 30th July at 2pm, and it will take place in the Nottingham Central Methodist Mission, 22 Lower Parliament Street, Nottingham, NG1 3DA.

The Inspector's role

2. My task is to consider whether the ACS (the plan) meets the legal requirements, soundness criteria and the duty to co-operate introduced through the Localism Act, 2011. The relevant soundness criteria are defined in the National Planning Policy Framework, March 2012, (NPPF), and state that a plan must be: 1) *positively prepared* (based on a strategy which seeks to meet objectively assessed development and infrastructure requirements); 2) *justified* (the most appropriate strategy when considered against the reasonable alternatives, and 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. Appendix A contains a list of useful publications and web sites for advice.
3. The Aligned Core Strategies publication version June 2012 [document CD/REG/01 in the examination library] has been amended following a period of public consultation last summer. The starting-point for this examination is the publication version [CD/REG/01] together with the Proposed Changes to it which were put forward by the Council in the documents CD/REG/02 and CD/REG/03.
4. The examination will have three main stages:
 - Gathering written evidence. I shall define the main Matters and Issues which arise from my early consideration of the plan, its evidence base and all the representations on it. All those who made representations on the publication version will have the opportunity to answer in writing the Questions which I shall define based on the matters and issues.
 - **Hearings for the examination are due to open at 10.00 am on Tuesday 15th October 2013 at the Nottingham Central Methodist Mission, 22 Lower Parliament Street, Nottingham, NG1 3DA. There will be a break of two weeks from 21 October to allow for school holidays, with the hearings resuming on Tuesday 5th November.** Those who made representations and have indicated to the Programme Officer that they wish to be heard will be invited to attend the hearings. However, please note that it is not essential to take part in the hearings. **Representations whether made in writing or orally at the hearings carry the same weight, and I shall have equal regard to all of them regardless of the medium used. Attendance at a hearing session will only be useful and helpful if you wish and need to participate in a debate.**
 - Reporting After the hearings, I shall review all the evidence and prepare my report for submission to the Councils. Once the report has been submitted, the examination ends.

The Programme Officer

5. The Programme Officer (the PO) for the Examination is Ms Carmel Edwards. She is not a Council employee and she works under my direction. Ms Edwards can be contacted on 0115 876 3975 (Mobile 07969 631930) or by email at programmeofficer@gngrowthpoint.com

6. The main tasks of the PO are to act as a channel of communication between all parties and myself; 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 Examination web site www.gngrowthpoint.com/examinationlibrary although paper copies may be made available on request. Anyone interested in viewing any of the documents should contact Ms Edwards beforehand. The PO will also be able to provide information about the programme for hearings as outlined below.
7. Any participant who has a disability that could affect their contribution to the examination /attendance at hearings should contact the PO as soon as possible so that any necessary assistance can be provided. Any other procedural questions or matters that you wish to raise with me prior to the hearings must be made through the PO.

Representations and Further Representations

8. From the consultation exercise last summer, Broxtowe received 3,239 representations from 1,499 respondents; Gedling received 15,644 representations from 1,397 respondents, and Nottingham City received 522 from 211. Representors/respondents were asked whether they wanted their views to be dealt with in written form or whether they wanted to come along and discuss them orally at a hearing session. 2421 parties have initially announced their wish to appear at the hearings. Representors should make clear to the PO as soon as possible how they wish their representations to be considered.
9. All those who consider the plan to be unsound or contrary to the relevant legal requirements will be invited to submit further written representations prior to the hearings, within the timetable set out below, on my Matters, Issues and Questions. **Please answer only the questions which are relevant to your original representation**, and provide additional, detailed information to justify your position. It is unnecessary and unhelpful to repeat what you have already written. Answers to questions should be concise and within the word limits specified below.
10. The starting point for the Examination is the assumption that the Councils have submitted what they consider to be a sound plan. Those seeking changes to it must demonstrate why the plan is unsound by reference to soundness criteria or the legal requirements.
11. It is most helpful for me to receive in the further written statements constructive comments and suggestions for re-wording of the policies and text where these modifications could potentially make the plan sound. All sides should work together during the examination process on possible modifications that could be made to the plan.
12. **No additional written information to these statements should be submitted before or during the hearings unless I have specifically requested it. Unsolicited papers will not be accepted for consideration.**

The hearing sessions

13. A number of different topics will be discussed at the hearings. Each main matter will be the subject of a separate session. The format will provide a relaxed and informal setting for a discussion led by the Inspector enabling everyone to state their point of view. It is not necessary for those attending to be professionally represented but a professional expert may act for a representor, so long as they engage in the discussions in an informal and non-adversarial way. Please inform the PO in advance if you intend to be professionally represented.
14. The hearing sessions will follow agendas which I shall prepare after reading all the further statements with answers to my questions. 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 and issues. All statements will have been circulated to other participants

beforehand and read by me, so there will be no formal presentation of evidence. There will be an opportunity within the discussion to ask questions of the other side by way of the Inspector.

15. Thus, the hearings will be inquisitorial rather than adversarial. They should run in an effective and efficient manner. I will not permit repetition of evidence. A good point often repeated does not become a better point. If a number of representors share a common viewpoint, they should nominate one spokesperson to present their case at the hearings.
16. At the hearings, I shall aim to work collaboratively with the Councils and the examination participants in a proactive, pragmatic and problem-solving manner. Those taking part should aim to be cooperative and constructive. The examination will not deal with "improvements" to the plan that do not affect its soundness.
17. **As already stated, no more written evidence should be submitted (i) after the deadline for sending in further written statements on the matter, issues and questions, (ii) during or (iii) after the hearing sessions have closed, unless the Inspector expressly invites it. The only exception to this would be a statement of common ground as described in paragraph 22 below.**

The hearing programme

18. A preliminary programme for the hearings, detailing dates and times to discuss the various matters will be available shortly. If there are any queries as to the programme, please raise them with the PO as soon as possible.
19. Should changes be required to the programme it will be updated on the web site www.gngrowthpoint.com/examination. 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.
20. The hearings sessions are scheduled to start at 10.00am on the first day, although an earlier start (eg. 09.30am) may be adopted on subsequent days if agreed to be necessary. A short break will be taken mid-morning and mid-afternoon. Lunch will be taken at around 1.00pm.

The Evidence Base and Examination Library

21. The Councils have prepared an evidence base list that will be available in the Examination Library www.gngrowthpoint.com/examination. The evidence base includes Government policy (NPPF) and other documents to which the parties may wish to refer. Accordingly, parties should not attach extracts of these documents to their statements but simply make a cross-reference.

Statements of Common Ground

22. Statements of Common Ground with the Councils are invited where these would be helpful in identifying points in dispute or no longer 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 modification to a policy criterion, agreed factual information or areas / points of disagreement.
23. **Work on such statements should commence now with the aim of completing them in time to feed into the relevant hearing statements and inform discussion at the hearings.**

Statements

24. All Statements, for both hearing and written representation matters, should be sent to the PO by **1pm on Thursday 19th September 2013**. This deadline relates to the receipt of

both **paper copies** and electronic copies. Additional or late material will not be allowed. All further written submissions in the statements should only address the Matters, Issues and Questions. Statements will be placed on the examination web site for reading prior to the hearings.

25. Appendix B sets out the requirements for the presentation of all statements. Its provisions should be thoroughly read and implemented. NB. the 3,000 word limit for each matter.
26. In the statements from representors it would be very helpful for me to have a brief concluding section stating:
 - What part of the local plan is unsound.
 - Which soundness criterion it fails.
 - Why it fails (point to the key parts of your original or further representations).
 - How the plan can be made sound.
 - The precise change and/or wording that you are seeking.

From the Councils, I seek answers to all the questions.

Reporting and post-hearings

27. After the close of the hearings, assuming the plan can be found sound, I shall prepare a report for the Councils with my conclusions and details of main modifications, which the Councils have requested and I am able to make to secure a sound plan. It will be for the Councils to determine whether any additional minor modifications are needed eg. to correct typographical errors or alter paragraph numbering. I shall announce the expected date for completion of my report at the last hearing session. The report will deal with broad issues rather than individual representations.
28. If there is a request from the Councils for significant ie. main modifications, it will be necessary to ensure that appropriate public consultation takes place and, if necessary, additional sustainability appraisal is undertaken.

Schedules of Main and Additional changes

29. If any main modifications are agreed and requested by the Council, these will be included in a Schedule of Proposed Main Modifications which will be placed on the examination web page. This will be updated as required and respondents should monitor this in case they wish to comment upon such changes.

Site visits

30. Where necessary, I shall visit relevant sites and areas referred to in the plan and/or representations before, during or after the hearings. If any participant feels that a site visit is essential they should advise the PO. I will normally carry out site visits alone unless I need to go on private land in which case the owner's representative and a council officer should accompany me.

Finally

31. I emphasise:
 - I shall 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 with short appendices, as set out in Appendix B;
 - you must meet the target date for the Statements; and
 - your statement should focus on my Matters, Issues and Questions and the soundness criteria.

Jill Kingaby (Inspector)
30 July 2013

Appendix A - Relevant legislation and guidance

A. Legislation

These documents can be searched for and found on: <http://www.legislation.gov.uk/>

- Planning and Compulsory Purchase Act 2004
- The Town and Country Planning (Local Planning) (England) Regulations 2012, *(which replace the Local Development Regulations, 2004, as amended, from April 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)

C. Plan Making Manual

The Plan Making Manual has been produced by the Government and is delivered via the Planning Advisory Service web site. *Please note that recent changes have been made to Government policy so that the guidance pre-dating 27 March 2012 will not be current.*

<http://www.pas.gov.uk/pas/core/page.do?pageId=51391>

D. Guidance from the Planning Inspectorate

- Examining Development Plan Documents: Procedure Guidance [The Planning Inspectorate, August 2009 (2nd Edition)]
- Examining Development Plan Documents: Learning from Experience [The Planning Inspectorate, September 2009]

See: <http://www.planningportal.gov.uk/planning/planningsystem/localplans>

Again, please be aware that these guidance notes are in need of some updating.

E. Examination and Evidence Base Documents

The examination web site can be found at:

www.gngrowthpoint.com/examination

Many of the above documents and most of the evidence base documents are available on-line on the following web site:

www.gngrowthpoint.com/examinationlibrary

Appendix B - Format for further written representations

- 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.
- B. I emphasise the need for succinct submissions with the avoidance of unnecessary detail and repetition of the original representation. Important: you should only answer the questions to which your name has been linked in the original representations.
- 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 plan or other sources of policy guidance. It is vital that the fundamental elements are set out clearly and succinctly.
- D. None of the statements should be longer than **3,000 words**. Any submissions longer than this may be returned by the PO for editing. Statements should be prepared on A4 paper, printed on both sides, and **not bound** but just stapled. Any photographs should be submitted in A4 format and should be annotated.
- 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 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, they should respect the aim of succinctness. Anyone submitting appendices should indicate in their statement which parts they rely on.
- F. Those appearing at **hearings or submitting further written representations** should submit **five hard copies** to the PO (for the Inspector, the Councils and the PO).
- G. All statements should be clearly marked to indicate the name of the representor, 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 on the day of the relevant hearing session, **are unlikely to be accepted** 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:
- Statements of Common Ground: in time to feed into Statements ideally, or before the relevant programmed hearing, if agreed.
 - All Statements: by **1pm on Thursday 19th September 2013**.
 - **It is stressed that this last deadline refers to the receipt of both electronic and paper copies of statements.**
 - **All paper copies of statements should be addressed to the Programme Officer at the following address:**

**Ms Carmel Edwards
C/O Nottingham City Council
Loxley House
Station Street
Nottingham
NG2 3NG**

programmeofficer@gngrowthpoint.com