

# **EXAMINATION OF THE STEVENAGE LOCAL PLAN**

## **EXAMINATION GUIDANCE NOTES**

### **Issued for Stage 2 Hearings**

#### **Introduction**

1. The Inspector for the Examination is Louise Crosby, MA, a Senior Planning Inspector for the Planning Inspectorate. She has been appointed by the Secretary of State to hold the Examination into the soundness of the Stevenage Local Plan (the Plan).
2. These notes have been prepared to assist participants in the examination into the soundness of the Plan.
3. A draft schedule of hearings and a statement of the Inspector's Matters, Issues and Questions for stage 1 hearings has already been issued and these can be found on the Council's examination website (details below) along with the Draft Matters, Issues and Questions for Stage 2 hearings. A Pre-Hearings Meeting is not being held. More detail about how the hearings will operate is set out below, together with general information about the examination.

#### **The role of the Programme Officer**

4. Louise St John Howe has been appointed as the Programme Officer (PO), acting as an impartial officer for the purposes of the examination. She is not a Council Officer and works to the Inspector's direction. Her principal functions are to ensure the smooth running of the examination; to ensure that documents are recorded and distributed; to maintain the examination library (mainly in electronic form); and to assist the Inspector with procedural matters.
5. She is your first point of contact and any procedural questions or other matters that you wish to raise with the Inspector prior to the hearing sessions should be made through her.

She can be contacted as follows:

Louise St John Howe  
PO Services  
PO Box 10965,  
Sudbury,  
Suffolk CO10 3BF

Phone: 07789486419  
email: [louise.stjohnhowe@stevenage.gov.uk](mailto:louise.stjohnhowe@stevenage.gov.uk)

## **The Examination webpages**

6. The Examination has a dedicated series of webpages that can be accessed via the Council's website.
7. All the material produced for the examination, including the hearings will appear on the examination webpage. If you do not have access to the internet, documents and other information can be obtained from the Programme Officer.

Participants are encouraged to make use of the examination website, where most documents can be located:

<http://www.stevenage.gov.uk/149690/planning-policy/165360/165368/>

Further general guidance about Local Plans can be found at:

<https://www.gov.uk/guidance/local-plans>

## **The role of the Inspector**

8. The role of the Inspector is to consider whether the Plan is sound and whether the requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and associated Regulations have been met. The Council should rely on evidence collected while preparing the Plan to demonstrate its soundness. Those seeking changes have to demonstrate why the Plan is not sound and why their suggested changes would make it sound.
9. The National Planning Policy Framework sets out the criteria for determining soundness; namely that the Plan is positively prepared, justified, effective and consistent with national policy. Planning Policy Guidance also provides helpful advice.

<http://planningguidance.planningportal.gov.uk/blog/guidance/local-plans/publication-and-examination-of-the-draft-plan/>

10. There are three possible outcomes to the examinations:

- The submitted Plan is sound
- The submitted Plan is not sound, but could be made sound by changes (known as 'main modifications'), if necessary following additional work
- The submitted Plan is not sound and could not be made sound by changes.

11. Following the close of the hearings the Inspector will prepare a report to the Council with her recommendations. The Council has formally requested that the Inspector recommends any 'main modifications' necessary to make the Plan sound.

## **Changes to the Plan**

12. The starting point is that the Council have submitted a Plan which they consider is ready for examination. At this stage there are only two means by which changes can be made to the submitted Plan:

(1) *Main modifications* recommended by the Inspector

(2) *Additional modifications* made by the Council on adoption.

13. However, the Inspector can only recommend *main modifications* if they are necessary to resolve problems that would otherwise make the submitted Plan unsound or not legally compliant. *Main modifications* are changes which, either alone or in combination with others, would materially alter the Plan or its policies. Any potential *main modifications* must be subject to consultation and in some cases further sustainability appraisal might also be required.

14. *Additional modifications* are those changes which do not materially affect the policies in the Plan. They are made by the Council on adoption and are also sometimes referred to as 'minor modifications'. The Council is accountable for any such changes and they do not fall within the scope of the examination.

## **The Examination Process**

15. The Inspector will run the examination hearings as efficiently as possible, keeping a tight rein on the discussions and time taken. Repetition will be discouraged. The aim is to conduct a short, but focussed, series of hearings – resulting in the preparation of a short, focussed report.

16. Representors have largely already indicated whether they wish their views to be dealt with solely on the basis of their written representation or if, in addition, they intend to participate in a hearing session. Both methods will carry the same weight and the Inspector will have equal regard to views put orally or in writing.

17. It is open for any representor to submit an additional statement in advance of the hearings provided the content of further submissions seeks to address the questions the Inspector has raised and the subject matter directly relates to the issues raised in original representations. Representors should not seek to repeat comments already submitted or introduce new areas of objection to the Plan at this stage. However the submission of further written material is not a requirement and respondents may rely on their original submissions. Only those parties seeking specific changes to the Plan are entitled to participate in the hearing sessions of the examination, and there is no need for those supporting or merely making comments on the Plan to attend.

**Anyone wishing to take part in a hearing session should confirm their participation with the PO by 5pm on Friday 6th January, 2017.** The Inspector will only be hearing those parties who have made such arrangements.

18. **If a further statement is submitted, it should be focused upon the matters, issues and questions identified by the Inspector and should be sent to the PO for receipt by 5pm on 20th January, 2017.** The requirements for such statements are as follows:

- Statements should be limited to not more than 3,000 words on any one of the main matters. If more detailed material needs to be submitted it should be in the form of appendices (see below), but any such material should not duplicate the content of documents already included in the Core Documents list
- 3 paper copies and an electronic version (in either PDF format) **must** be provided by the above deadline, including any appendices
- A4 size is required, with any plan folded so as not to exceed that size
- Paragraph and page numbers should be included
- Any measurements should be in metric units
- Appendices should have a contents page and pages should be numbered. Large documents and lengthy 'lifts' from judicial judgements and Inspectors' reports should **not** be included as appendices. Please contact the PO about having these included in the Examination Library so you can reference the document and relevant page numbers in your hearing statement.
- **A separate statement should be submitted for each matter addressed**
- Statements should relate solely to the matters raised in your representations
- They should explain which particular part of the SA DPD is unsound; explain why it is unsound; and say how the SA DPD can be made sound, explaining the precise change/working that is being sought

19. The need for succinct submissions is emphasised. Unnecessary detail and repetition should be avoided. It is the quality of the reasoning that carries weight, not the bulk of the documents. Nonetheless, it is vital that the fundamental elements of cases are set out clearly and succinctly – the hearings are not the place for rabbits to be drawn out of hats.

20. From the Council, a statement is required setting out its response to the Inspector's questions, explaining why it considers the Plan to be sound in these respects. This should be submitted within the same timescale. While it is not necessary to prepare detailed responses to all of the representations, the Council may wish to respond to representations that it feels are of particular significance or concern. Where a specific response to a representation is requested by the Inspector, this will be set out in the Matters, Issues and Questions paper. Further discussion between the Council and representors is strongly encouraged – ideally leading to statements of common ground.

21. Those representors who wish to proceed by written means only need take no further action; they can rely on what they have already submitted in writing. However, if any party wishes to submit further written evidence in support of their position, this should be focused on the matters, issues and questions that have been identified – and submitted within the same timescale.

22. The Inspector has already submitted some initial queries and comments to the Council: these are available on the examination website, along with the Council's responses. The starting point for the examination will be the Stevenage Borough Local Plan 2011-2031 (Publication draft – January 2016), which was the subject of the Council's consultation exercise. Nevertheless, the Inspector will also consider any changes that have subsequently been suggested by the Council, along with those changes put forward by other parties seeking to amend the Plan. Under the provisions of section 20(7C) of the Planning and Compulsory Purchase Act 2004 the Council can ask the Inspector to recommend any main modifications that are considered necessary to make the Plan sound/legally compliant.

### **Hearing Arrangements and Procedure**

23. The examination will take place in three stages.

**Stage 1** will solely cover the duty to cooperate (DtC), objectively assessed needs for housing and employment land and strategic transport matters. If following the Stage 1 hearing sessions, I am satisfied with that the relevant legal duty has been met and I consider the Plan is legally compliant and capable of being found sound on the matters considered at Stage 1 the examination will move on to Stage 2 and then finally Stage 3.

**Stage 2** will consider development management type policies and **Stage 3** site allocations.

24. The **Stage 1** hearing sessions will start at **10am on Tuesday 17 January** at

It is anticipated that the session will last for 3 days. However, two additional days have been reserved for Friday 20th January and Tuesday 24th January.

25. The draft ***Inspector's matters, issues and questions (stage 1 hearings)*** sets out the matters, issues and questions to be covered on during the first stage of hearings. A list of matters, issues and questions for Stage 3 will be issued in due course.
26. Following the Stage 1 hearing sessions, I will advise on the appropriate way forward for the examination. Any initial findings I make, and any final report, will deal with broad issues, rather than specifically with each individual representation.
27. At the hearing sessions, a short break will be taken mid-morning and mid-afternoon, with a lunch break at about 1.00 pm. Where an afternoon session is shown, this will begin at 2.00pm. The hearings will focus on the matters, issues and questions outlined by the Inspector and arise from the tests of soundness and the representations made about soundness. They are public hearings and interested persons are welcome to attend and observe, even if not taking part. Any participant who has a disability that could affect their contribution to the examination should contact the PO as soon as possible so that any necessary assistance can be provided.

28. The sessions will generally take the form of round table sessions, providing an informal setting for dealing with issues by way of a discussion led by the Inspector. Those attending may bring with them professional advocates and witnesses, although there will be no formal presentation of evidence or cross-examination. More detailed agendas will be circulated before the hearings. Comments should focus on those aspects of the Plan that parties are seeking to change: it is for the Council to explain why it considers the Plan to be sound as submitted. The hearings will be conducted on the basis that everyone taking part has read the relevant documents.

### **Site Visit Arrangements**

29. The Inspector will view relevant locations from public roads and footpaths before or after the hearing sessions. This will be done unaccompanied by the parties, unless it is considered that an accompanied visit is necessary – for example where the land concerned cannot be seen from the public road. In such cases, the PO will liaise with the parties to make arrangements. Accompanied site visits will not be the opportunity for discussion of the merits of the cases concerned.

### **Close of the Examination and the Inspector's Report**

26. Once the Inspector has gathered all the information necessary to come to reasoned conclusions on the main issues, she will write her report. The report will not deal with omission sites in detail. The examination itself remains open until the report is submitted to the Council. However, once the hearing sessions are completed the Inspector can receive no further information from any party, unless it is a matter on which further comments have been requested. Any unsolicited items will be returned to the sender. The Inspector will announce the likely date of the report's submission at the end of the final hearing session.
27. Any queries regarding the examination programme should be addressed in the first instance to the Programme Officer.

Louise Crosby  
Inspector

29 November 2016