

Examination of the West Somerset Local Plan to 2032

Guidance Note January 2016

The Purpose of this Note

1. The purpose of this note is to explain procedural and administrative matters relating to the examination of the West Somerset Local Plan to 2032 (LP). As part of the examination, hearing sessions will commence on **Monday, 14 March 2016**. A schedule of hearings is being issued separately. A pre-hearings meeting is not being held. Participants are encouraged to make use of the examination website, where most documents can be located.
<https://www.westsomersetonline.gov.uk/Planning---Building/Planning-Policy/Local-Plan-to-2032/Examination>

The Inspector's Role and the Purpose and Scope of the Examination

2. The examination began on 31 July 2015 when the Council submitted the LP and the other submission documents. **Brian Cook** BA(Hons) DipTP MRTPI has been appointed to examine the LP. His role is to consider whether or not the LP is sound and whether the requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and associated Regulations have been met. The Inspector will focus on the soundness criteria set out in the Government's National Planning Policy Framework (2012), i.e. whether the LP is positively prepared, justified, effective and consistent with national policy. He will also examine whether the LP meets the statutory requirements, in particular those relating to the Duty to Co-operate (the Duty) set out in s33A of the 2004 Act as amended. The Council should rely on the evidence collected while preparing the LP to demonstrate its soundness. Those seeking changes should demonstrate why the LP is not sound and why their suggested changes would make it so.

The Programme Officer's Role

3. **Salla Arnold** has been appointed as the Programme officer, acting as an impartial officer for the purposes of the examination. Her contact details are circulated with this guidance note. Her main functions are to liaise with all parties to ensure the smooth running of the examination; to ensure that the documents are recorded and distributed; to maintain the examination library in electronic and, particularly during the examination hearing sessions, in physical form and to assist the Inspector with procedural matters. She is your first point of contact for all matters to do with the examination.

The Examination Process

4. The Council has submitted Document SD4 'West Somerset Local Plan to 2032 – July 2015' for examination and will be asked to confirm that this is the same as the document published in February 2015 for the purposes of Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and upon which the representations have been made. Partly in response to those representations a number of what the Council considers to be minor changes are suggested (Document SD7).
5. This Document has not been subject to any consultation but is likely to have been overtaken by subsequent events. The 'Latest Examination News' tab on the Examination web site sets out the correspondence between the Inspector and the Council and provides links to the documents, all of which are prefixed 'ED'. Document ED10 sets out the Council's proposed changes to the LP as a result of its consideration of this exchange of correspondence. Many of these will amount to Main Modifications and it will be important to discuss the implications of these for the soundness of the LP during the hearing sessions.
6. 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 focused series of hearings, leading to the production of a short, focused report.
7. As a result of the Inspector's initial examination of the submission documents he has identified a first draft of the Matters and Issues he considers need to be addressed **through discussion** at the hearing sessions during his examination of the LP. These are attached to this note. While the Inspector will take into account all of the representations that go to the soundness and legal compliance of the LP he is not required to and will not report on each of them individually. It is not necessary therefore to deal with each representation made during the hearing sessions. If you consider that there are other issues that should be discussed please let the Programme Officer know not later than **noon on 26 January 2016**.
8. Final Matters and Issues will be circulated by the Programme Officer not later than **29 January 2016**. Those wishing to submit further statements to add to the representations they have already made must do so not later than **noon on 17 February 2016**. More information about the form in which these statements should be submitted is given below.
9. Those who have made representations should have already decided whether their views can be dealt with in written form or whether they need to present them orally at a hearing session.

Both methods carry the same weight and the Inspector will have equal regard to views put orally or in writing.

10. The draft Matters and Issues list those participants who the Inspector considers at this stage may wish to take part in the discussion. Experience has shown that the effectiveness of any hearing session is very much reduced if the number of participants exceeds 20. It appears unlikely at this stage that this will be an issue at any hearing session. However, where it is clear from the representations that several representors make the same or very similar points, potential participants in that position are encouraged to consider appointing one person to present their case. The right to be heard is actually limited to those making representations seeking to change the LP (s20(6) of the 2004 Act). It has not been possible to identify who these bodies and individuals are from Document SD21.
11. It is imperative therefore that those wishing to appear at the hearing sessions confirm this to the Programme Officer no later than **noon on 17 February** together with any further statement that you wish to make.
12. If you wish to submit a further statement it should be focused on the final Matters and Issues that the Inspector has identified. Any such statements should be submitted to the Programme Officer for receipt as set out above. The requirements for each statement are as follows:
 - Statements should be limited to not more than 3,000 words on any one of the **Matters**. If more detailed material needs to be submitted (such as statistical information, maps or diagrams) 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 set of examination documents on the website.
 - Electronic submission of statements is encouraged: this should be in MS Word or PDF format. In addition, 3 paper copies of statements are required, including one unbound for further copying and the other 2 stapled in the top left corner.
 - A4 size is required, with any plans 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 consecutively.
 - A separate statement should be submitted for each **Matter** addressed.
 - Statements should include, at the top of the front page, the appropriate Matter and Issue number, representor reference number and name of representor.
 - While web links to documents may be included, three copies of the printed document will still be required to insure against

broken links and to enable those without access to the internet during the hearing session to view them; this may include the Inspector.

13. 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 to introduce arguments or information that ought to have been set out in advance. For the avoidance of doubt, rebuttal statements are not invited from any of the participants but, if necessary, the Inspector will seek clarification on any matters in advance of the hearings. Creative use of appendices to submit large amounts of information should be avoided. Failure to follow this advice may lead to material being returned by the Programme Officer.
16. Statements are also required from the Council, setting out its responses to each of the Inspector's Matters and Issues, explaining why it considers the LP to be sound in these respects. These statements should be submitted within the same timescale. As the Council must respond fully to each Matter and Issue the 3,000 word limit will be viewed as flexible for the Council alone. The Council should avoid the use of footnotes to other documents which is its usual practice in many of the examination documents. While it is not necessary to prepare detailed responses to all of the representations, the Council may wish to respond to those that it feels are of particular significance or concern. Further discussion between the Council and representors is strongly encouraged – ideally leading to statements of common ground. Please keep the Programme Officer informed about progress with preparation of such statements.
17. Representors who wish to proceed by written means do not need to take any further action; they can rely on what they have already submitted in writing. The full representations are included within examination Document SD21 and the Inspector has read all of these. However, if any party wishes to submit further written evidence in support of their position, this should be focussed on the Matters and Issues that have been identified – and submitted within the appropriate timescale adhering to the guidance above on length, etc.
18. Before the start of the hearing sessions the Inspector may raise questions directly with the Council on any points that are relevant to the examination. A number of questions have already been raised since the LP was submitted and the Council's responses have been received. These exchanges of correspondence are placed on the website as examination documents.

Hearing Arrangements and Procedure

19. The hearing sessions will commence at **13.30 pm on Monday 14 March 2016**. The hearings programme will be circulated separately once the Matters and Issues have been finalised. Please note the following:
 - The hearing sessions will be held at Council Chamber, West Somerset Council, West Somerset House, Killick Way, Williton Taunton, Somerset TA4 4QA
 - Morning sessions will commence at 9.30. Breaks will be taken mid morning and mid afternoon and lunch will be taken around 13.00 and be between 45 minutes and an hour. Where an afternoon session is on a different Matter to the morning session it will start at 14.00. A new Matter will not start before the time shown on the hearings programme although it may be delayed if the previous session has overrun.
 - The hearings will focus on the Matters and Issues initially outlined by the Inspector and the more detailed questions arising from the statements received.
 - Hearings are public meetings and interested persons are welcome to attend even if not taking part. However, only those specifically invited to do so will be able to participate in the discussion.
 - Please keep in touch with the Programme Officer and check the examination web site as it may be necessary to alter the hearings programme for various reasons.
20. The hearings 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 professional advocates and witnesses with them, although there will be no formal presentation of evidence and it is not expected that there will be a need for cross-examination. Please keep the Programme Officer informed about who will be speaking at the sessions.
21. Agendas setting out the order of topics for discussion will be circulated before the hearings. These will also be available on the examination web site. Generally only one seat will be available at the table for each participant but a hot-seating arrangement will be acceptable. To repeat, where a number of participants share similar viewpoints it will be helpful if a spokesperson is appointed. Hot-seating for groups of participants may be required for certain sessions if a large number is expected. Further advice on such arrangements will be issued as necessary.

Site Visit Arrangements

22. 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 Programme Officer 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

23. When the Inspector has gathered all the information necessary to come to reasoned conclusions on the main issues, he will write his report. The examination itself remains open until the report is formally 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. If possible, the Inspector will announce the likely date of the report's submission at the end of the final hearing session.
24. Assuming that the LP is sound as submitted, the Council should amend it in the light of the report's recommendations and move swiftly to formal adoption. However if the LP is not sound as submitted, Main Modifications that are necessary to make it sound will only be recommended by the Inspector if formally requested to do so by the Council.
25. If Main Modifications are necessary, it is hoped that many, if not all, will be based on proposals put forward by the Council in response to points raised and suggestions discussed during the examination. The Inspector will consider proposed Main Modifications from the Council in the same way as he will consider changes put forward by other parties. Such proposed Main Modifications should, where appropriate, be subject to the same process of publicity and opportunity to make representations as the submission plan, and may require sustainability appraisal.
26. Minor changes to the LP are known as 'additional modifications' and can be made by the Council on adoption, without the need to be examined. In practice they should be in the nature of corrections and clarifications that do not change the meaning or scope of a policy and would not need to be the subject of consultation or revised sustainability appraisal.
27. For the avoidance of doubt the changes already proposed in Documents SD7 and ED10 referred to above will be taken into account by the Inspector and discussed as appropriate during the relevant hearing session.
28. Any queries regarding the examination should be addressed to the Programme Officer in the first instance.