

## **BABERGH LOCAL PLAN – CORE STRATEGY (CS) EXAMINATION**

The purpose of this note is to explain procedural and administrative matters relating to the examination hearing for Brantham Regeneration Area.

### **OPENING OF THE HEARING**

The hearing will commence at 10am on Wednesday 25<sup>th</sup> September 2013 in the Council Chamber, Babergh District Council Offices, Corks Lane, Hadleigh.

### **INTRODUCTIONS**

The Inspector is Phillip Ware Bsc(Hons) DipTP MRTPI.  
The Programme Officer is Annette Feeney.

### **SCOPE OF THE EXAMINATION AND INSPECTOR'S ROLE**

The examination is likely to focus on the test of soundness. The Council should rely on evidence collected whilst preparing the document to demonstrate that it is sound. **Those seeking changes to the CS have to demonstrate why that is not the case.**

The process of examining plans under the Local Development Framework system. Initial points:

- Firstly, the **focus is on the plan rather than the objections**. The Inspector examines the soundness of the whole plan, having regard to the representations submitted, rather than just any objections made.
- Secondly, the **process is akin to an Examination in Public**, with "round table" and "informal Hearing" sessions addressing particular topics, rather than the traditional form of Public Inquiry.

Following the closure of the hearing session, the Inspector will prepare a Report to the Council with conclusions and recommendations as to the action(s) it needs to take with regard to the soundness of the document. This report is not binding on the Council but it should amend the document in the light of it and move swiftly to formal adoption.

In terms of published documents, the National Planning Policy Framework should help interested parties with a further understanding of the process, but there is also other advice available on various websites that should assist:

PAS (Planning Advisory Service) website  
<http://www.pas.gov.uk/pas/core/page.do?pageId=1>

Planning Inspectorate website  
[http://www.planningportal.gov.uk/uploads/pins/dpd\\_procedure\\_guide.pdf](http://www.planningportal.gov.uk/uploads/pins/dpd_procedure_guide.pdf)

Babergh District Council website  
<http://www.babergh.gov.uk/>

Those making representations should seek advice the Programme Officer if still not clear.

The Council has published a track change version of the Core Strategy showing their two submission documents (The Core Strategy and Main Modifications) combined. The Council has **also** prepared a further schedule of modifications during the examination process (that have now been subject to a final consultation). They are all available on the Examination website or from the Programme Officer, and the Council has asked that they be referred to in the Inspector's report.

## **THE PROGRAMME OFFICER AND HER ROLE**

Annette Feeney has been appointed as Programme Officer. She acts as an **impartial officer of the Examination**, under the Inspector's direction, and is not an employee of the Council.

Details of how to contact her up to and during the examination hearings are set out at the end of these notes.

Her main functions are:

- i) to **liaise** with all parties to ensure the smooth running of the examination.
- ii) to ensure that all the **documents** received before the examination are recorded and distributed.
- iii) to maintain the examination **website, including the Core Document list**.
- iv) to **assist the Inspector** with all procedural and administrative matters.

She will be able to advise on any programming queries and all practical and procedural points should be addressed to her. She will pass them on to the Inspector for a reply, if necessary, and carries his authority to act in accordance with the regulations. All communication to the Inspector is to be via the Programme Officer.

## **PROCEDURAL QUESTIONS FOR THE COUNCIL**

The Inspector has formally asked the Council:

- Has the Council complied with the duty to co-operate?
- Have the CS been prepared in accordance with the Local Development Scheme?
- Has the CS had regard to the Sustainable Community Strategy?
- Is the CS in general accordance with the Statement of Community Involvement and public consultation requirements?
- Has the CS been subjected to Sustainability Appraisal?
- Is the CS in conformity with the National Planning Policy Framework?
- Has a Habitat Regulations Assessment been prepared?
- Does the CS comply with the 2004 Act and Regulations (as amended)?

The Council answered "yes" to the all questions.

The Inspector has also formally asked the Council if they wish him to make recommendations, in the event that he finds the plan or any part of it unsound but also considers that it could be made sound through modifications, and the Council said yes.

## **PROCEDURE PRIOR TO THE OPENING OF THE HEARING**

The Examination Hearing will be run in an efficient manner, with a tight rein on the discussions and time taken. The amount of written material should be limited to that necessary for the Inspector to come to informed conclusions on the issues.

Those who have made representations on the CS within the relevant time period have already decided whether their views have been adequately expressed in written form or whether they wish to also present them orally at a hearing session. Both methods will carry the same weight and the Inspector will have equal regard to views put orally or in writing. Attendance at a hearing session will only be useful and helpful to the Inspector if participants can engage in a debate.

Those intending to appear at a hearing session who are content with their previous submissions need take no further action - they can rely on what they have already submitted in writing. However, if anyone wants to make a further written submission supporting their position, they may prepare a brief statement of their position, but this is not compulsory. Such a statement should be focussed on the issues identified for the relevant hearing session - or it will be returned.

The Council has prepared a list of **Core Documents** that is available on the Council's website or from the Programme Officer. Participants should not attach extracts of these documents to their statements as they are already Examination documents and the Inspector will be familiar with them. Please reference any extracts accordingly.

**Succinct submissions**, avoiding unnecessary detail and repetition, are vital. There is no need for quotes from the CS or other sources of policy guidance. Nonetheless, it is vital that the fundamental elements of cases are set out clearly but it is the quality of the reasoning that carries weight, not the scale of the documents or the weight of the appendices.

**Essentially, the Inspector needs to know the following** from those submitting further written statements:

- What particular part of the CS is said to be unsound?
- Which soundness test[s] does it fail?
- Why does it fail?
- How could the document be made sound?
- What is the precise change/wording sought?

**Any statements for the hearing [or further written representations] must be sent to the Programme Officer no later than 5pm on Monday 16<sup>th</sup> September [this applies to all forms of communication].**

**There will be no exceptions allowed as it would be unfair to other participants.**

All further statements should be no longer than **3000 words**, whether for the hearing session or further written representations. Any submissions that are of excessive length and/or containing irrelevant or repetitious material will be returned.

Submissions should be prepared on A4 paper, without hard covers and unbound, but held together with a staple. Any plans or diagrams should also be folded to A4 size and listed as Appendices.

Submission documents for those appearing at hearing sessions should provide an electronic version plus enough copies for each attendee at the session you are appearing, one for the Inspector, one for the Council and one for the file. (i.e. 10 people at session +3 = 13 copies submitted.)

Submission documents for those not appearing at hearing sessions should provide an electronic version plus 3 copies. (one for the Inspector, one for the Council and one for the file)

**No additional statements or documents whatsoever [including letters and press cuttings] will be accepted at the Examination sessions.**

All statements and appendices should be clearly marked with your name or the organisation you represent.

Statements and Appendices should have a contents page and be paginated throughout. Appendices should confine themselves to the parts which are particularly pertinent and on which are relied to support the case. Those of excessive length and/or which cannot be circulated electronically risk being returned.

The **Examination Library** will contain copies of the CS and associated documents, all representations, and each further submission as it received under the supervision of the PO, who will assist anyone wishing to see and copy any document and maintain lists of all those submitted.

Limited copying facilities will be available but charges will be made at the Council rates, A4 10p per sheet Black and White and A4 40p per sheet colour.

The up-to-date Programme, lists of appearances and other relevant material will be available from the Programme Officer as well as the Examination website.

## **THE EXAMINATION ARRANGEMENTS AND PROCEDURE**

The hearing session will **commence at 10am on Wednesday 25<sup>th</sup> September.**

The hearing sessions will start at 1000. A short break may be taken mid morning and mid afternoon, with around an hour for lunch from about 1300 and aiming to finish no later than 1700.

Refreshments are available in the canteen, with water only provided in the Examination room for participants at sessions. Mobile phones and similar devices need to be switched off or set to vibrate when the Examination is in session (with calls taken or made outside).

The session will take the form of Round Table Sessions, where several parties are present. This approach will provide an informal setting for dealing with issues, by way of a discussion led by the Inspector.

Those attending may bring professional advocates, but there will only be space at the table for one representative of each group or organisation [apart from the Council who are allowed two], though there is no objection to the representative changing. Advocates/legal representatives take part as a member of the team, rather than in a traditional advocate's role, as no cross examination or opening/closing statements will normally be permitted.

The discussion will focus on the issues identified in the questions posed, together with any additional points raised by the written submissions.

Those present will be asked to introduce themselves. The Inspector may then make a brief statement as about the issues under discussion and then invite participants to make their contribution in response to the points raised starting usually with the Council. The hearing will then progress with the Inspector drawing those present into the discussion in such a way as to enable him to gain the information necessary to come to a decision on the relevant matters.

**Participants will be grouped together according to the matters being considered. Where many people have the same viewpoint, they should appoint one or two people as spokespersons to represent them as the Inspector will not hear from everyone on very similar points.**

## **CLOSE OF THE EXAMINATION**

Once all the information (including representations on Modifications) necessary to come to reasoned conclusions and decisions on the issues has been gathered by the Inspector, he will write the Report. The Examination itself remains technically open until this is submitted to the Council, however once the hearing sessions are completed he can receive no further information from any party, unless it is a matter on which he specifically requests it. Any unsolicited items will be returned.

## **SUBMISSION OF THE REPORT TO THE COUNCIL**

On the last day of session the Inspector will indicate when the report to the Council is expected.

## **EXAMINATION PROGRAMME**

The programme officer will produce a list of participants at the Brantham session, if you are not listed and wish to speak, please contact the programme officer as soon as possible. The session is open to the public to observe only.

**Mrs Annette Feeney**  
**Programme Officer**