GUARDANCE NOTE FROM THE INSPECTOR

Purpose

1. This Note is intended to assist those who have made representations on the Minerals & Waste Local Plan as part of the pre-submission consultation processes and those who wish to appear in person. It concerns procedural and other aspects of the examination process.

Examination Hearings

2. The Minerals & Waste Local Plan will be examined at hearing sessions on 19 – 21 June 2019 and 25 – 26 June 2019 at Ipswich Town Football Club, Portman Road, Ipswich IP1 2DA. The hearings will form part of the overall examination of the Plan. They will proceed on the basis of agendas and a timetable that will be prepared in advance of the hearings.

Inspectors’ role

3. My task is to consider the soundness and legal compliance of the Plans, on the basis of the relevant legislation and the guidance in the National Planning Policy Framework (the Framework). Considering soundness involves examining the Plans to determine whether they are:

(a) **positively prepared** – based on strategies which seek to meet objectively assessed requirements, consistent with achieving sustainable development;

(b) **justified** – the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence;

(c) **effective** – deliverable over its period and based on effective joint working; and
(d) **consistent with national policy** – able to achieve sustainable development in accordance with the policies in the Framework and National Planning Policy for Waste.

4 Further details of the examination process are set out in the Planning Inspectorate’s publication *Examining Local Plans: Procedural Practice*. See Annex A for details of how to access this document.

5 The starting point for the examination is that Suffolk County Council has submitted what it considers to be a sound plan. Those seeking changes must demonstrate why the plans are unsound by reference to one or more of the tests of soundness.

6 Unresolved issues concerning soundness or legal compliance may be addressed through discussion at the examination hearings and through consideration of the original written representations. It should be emphasised that my role is not to improve the Plans or to make them “more” sound but to determine whether or not they meet the soundness tests as they stand. For example, if an alternative version of a policy is put forward I cannot recommend it as an improvement if the Plan is already sound.

7 I will identify Matters for consideration, Issues on which the soundness of the Plan depends and Questions which the Council will be asked to respond to. These will be added to the Examination website in due course. Responses to these matters, issues and questions should be received by the Programme Officer (PO) by **5pm on 4 June 2019**.

8 After the hearing has closed, I will prepare a report for the Council with my conclusions and recommendations. I will have explained the next steps in the examination process including any indication of its likely completion date at the hearings. If I find the Plan to be legally compliant and sound in all respects, my report will recommend its adoption. If I find the Plan non-compliant or unsound in any respect, I can recommend main modifications to make it compliant and sound. My report will deal with the main issues concerning the soundness of the Plan, taking into account the representations received. However, it will not deal with each one individually.

9 If main modifications are proposed by the Council, adequate consultation will need to take place on them where necessary, so that the rights of interested parties are not prejudiced. Where appropriate, main modifications may also need to be covered by a revised Sustainability Assessment and Habitats Regulations Assessment. The Council may then, if it so wishes, formally adopt the Plan, incorporating the recommended main modifications.

**Programme Officer**

10 Annette Feeney is the PO. She can be contacted on 07775 771026 or by e-mail at Annette.Feeney@suffolk.gov.uk
Her role is to act as an impartial officer of the examination under my direction. The main tasks of the PO are to liaise with all parties to ensure the smooth running of the examination, to organise the hearings, to ensure that all documents are recorded and distributed as necessary. Details of the website where examination documents related to the Plan are available are given in Annex A. Any other procedural questions or other matters that you wish to raise with me prior to the hearings should be directed through the PO.

**Progressing representations**

Respondents have been asked by the Council whether they wish to put their views across at a hearing. Whether views are expressed in writing or orally they will carry the same weight and I shall have equal regard to views expressed by both methods. Attendance at a hearing session will only be useful and helpful to me if you need to participate in a discussion concerning the soundness or legal compliance of the Plan. Those who wish to proceed by written means can rely on what they have already submitted.

The right to participate in a hearing extends only to those who propose changes to the Plan in order to make it sound and legally compliant and is limited to those policies or matters which were the subject of the original representation. This strictly excludes those who have simply commented on a policy in the Plan. So although anyone can attend, the ability to speak is not available to all but is limited to either those with a legal right or those specifically invited. This is one of the differences of the Examination process compared to other planning procedures. There is no need for those supporting the Plan to take part in the hearing.

Evidence on any new matter which may have arisen since the original representations were submitted can be sent to me via the PO. This might be, for example, where a new document has been produced by others or evidence has emerged that has a direct bearing on the soundness of the Plan. Submission of any such material should allow sufficient preparation time for all parties and should be provided by **4 June 2019**.

In some circumstances it may be appropriate for a participant to reach an agreed position with the Council and to set this out in a Statement of Common Ground. Such a Statement might contain the wording for a main modification. Statements should be received by the PO by **4 June 2019**.

A programme will be provided shortly. If any person or organisation wishes to appear at the hearing they should inform the PO by **5pm on 7 June 2019**. This is in the interests of fairness to other participants and to assist with arrangements at the hearing itself.
Hearing

17 The oral examinations will be based on the matters, issues and questions that I have identified. The hearings will deal with the individual policies and any issues in turn and will consider them by way of a structured discussion which will be led by the Inspector. The hearing will not normally involve cross-examination. Those attending may, if they wish, bring professional experts with them. Barristers and solicitors, if present, will be treated as part of the respective team.

18 The purpose of the hearing is to concentrate on the matters that I need to hear about. It is not an opportunity simply to repeat a case already set out in written representations. The discussion will be structured around an agenda which will be issued in its final form shortly before the hearing session. The emphasis will be on testing for soundness. The Inspector will make a few brief comments on the matters they want covered, then invite individuals to make their contribution in response to the points they have raised. All participants will have an equal chance to speak.

19 The Inspector will draw those present into the discussion in such a way as to enable him to gain the information necessary to come to a firm conclusion on the issues. There will be no formal presentation of evidence, as the Inspector will have read all the relevant representations beforehand, and he will expect all the other participants to have done so as well. No more evidence can be submitted once the hearing session has closed, except with the Inspector’s agreement.

20 The hearing will be inquisitorial, rather than adversarial. The Inspector will endeavour to progress it in an effective and efficient manner, keeping a tight rein on the discussion and the time taken. In this way the aim is to conduct a short, focussed, hearing to produce a short, focussed report.

Closing the examination

21 The examination will remain open until the Inspector’s report is submitted to the Council. However, no further representations or evidence will be accepted after the respective hearing has closed, unless the Inspector specifically requests it. Any late unsolicited material will be returned.
Annex A

The Planning Inspectorate’s publication *Examine Local Plans: Procedural Practice* can be found at:


The website where examination documents related to the Minerals & Waste Local Plan are available is at:

Annex B – Format for statements

1 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 one paper copy as detailed below.

2 I emphasise the need for succinct submissions with the avoidance of unnecessary detail and repetition of the original representation.

3 It is the quality of the reasoning that carries weight not the bulk of the documents. There is no need for verbatim quotations from sources of policy guidance. It is vital that the fundamental elements are set out clearly and succinctly – the hearing sessions are not the place for surprise contributions!

4 None of the statements should be longer than 3,000 words. For the avoidance of doubt, this limit applies to statements for the overall issue and not the individual questions. Statements should be prepared on A4 paper and not bound in any way but just stapled and hole punched. No photographs should be submitted. Any plans or diagrams should also be folded to A4 size and listed as Appendices.

5 Supporting material in the form of appendices to statements should be limited to that which is 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, the aim of succinctness should be respected. Anyone submitting appendices should indicate in their statement which parts they are especially relying upon.

6 Please submit a separate statement for each issue covered, if your statement covers multiple issues please do not combine the content into a single statement, each statement should specifically address questions covered within an individual issue. This will assist distribution, publication and understanding during the hearing sessions.

7 All participants must adhere to the timetable for submitting statements. Late submissions and additional material will not be accepted under any circumstances, since this can cause disruption and result in unfairness. If material is not received by the deadlines, the PO will assume that you are relying on your original representation.

8 Statements to be received by the PO by 5pm 4 June 2019.

9 It is stressed that these deadlines refer to the receipt of both electronic and paper copies of statements. It is not sufficient to send an electronic copy by this deadline to be followed by paper copies at a later time.
10 All paper copies of statements should be addressed to the Programme Officer at the following address:

Ms Annette Feeney, Suffolk County Council, Endeavour House, 8 Russell Road, Ipswich, Suffolk IP1 2BX