

## GUIDANCE NOTE FROM THE INSPECTOR

### Introduction

1. The Hearing sessions which are part of the overall Examination into the Minerals and Waste Local Plan Update (the Plan) will open on **29 November 2016 at 10.00am**, within the **Meeting Room of Northampton Museum & Art Gallery, Guildhall Road, Northampton, NN1 1DP**.

### The Inspector's role

2. The examination began on 18 August 2016 when the Council submitted the Plan and the other submission documents. **Jonathan Manning** BSc (Hons) MA MRTPI has been appointed to examine the Plan. His role is to consider whether the Plan meets the requirements of the Act and associated Regulations against the **tests of legal compliance, duty to co-operate and soundness**. The Examination is likely to focus on the tests of soundness as set out in Paragraph 182 of the National Planning Policy Framework (the Framework) published on 27 March 2012. The relevant soundness criteria are whether the Plan is:
  - 1) *positively prepared* (based on a strategy that seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development);
  - 2) *justified* (the most appropriate strategy when considered against the reasonable alternatives, 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* (enabling the delivery of sustainable development in accordance with the policies in the Framework).
3. Examining plans under the current system is based on:
  - First, the **focus is on the plan** rather than the representations. My role is to examine the soundness of the plan having regard to the representations submitted and issues identified, rather than considering individual objections as such.
  - The Hearings are akin to an Examination in Public with round table or informal hearing sessions addressing particular topics, rather than a public inquiry which is more adversarial in nature.
4. Through the Programme Officer, I shall work with the County Council and the Examination participants in a proactive, pragmatic and solution-orientated manner. Those taking part should aim to be cooperative and respectful. I cannot recommend as 'main modifications' changes that are merely "improvements" that do not affect the soundness of the Plan. Nevertheless, it would be unusual if the County Council did not wish to respond positively to the concerns of participants, where possible, and I shall encourage that, if appropriate.
5. **The County Council may prepare schedules of main and minor modifications, to be available on the website, and ask that I deal with them in the Report, which I will do, but only after everyone has had an opportunity to comment in writing on any main modifications, if any are proposed.**

6. After the Hearing sessions, I shall prepare a Report to the County Council, with my conclusions and recommendations as to the action(s) it needs to take with regard to the soundness of the document. My report is **not binding** on the County Council but it should amend the document in the light of my recommendations and move swiftly to formal adoption. The report will deal with broad issues and not with each individual representations.

### **The Programme Officer**

8. The Programme Officer (PO) for the Examination is Ian Kemp. He is entirely independent of the County Council and has not been involved in the preparation of the Plan. He works under my direction. Mr Kemp can be contacted on 01527 861 711, mobile 07723 009166, by email at [ikemp@icloud.com](mailto:ikemp@icloud.com) or by post at 16 Cross Furlong, Wychbold, Droitwich Spa, Worcestershire, WR9 7TA.
9. The main tasks of the PO are to act as a channel of communication between myself and everyone involved; liaising 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 County Council's web site (see below). A hard copy record will be held at the County Council Offices prior to the Hearings and at the Hearing Session venue whilst they are in progress, anyone interested in viewing any of the documents in person should contact Mr Kemp beforehand in order to ensure availability.
10. During the Examination the PO will be able to tell you how closely the Hearing sessions are following the circulated programme. Alternatively, you will be able to view a regularly updated programme on the web site at:

<http://www.northamptonshire.gov.uk/en/councilservices/Environ/planning/policy/minerals/Page/s/NorthamptonshireMineralsandWasteLocalPlanUpdate.aspx>

11. 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. All other procedural questions or other matters that you wish to raise prior to the Hearings should be made through the PO.

### **Progressing representations**

12. **The starting point for the Examination is the assumption that the County Council has submitted what it considers to be a sound plan. Those seeking changes should demonstrate why the Plan is unsound by reference to one or more of the soundness criteria set out in paragraph 2 above.**
13. The County Council should rely on evidence collected whilst preparing the document to demonstrate that the Plan is sound.
14. Attendance at a Hearing session will only be useful and helpful to me if you wish to participate in a debate. You will all be there to help me, so you may be asked to comment on things that are not directly related to your own written submissions. **Should you wish to participate in any of the Hearing Sessions identified in the Programme, please inform the Programme Officer of your intention to do so by Friday 11 November 2016.**
15. I may also specifically invite participants to particular sessions if I think that would assist the Examination.
16. The Hearing sessions will only discuss the issues and questions that I have raised. If you feel that there are important matters that have not been identified for discussion, please let the PO know by no later than **Friday 21 October 2016.**

17. I stress the need for everyone to work together during the Examination process on changes that could be made to the Plan, whilst avoiding producing so many alterations that they together might render the Plan cumulatively unsound.

### **The hearing sessions**

18. Each Matter will be the subject of a separate session. The format will provide a relaxed and informal setting for a discussion led by me. It is not necessary for those attending to be professionally represented but a professional expert may act for you if you so wish. However, at Round Table sessions there will normally only be space at the table for one representative of each group or organisation (apart from the County Council's Team, who will have two seats), although there is no objection to the representative changing, providing this is notified at the time.
19. Legal representatives take part as a member of the team, not in a traditional advocate's role, as no cross examination or opening/closing statements will normally be permitted.
20. 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 before me. All statements should have been read beforehand by all participants and discussions will proceed on the assumption that they have been; there will therefore be no formal presentation of evidence. There may be an opportunity within the discussion to ask questions of the other participants, if appropriate. **No more evidence can be submitted once the hearing session has closed unless I expressly request it. The PO will almost certainly return any that is.**
21. The Hearings will be inquisitorial rather than adversarial. I shall endeavour to progress them in an effective and efficient manner. As part of that process, it is my aim to minimise the amount of material necessary to come to informed conclusions on the issues of soundness. In that way I will conduct a short, focused series of Hearings and, in turn, produce a short, focused report.

### **The hearing programme**

22. A draft Programme for the Hearings, putting dates and times to the matters and issues, accompanies this guidance note. If you have any queries, please raise them with the PO as soon as possible.
23. Should changes be required to the Programme, it will be updated on the Examination web site. 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.
24. No new session (Matters) will begin before its stated start time but a later start may be unavoidable if a previous session (Matters) has overrun. A short break will be taken mid-morning and mid-afternoon. Lunch will be taken at around 13:00hrs.

### **The Evidence Base and Examination Library**

26. The County Council has prepared an evidence base list that will be available in the Examination Library (available online and to view in hard copy on request via the PO). The evidence base includes documents to which the parties are likely to need to refer. Most of these will be available on the web site, which will be regularly updated. Accordingly, parties should not attach extracts of these documents to their Statements as they are already Examination documents. However, where reference is made to an Examination document the reference number should be given as should the section or paragraph where the point referred to can be found. This will allow other participants to see for themselves the context in which the point is made.

<http://www.northamptonshire.gov.uk/en/councilservices/Environ/planning/policy/minerals/Documents/PDF%20Documents/MWLP%20Update%20Document%20Library%20List%20Aug%202016.pdf>

### Statements of Common Ground

27. Statements of Common Ground are welcome where these would be helpful in identifying points not 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 change to a policy, agreed factual information or areas or points of disagreement.
28. **Work on such statements should commence now with the aim of completing them in time to influence relevant hearing statements.**

### Statements

29. All further representor statements, for both the Hearing and further written representations, **must** be sent to the PO by **Friday 11 November 2016**. This deadline relates to the receipt of both **paper copies and electronic copies. Three Paper Copies of all statements will be required**. All further written submissions/statements should only address the Matters and Issues. The County Council's Statements may also include responses to the matters in the original representations and should refer to any proposals for changes to the policies, text or plans. All statements will be placed on the Examination web site as soon as possible.

### Form of Statements

30. Appendix A of this document sets out the requirements for the presentation of all Statements. Its provisions should be thoroughly read and implemented. Statements that do not comply with these requirements will be returned. Please note the 3,000 word limit.
31. **Essentially, I need to know the following** from those submitting further statements:
  - What particular part of the document is unsound?
  - Which soundness test(s) does it fail?
  - Why does it fail?
  - How could the document be made sound?
  - What is the precise change that is sought?
32. **From the County Council I look for a brief response statement on each question**, setting out why they consider the Plan to be sound in that respect.

### Site visits

33. I will have toured the area to familiarise myself and I will visit the main sites referred to in the representations before, during, and/or after the Hearing sessions. This will mostly be done unaccompanied but an accompanied visit may be needed for some sites after the Hearings.

### Close of the Examination

34. Once I have gathered all the information necessary to come to reasoned conclusions on the main issues, I will write the Report. The examination **remains open** until the Report is submitted to the County Council; however, once the Hearing sessions are over I can receive **no further information** from any party, unless it is a matter on which I have specifically requested. Any unsolicited items sent in will be returned to the sender.

### **Submission of the Reports to the County Council**

35. The timing of the report submission is dependent on progress. I would expect to provide an indication of potential timeframes at the close of the hearing sessions.

## **Appendix A - Format for statements**

- 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 **Three 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.
- 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 – the hearing sessions are not the place for surprise contributions!
- D. 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.
- E. 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.
- F. **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.
- G. 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:
- H. Statements to be received by the PO by **5pm Friday 11 November 2016**.
- I. **It is stressed that these deadlines refers 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.**
- J. **All paper copies of statements should be addressed to the Programme Officer at the following address:**

**Mr Ian Kemp  
16 Cross Furlong  
Wychbold  
Droitwich Spa  
Worcestershire  
WR9 7TA**