

# SOUTH HAMS LOCAL DEVELOPMENT FRAMEWORK

## Public Examination of the Affordable Housing Development Plan Document

### BRIEFING NOTE FROM THE INSPECTOR

#### Introduction

- 1 The oral Examination into the Council's submitted Affordable Housing Development Plan Document (DPD) will open at 09:30am on 17 June 2007 at Follaton House, Plymouth Road, Totnes, Devon.
2. Given the limited number of those wishing to appear at the Examination, it is not necessary in this instance to hold a Pre-Examination Meeting. This Note explains the procedural and administrative matters relating to the Examination, together with the form and content of the programme of hearings. If you have any queries that are not answered by this Note then I may be contacted through the Programme Officer (PO).

#### The Inspector's role and further information

3. My task is **to consider the soundness of the DPD**, based upon the tests of soundness set out in paragraphs 4.23 and 4.24 of Planning Policy Statement 12<sup>1</sup>, *Local Development Frameworks* (PPS12). Further details of these tests, and the Examination process in general, are contained in The Planning Inspectorate's booklet *Development Plans Examination – A Guide to the Process of Assessing the Soundness of Development Plan Documents*<sup>2</sup> (particularly section 1.4). An overview of this process and a 'frequently asked questions' (FAQs) page may be viewed at the websites listed below<sup>3</sup>. A 'brief guide' to the process can be found at [http://www.planningportal.gov.uk/uploads/pinsldf/public\\_leaflet\\_dpd.pdf](http://www.planningportal.gov.uk/uploads/pinsldf/public_leaflet_dpd.pdf).
4. Following the close of the hearing sessions I shall prepare a report for the Council with conclusions and any changes required to the DPD. In considering any changes I shall have particular regard to matters of natural justice and the sustainability of the Plan. My report will be binding on the Council, which will then move to formally adopt the DPD, changed as necessary to reflect the decisions in my report.

#### The Programme Officer

5. As you know, Karen Duffield has been appointed as PO. She can be contacted at the Examination office with the telephone and e-mail address given on the accompanying letter. Karen is acting as an impartial officer of the Examination under my direction and not as an employee of the Council.
6. The main tasks of the PO are to liaise with all parties to ensure the smooth

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<sup>1</sup> Copies of the Government's PPSs are available to view in the Examination Library, or on the DCLG website at: <http://www.communities.gov.uk/index.asp?id=1143803>

<sup>2</sup> Available to view in the Examination Library or at: [http://www.planning-inspectorate.gov.uk/pins/appeals/local\\_dev/develop\\_plan\\_docs.pdf](http://www.planning-inspectorate.gov.uk/pins/appeals/local_dev/develop_plan_docs.pdf)

<sup>3</sup> [http://www.planning-inspectorate.gov.uk/pins/appeals/local\\_dev/Soundness\\_of\\_DPD.htm](http://www.planning-inspectorate.gov.uk/pins/appeals/local_dev/Soundness_of_DPD.htm); and [http://www.planning-inspectorate.gov.uk/pins/appeals/local\\_dev/FAQs-general%202.pdf](http://www.planning-inspectorate.gov.uk/pins/appeals/local_dev/FAQs-general%202.pdf)

running of the Examination, to organise the Examination Programme, to ensure that all documents received during the Examination are recorded and distributed, and to maintain the Examination Library. Copies of all the Examination documents, including the representation forms and written submissions, will be available in the Examination Library<sup>4</sup>.

7. During the Examination the PO will be able to tell you how closely I am following the circulated programme. Alternatively, you will be able to view the programme on the Council's web site at <http://www.southhams.gov.uk>

### Number and scope of representations

8. 33 representations were received by the Council following the submission of the DPD, of which 12 wished to attend the examination and be heard. The representations cover most aspects of the DPD.

### Progressing your representations

9. The South Hams Local Development Framework is following the procedure set out in the Planning and Compulsory Purchase Act 2004 and subsequent Regulations. The Examination will concentrate on the soundness of the DPD, having regard to all representations made. It is different to a planning appeal inquiry. **My starting point is that the DPD is sound unless it is shown to be otherwise by the evidence presented in writing or at the hearings. Those seeking changes must demonstrate why the DPD is unsound by reference to one or more of the tests of soundness.**
10. It is not the purpose of the Examination to debate matters in other DPDs or regional or national policies. It is also important to note that the purpose of the examination is not to address or deal with each point in every objection but to focus on matters related to the soundness of the DPD, having regard to the points raised in the representations.
11. The oral Examination will progress by way of hearing sessions, based on the matters I have identified and as set out in the accompanying Annex 1, *Draft Matters for Examination at Hearings*. These hearings will proceed by way of an inquisitorial, rather than adversarial, approach, focussing on the main issues identified. I shall endeavour to progress the Examination in an effective and efficient manner, keeping a tight hand on the discussions and time taken. As part of that process, it is my aim to minimise the amount of material to that necessary to come to informed conclusions on the issues of soundness. In that way I hope to conduct a short, focussed, hearing sessions and, in turn, a short, focussed report.
12. Parties have indicated whether their views should be dealt with in a written form or whether they feel that they need to come and discuss them orally at a hearing session. **Both methods will carry the same weight and I shall have equal regard to views put orally or in writing.** Attendance at a hearing session will only be useful and helpful to me if you wish and need to participate in a debate. The accompanying reply form (Annex 2 – **sent only to those who indicated that they wish to participate at the hearing sessions**) seeks confirmation by 1/5/08 that, having read this Note parties still wish to participate in a hearing session, or whether the changes sought could be dealt with in writing.

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<sup>4</sup> Representations can be viewed at: <http://www.southhams.gov.uk>

13. In order to run efficient sessions I will not permit repetition of points at hearings: a good point made several times does not become a better point.

### **The hearing sessions**

14. These will be held for those matters identified in Annex 1, chaired by me. The hearing format will provide a relaxed and informal setting for dealing with issues, by way of a discussion led by me. Those attending may bring with them professional experts, though there will be no formal presentation of evidence or cross-examination. Barristers and solicitors, if present, will be treated as part of their team.
15. The discussion will focus on the issues identified and questions I have posed. **The emphasis will be on the tests of soundness.** I shall make a few brief comments on the matters I want covered, then invite individuals to make their contribution in response to the points I have raised. The hearing will progress under my guidance, drawing those present into the discussion in such a way as to enable me to gain the information necessary to come to a firm conclusion and decision on the matters before me. There will be an opportunity within the discussion to ask questions of the other side.

### **The Examination Programme**

16. In conjunction with the PO I will finalise the Programme of Hearings 6 weeks before the commencement of the sessions (6/5/07) putting dates and times to the matters identified in Annex 1. This will be made available on the Council's website and sent onto those participating at the hearing sessions. If you have any queries on this Annex, please raise them with the PO as soon as possible.
17. It will be for individuals to check the progress of the Examination, either on the website or with the PO, and to ensure that they are present at the correct time.
18. The hearings sessions will normally start at 09:30am. A short break will be taken mid morning and mid afternoon. Lunch will be taken about 1.00pm and the sessions will close at 5.00pm.

### **Core (reference) Documents**

19. The Council will prepare a list of Core Documents (CDs) that will be available in the Examination Library. These will include the Regional Spatial Strategy, relevant Planning Policy Guidance Notes (PPGs), Planning Policy Statements (PPSs), Background Papers and any other documents that the parties are likely to need to refer to. Parties should not attach extracts of these documents to their statements as they are already Examination documents.

### **Statements of Common Ground**

20. The Council and those seeking changes to the DPD should explore the possibility of agreeing Statements of Common Ground prior to the hearing sessions. This may avoid misunderstandings and allow for facts or changes to be agreed. Such Statements can save time, cost and avoid duplication. As a result, statements for the sessions can be shorter, concentrating on the key issues which separate the parties. I look to all those attending to take the initiative and arrange discussions with the Council's officers. This should

commence now, with the aim of completing a Statement at least 2 weeks before the first hearing statements are due, i.e. 3 June 2008.

### Submission of Statements

21. Statements for the hearings should only address those matters I have raised in the draft agenda. These should be sent to the PO no later than four weeks before the start of the hearings, i.e. by 20 May 2008. The Council's Statements should be available no later than 2 weeks before the hearings commence, i.e. by 3 June 2008, and should also set out why it considers the DPD to be sound and why changes sought by others would make it less sound or unsound. Any changes to the DPD that are proposed by the Council should be for clarification and minor in nature. These should be set out in a separate schedule and submitted no later than 3 June 2008.
22. Those appearing at the hearings should ensure sufficient copies of their statements are provided to the PO for issuing to each participant, plus four (for myself, Council [x2] and Library), e.g. if 10 people are listed for a hearing, then the PO will require 14 copies (to include one unbound, for further copying, and one hole-punched, for myself). Those not appearing at the hearing sessions but wishing to address matters set out in Annex 1 should provide four copies of statements for written representations (one unbound, two hole-punched). **No statement should be longer than 3,000 words for each of the matters numbered 1-6 in annex 1.** Any submissions longer than this will be returned by the PO for editing.
23. Statements should be on A4 paper, printed on both sides, not spiral bound, but punched with two holes, as specified above. Any photographs should be submitted in A4 format and should be annotated on the back. If possible, statements should also be submitted electronically so that they can be included on the Examination website.
24. No statement/piece of paper submitted will be accepted if it fails to be clearly marked, **at the top, right hand corner**, with the relevant respondent reference and appropriate matter number, e.g. Matter 2/9876 for respondent 9876's statement on Matter 2. The Council's documents should be referenced SHDC, followed by the matter and policy number, e.g. SHDC/Matter 2-AH1. Core Documents to be numbered CD01, CD02, etc.
25. Supporting material – appendices to statements – should be limited to those which are **essential** and not contain extracts from any publication that is already before the Examination, such as the Core Documents and Government guidance. Any appendices should have a contents page and be paginated throughout. Whilst the word limit does not include text in appendices, they should respect the aim of succinctness and anyone submitting appendices should indicate which parts are particularly pertinent and on which they are particularly relying.

### Form of statements

26. Statements should be **succinct and avoid unnecessary detail and repetition**. 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 DPD or other sources of policy guidance. Nonetheless, it is vital that the fundamental elements of cases are set out clearly and succinctly – the Examination is not the place for rabbits to be drawn out of hats!

## **Site visits**

27. I am reasonably familiar with the District but would consider seeing any sites that may be deemed important by the Council or any of the parties. If such sites are identified I shall visit these before, during or after the Examination. I would aim to do this unaccompanied and without any of the parties being present, unless it entails entering private property.

## **List of relevant legislation and guidance**

- Planning and Compulsory Purchase Act 2004
- The Town and Country Planning (Local Development) (England) Regulations 2004
- European Directive on Strategic Environmental Assessment (2001/42/EC)
- The Environmental Assessment of Plans and Programmes Regulations 2004
- Planning Policy Statement 12: Local Development Frameworks
- Creating Local development Frameworks: A Companion Guide to PPS12
- Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents
- Development Plans Examination – a Guide to the Process of Assessing the Soundness of Development plan Documents: published by The Planning Inspectorate

## **Finally ...**

28. I emphasise:

- I shall have equal regard to views put orally or in writing;
- the need for succinctness, respecting the letter and spirit of the 3,000 word limit on any necessary further submissions;
- please meet the target dates;
- any further submissions to focus on the Matters for Examination and the tests of soundness.

Neil Pope

Inspector for the South Hams Affordable Housing DPD.