

Examination of the East Riding Local Plan

Strategy Document and Allocations Document

Guidance notes for people participating in the examinations

Introduction

1. I am Simon Berkeley, a Planning Inspector appointed by the Secretary of State for Communities and Local Government to independently examine the soundness of the Strategy and Allocations Documents for the East Riding of Yorkshire Council. I have prepared this guidance note. Its purpose is to explain the procedural and administrative matters relating to the two examinations.
2. The Programme Officer for both examinations is **Malcolm Wells**. His contact details are given below. He is acting as an independent officer for the examination, under my direction. Malcolm will be responsible for organising the programme of hearings, maintaining the examination library, recording and circulating all material received, and assisting me with procedural and administrative matters. He will also advise on any programming and procedural queries. Any matters which the Council or participants wish to raise with me should be addressed to Malcolm.
3. Information about the progress of the examinations and links to documents are provided on the Council's examination website.

Purpose and scope of the examinations

4. My role is to consider whether the two documents meet the requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and associated Regulations and whether they are sound in accordance with the National Planning Policy Framework.
5. To be sound the documents must be:
Positively prepared: based on a strategy which 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;
Justified: the most appropriate strategy when considered against the reasonable alternatives and based on proportionate evidence;
Effective: deliverable over the plan period and based on effective joint working on cross-boundary strategic priorities; and
Consistent with national policy.
6. The examination must consider whether the documents satisfy the following legal and procedural requirements: whether it has been prepared in accordance with the Local Development Scheme and in compliance with the Statement of Community Involvement and the relevant Regulations; whether it has been subject to Sustainability Appraisal and Habitats Regulations Assessment; whether it complies with national policy; whether it has regard to the sustainable

community strategy for the area and whether the Duty to Cooperate has been met.

7. The starting point is that the Council has submitted what it considers to be sound plans. The Council should rely on evidence collected while preparing the plans to demonstrate that they are sound.
8. People seeking changes to either document have to demonstrate why it is not sound and how their suggested changes would make it sound. Representations to the plans will be considered insofar as they relate to soundness and legal requirements. However, my report will not refer to representations individually.
9. Some people have already indicated whether they wish their views to be dealt with solely on the basis of their written representation or if, in addition, they intend to participate in a hearing session. **Both methods carry the same weight and I will have equal regard to each.**
10. Only people seeking specific changes to the plans are entitled to participate in the hearing sessions of the examination. There is no need for those supporting or merely making comments on the plans to attend.
11. I ask that representors let the Programme Officer know by the end of **8 August** whether they wish to be heard at a hearing session.
12. At this advanced stage of the plan preparation process, any further changes to either plan should be limited. The Council cannot itself now make any 'main modifications' – significant changes to remedy soundness problems can only come about through a recommendation in my report. However, the Council can make any 'minor' modifications considered necessary without my recommendation. Generally speaking, minor changes are those which do not affect the substance of the plan and are not needed for soundness reasons.
13. For each examination, I will confirm the likely date for the submission of my report to the Council at the end of the final hearing session. The reports will set out my conclusions about the soundness of the plans and, where appropriate, will include recommendations on any actions or modifications needed to make them sound.
14. There are several possible outcomes of the examinations. In both cases, the submitted plan forms the basis of the examination, and it could be found to be sound as originally submitted. If it is not, it may be decided that further additional work needs to be undertaken before the examination can be completed. I may conclude that the plan could be modified to make it sound, having regard to any implications for consultation and sustainability appraisal. The most serious outcome would be a finding that either plan is not sound.

Examination programme and my matters and issues

15. The hearing sessions for the examination of the Strategy Document will start on **Tuesday 7 October 2014**. The Hearing sessions for the Allocations Document will start on **Tuesday 4 November 2014**. They will be held in the County Hall, Cross Street, Beverley HU17 9BA. Sessions will normally start at 9.00am and 2pm each day, with a break for lunch at about 1pm, and a finish at about 5pm. A short break will be taken mid-morning and mid-afternoon.
16. I have prepared two 'matters and issues' papers, one for each examination. Because of the nature of the two documents and their parallel examinations, there is some overlap, so the matters and issues papers should be read together.

Both papers have been circulated to representors with this note and are also available on the Council's website. A draft timetable is set out on page 2 of each paper. Any comments on either the timetable or the scope of my matters and issues should be sent to the Programme Officer by **1 August 2014**.

17. Every effort will be made to keep to the two draft timetables, but late changes may be unavoidable. Priority will be given to starting the debate on each matter at the appointed time, and it may be necessary to extend the discussion in the afternoon session. The Programme Officer will inform the participants of any late changes to the timetable, **but it is the responsibility of the participants to keep themselves up to date with the arrangements and programme.**

Procedure at the hearing sessions of the examinations

18. The topics selected for discussion arise from the tests of soundness and the representations made about soundness. The hearing format will provide an informal setting for dealing with these issues, by way of a discussion led by me. I will usually begin by making a few brief comments on the matters to be covered. I will then invite participants into the debate so I can gain the information necessary to come to a conclusion on the relevant issues. Those attending may bring professional advisors with them and although they may participate there will be no formal presentation of evidence, cross-examination or formal submissions.
19. The discussions will focus on the relevant matters and issues I have set out. The emphasis will be on the tests of soundness and the hearings will be conducted on the basis that everyone taking part has read the relevant documents.

Submission of further written statements

20. If representors participating in the hearing sessions so wish, they may submit further written statements. For those who do choose to provide statements, they should directly address the matters and issues I have identified.
21. Those who wish to proceed solely by written representations (and are not participating in the hearings) can rely on what they have already submitted in writing. However, representors proceeding by this method may submit a written statement if they feel it necessary to respond to the matters and issues.
22. Statements from representors should:
 - relate solely to the matters raised in their earlier representations
 - make it clear which plan their representation is about
 - explain which particular part of the plan is unsound
 - explain why it is unsound, having regard to the National Planning Policy Framework
 - explain how the plan can be made sound
 - explain the precise change/wording that is being sought
23. From the Council, a written statement in response to all of the matters and issues is required. These should include full and precise references to the evidence base to justify the relevant policies and to demonstrate that the two plans are sound. They should also include references to any further main modifications the Council considers necessary to make them sound and set out the Council's position on changes sought by other parties, where relevant.

24. Written statements should be succinct, avoiding unnecessary detail and repetition. There is no need for verbatim quotations from either plan, national planning policy or other core documents (references will suffice). Nonetheless, it is vital that the fundamental elements of cases are set out clearly and succinctly, since the hearings are not the place for new points or evidence to be presented for the first time. All statements should clearly indicate the relevant policy/paragraph/page of the plan being referred to.
25. Please note that it is not my role to 'improve' either plan. I can only recommend modifications to rectify issues of soundness.
26. Participants should attempt to reach agreement on factual matters and evidence before the hearings start and I strongly encourage everyone to maintain a dialogue with the Council and other participants in advance of the hearings.
Statements of Common Ground can be particularly helpful and are especially welcomed.
27. There is no need to prepare a further statement if all the points are already covered in the original representation, but it would be helpful for participants to inform the Programme Officer if they do not intend to submit further statements.
28. **Four paper copies** (not bound) of each written statement should be sent to the Programme Officer. Where possible, an electronic copy should also be provided. Statements should be no longer than 3,000 words for each matter. Statements which are excessively long or contain irrelevant or repetitious material may be returned. Any technical evidence should be limited to appendices, and should be clearly related to the case being made. Statements should be on A4 paper and stapled. Plans or diagrams should fold down to A4 size.
29. **All statements must be received by the Programme Officer by 12 noon on 5 September 2014 at the latest.** If material is not received by this deadline, the Programme Officer will assume that written statements are not being provided.
30. Participants should adhere to the timetable for submitting written statements.
Late submissions and additional papers are unlikely to be accepted on the day of the relevant session, since this can cause disruption and result in unfairness, and may lead to the hearing being adjourned.

Core documents

31. The Council has prepared a list of core documents, which are available in the examination library. The list should represent the Council's full evidence base for the examination and will include the documents that participants are likely to need to refer to. The list will be updated from time to time and is available from the Programme Officer and on the Council's website. The Programme Officer will assist anyone wishing to see a document.

Site visit arrangements and close of the examination

32. I will carry out an unaccompanied tour of the district to familiarise myself with the area. I will also be visiting the sites during the examination. My site visits will generally be unaccompanied. However, if there are particular reasons for an accompanied visit, for instance because it may be necessary for me to go onto land which is not publicly accessible in order to see the site adequately, I ask that you discuss this with the Programme Officer as soon as possible.

33. Each examination will remain open until my report is submitted to the Council. However, I will not accept any further representations or evidence after the hearing sessions have finished unless I specifically request it. Any late or unsolicited material is likely to be returned.

34. If you have any further questions please contact the Programme Officer:
Malcolm Wells, Programme Officer, Room GG9, County Hall, Beverley HU17 9BA
Tel: 01482 396285
Email: Malcolm.Wells@eastriding.gov.uk

Simon Berkeley,

Inspector

Handy deadline diary for both examinations:

- Comments on my matters and issues/hearings timetable: **1 August**
- Inform Programme Officer whether attending hearings or not: **8 August**
- Final statements (including from the Council): **5 September, 12 noon**
- Strategy Document hearing sessions open: **7 October**
- Allocations Document hearing sessions open: **4 November**