

Wyre Forest District Local Plan 2016-2036: Inspector's Guidance Note, October 2020

## **Examination of the Wyre Forest District Local Plan 2016-2036**

### **Inspector's Guidance Note – October 2020**

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#### **The purpose of this note**

1. The purpose of this note is to explain procedural and administrative matters relating to the examination of the Wyre Forest District Local Plan 2016-2036 (the Plan). As part of the examination, hearing sessions will commence at 09.30am on Monday 11 January 2021. A programme for the hearings is being issued separately together with my matters and questions for these hearings. Any comments on the programme and/or the scope of my matters and questions should be sent to the Programme Officer by 30 October.
2. Participants are encouraged to make use of the examination pages on the Council's website, where information about the progress of the examination and links to documents are provided.

<https://www.wyreforestdc.gov.uk/planning-and-buildings/planning-policy/local-plan-examination.aspx>

Additional guidance, notably Procedural Practice in the Examination of Local Plans (The Planning Inspectorate June 2019) can be found at:

<https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>

3. The Programme Officer for the examination is Louise St John Howe. Her contact details are set out above. She is acting as an independent officer for the examination under my direction. She 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. Any matters which the Council or

representors wish to raise with me should be addressed to the Programme Officer.

### **The Inspector's role**

4. My role is to consider whether the Plan complies with the relevant legislation and is sound. The National Planning Policy Framework (NPPF) February 2019, against which this Plan is being examined, makes clear that in order to be found sound, a plan must be:
  - a) *positively prepared* – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
  - b) *justified* – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
  - c) *effective* – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
  - d) *consistent with national policy* – enabling the delivery of sustainable development in accordance with the policies in this Framework.
5. The Council has submitted what it considers is a sound plan, as the NPPF requires. This comprises the Wyre Forest District Local Plan 2016-2036 Submission Local Plan, published in January 2020. It is the same as the document published for consultation in October 2018 as modified by the document published for consultation in September 2019. It forms the starting point for my examination, and I refer to it as the Plan in this note. Any representor seeking changes to the Plan must demonstrate why it is not sound by reference to one or more of the soundness criteria above and why his/her suggested changes would make it sound. The representations that have been made on the Plan will be considered so far as they relate to soundness and legal compliance. However, my report will not refer to representations individually.
6. Together with the submission Plan, the Council has submitted a Table of Modifications (March 2020) (Document reference SD12). I will have regard to these suggested modifications to the Plan as part of the examination, and if I consider in due course that any of them are likely to be required to make the Plan sound, they will first be made subject to public consultation. See also paragraphs 28 and 29 below.

7. Before the start of the hearing sessions I may raise questions directly with the Council on any points that are relevant to the examination. I have already issued initial queries and points for consideration by the Council (Document ED6) and the Council has provided its response (Document ED7), together with associated evidence. Any further queries that I may raise before the hearings, and the response from the Council, will be published on the examination webpage.

### **Attending the hearings sessions**

8. The hearing sessions will take place virtually, using Zoom. Detailed guidance for participation using Zoom will be issued separately in due course. Anyone may observe the hearings, but only those who have duly made representations which propose changes to the Plan in order to make it sound or legally compliant have the right to participate in the discussions at the hearings. Besides those, I may invite a small number of participants to attend the hearings because I think their representations are particularly relevant to the matters under discussion.
9. Some representors may have already indicated that they wish their views to be considered on the basis of their written representations or that, in addition, they wish to participate in a hearing session. Both methods carry the same weight and I will have equal regard to each. **Representors should let the Programme Officer know by 5.00 pm on Thursday 19 November whether they wish to be heard at a hearing session irrespective of any previous indications they provided during the relevant consultations.**

### **The hearings timetable**

10. An overall programme for the hearings is published on the examination webpage. Agendas for the sessions will be published in due course and any updates to them will also be posted on the webpage. Where 2 or 3 matters are scheduled for one day, a broad indication will be given closer to date, if possible, about the time when the discussion is likely to commence on the second and third of the matters. **It is the responsibility of individual participants to check whether any changes have been made to the programme or agendas, by referring to the webpage or by contacting the Programme Officer, and to ensure that they are present at the correct time.**
11. The hearing sessions will normally start at 09:30 hours. Their duration will vary, commensurate with the time required for the subject matter. More information on the daily running of the sessions will be provided in the guidance on participation using Zoom.

### **Format of the hearing sessions**

12. Each hearing session will consist of a structured discussion led by me and based on the list of Matters and Questions and any agenda or supplementary questions that I may issue beforehand. I will invite a specific participant to begin the discussion on each question and others will then have an opportunity to contribute. There will be no formal presentation of evidence, as I will have read all the relevant representations and hearing statements beforehand and I will expect all the participants to have done so as well. Nor will there be any cross-examination, unless I consider it necessary to deal with a specific issue. Barristers and solicitors, if present, will be treated as part of the respective team.
13. Please keep the Programme Officer informed about who will be speaking at the sessions. Where participants share similar viewpoints the appointment of a spokesperson should be considered.

### **Dealing with sites at the hearing sessions**

14. Part of my task is to examine the soundness of the sites that are allocated for development in the Plan. Those who have submitted representations to the effect that a site is unsound will be able to put their views to me at the hearing sessions, if they have requested to do so. The Council will have the opportunity to respond.
15. Some of the allocated sites already have planning permission for development. The legal status of that permission will not be altered in any way by any recommendation I may make in my report.
16. Sites that have been put forward for inclusion in the Plan but have not been selected for allocation by the Council are known informally as 'omission sites'. It is not part of my role to examine the soundness of omission sites and, subject to the legal right to be heard, such sites will not normally be discussed in detail at the hearing sessions.
17. Should it become clear that additional sites are needed (for example, because one or more of the allocated sites is found to be unsound), I will look to the Council in the first instance to decide which alternative site(s) should be brought forward for examination. The principles set out in paragraphs 16 and 17 will also be applied to submissions that alternative boundaries for policy designations should be preferred.

### **Site visits**

- 18 I will carry out familiarisation and site visits unaccompanied, except for any sites that can only be viewed adequately from private land, in which case I will need to be accompanied by representatives of

the landowner and the Council. On any such accompanied visits I will not hear additional evidence or arguments about the merits of the site.

### Hearing statements

19. There is no need to prepare a statement for the hearings if participants consider that they have made all the points they want to draw to my attention in their original representations. However, if participants wish to supplement their original representations they may do so provided that, for each matter, the statement is limited to i) the questions that I have identified in my Matters and Questions document (or any further questions I have posed) that are relevant to their original representation, and ii) any new, material factors that have arisen since the original representation was submitted.
20. **Statements should be no longer than is necessary to deal with their subject matter, and in any event must contain no more than 3,000 words. This limit will be strictly applied. A separate statement should be provided for each matter being addressed.**
21. The Council's statement for each matter should deal with all my questions on the matter. For this reason, the Council's statements are not subject to the 3,000 words limit, but they should still be succinct.
22. Statements should be submitted electronically wherever possible in order to facilitate an efficient examination. **Any statements on Matters 1, 2 and 3 must be received by the Programme Officer no later than 17:00 hours on Thursday 26 November. The deadline for receipt of any statements on Matters 4, 5, 6(i) and 6(ii) is 17:00 hours on Thursday 3 December. The deadline for the receipt of any statements on Matters 6(iii)-6(v), 7, 8, 9, 10 and 11 is 17:00 hours on Thursday 10 December.** If statements are not received by the relevant deadline, the Programme Officer will assume that they are not being provided.
23. The hearings are not the place to introduce arguments or information that ought to have been set out in advance. Late submissions and additional papers are unlikely to be accepted after the deadline for statements since this can cause disruption to the efficient conduct of the examination and result in unfairness. For the avoidance of doubt, rebuttal statements are not invited from any of the participants but if necessary, I will seek clarification on any matters in advance of the hearings.
24. The hearing statements will be published on the examination webpage so that they are available to all participants and anyone who wishes to read them. They will not be circulated directly to

participants. However, anyone who is unable to access them on the website may request copies from the Programme Officer.

### **Form and content of statements**

25. Annex A sets out the presentational requirements for all statements. Its provisions should be read carefully and followed. Otherwise statements will be returned.

### **Statements of common ground**

26. Participants should attempt to reach agreement on factual matters and evidence before the commencement of the hearings and to this end I strongly encourage participants to maintain a dialogue with the Council in the intervening period. In addition to those already submitted, Statements of Common Ground (SCG), agreed between one or more participants and the Council, will be welcome where they help to identify points not in (or remaining in) dispute. This will enable the examination to concentrate on the key issues that need further discussion. Any SCG should be submitted no later than the relevant deadline for hearings statements unless there are exceptional reasons which have been agreed through the Programme Officer. Please keep the Programme Officer informed about progress on the preparation of SCG.

### **Close of the examination and the Inspector's Report**

27. I will write my report following the close of the hearings and when I have gathered all the information necessary to come to reasoned conclusions on the soundness and legal compliance of the Plan. The examination itself remains open until the report is submitted to the Council. However, I will not accept any further representations or evidence after the relevant hearing session has finished unless I have specifically requested them. Any late or unsolicited material will be returned to the sender.
28. I will make an announcement at, or as soon as possible after, the final hearing session about the likely timetable for the completion of my report. If my report concludes that the Plan is sound as submitted and capable of being adopted, the Council should move swiftly to formal adoption. However, if the Plan is not sound as submitted, main modifications that are necessary to make the Plan sound will only be recommended by me if formally requested to do so by the Council.
29. If main modifications are necessary, it is hoped that most, if not all, will be based on proposals put forward by the Council in response to points raised and suggestions discussed during the examination. I will consider suggested main modifications from the Council in the same way as I will consider changes put forward by other parties. Proposed main modifications will be subject to the same process of publicity and opportunity to make representations as the submission

Plan and may require sustainability appraisal.

30. Minor changes to the Plan are known as additional modifications and can be made by the Council on adoption, without the need to be examined. Additional modifications are those which do not affect the substance of the Plan and are not needed for soundness reasons. The Council has submitted a table of Additional Modifications (Document SD11) and this may be revised in due course.
31. Any queries regarding the examination should be addressed in the first instance to the Programme Officer.

*Mary Travers*

Inspector

October 2020

## **ANNEX A: Presentational requirements for all statements**

- Statements should be limited to not more than 3,000 words on any one of the Matters. If more detailed material needs to be submitted (such as statistical information, maps or diagrams) it should be in the form of appendices (see below) but any such material must not duplicate the content of documents already included in the set of submission documents and examination documents on the website.
- An electronic copy of all statements should be submitted: this should be in MS Word or PDF format. If it is not possible to submit a statement electronically, 2 paper copies are required, including one unbound for further copying and the other stapled in the top left corner.
- Paper copies should be A4 size, with any plans folded so as not to exceed that size.
- Paragraph and page numbers should be included.
- Any measurements should be in metric units.
- Appendices should have a contents page and pages should be numbered consecutively.
- A separate statement should be submitted for each Matter addressed.
- Statements should include, at the top of the front page, the appropriate Matter and Question number, representor reference number and the name of the representor.