

Examination of the Richmondshire Local Plan: Core Strategy Development Plan Document

Guidance notes for participants

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 Local Plan: Core Strategy for Richmondshire District Council. I have prepared this guidance note. Its purpose is to explain the procedural and administrative matters relating to the examination.
2. The Programme Officer for the examination is **Emma Lundberg**. Her contact details are given below. She is acting as an independent officer for the examination, under my direction. Emma 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. She 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 Emma.
3. Information about the progress of the examination and links to documents are provided on the Council's examination website.

Purpose and scope of the examination

4. My role is to consider whether the Core Strategy meets the requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and associated Regulations and whether it is sound in accordance with the guidance in the National Planning Policy Framework.
5. To be sound the Core Strategy 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 Core Strategy satisfies 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 a sound plan. The Council should rely on evidence collected while preparing the Plan to demonstrate that it is sound. Those seeking changes to the Plan have to demonstrate why it is not sound and how their suggested changes would make it sound. Representations to the Core Strategy will be considered insofar as they relate to soundness and legal requirements. However, my report will not refer to representations individually.
8. Some representors 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.**
9. Only those parties seeking specific changes to the Plan are entitled to participate in the hearing sessions of the examination. There is no need for those supporting or merely making comments on the Plan to attend. Representors should let the Programme Officer know by the end of **29 November 2013** whether they wish to be heard at a hearing session.
10. The Council cannot itself now make any further changes to the Plan and any further changes can only come about through a recommendation made in my report. At this stage any further changes should be limited. However, if the Council considers any minor modifications necessary, these should not affect the substance of the document. If more fundamental, 'main modifications' are proposed to remedy soundness problems, these must meet requirements for public consultation and sustainability appraisal.
11. I have already put some questions to the Council, and a response was provided by letter dated 3 May 2013. Following this, the Council has put forward a number of modifications for my consideration, in a schedule. Any further main modifications advanced by the Council will be added to the schedule as the examination progresses. This correspondence, the schedule, and a new Gypsy and Traveller Accommodation Assessment (GTAA), have been published on the website and is available in the Council's community offices. **Comments on these modifications and the new GTAA are now invited alongside the opportunity to respond to the questions I have set out in my matters and issues paper.**
12. I will confirm the likely date for the submission of my report to the Council at the end of the final hearing session. The report will set out my conclusions about the soundness of the Plan and, where appropriate, will include recommendations on any actions or modifications needed to make it sound.
13. There are several possible outcomes of the examination. 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 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 the Core Strategy is not sound.

Examination programme and my matters and issues

14. The hearing sessions of the examination will commence on **Tuesday 17 December 2013** and may last for up to **4** days. They will be held in the **Swale House Meeting Room, Mercury House, Station Road, Richmond DL10 4JX**. Sessions will normally start at 9.30am 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.

15. My matters and issues for the examination 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 the matters and issues paper. Any comments on either the timetable or the scope of my matters and issues should be sent to the Programme Officer by **15 November 2013**.
16. Every effort will be made to keep to the timetable, 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 examination

17. 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.
18. The discussion 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

19. If representors participating in the hearing sessions so wish, they may submit further written statements. These should directly address the matters and issues I have identified.
20. Those who wish to proceed solely by written representations (and are not participating in the hearing) 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.
21. Statements from representors should:
 - relate solely to the matters raised in their representations
 - 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
22. From the Council, a written statement in response to each 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 Core Strategy is sound. They should also include references to any further main

modifications the Council considers necessary to make it sound and set out the Council's position on changes sought by other parties, where relevant.

23. Written statements should be succinct, avoiding unnecessary detail and repetition. There is no need for verbatim quotations from the 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 Core Strategy being referred to.
24. Please note that it is not my role to 'improve' the plan. I can only recommend modifications to rectify issues of soundness.
25. 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.
26. 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.
27. **4 paper copies** 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. Statements should be on A4 paper and stapled. Plans or diagrams should fold down to A4 size.
28. **All statements should be received by the Programme Officer by 12 noon on 11 December 2013 at the latest.** If material is not received by this deadline, the Programme Officer will assume that written statements are not being provided.
29. 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

30. 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

31. I will carry out an unaccompanied tour of the district to familiarise myself with the area. In light of the strategic nature of the Core Strategy, I see no need for any accompanied visits. Should participants consider otherwise, they should present their reasons to the Programme Officer.

32. The 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.

33. If you have any further questions please contact the Programme Officer:

Emma Lundberg, Swale House, Frenchgate, Richmond DL10 4JE

Tel: 01748 828768

Email: programmeofficer@richmondshire.gov.uk

Please note: due to an office move, the address and telephone number given here will change after 22 November to 01748 901036. The new details will be updated on the website as soon as possible. The email address given will not change.

Simon Berkeley, Inspector