

EXAMINATION GUIDANCE NOTE FROM THE INSPECTOR

April 2016 Update for Stage 2 Hearings

Purpose of the Guidance Note

1. This note provides guidance to participants involved in the Examination of the Ipswich Local Plan (the *Core Strategy and Policies Development Plan Document Review* and the *Site Allocations and Policies (incorporating IP-One Action Area Plan) Development Plan Document*).
2. The Examination is taking place in two stages. Stage 1 considered the legal and strategic issues primarily relating to policies CS6, CS7, CS11 and CS13. Stage 2 will consider all other matters relating to the legal compliance and soundness of the plan. My Interim Findings following Stage 1 are published on the Examination website.
3. The following explains how the overall Examination will be conducted, the list of *Matters and Questions* for Stage 2 of the Examination, the draft programme for the Stage 2 hearing sessions, the form the hearing sessions will take and the requirements concerning the submission of further written evidence - ie hearing statements.
4. All participants should familiarise themselves with the contents of the note, in particular those who wish to submit hearing statements and/or take part in the hearing sessions for Stage 2.

Dates for Stage 2 Hearing Sessions

5. The Stage 2 hearing sessions (which are part of the overall Examination) will open on:

Tuesday 28 June 2016 at: 10:00

Venue: Grafton House, 15-17 Russell Road, Ipswich, IP1 2DE

6. The hearing sessions will continue on 29 June, 5-8 July and 18-20 July 2016 as necessary. There will be a morning and afternoon session on each day. A draft programme indicating the matters to be discussed at each hearing session is attached to this note although you should be aware that it may change. Details concerning the finalised programme are set out in paragraph 26 below.

The Inspector's role in the Examination

7. My task is **to consider the legal compliance and soundness of the plan**. The documents comprising the plan are:
 - ***The Proposed Submission Core Strategy and Policies Development Plan Document Review (November 2014) [Doc SUCD01], as modified by the Council by the Pre-Submission Main Modifications (September 2015)[Doc SUCD02]; and***
 - ***The Proposed Submission Site Allocations and Policies***

(Incorporating IP-ONE Area Action Plan) Development Plan Document (November 2014) [Doc SUDC03], as modified by the Council by the Pre-Submission Main Modifications (September 2014)[Doc SUDC04].

For ease of reference the Council has prepared "track change" versions of the two November 2014 documents incorporating the September 2015 modifications. PSCD14, PSCD15 and PSCD15a.

8. The National Planning Policy Framework (DCLG, March 2012) sets out the criteria for determining soundness; namely that the plan is Positively Prepared; Justified, Effective and Consistent with National Policy.
9. I aim to work collaboratively with the Council and the Examination participants in a proactive, pragmatic and solution-orientated manner to deliver a positive social, economic and environmental outcome for Ipswich. However, this does not necessarily mean that the plan will be found to be sound.
10. In terms of the Examination overall there are essentially three possible outcomes:
 - That I find that the plan is sound in its current form and that no modifications are therefore necessary;
 - That I find that the plan is unsound in one or more respects but that subject to modification it could be made sound (the Council has formally requested me to recommend any main modifications which are necessary to make the plan sound, if it is feasible that such modifications could make it sound);
 - That I find that the plan is unsound (or is not legally compliant in a way that cannot be remedied – for example a failure to discharge the Duty to Cooperate) and that modifications could not make the plan sound without fundamentally altering the nature of the plan. In such an event I am likely to recommend that the Council withdraws the plan.
11. My findings and ultimate report on the plan will deal with broad issues and not with each individual representation.

Any main modifications which I consider are likely to be necessary to the soundness of the plan will need to be the subject of formal consultation and potentially considered as part of revised Sustainability Appraisal and Habitats Regulations Assessment. Should this be necessary more information will be provided at the time.

The Programme Officer

12. The Programme Officer (the PO) for the Examination is Mrs Annette Feeney, who works independently of the Council under my direction in connection with the Examination. Annette can be contacted as follows:

Mrs Annette Feeney
Ipswich Borough Council
Grafton House
15-17 Russell Road
Ipswich
Suffolk, IP1 2DE

Annette.feeney@ipswich.gov.uk

Tel: 01473 432006

Mobile: 07775 771026

13. The main tasks of the PO are to act as a channel of communication between all parties and myself; to liaise with the 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 on the Council's website (see below). Any participant who does not have access to the internet should contact Annette in order that alternative arrangements can be put in place.
14. Any procedural questions or other matters that you wish to raise with me prior to the hearing sessions should also be made through Annette and please let her know if you have any specific needs in relation to attendance/participation at the hearing sessions.

Progressing your representations on the plan

15. **It is important that I stress that written representations carry the same weight as those made orally at hearings sessions.** Consequently, participation at a hearing session is only necessary if, in the light of the list of Matters and Questions for the Examination, you have points to contribute to the debate.
16. Accompanying this note is a list of *Matters and Questions* for Stage 2 of the Examination. These questions are likely to form the basis of the discussion at the hearing sessions and should also be the basis on which written hearing statements, to be submitted in advance of the hearings, are prepared.
17. The hearings are open to all to observe, but only those who have previously made representations relevant to the matters being considered, and who register a request to participate (see paragraph 18 below) will be allowed to speak.
18. Notwithstanding any indications you may have previously made, anyone who believes it is necessary for them, and who wishes, to participate in a Stage 2 hearing session should register their interest in doing so with the PO by **17:00 on Friday 20 May 2016.**

The Stage 2 hearing sessions and hearing statements

19. Each Matter will be the subject of separate discussion, although the discussion of some Matters is likely to take place over several hearing sessions. The hearings will take the form of a roundtable discussion which I shall lead. They will not involve the formal presentation of cases by participants or cross-examination. I shall take account of all written representations already submitted and it is not the purpose of the hearings for these to be repeated. The list of Matters and Questions will form the agenda for each session.
20. 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,

focussed series of hearings and, in turn, produce a short, focussed report.

21. The Council is required to produce a hearing statement for all Stage 2 Matters answering each question. In addition the Council should provide a response to each of the representations listed in the Statements of Consultation (Documents SUCD16, 17, 17a, 19, 20 and 20a), briefly explaining why, in the light of each representation, it considers the plans are sound or modifications have been/are now proposed. The Council's responses should be cross referenced to its statements as necessary. Responses are not required to the representations which relate to matters considered at Stage 1 of the Examination – ie policies CS6 and CS7 and objectively-assessed needs for housing and employment land, unmet housing needs and the Duty to Co-operate. Other representors may also submit hearing statements on the Matters and Questions of specific relevance to their original representation, although it is not a requirement.
22. Hearing statements should be a **maximum** of 3000 words for each Matter and I anticipate that many will not need to be as long as this. The word limit does not include Appendices but these should only be included where directly relevant and necessary and should also be as succinct as possible. Statements should be simply stapled rather than bound.
23. In preparing statements you should **only** answer the specific questions of relevance to your original representation whilst clearly identifying the number(s) of the question(s) you are seeking to answer. In addition to answering the relevant question(s) where a representor is seeking a specific change to the plan in order to make it sound it would be helpful for suggested wording for the change to be set out in the hearing statement. However, this is only likely to be possible/appropriate for representors seeking a limited and focussed change to the plan. In answering the questions representors should have regard to the evidence submitted to the Examination by the Council in support of the plan. This is available on the Examination website (details below).
24. The Council has indicated that it is currently updating core document ICD48 (Ipswich Transport Model Assessment) and is preparing a related Air Quality Assessment document. These documents will be published on the Examination website by 27 May 2016 at the latest. These documents are most likely to be of relevance to Matters 5 (Ipswich Garden Suburb) and 9 (Transport and Accessibility (including in the IP-ONE Area)). To allow sufficient time for representors to take account of these documents a later deadline has been set for the submission of hearing statements on Matters 5 and 9.
25. Three paper copies **and** an electronic version of each hearing statement should be submitted to the PO as follows:

17:00 on Friday 3 June 2016 for Matters 4a, 4b, 6, 7, 8, 10 and 11

17:00 on Friday 24 June 2016 for Matters 5 and 9

Unless there are exceptional circumstances it is unlikely that late submissions will be accepted. Aside from these hearing statements no other written evidence will be accepted unless I specifically request it. Hearing statements will be posted on the Examination webpage, so that they are available to all participants and anyone else who wishes to read them. Because they will be available in this way, they will not be circulated directly to participants. However, anyone who is unable to access them on the webpage may request copies from the PO.

The hearings programme

26. An initial programme for the hearings is attached. A final version of the programme will be published on the Examination web site around two weeks prior to the start of the hearings. It will be for individual participants to check 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.
27. The hearings sessions will normally run between 10:00 and 13:00 and 14:00 and 17:00 each day. A short break will usually be taken mid-morning and mid-afternoon.

The Examination Library

28. The Council has prepared an online Core Document Library accessible from the Examination web site:

<https://www.ipswich.gov.uk/content/core-document-library>

29. If you have difficulties accessing the Library please contact the PO. It is not necessary to attach extracts of these documents to hearing statements as they are already Examination documents.

Site visits

30. Insofar as I consider it necessary to my assessment of the soundness of the plan I shall visit sites and areas referred to in the representations before, during, or after the hearings. I will do these on an unaccompanied basis unless I find that I need to go onto private land.

Finally ...

31. I emphasise:
 - I shall have equal regard to views put orally or in writing;
 - the need for succinctness; please respect the letter and spirit of the 3,000 word limit in hearing statements with only limited and directly relevant appendices;
 - that you must meet the **20 May 2016** deadline to advise the Programme Officer of the your wish to participate in a Stage 2 hearing session
 - that you must meet the **3 June 2016** (24 June 2016 for Matters 5 and 9) deadline for the submission of hearing statement(s).
 - that your hearing statement(s) should focus on answering the questions I have posed in the *List of Matters and Questions*.

Malcolm Rivett

INSPECTOR

April 2016