

Ipswich Borough Council Local Plan Review (the Plan)

INSPECTORS' EXAMINATION GUIDANCE NOTE

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Programme Officer: Annette Feeney

Note - This guidance should be kept for reference throughout the Examination. It should be read in conjunction with **Procedural Practice in the Examination of Local Plans – The Planning Inspectorate June 2016 (4th Edition v.1)** [available at <https://www.gov.uk> or from the Programme Officer] and with the attached **Matters, Issues and Questions for the Examination** and the **Draft Hearing Programme** [I32] and [I33].

Document References in [square brackets] are to the **Examination Library List** which can be viewed on the Examination webpage or obtained from the Programme Officer.

Items in bold italics are for particular note or action.

Key Dates:

Advise Programme Officer of Participation	<i>Friday 23 October 2020</i>
Submission of a Hearing Position Statement (optional)	<i>Tuesday 10 November 2020</i>
Opening of Hearing Sessions	<i>Tuesday 24 November 2020</i>

Purpose of the Guidance Note

1. This note provides guidance to participants on the procedural and administrative arrangements for the Examination.

Dates for Hearing Sessions

2. The Hearing sessions (which are part of the Examination) will start on ***Tuesday 24 November 2020*** and will last for around 9 days. They will be held virtually using Zoom, thus overcoming the restrictions imposed by the Covid-19 pandemic. These guidance notes include the details relating to participation in the virtual Hearing sessions and how interested parties can view the proceedings.
3. Two documents are available with this note:

Matters, Issues and Questions for the Examination (MIQs) – this sets out the issues and questions we have identified for discussion at the Hearing.

Draft Hearing Programme – this sets out the matters and issues to be discussed at each Hearing session. Details may change.

The Inspectors' Role in the Examination

4. We have been appointed by the Secretary of State to examine the soundness of the Plan and whether it meets the requirements of the Planning and Compulsory Purchase Act and associated Regulations. The Plan to be examined comprises the Core Strategy and Policies Development Plan Document Review – Final Draft, January 2020, and the Site Allocations and Policies (incorporating IP-One Area Action Plan) Development Plan Document Review – Final Draft, January 2020.
5. The National Planning Policy Framework, February 2019 (paragraph 35) (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
6. There are three possible outcomes to the Examination:
 - the submitted Plan is sound;
 - the submitted Plan is not sound but could be made sound by changes (known as *Main Modifications*), if necessary following additional work; or,
 - the submitted Plan is not sound and could not be made sound by changes.
7. Following the close of the Hearing we will prepare a Report to the Council with our conclusions. The Council has formally requested that we recommend any *Main Modifications* necessary to make the Plan sound.¹
8. We will deal with broad issues in our Report rather than specifically with each individual representation.

Changes to the Plan

9. The starting point is that the Council has submitted a Local Plan which it considers is legally compliant, sound and ready for Examination. At this stage there are only two means by which changes can be made to the submitted Plan:
 - (1) *Main Modifications* recommended by the Inspectors; and,
 - (2) *Additional Modifications* made by the Council on adoption.
10. However, we can only recommend *Main Modifications* if they are necessary to resolve problems that would otherwise make the submitted Plan unsound or not legally compliant.² *Main Modifications* are changes which, either alone or in combination with others, would materially alter the Plan or its policies. Any potential *Main Modifications* must be subject to consultation and in some cases further Sustainability Appraisal might also be needed.
11. *Additional Modifications* are those changes which do not materially affect the policies in the Plan.³ They are made by the Council on adoption and are also sometimes referred to as *Minor Modifications*. The Council is accountable for any such changes and they do not fall within the scope of the Examination.

¹ Council's Submission Letter, dated 10 June 2020 [A20]

² Under section 20(7B) & (7C) of the Planning and Compulsory Purchase Act 2004

³ S23(3)(b) of the PCPA 2004 "... if the additional modifications (taken together) do not materially affect the policies ..."

Modifications Proposed by the Council

12. The Council has proposed a number of changes to the Plan in its Final Draft Ipswich Local Plan Review Schedule of Proposed Main Modifications, September 2020 [I12]. The Council has asked if we can consider these changes as Main Modifications to the Plan. As noted above we would only be able to recommend *Main Modifications* if they are necessary to make the Plan sound.
13. It is possible that further changes may be proposed during the Hearing sessions and we will ask the Council to keep an up to date schedule of all *Main Modifications* during the Examination.

Scope for Modification – Alternative or ‘Omission’ Sites

14. It is **not** for the Inspectors to seek to improve the Plan or make it ‘more sound’. We will make recommendations for *Main Modifications* only where necessary to ensure soundness or legal compliance.
15. There will accordingly be no oral sessions on ‘omission sites’. It is not for the Inspectors to recommend specific alternative sites. In the event that the Plan were to be found unsound with the sites it allocates, the Council would be asked to consider and propose additional or alternative sites as *Main Modifications* to the Plan for further consultation.
16. Nevertheless, Representors promoting sites not allocated in the Plan have a right to be heard in support of a duly made objection. An objection to the ‘omission’ of a site is, in effect, an objection to the site selection process, or the Plan requirement, or the deliverability of development land or the Plan strategy and will be redirected and heard, as such, in the appropriate sessions reserved for those issues or, if necessary, in a general session.

The Programme Officer

17. The Programme Officer (the PO) for the Examination is Annette Feeney. Annette is working under our direction and is independent of the Council. She can be contacted as follows:

Annette Feeney
Local Plan Programme Officer
c/o Ipswich Borough Council
Grafton House
15-17 Russell Road
Ipswich
Suffolk
IP1 2DE
Email: annette.feeney@ipswich.gov.uk
Phone: 01473 432006 or 07775 771026

18. The main tasks of the PO are to organise the administration of the Examination, to act as a channel of communication between all parties and ourselves, 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 run the Examination Library. The PO is the first point of contact for those with queries about the process and participation in the virtual Hearing.

19. Copies of Examination documents can be found on the Examination website <https://www.ipswich.gov.uk/content/submission-documents>. Any participant who does not have access to the internet should contact the PO so that alternative arrangements can be put in hand.
20. Any procedural questions or other matters that you wish to raise with us prior to the Hearing sessions should be made through the PO.

Progressing your Representations on the Plan

21. Only those seeking to change the plan have a right to participate in the Hearing sessions.⁴ However, the sessions will be live streamed and made available via the Council's website for anyone to view following the event.
22. Those who have made representations will by now have indicated whether their views should be dealt with in a written form or whether they feel that they need to discuss them orally at a Hearing session. Both methods will carry the same weight and we will have equal regard to views put at a Hearing or in writing. Attendance at a Hearing session will only be useful and helpful to us if you wish to participate in the discussion.
23. Before deciding whether to appear, Representors should study the Modification Spreadsheet with Council Responses to Representations, August 2020 [I2], together with the Council's Schedule of Proposed Main Modifications, September 2020 [I12] and Response to the Inspectors' Initial Questions, September 2020 [I10], to note how the Council may have dealt with their concerns.
24. The ***Matters, Issues and Questions for the Examination*** accompanying this note will form the basis for the discussion at the Hearing sessions. If you have any comments on this list (for example, because you feel there may be a significant omission), you should contact the PO as soon as possible, but by no later than ***midday 1200hrs on Friday 23 October 2020***.
25. The ***Draft Hearing Programme*** includes a draft list of issues for discussion at each Hearing session. All representations will be taken into account, whether or not you participate at the Hearing. In order that the timetable can be finalised, those Representors wishing to take part in the Hearing should contact the PO by ***1200hrs on Friday 23 October 2020*** stating your intention to appear and on which Matter(s) and Issue(s) you wish to speak, including, if possible, which question(s).
26. Where several people or organisations wish to speak on the same issue, you should consider appointing a single spokesperson or persons. The PO will assist in such arrangements.
27. A final version of the ***Hearing Programme*** will be published on the Examination website around two weeks before the start of the Hearing. It will be for individual participants to check the progress of the Hearing, either on the website or with the PO, and to ensure that they are present at the right time. We will issue an Agenda to structure the discussion at each Hearing session, normally shortly before the date that the Hearing session is due to take place.

⁴ S20(6) of the PCPA 2004

28. ***Where Representors have raised a matter of soundness not identified by the Inspectors but still wish to appear, a suitable item can be added to an appropriate Hearing session.*** If any Representor considers that an additional item is required, this should be raised with the PO at the earliest opportunity.

Joining the Virtual Hearing as a Participant

29. If you are intending to join the virtual Hearing via video link using a PC, Apple Mac, iPhone or Android, you should download and install the Zoom application. If this is not possible, you can join using a Chrome browser on your desk top computer (not on your mobile phone). Some people with older devices, or who use corporate devices, which prevent downloads being installed could experience problems. In this case, either use an alternative or contact your corporate systems administrator. Please do familiarise yourself with Zoom before joining the Hearing. You will be responsible for making sure your IT equipment and internet connection are functional and that you have everything in place and working to enable you to join the Hearing via Zoom.
30. The PO will email participants with an invitation to join the Hearing. Participants should join their session using the electronic link in their invitation. If you prefer to join by Telephone or are unable to use the video option, simply dial the telephone number provided and when asked, type your conference ID followed by the # key. The telephone number to ring will be provided within the invitation. There will be separate invitations sent out for each Hearing session.

Watching the Virtual Hearing

31. Each Hearing session will be live streamed and recorded and published on the Council's website within 24 hours of the session closing, in order that non-participants and members of the public can watch proceedings. Links to the live stream and the recorded sessions will be available on the Examination webpages at <https://www.ipswich.gov.uk/Ipswich-Local-Plan-Review-2018-2036-Submission>.

Participating in Virtual Hearing

32. The aim is to make the virtual Hearing as similar as possible to a physical Hearing in the way it is run and the way you participate.
33. At the start of each Hearing session we will take appearances in the usual way. We will lead the Hearing, introduce each topic and ask specific questions about the topic. If you wish to respond to a question, please use the 'raise hand' facility in Zoom to indicate your desire to speak.
34. We will give each person who has raised their hand an opportunity to have their say. Although all participants may be able to see each other, only one participant may speak at a time. We ask that all participants have their video turned on, but that they remain on mute until invited to speak. When you are invited to speak unmute your microphone, and state your name and, if any, your organisation if it is your first time speaking during the session.
35. Please make your response brief and focused and adhere to the agenda. You will not need to repeat your full case, or give any formal presentation, as we will have read your representations. We may ask questions about aspects of your verbal or

written submissions. The format will be a structured discussion, which we will lead. There will not be any cross examination and responses should always be directed to us. We will invite participants to speak in turn and there will be a lot to cover, so please be patient.

36. If you have already spoken on a particular topic but believe that you can help further on the subject, raise your hand using the facility in Zoom. Please ensure that anything you say here is new, important and relevant. Simply repeating what you or others have already said, or to register that you do not agree with another participant, is not necessary.
37. We will ask the Council for their comments on the main points raised and we will terminate the discussion on any topic when we have enough information. At the end of each Hearing session, we will end the session and ask all participants to log out of Zoom.
38. If you experience electronic interference during a session, try moving your mobile phone away from your computer. If you experience other connectivity issues, try switching off some other devices which share your Wi-Fi, or move closer to the router.
39. If you are unable to join, or lose connection during a Hearing session, try again to join using the link provided in your invitation. The Hearing may continue in your absence. As a backup you can re-join by telephone, using the number in the invitation. Transferring from Wi-Fi to mobile data or making a Wi-Fi hotspot using a mobile phone are other contingencies that you may wish to use. If none of these resolves the issue, please contact the Programme Officer for assistance.
40. The Council will be running a test event on Friday 13 November 2020 for all participants. If you are interested in joining this, please email the PO and she will send you an invitation. We will not be attending the test event, it is intended only to ensure that participants are comfortable participating in the virtual Hearing using Zoom.

Conduct, Documents, Evidence and Presentation

41. Local Plan Examination Hearings are a formal event, with appropriate conduct. All participants, their views and evidence are treated with fairness and consideration, and participants do not interrupt each other.
42. To make the best use of the Hearing time and to avoid disruption, the virtual Hearing sessions will start strictly at the time indicated on the agenda. You will receive an invitation from the PO to the relevant session or sessions along with a Privacy Policy. You must join the Hearing session on Zoom at least 20 minutes before the time indicated on the agenda. The PO is responsible for admitting participants into the Hearing session, you must wait to be admitted. You will be held in a waiting lobby until you are admitted into the Hearing by the PO. Attempting to join the Hearing after the time indicated on the agenda will cause disruption and you may not be admitted.
43. You should have made appropriate arrangements to ensure that your working environment is quiet, and that the Hearing (and your ability to concentrate on it) is not disrupted by external noise and unnecessary distractions.

44. Please ensure that your camera is positioned to provide a clear, front-on view of your face and avoid sitting where you are silhouetted in front of a window or light.
45. You must make sure that you attend the Hearing session you are invited to from start to finish. Leaving midway through a session or coming and going are not respectful to the Hearing, and you may miss the opportunity to speak, hear other people's contributions, and listen to Inspector announcements.
46. When adjournments are announced, please make a careful note of the resumption time and be back at your screen before that time. If you need to leave early for any reason, please inform the PO.
47. The chat facility in Zoom must not be used under any circumstances. It does not form part of the formal Hearing procedure and any posts will not be viewed by us. You should consider whether you are likely to need to confer with another person (Agent, Legal Representative, Colleague etc) during the event. If so, agree how you intend to do this e.g. SMS, Email, WhatsApp before the event.
48. The Examination website contains all the relevant Examination documents. These are available to all participants, stakeholders and the public. The Hearing will not use the document sharing facility available on Zoom. Nor should you hold any document in front of your camera.
49. New documents should only be submitted during the Hearing at our invitation. If we request a new document from any party, for example a statement of common ground, it should be emailed straight to the PO so that she can pass it to us and put it in on the Examination website.

Privacy

50. The Hearing will be conducted in line with the Council's data protection policies and processes as set out here:
https://www.ipswich.gov.uk/sites/www.ipswich.gov.uk/files/privacy_notice_-_local_plan_examination.pdf Please have regard to the attached privacy notice. You can turn your camera off if you do not wish your image to be viewed.
51. Please do not make your own recording of the Hearing sessions. You must ensure that no-one else appears on your camera unless it has been otherwise agreed, and you should clear your background of personal information. If you prefer, Zoom allows you to blur your background, but please do not use any of the other backgrounds that are available on Zoom. You must also not share any personal information during the Hearing, either yours, or anyone else's.

The Hearing Sessions

52. The Hearing sessions will begin at **0930hrs** on **Tuesday 24 November 2020** and will normally run between 0930hrs and 1100hrs, 1130hrs and 1300hrs and 1400hrs and 1530hrs each day to allow for appropriate screen breaks. Details of the sitting days are included in the accompanying draft Programme and are summarised as follows:

Tuesday 24 to Thursday 26 November 2020
Tuesday 8 to Thursday 10 December 2020
Tuesday 15 to Thursday 17 December 2020

Friday 11 December and Friday 18 December 2020 are reserved as possible sitting days if required.

53. **Only one participant is allowed per Representor. However, in view of their particular position in covering the whole Plan, two or sometimes more Council representatives may take part in a Hearing session, depending on the subject under discussion.**
54. **Representors are requested to keep in touch with the PO or the Examination webpage regarding the programme, which may be subject to change.**

Hearing Position Statements

55. Whilst original consultation responses were made and summarised generally on a policy by policy basis, the programme of Hearing sessions will be arranged over a series of issues and matters for discussion which, invariably, will cover several sections and policies of the Plan document.
56. Accordingly, in order to assist all participants preparing for the Hearing and to facilitate focussed discussion, the Council and all Representors scheduled to appear are invited to submit a **Hearing Position Statement** for each issue they are invited to discuss. **Hearing Position Statements** should be delivered to the PO by **no later than 1200 hrs on Tuesday 10 November 2020**, setting out in a **strict maximum of 3,000 words per Issue** the Council's or the Representor's position on the areas of concern in respect of the questions asked in the MIQs.
57. The submission of a **Hearing Position Statement must not be taken as an opportunity to submit new responses or fresh evidence and it must not be accompanied by any appendices.** Reliance must be placed essentially on the original response to the Publication Draft of the Plan, which is taken as the complete case for the Representor. Statements should:
 - only answer the specific questions in the MIQs which are of relevance to the original representation;
 - clearly identify the number(s) of the question(s) being answered;
 - state whether any of the Council's *proposed Main Modifications* or *Additional Modifications* would resolve the concerns and make the Plan sound; and,
 - indicate whether any other changes are needed to make the Plan sound or legally compliant (providing detailed suggested wording for the change and if appropriate, any changes sought to the Policies Map).
58. **Hearing Position Statements will only be accepted if they bear the name of the Representor and the Hearing session to which they relate and are printable on A4 paper format. They will not be accepted with special title sheets or binding.**
59. The **Hearing Position Statement** should make cross reference to the original response. **Such cross reference should be by Representation Number with reference to the Examination database held by the PO.** Alternatively, Representors may choose to rely entirely upon their original response; the preparation of a statement is not a requirement.
60. The Council should produce a Hearing Position Statement for each of the issues. In doing so, they should answer each of the individual questions set out in the

MIQs. However, there is no need to repeat answers already provided in response to our *Initial Questions* (a cross reference will be enough).

61. Where several people or organisations wish to speak on the same issue, Representors should consider producing a single joint paper. Please contact the PO to discuss this.
62. In preparing statements you should be aware of our Initial Questions to the Council and the Council's subsequent response available on the Examination page of the website [I1 and I10].
63. Two paper copies and an electronic version of each **Hearing Position Statement** should be submitted to the PO by **midday 1200hrs on Tuesday 10 November 2020**. Unless there are exceptional circumstances it is likely that late submissions will not be accepted.
64. **Hearing Position 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.
65. Aside from these **Hearing Position Statements** no other written evidence will be accepted, unless we specifically request it. The Hearing sessions should not be used to introduce new evidence or arguments.

The Examination Library

66. The Council has prepared an online Examination Library which can be found on the Examination website at <https://www.ipswich.gov.uk/content/submission-documents>.
67. This contains the Council's evidence and documents which have been produced during the Examination. If you have difficulties accessing the Library please contact the PO. It is not necessary to attach extracts of these documents to Hearing Position Statements as they are already Examination documents.

Site Visits and Close of the Examination

68. Insofar as we consider it necessary to our assessment of the soundness of the Plan, we will visit sites and areas referred to in the representations before, during or after the Hearing. We will do these on an unaccompanied basis unless we find that we need to go onto private land.
69. The Examination will remain open until our Report has been submitted to the Council. However, we will not accept any further representations or evidence after the Hearing sessions have ended unless we specifically request it. Late or unsolicited material may be returned.

Further information

70. Further information about the preparation and Examination of Local Plans can be found in the national *Planning Practice Guidance* <https://www.gov.uk/government/collections/planning-practice-guidance> and the Planning Inspectorate's *Procedural Practice in the Examination of Local Plans – June 2016 (4th Edition v.1)* http://www.planningportal.gov.uk/uploads/pins/dpd_procedure_guide.pdf

Karen L Baker and Mike Hayden
INSPECTORS

12 October 2020 (updated 20 November 2020)