

Examination of the Melton Local Plan 2011-2036

Inspector's Guidance Note – November 2017

Inspector: Mary Travers BA(Hons) DipTP MRTPI

Programme Officer: Ian Kemp

The purpose of this note

1. The purpose of this note is to explain procedural and administrative matters relating to the examination of the Melton Local Plan (the Plan). As part of the examination, hearing sessions will commence at 09.30am on **Tuesday 30 January 2018 within Room CC1 of Melton Borough Council Offices, Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH**. A timetable for the hearings is being issued separately together with my Matters and Questions for the examination. Any comments on either the timetable or the scope of my matters and questions should be sent to the Programme Officer by **1 December 2017**.
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.meltonplan.co.uk/examination>

Additional guidance, notably Procedural Practice in the Examination of Local Plans (The Planning Inspectorate June 2016) can be found at

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

3. The Programme Officer for the examination is Ian Kemp. His contact details are set out above. He is acting as an independent officer for the examination under my direction. He 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 participants 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 (the Framework) makes clear that in order to be found sound, a plan must be:
 - a) *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;
 - b) *justified* – the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence;
 - c) *effective* – deliverable over its period and based on effective joint working; and
 - d) *consistent with national policy* – enable the delivery of sustainable development in accordance with the policies in the Framework.
5. The Council has submitted what it considers is a sound plan, as the Framework requires. **This comprises the pre-submission Melton Local Plan, published in November 2016, as amended by the Addendum of Focused Changes, published in July 2017; this forms the starting point for my examination and I refer to it as the Plan in this note.** Those seeking changes must demonstrate why the Plan is not sound by reference to one or more of the soundness criteria above and why their 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. Before the start of the hearing sessions I may raise questions directly with the Council on any points that are relevant to the examination. My initial questions are being issued separately and there may be further rounds of questions or correspondence with the Council before the hearings commence. These questions and the Council's responses will be placed on the examination webpage.

Attending the hearings sessions

7. Anyone can 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. 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.

8. 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 **Monday 8 January** whether they wish to be heard at a hearing session **irrespective of any previous indications provided during the relevant consultations.**

The hearings timetable

9. An overall timetable for the hearings is published on the examination webpage. Detailed timetables for the sessions will be published in due course and any updates to them will also be posted on the webpage. **It is the responsibility of individual participants to check the latest detailed timetables, either on the webpage or by contacting the Programme Officer, and to ensure that they are present at the correct time.**
10. The hearing sessions will normally start at 09:30 and 14:00 each day but these times may vary if longer or shorter sessions are required. Short breaks will be taken at convenient points in the mid-morning and mid-afternoon and there will be a lunch break about 13:00.

Format of the hearing sessions

11. 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 are issued beforehand. I will invite particular participants 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 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 particular issue. Barristers and solicitors, if present, will be treated as part of the respective team.
12. Please keep the Programme Officer informed about who will be speaking at the sessions. Apart from the Council, generally only one seat will be available at the table for each participant but a hot-seating arrangement will be acceptable. Where a number of participants share similar viewpoints the appointment of a spokesperson should be considered. Hot-seating for groups of participants may be required for certain sessions where a large number is expected. Further advice on such arrangements will be issued as necessary.

Dealing with sites at the hearing sessions

13. 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.
14. Some of the allocated sites may 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.
15. 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.
16. 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 15 and 16 will also be applied to submissions that alternative boundaries for policy designations should be preferred.

Site visits

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

Hearing statements

18. 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, i) the statement is limited to the questions that I have identified in my Matters and Questions document which are relevant to their original representation, and ii) any new, material factors that have arisen since the original representation was submitted.
19. **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.

20. The Council's statement for each matter should deal with all of my questions. For this reason, the Council's statements are not subject to the 3,000 word limit, but they should still be succinct.
21. **An electronic copy and three hard copies of all statements are required. The Programme Officer must receive electronic copies by 17:30 on Monday 8 January at the latest.** If they are not received by the deadline, the Programme Officer will assume that they are not being provided. Hard copies can then follow but must be received by **Thursday 11 January**.
22. 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, the Inspector will seek clarification on any matters in advance of the hearings.
23. The hearing statements will be posted 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

24. 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

25. Participants should attempt to reach agreement on factual matters and evidence before the commencement of the hearings and to this end I strongly encourage everyone to maintain a dialogue with the Council in the intervening period. Statements of Common Ground (SCG), agreed between one or more participants and the Council, will be welcome where they would help to identify points not in (or remaining in) dispute, and so enable the examination to concentrate on the key issues that need further discussion. They should be submitted no later than the 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

26. I will write my report 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 hearing sessions have finished unless I have specifically requested them. Any late or unsolicited material will be returned to the sender.
27. I will announce the likely date of the report's submission at the end of the final hearing session. 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.
28. 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 proposed 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/Habitats Regulation Assessment.
29. 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. Generally speaking, additional modifications are those which do not affect the substance of the plan and are not needed for soundness reasons.
30. Any queries regarding the examination should be addressed in the first instance to the Programme Officer.

Mary Travers

Inspector
November 2017

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 Examination Documents on the website.
- An electronic copy of all statements should be submitted: this should be in MS Word or PDF format. In addition, **3** paper copies of statements are required, including one unbound for further copying and the other 2 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 name of representor.