
Forest Heath District Council

Examination of the Single Issue Review of Core Strategy Policy CS7

Guidance note for people participating in the examination

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Introduction

1. We are Simon Berkeley and Christa Masters, the Planning Inspectors appointed by the Secretary of State for Communities and Local Government to independently examine the soundness of Forest Heath District Council's Single Issues Review of Core Strategy Policy CS7 ('the SIR'). We 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 **Annette Feeney**. Her contact details are given on the cover of this note. She is acting as an independent officer for the examination, under our direction. Mrs Feeney will be responsible for organising the programme of hearings, maintaining the examination library, recording and circulating all material received, and assisting us 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 us should be addressed to Mrs Feeney.

Purpose and scope of the examination

3. Our role is to consider whether the SIR meets the legal and procedural requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and associated Regulations and whether it is sound in accordance with the National Planning Policy Framework.

To be sound the SIR 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.

4. People seeking changes to the SIR have to demonstrate why it is not sound and how their suggested changes would make it sound. Representations will be considered insofar as they relate to soundness and legal requirements. However, our report will not refer to representations individually.
5. At this advanced stage of the process, any further changes to the SIR should be limited. The Council cannot itself now make any 'main modifications'. Any changes needed to remedy soundness problems can only come about through a recommendation in our report, and only then if accepted by the Secretary of State.
6. This examination is concerned only with the SIR. The Council has prepared the Site Allocations Local Plan (SALP) as a separate document, and it is being examined separately, by Christa Masters. As such, matters relating to specific sites will generally not be the focus of this examination – they will be considered through the examination of the SALP. Matters and Issues for the SALP examination will be issued in due course, and hearing dates will be confirmed at that time.

The Matters and Issues for the examination

7. We have set out the matters which will form the focus for the examination and the hearings going forward. They are shown on the Schedule of Matters and Issues accompanying this guidance note.
8. The Schedule of Matters and Issues has been circulated to representors with this note and is also available on the examination webpage. We have also issued a draft timetable for the hearings alongside that Schedule. Any comments from representors on either the draft hearings timetable or the scope of the matters we have set out should be sent to the Programme Officer by **5.00pm on Friday 18 August**.

Representations and written statements

9. The views of representors can be considered in three ways:
 - a) you can rely on the written representation you have already made
 - b) you can if you wish also submit a written statement responding to the Matters and Issues we have issued alongside this note
 - c) you can, if you wish and are entitled to do so, participate in the further hearing sessions – we explain this further below
10. Everyone who has made a representation about the SIR during the pre-submission consultation that took place between January and March 2017 can either rely on what they have already submitted in writing or may, if they so wish, now submit a further written statement. There is no need to prepare a further statement if all the points are already covered in the original representation.
11. For those who do choose to provide statements, they should directly address the matters we have identified in the Schedule of Matters and Issues.
12. All statements from representors should:
 - a) relate solely to the matters raised in their earlier representation
 - b) explain which particular part of the SIR is unsound
 - c) explain why it is unsound, having regard to the National Planning Policy Framework
 - d) explain how the SIR can be made sound
 - e) explain the precise change/wording that is being sought
13. From the Council, a written statement in response to all of the matters is required. These should include full and precise references to the evidence base to justify the policy and to demonstrate that the SIR is sound. They should also include references to any main modifications the Council considers necessary to make the SIR sound and set out the Council's position on changes sought by other parties, where relevant.
14. All written statements should be succinct, avoiding unnecessary detail and repetition. There is no need for verbatim quotations from the SIR, 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 concisely, since the hearings are not the place for new points or evidence to be presented for the first time.
15. Please note that it is not our role to 'improve' the SIR. We can only recommend main modifications to rectify issues of soundness.
16. Representors should attempt to reach agreement on factual matters and evidence before the hearings start and we 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.**
17. **Three paper copies** (not bound) 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 being made. Statements should be on A4 paper and stapled. Plans or diagrams should fold down to A4 size.
18. **Paper copies of all statements must be received by the Programme Officer by 5.00pm on 8 September 2017 at the latest.** If material is not received by this deadline, the Programme Officer will assume that written statements are not being provided.
19. 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.

20. We will not accept any further representations or evidence after the hearing sessions have finished unless we specifically request it. Any late or unsolicited material is likely to be returned.

Participation at hearing sessions

21. **Only those who have made representations seeking to change the SIR have a right to appear before, and be heard by, the Inspectors.**¹ However, it is important to stress that written representations carry the same weight as those made orally at a hearing session. Consequently, participation at a hearing session is only necessary if, in the light of the Matters and Issues, you have specific points you wish to contribute.
22. People who are able to participate in the forthcoming hearing sessions are those:
- a) who made representations seeking to change the SIR under Regulation 20 (ie when the Council invited representations before submitting the SIR for examination) where their representation relates to a point either not already debated at a hearing or where the point is among the further matters for the examination; and
 - b) who have made representations opposing a main modification put forward by the Council where the point of the representation is among the matters for the examination.
23. If you have a right to be heard, and you wish to exercise that right, you should contact the Programme Officer **by 5.00pm on Friday 25 August** indicating the appropriate Matter and the session you wish to attend (see the draft Programme). You need to do this regardless of what you may have indicated previously. **Please note that if you do not contact the Programme Officer by that date it will be assumed that you do not wish to appear and be heard and you will not be listed as a participant.** You should only request to be heard at a hearing session if you have made a relevant representation seeking a change to the SIR. However, the hearing sessions are open for anyone to observe.

The hearing sessions

24. The hearing sessions will start on **Monday 25 September 2017**. They will be held in **Council Offices, College Heath Rd, Mildenhall IP28 7EY**.
25. Every effort will be made to keep to the draft 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. Participants need to be ready to attend on the Reserve time indicated on the programme – this will be used if necessary to complete any unfinished sessions.**
26. The hearings will take the form of a round table discussion which we shall lead. It will not involve the formal presentation of cases by participants or cross-examination. There will be a lot to cover and all contributions should be focussed.
27. Sessions will normally start at 9.00am and 2.00pm each day, with a break for lunch at about 1.00pm, and a finish at about 5.00pm. A short break will be taken mid-morning and mid-afternoon.
28. Please let the Programme Officer know as soon as possible if you have any specific needs in relation to attendance and participation at the hearing sessions.

Our report

29. After the final hearing session we will write a report setting out our conclusions about the soundness of

¹ S20(6) of the Planning and Compulsory Purchase Act 2004

the SIR, including recommendations on any actions or modifications we consider necessary to make it sound.

30. The examination will remain open until our report has been submitted to the Council. However, as mentioned above, 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.

We trust that you find this Guidance Note helpful. If you have any further questions please contact Mrs Feeney – she will be happy to assist if at all possible.

Simon Berkeley and *Christa Masters*

Inspectors

Reminder of key dates:

- Deadline for comments on our matters schedule/hearings timetable: **18 August, 5.00pm**
- Deadline to confirm with the Programme Officer whether you wish to exercise the right to be heard if you made a relevant representation seeking a change to the SIR indicating the appropriate Matter and the hearing session: **25 August, 5.00pm**
- Deadline for submission of statements (including from the Council): **8 September, 5.00pm**
- Hearing sessions open: **Monday 25 September 2017, 9.30am**