

**Independent Examination of Solihull Council
Local Development Framework**

**Gypsy And Traveller Site Allocations
Development Plan Document**

GUIDANCE NOTES

Key Dates

Deadline for submission of further statements ~ Friday 29 November 2013

Hearings commence ~ Tuesday 17 December 2013

Venue ~ Civic Suite, Manor Square, Solihull B91 3PX

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Inspector

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**INDEPENDENT EXAMINATION OF SOLIHULL COUNCIL
LOCAL DEVELOPMENT FRAMEWORK
GYPSY AND TRAVELLER SITE ALLOCATIONS
GUIDANCE NOTES FOR PARTICIPANTS**

1 Introduction

- 1.1 The Inspector has prepared these Guidance Notes to assist everyone who wishes to be involved in the Examination of the Gypsy and Traveller Site Allocations Development Plan Document (DPD). Solihull Metropolitan Borough Council (the Council) has prepared this plan as part of its Local Development Framework (LDF) under the Planning & Compulsory Purchase Act 2004 (as amended). The Pre-Submission version of the plan was published on 5 April 2013 and the Submission version was submitted to the Secretary of State on 26 July 2013.
- 1.2 Only those who made representations on the Pre-Submission version of the plan are involved in the Examination process, and only those who seek some change to the plan are normally involved in the hearing sessions.

2 Inspector and Programme Officer

- 2.1 Planning Inspector **Claire Sherratt** DIP URP MRTPI has been appointed by the Secretary of State under Section 20 of the Planning & Compulsory Purchase Act 2004 to carry out the independent examination of the Gypsy and Traveller Site Allocations DPD.
- 2.2 The Programme Officer is **Melanie Owen-Roberts**, who is an officer of the Examination, working under the Inspector's direction. She helps to organise the programme of hearings, maintains the Examination library, records and circulates all material received, and assists the Inspector with procedural and administrative matters. She will advise on any programming and procedural queries, and any matters which the Council or participants wish to raise with the Inspector should be addressed to the Programme Officer. Her contact details and web-site address are on the cover sheet and letter accompanying these notes.

3 Purpose of the Examination

- 3.1 The purpose of the Examination is to examine the **soundness** of the Gypsy and Traveller Site Allocations DPD. Please note that the "Examination" starts when the plan is submitted to the Secretary of State and ends when the Inspector's report is sent to the Council. The Inspector has already begun her initial examination of the plan and has asked the Council for information on various matters (see the Examination web-site¹).
- 3.2 The Inspector's role is to assess whether the plan has been prepared in accordance with the legal and procedural requirements set out in Sections 19-20 of the 2004 Act (as amended) and associated regulations, including the Duty to Co-operate, and whether it is sound in terms of the guidance in the NPPF (March 2012)². **The Examination will focus on these requirements.** The Council should rely on evidence collected while preparing the plan to demonstrate that it is sound. Those seeking to change the plan need to demonstrate why the plan is unsound and suggest specific changes that would make it sound, including any detailed alternative/additional wording and supporting evidence.
- 3.3 The examination of the Gypsy and Traveller Site Allocations DPD is concerned with two separate matters²:
- **Legal requirements:** *whether the plan has been prepared in accordance with the Duty to Co-operate, and with the Local Development Scheme, Statement of Community Involvement and Regulations; has been subject to Sustainability Appraisal; and has regard to national policy, Regional Strategy and the Sustainable Community Strategy;*
 - **Soundness:** *whether the plan has been positively prepared, and whether it is justified, effective and consistent with national policy;*
 - *"Positively prepared" means the plan should be based on a strategy which meets the objectively assessed development and infrastructure requirements, including unmet requirements from surrounding areas where it is reasonable to do so and consistent with achieving sustainable development;*
 - *"Justified" means the plan should be the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence;*

¹ www.solihull.gov.uk/ldf/gypsyandtraveller.htm

² National Planning Policy Framework (including ¶ 182) [DCLG: March 2012]

- "Effective" means the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities;
- To be consistent with national policy, the plan should enable the delivery of sustainable development in line with policies in the NPPF.

- 3.4 The process of examining plans produced under the LDF system is very different from the previous process of considering objections to an "old-style" plan:
- The Examination starts from the assumption that the Council has submitted a plan for examination which it considers is legally compliant and sound;
 - The Examination process is undertaken quickly, with the aim of submitting the Inspector's report to the Council within 6 months from the date of submission;
 - The plan is subject to an Examination, with hearing sessions, rather than a formal local plan inquiry;
 - The Examination is into the **soundness** of the plan, **not into individual objections**. In examining compliance with the legal requirements and soundness under the LDF system, the Inspector considers the representations made to the published plan, but only insofar as they relate to the legal requirements and soundness of the plan;
 - The Inspector is not required to consider each and every point made in every representation or to report on them, but to use the representations in considering whether the plan complies with the legal requirements and is sound;
 - The plan and the Examination should be "front-loaded", with all the material and evidence available and submitted well before the hearings commence.
- 3.5 The Planning Inspectorate (PINS) has produced guidance about the procedure for examining development plans³. This sets out the approach the Inspector will take to assess whether the plan has been prepared in line with the legal requirements and whether it is sound. It also outlines the main considerations that are likely to be addressed, and includes guidance on the procedural aspects of examining plans, including the timeline and tasks undertaken at each stage. **Everyone involved in the Examination of this plan should be fully aware of this guidance**, copies of which are available on the Planning Portal PINS web-site⁴ and from the Programme Officer.
- 3.6 In terms of published documents, all participants should be familiar with:
- *National Planning Policy Framework* [DCLG: March 2012];
 - *Planning & Compulsory Purchase Act 2004 (as amended)*;
 - *Localism Act 2011*;
 - *Town and Country Planning (Local Planning)(England) Regulations 2012*
- 3.7 The **Localism Act** was enacted on 15 November 2011, and includes several new requirements which came into force on 15 January 2012, including the new "Duty to Co-operate". The Localism Act also distinguishes between "*Main Modifications*" which are needed to ensure the plan is sound, and "*Additional Modifications*" which are not subject to examination. The Inspector can only recommend changes to the plan that relate to issues of legal compliance and soundness, and can only recommend these changes if asked to do so by the Council⁵. The Inspector does not need to consider or recommend any "*Additional Modifications*" which the Council may wish to make.
- 3.8 Under the LDF system, the Inspector takes control of the Examination process from start to finish. However, the scope for making changes to the plan, once submitted, is limited, particularly where they have implications for the sustainability appraisal, the consultation processes already undertaken and the underlying strategy. PAS⁵ and PINS guidance⁶ advises that post-submission changes to a plan should not be necessary, and the Council should only seek changes after submission in exceptional circumstances or to cater for the unexpected. Furthermore, the Inspector will not be able to recommend a substantive change to a plan unless it relates to an issue that has been subject to proper procedures of community involvement and sustainability appraisal. In the absence of clear evidence that such procedures have been carried out, the Inspector will only give limited consideration to such representations. Moreover, her role is to consider whether the plan, as submitted, is sound, rather than improving or making an otherwise sound plan sounder.

³ Local Development Frameworks: Examining Development Plan Documents: Procedure Guidance [PINS: August 2009] (library document POP 1)

⁴ www.planningportal.gov.uk/planning/planningsystem/localplans

⁵ s20(7/7A/7B/7C) of the Planning & Compulsory Purchase Act 2004 (as amended by s112 of the Localism Act 2011)

⁶ Local Development Frameworks: Examining Development Plan Documents: Procedure Guidance (5.21-5.25 & Annex ¶ 5) [PINS: August 2009]

- 3.9 The **hearing sessions** of the Examination are an inquisitorial process under the Inspector's direction, as an integral part of examining the soundness of the plan. The hearing sessions address particular topics. The matters for discussion are selected beforehand by the Inspector and arise from the legal requirements, tests of soundness and issues raised in the representations. The Inspector will ask a series of questions, and the Council and other participants will have the opportunity to contribute to the debate on the specific matters identified by the Inspector.
- 3.10 Much of the procedure may be new to some participants, but most of the guidance and procedures are set out in the NPPF, the PAS Plan-Making Manual and PINS guidance, and are available on the Planning Portal PINS web-site⁷. Details about the submission of the Gypsy and Traveller Site Allocations DPD can be found on the Council's web-site⁸.
- 3.11 In carrying out this examination, the Inspector will aim to work in a pro-active, pragmatic and consensual manner with the Council and other participants, so as to deliver a positive outcome in terms of the soundness of the Plan.

Scope and content of the examination

- 3.12 For the examination of the Gypsy and Traveller Site Allocations DPD, the discussion will focus on the Matters and Issues identified by the Inspector. The merits of national and regional policies will not be debated, but the Examination will consider the application and implications of such policies if they directly affect the topics and areas covered by the plan.

4 Prior to the Hearings

- 4.1 The Inspector will not hold a Pre-Hearing Meeting. All the information needed should be provided in these Guidance Notes. Any further queries can be directed to the Programme Officer.
- 4.2 A programme for the hearing sessions and the Inspector's Schedule of Matters & Issues for Examination will be circulated in due course by the Programme Officer to all those who have made representations.

5 Representations on the Gypsy and Traveller Site Allocations DPD

- 5.1 In accordance with the Local Planning Regulations⁹, the Council has confirmed that representations were received from 22 respondents on the Pre-Submission version of the plan between 5 April and 17 May 2013. The Council has prepared a report summarising the main issues raised in the representations, and its responses¹⁰.
- 5.2 The Council has already made some suggested changes to the Pre-Submission version of the DPD in response to representations. Other amendments to the plan may be debated during the Examination, to ensure that it is sound. Any such changes should be subject to the same process of sustainability appraisal, publicity and opportunity to make representations as the published plan. Any changes proposed during the Examination/ hearings should include the precise wording of any amendments to the policies/text of plan and be set out in an Examination document.

6 Methods of considering representations

- 6.1 There are two ways in which representations to the plan will be considered:
- Written representations – based on the original representations. Most representations will be considered by this method. Issues raised in the written representations may be discussed at the hearings, but there is no need to attend the hearing sessions;
 - Oral representations – where representors seek a change to the plan and wish for an oral hearing, relevant points will be discussed at a hearing session of the Examination, chaired by the Inspector and attended by the Council and other participants.
- 6.2 Both methods carry the same weight and the Inspector will have equal regard to views put orally or in writing. **Only those parties seeking specific changes to the plan are entitled to participate in the hearing sessions of the Examination**¹¹. There is no need for those supporting or commenting on the plan to attend, and participants only need to attend the hearings if they wish to contribute to the debate.

⁷ www.planningportal.gov.uk/planning/planningsystem/localplans

⁸ www.solihull.gov.uk/ldf/28317.htm

⁹ Town & Country Planning (Local Planning) (England) Regulations 2012; SI.2012/767 [Reg. 22(c)(v)]

¹⁰ Submission Documents: [DPD 007 and DPD 008]

¹¹ Planning & Compulsory Purchase Act 2004 [S.20(6)]

The Inspector's role is to consider the soundness of the plan in the light of the representations received, focusing on the "*Main Modifications*"¹² needed to ensure that the plan is sound and is capable of adoption.

7 Procedure at the Hearing Sessions of the Examination

- 7.1 The hearing sessions of the Examination will commence on Tuesday 17 December 2013 at the **Civic Suite, Manor Square, Solihull B91 3PX** at **10.00am**. Subsequent sessions will normally start at **9.30am** and **2.00pm** each day, with a break for lunch at about 1.00pm, and finish at about 5.00pm. Short breaks will be taken mid-morning and mid-afternoon. The hearings are likely to last no more than 2 days.
- 7.2 The purpose of the hearing sessions is to concentrate on the Matters & Issues identified by the Inspector, rather than repeat the points made in the representations or present individual cases. The hearings will be conducted on the basis that everyone taking part has read the relevant documents and statements, although participants will be able to refer to and elaborate on relevant points. The statements of the Council and other participants will be available to all those participating in the relevant hearing sessions. The Inspector will endeavour to progress the hearing sessions in an efficient manner, keeping a tight hand on the discussions and time taken. As part of this process, she will aim to minimise the amount of material that is necessary to come to informed conclusions on the relevant issues.
- 7.3 The sessions will take the form of an informal, structured and informed discussion, where the Council and other participants debate the key points raised by the Inspector around a table. Legal/professional representatives are welcome to participate and ask questions, but there is no presentation of evidence, cross-examination or formal submissions. Participants do not need to be legally represented, although the Council expects to have legal support to assist their representatives at the hearing sessions.
- 7.4 Before each session, the Inspector will set out a detailed agenda with the points for discussion on each topic. The discussion will focus on the issues identified in the agenda and the questions posed. The Inspector will begin by making a few brief comments on the matters to be covered, asking questions and drawing participants into the discussion to enable her to gain enough information to reach a conclusion on the relevant issues. Participants can ask questions, and at the end of each session, participants may have the opportunity to sum-up the main points of their arguments. Not all matters and issues will be discussed at the hearings; some matters will be dealt with by written representations. In some cases, issues will only be discussed with the Council, without other participants taking part. Anyone can attend the hearings as an observer, but they will not be able to take part in the discussion unless they are listed on the programme.

8 Examination Programme

- 8.1 The examination will centre on the issues identified by the Inspector having regard to the requirements of legal compliance, the four soundness requirements and whether the duty to co-operate has been met. The Council's Response to Representations and Recommendations and the Key Issues for the Inspector can be viewed in the examination library (documents DPD008 and COP1).
- 8.2 Every effort will be made to keep to the programme, but late changes may be unavoidable. Priority will be given to starting the debate on each matter at the scheduled time, and it may be necessary to extend the debate in the afternoon session. The Programme Officer will inform participants of any late changes to the timetable, but participants should aim to keep themselves up to date with the programme.

9 Preparation and submission of further material

- 9.1 The Council has already submitted the Evidence Base for the Gypsy and Traveller Site Allocations DPD, including the Submission and Supporting Documents, which is available on the Council's web-site¹³. Participants should ensure that any documents they wish to refer to are included in the Examination Library, and should arrange for any missing documents to be sent to the Programme Officer (4 copies).
- 9.2 The representations made at the Publication stage should include all the points, documents and evidence necessary to substantiate representors' cases. **It should**

¹² Planning & Compulsory Purchase Act 2004 [S.20(7)(c)] (as amended by the Localism Act 2011)

¹³ www.solihull.gov.uk/ldf/28317.htm

not therefore be necessary to submit any further material based on the original representations.

- 9.3 **Any further statements submitted by participants should address the relevant Matters and Issues for Examination identified by the Inspector.** A draft version of this schedule will be circulated to all representors when available. Statements relating to these Matters & Issues from the Council and other participants should be submitted to the Programme Officer no later than **5pm on Friday 29 November 2013.**
- 9.4 The Examination starts from the basis that the Council has submitted what it considers is a legally compliant and sound plan. The Council is invited to respond on all the matters, issues and questions, referring to information in the Submission/Supporting Documents, and Evidence Base. Other participants should only respond on topics/issues relevant to points made in their original representation(s). Statements should focus on relevant Matters & Issues identified for Examination, without raising new issues not included in the original representation. Participants may refer to information in earlier representations, but the Inspector only has copies of the representations made to the Pre-Submission version of the plan. All responses should include the necessary evidence and supporting material. **Participants will be expected to state which aspect of the plan is unsound, explain why it is unsound and specify precisely how it should be altered, with detailed wording and clear evidence to support any changes.**
- 9.5 Statements should be succinct, avoiding unnecessary detail, repetition and quotations from the plan or other sources of policy guidance. Nevertheless, it is vital that the fundamental elements of the 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 plan and include all the evidence necessary to support the case.
- 9.6 Participants should try to agree factual matters and statistics before the hearings start and continue a dialogue with the Council and other participants. Statements of Common Ground can be useful in narrowing the issues in dispute, and should be submitted within the timescales set out. There is no need to prepare a further statement if all the points are covered in the original representation, but participants will not be able to raise new points or extend the scope of the original representation.
- 9.7 The Programme Officer will require **4 copies** of all statements. Statements should be **no longer than 3,000 words** for each matter/issue/policy. Statements that are excessively long or contain irrelevant or repetitious material may be returned. Technical evidence, clearly related to the case, should be included in appendices. Supporting material should be limited to that which is essential to understand the case and should not contain extracts from documents already in the Examination library. Statements should be on A4 paper, unbound, stapled in the top left corner, and any plans, photos or diagrams should fold down to A4 size. All statements should be marked with the Programme Officer's reference number, and should also be submitted in electronic form, if possible.
- 9.8 Participants should adhere to the timetable for submitting further statements and should avoid circulating additional material during the hearings. **Late submissions and additional material are unlikely to be accepted on the day of the relevant session,** since this can cause disruption and result in unfairness, and can lead to requests to adjourn the hearing. **Those who fail to meet the deadline may lose their right to be heard,** unless the Inspector is satisfied that there is a genuine and unavoidable reason; the matter will then be considered by written representations. If statements are not received by the deadline stated, the Programme Officer will assume that no further representations are to be made by that participant.

10 Availability of information

Examination Library

- 10.1 The Programme Officer will maintain the **Examination Library at Connect, Ground floor, Library Square, Solihull, West Midlands B91 3RG.** This will contain copies of the Gypsy and Traveller Site Allocations DPD, along with associated documents, all representations, the Submission & Supporting Documents and further statements and documents, as received. Copies of library documents are also available on the Examination web-site. The opening hours for Connect are Monday, Tuesday, Thursday and Friday: 9.00am–5.00pm, Wednesday: 10.00am–5.00pm and Saturday:

9.00am–1.00pm. When the hearings are in session, the Examination Library will be located in the Examination office at the hearing venue.

- 10.2 The Programme Officer will record all documents submitted. The evidence base and other examination documents will be updated as the Examination proceeds. Lists of documents, the up-to-date Programme for the hearing sessions and other relevant material will be on the Council's Examination web-page. Anyone who needs assistance or special facilities for disabled persons should contact the Programme Officer beforehand.

11 Site visit arrangements

- 11.1 The Inspector will familiarise herself with the plan area, visiting relevant places referred to in the DPD and representations on an unaccompanied basis. She will also ask the Council to suggest an itinerary of relevant sites for her to include on her site visits. If there are particular sites which participants wish her to visit, or need an accompanied visit, they should discuss this with the Programme Officer.

12 Close of the Examination and submission of Inspector's report

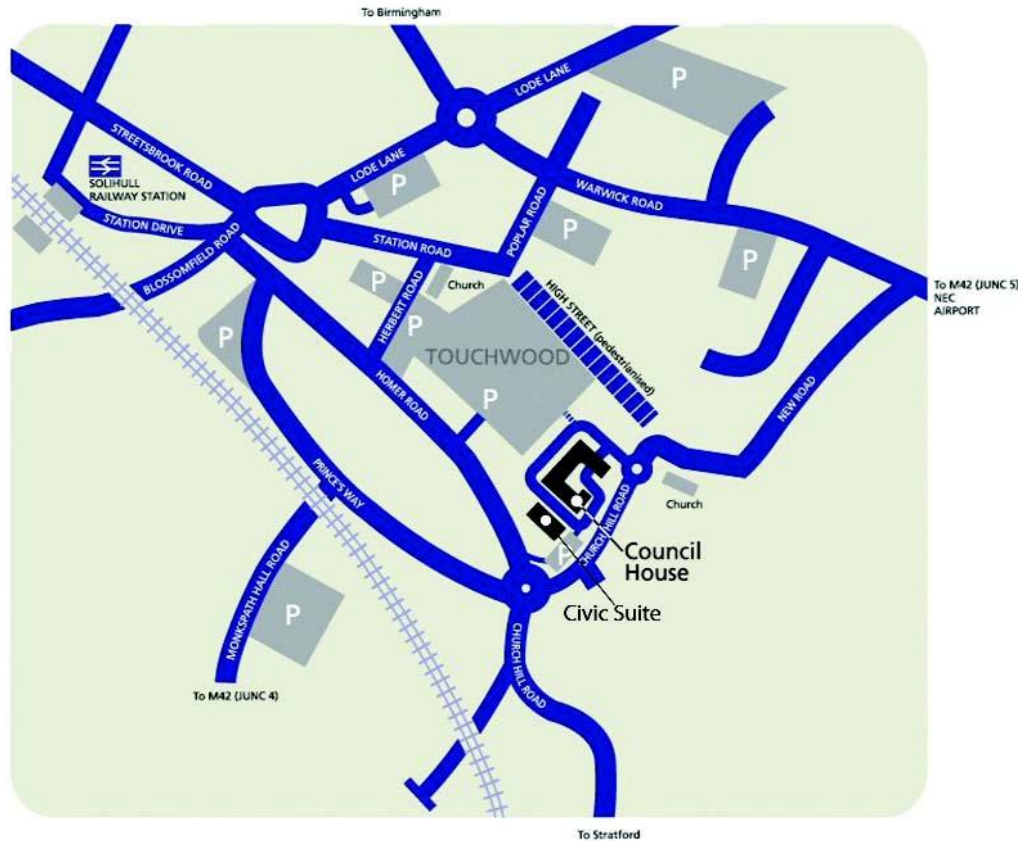
- 12.1 The Examination remains open until the Inspector's report is submitted to the Council. However, the Inspector will not accept any further representations or evidence after the hearing sessions have finished unless she specifically requests further information. Any late or unsolicited material is likely to be returned.
- 12.2 After the Examination has closed, the Inspector will submit her report to the Council with her conclusions and recommendations on the actions or changes needed as regards the soundness of the Plan. The date of submission of the report will depend on the content, extent and length of the Examination and the issues raised. The Inspector will confirm the likely date at the end of the hearing sessions of the Examination.

20 September 2013

ANNEX A

DIRECTIONS TO CIVIC SUITE VENUE FOR HEARINGS

CIVIC SUITE, MANOR SQUARE, SOLIHULL B91 3PX
TELEPHONE: 0121 704 6041



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By rail

Solihull is served by three passenger railway lines; Solihull railway station is on the Birmingham to London Marylebone line and is about ten minutes walk from the Civic Suite and Council House. The Birmingham to London Euston line is approximately five miles from the town centre, the nearest station being Birmingham International located near to the NEC. Shirley Station, on the Birmingham to Stratford-Upon-Avon line and is four miles from Solihull town centre.

By bus

There are regular bus services connecting all parts of the borough with Solihull town centre. For up to date timetable information, please visit www.traveline.info or ring traveline on 0871 200 22 33.

By car

There is no public parking available around the Council House and Civic Suite. Leave the M42 at junction 5 (Solihull) and take the A41 towards Solihull Town Centre. Take the first left and then the second turning at the roundabout onto the Warwick Road. Continue straight on at the first traffic lights. At the second traffic lights take the left slip road into New Road. Continue along New Road and past St. Alphege Church to a mini-roundabout. Go straight over and down Church Hill road to a roundabout and follow the signs to the nearest public parking at either Touchwood or Church Hill Road.