

BOURNEMOUTH, DORSET AND POOLE
Examination of the Minerals Sites Plan

Inspector: Elizabeth Ord LLB (Hons) LLM MA Dip TUS

Programme Officer: Mrs A Christine Self MIBMS

Programme Officer, Homefield House, Homefield Road, Saltford, Bristol BS31 3EG

Tel: 01225 872654 **Email:** ac.self@blueyonder.co.uk and achris.self@gmail.com

GUIDANCE NOTE FROM THE INSPECTOR

Purpose

- 1 This Note is intended to assist those who have made representations to the Mineral Sites Plan as part of the pre-submission consultation processes and those who wish to appear in person. It concerns procedural and other aspects of the examination process.

Examination Hearings

- 2 The hearings will form part of the overall examination of the Plans. They will proceed on the basis of agendas and a timetable that will be prepared in advance of the hearings.

Inspectors' role

- 3 Our task is to consider the soundness and legal compliance of the Plans, on the basis of the relevant legislation and the guidance in the National Planning Policy Framework (the Framework). Considering soundness involves examining the Plans to determine whether they are:
 - (a) **positively prepared** – based on strategies which seek to meet objectively assessed requirements, 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** – able to achieve sustainable development in accordance with the policies in the Framework and National Planning Policy for Waste.
- 4 Further details of the examination process are set out in the Planning Inspectorate's publication *Examining Local Plans: Procedural Practice*. See **Annex A** for details of how to access this document.
- 5 The starting point for the examination is that Dorset County Council, Bournemouth Borough Council and Poole Borough Council have submitted what they consider to be sound plans. Those seeking changes must demonstrate why the plans are unsound by reference to one or more of the tests of soundness.
- 6 Unresolved issues concerning soundness or legal compliance may be addressed through discussion at the examination hearings and through consideration of the original written representations. It should be emphasised that our role is not to improve the Plans or to make them "more" sound but to determine whether or not they meet the soundness tests as they stand. For example, if an alternative version of a policy is put forward we cannot recommend it as an improvement if the Plan is already sound.

- 7 In respect of each Plan we will identify Matters for consideration, Issues on which the soundness of the Plan depends and Questions which the Councils will be asked to respond to. Matters Issues and Questions for the Waste Plan are currently being prepared and those for the Mineral Sites Plan will follow. These will be added to the Examination website in due course.
- 8 After the hearing has closed, we will prepare a report for the Councils with our conclusions and recommendations. We will have explained the next steps in the examination process including any indication of its likely completion date at the hearings. In respect of each submitted Plan if we find it to be legally compliant and sound in all respects, our report will recommend its adoption. If we find the Plan non-compliant or unsound in any respect, we can recommend main modifications to make it compliant and sound. Our report will deal with the main issues concerning the soundness of the Plan, taking into account the representations received. However, it will not deal with each one individually.
- 9 If main modifications are proposed by the Councils, adequate consultation will need to take place on them where necessary, so that the rights of interested parties are not prejudiced. Where appropriate, main modifications may also need to be covered by a revised Sustainability Assessment. The Councils may then, if they so wish, formally adopt the Plan, incorporating the recommended main modifications.

Programme Officer

- 10 Christine Self is the Programme Officer (PO). She can be contacted on 01225 872654 or by e-mail at ac.self@blueyonder.co.uk
- 11 Her role is to act as an impartial officer of the examination under our direction. The main tasks of the PO are to liaise with all parties to ensure the smooth running of the examination, to organise the hearings, to ensure that all documents are recorded and distributed as necessary. Details of the website where examination documents related to the Plans are available are given in **Annex A**. Any other procedural questions or other matters that you wish to raise with me prior to the hearings should be directed through the PO.

Progressing representations

- 12 Respondents have been asked by the Councils whether they wish to put their views across at a hearing. Whether views are expressed in writing or orally they will carry the same weight and we shall have equal regard to views expressed by both methods. Attendance at a hearing session will only be useful and helpful to us if you need to participate in a discussion concerning the soundness or legal compliance of the Plans. Those who wish to proceed by written means can rely on what they have already submitted.
- 13 The right to participate in a hearing extends only to those who propose changes to the Plan in order to make it sound and legally compliant and is limited to those policies or matters which were the subject of the original representation. This strictly excludes those who have simply commented on a policy in the Plan. So although anyone can attend, the ability to speak is not available to all but is limited to either those with a legal right or those specifically invited. This is one of the differences of the Examination process compared to other planning procedures. There is no need for those supporting the Plan to take part in the hearing.
- 14 Evidence on any new matter which may have arisen since the original representations were submitted can be sent to us via the PO. This might be, for example, where a new document has been produced by others or evidence has emerged that has a direct bearing on the soundness of the Plan. Submission of any such material should allow sufficient preparation time for all parties. Any such material should, however, be provided at least 2 weeks before the start of the respective hearing to allow sufficient preparation time for all parties.

- 15 In some circumstances it may be appropriate for a participant to reach an agreed position with the Councils and to set this out in a Statement of Common Ground. Such a Statement might contain the wording for a main modification. Statements should be received by the PO at least 2 weeks before the hearing.
- 16 If any person or organisation wishes to change from a written representation to an appearance at the hearing or vice-versa they should inform the PO by at least 1 week before the start of the respective hearing. This is in the interests of fairness to other participants and to assist with arrangements at the hearing itself.

Hearings

- 17 The oral examinations will be based on the matters, issues and questions that we have identified. The hearings will deal with the individual policies and any issues in turn and will consider them by way of a structured discussion which will be led by the Inspectors. The hearing will not normally involve cross-examination. Those attending may, if they wish, bring professional experts with them. Barristers and solicitors, if present, will be treated as part of the respective team.
- 18 The purpose of the hearing is to concentrate on the matters that we need to hear about. It is not an opportunity simply to repeat a case already set out in written representations. The discussion will be structured around an agenda which will be issued in its final form shortly before the hearing session. The emphasis will be on testing for soundness. The Inspectors will make a few brief comments on the matters they want covered, then invite individuals to make their contribution in response to the points they have raised. All participants will have an equal chance to speak.
- 19 The Inspectors will draw those present into the discussion in such a way as to enable them to gain the information necessary to come to a firm conclusion on the issues before them. There will be no formal presentation of evidence, as they will have read all the relevant representations beforehand, and they will expect all the other participants to have done so as well. No more evidence can be submitted once the hearing session has closed, except with the Inspectors' agreement.
- 20 The hearing will be inquisitorial, rather than adversarial. The Inspectors will endeavour to progress it in an effective and efficient manner, keeping a tight rein on the discussion and the time taken. In this way the aim is to conduct a short, focussed, hearing to produce a short, focussed report.

Closing the examinations

- 21 The examinations will remain open until the report is submitted to the Councils. However, no further representations or evidence will be accepted after the hearings have closed, unless the Inspector specifically requests it. Any late unsolicited material will be returned.

Annex A

The Planning Inspectorate's publication *Examining Local Plans: Procedural Practice* can be found at:

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

The website where examination documents related to the Mineral Sites Local Plan are available is at: <https://www.dorsetforyou.gov.uk/mineral-sites>

The website where examination documents related to the Mineral Sites Plan are available is at: <https://www.dorsetforyou.gov.uk/planning-buildings-land/planning-policy/dorset-county-council-planning-policy/minerals-planning-policy/mineral-sites-plan/mineral-sites-plan.aspx>

Annex B - FORMAT FOR STATEMENTS

- 1 Please send, where possible, e-mailed electronic versions of all Statements and Appendices to the PO (in Word or PDF format) for the Examination web site as well as three paper copies as detailed below.
- 2 We emphasise the need for succinct submissions with the avoidance of unnecessary detail and repetition of the original representation.
- 3 It is the quality of the reasoning that carries weight not the bulk of the documents. There is no need for verbatim quotations from sources of policy guidance. It is vital that the fundamental elements are set out clearly and succinctly – the hearing sessions are not the place for surprise contributions!
- 4 None of the statements should be longer than **3,000 words**. For the avoidance of doubt, this limit applies to statements for the overall issue and not the individual questions. Statements should be prepared on A4 paper and **not bound** in any way but just stapled and hole punched. **No Photographs** should be submitted. Any plans or diagrams should also be folded to A4 size and listed as Appendices.
- 5 Supporting material in the form of appendices to statements should be limited to that which is essential and should not contain extracts from any publication that is already before the Examination, such as evidence base documents and nationally available Government guidance – a paragraph or page reference will suffice. Any appendices should have a contents page and be paginated throughout. Whilst the word limit does not include text in appendices, the aim of succinctness should be respected. Anyone submitting appendices should indicate in their statement which parts they are especially relying upon.
- 6 **Please submit a separate statement for each issue covered (use the question reference number)**, if your statement covers multiple issues please do not combine the content into a single statement, each statement should specifically address questions covered within an individual issue. This will assist distribution, publication and understanding during the hearing sessions.
- 7 All participants must adhere to the timetable for submitting statements. Late submissions and additional material will **not be accepted** under any circumstances, since this can cause disruption and result in unfairness. If material is not received by the deadlines, the PO will assume that you are relying on your original representation:
- 8 Statements to be received by the PO by **5pm Friday 7th September 2018** or earlier if at all possible.
- 9 **It is stressed that these deadlines refer to the receipt of both electronic and paper copies of statements. It is not sufficient to send an electronic copy by this deadline to be followed by paper copies at a later time.**
- 10 **All paper copies of statements should be addressed to the Programme Officer at the following address:
Mrs A Christine Self, Programme Officer,
Homefield House, Homefield Road, Saltford, Bristol BS31 3EG**