

# STAFFORD BOROUGH COUNCIL LOCAL DEVELOPMENT FRAMEWORK

## EXAMINATION OF THE PLAN FOR STAFFORD BOROUGH

### GUIDANCE NOTES FOR PARTICIPANTS

<b><i>Deadline for submission of further statements:</i></b>	<b><i>11 October 2013</i></b>
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<b><i>Hearings commence:</i></b>	<b><i>23 October 2013</i></b>
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#### **Hearing sessions**

Civic Suite  
Civic Centre  
Stafford Borough Council  
Riverside  
Stafford  
Staffordshire  
ST16 3AQ

Inspector:

Stephen J Pratt BA(Hons) MRTPI

**Programme Officer:**

**Sean Roberts**

1<sup>st</sup> Floor, Civic Centre  
Stafford Borough Council  
Riverside  
Stafford  
ST16 3AQ  
Telephone no: 01785-619522  
e-mail: [Programmeofficer@staffordbc.gov.uk](mailto:Programmeofficer@staffordbc.gov.uk)

Web-site:

<http://www.staffordbc.gov.uk/examination>

**STAFFORD BOROUGH COUNCIL  
EXAMINATION OF THE PLAN FOR STAFFORD BOROUGH  
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 Plan for Stafford Borough (the "Plan"). This Plan was published on 16 January 2013 and was formally submitted to the Secretary of State on 20 August 2013.
- 1.2 **It is important that everyone who wishes to be involved in the hearing sessions of the Examination takes account of this Guidance Note.** However, only those who made representations on the Publication version of the Plan are involved in the Examination process, and only those who seek some changes to the Plan are normally involved in the hearing sessions.

**2 Inspector and Programme Officer**

- 2.1 The Secretary of State has appointed Planning Inspector, **Stephen J Pratt** BA(Hons) MRTPI, under Section 20 of the Planning & Compulsory Purchase Act 2004 to carry out the independent examination of the Plan for Stafford Borough.
- 2.2 The Programme Officer is **Sean Roberts**, who is an impartial officer of the Examination, working under the Inspector's direction. He 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. He 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. His contact details and web-site address are on the cover sheet and letter accompanying these notes.

**3 Purpose of the Examination and Inspector's role**

- 3.1 The purpose of the Examination is to examine the **soundness** and **legal compliance** of the Plan for Stafford Borough. 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 his initial examination of the Plan and has asked the Council for information on various matters (see the Examination web-site<sup>1</sup>).
- 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)<sup>2</sup>. **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 Plan is concerned with two separate matters<sup>2</sup>:
- **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 and the Sustainable Community Strategy;*
  - **Soundness:** *whether the Plan has been:*
    - **Positively prepared** - *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** - *the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence;*
    - **Effective** - *deliverable over its period and based on effective joint working on cross-boundary strategic priorities;*
    - **Consistent with national policy** - *enable the delivery of sustainable development in line with policies in the National Planning Policy Framework (NPPF).*
- 3.4 Further guidance on the examination process can be found in the Planning Inspectorate's booklet: "Local Development Frameworks – Examining Development Plan Documents: Procedure Guidance," available from the Programme Officer and on the PINS Planning Portal. Other guidance is included in the attached annex to these Guidance Notes.

<sup>1</sup> <http://www.staffordbc.gov.uk/examination>

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

- 3.5 The starting point for the examination is the assumption that the Council has submitted what it considers to be a sound and legally compliant plan, as the NPPF (¶ 182) requires. The examination is into the **soundness** of the Plan, **not into individual objections**. In examining compliance with the legal requirements and soundness, 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 also be “front-loaded”, with all the material and evidence available and submitted well before the hearings commence.
- 3.6 The soundness and legal compliance of the Plan will be addressed through informal round-table discussions at the examination hearings, based on key Matters & Issues which the Inspector identifies. The hearings will focus on these main issues, rather than on the individual representations. The Inspector’s role is limited to ensuring that the Plan meets the soundness tests in the NPPF, rather than seeking to “improve” it or make it “sounder”. To these ends, he will concentrate on identifying any “*Main Modifications*” which are needed to ensure that the Plan is sound and can be adopted<sup>3</sup>. The Inspector does not need to recommend any minor changes (“*Additional Modifications*”) which the Council may wish to make to the Plan.
- 3.7 For the examination of this Plan, the discussion will focus on strategic issues, along with the specific areas/sites proposed for development in the Plan and shown on the Policies Map. The merits of national 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.
- 3.8 The Inspector takes control of the Examination process from start to finish. However, the scope for making substantial or fundamental 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. PAS<sup>5</sup> and PINS guidance<sup>4</sup> 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.
- 3.9 After the hearings have closed, the Inspector will prepare a report for the Council with conclusions and recommendations. This report will deal with the main issues relating to the soundness of the Plan, taking into account the representations made, but it will not deal with individual representations.
- 3.10 If modifications are needed to ensure that the Plan is sound and can be adopted, these will be publicised and subject to further consultation. Any such changes should be subject to the same process of sustainability appraisal, publicity and opportunity to make representations as the published Plan. When any representations on the modifications have been considered, the Council may be able to adopt the Plan, incorporating the recommended modifications.
- 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 for Stafford Borough.

#### **4 Representations on the Plan for Stafford Borough**

- 4.1 In accordance with the Local Planning Regulations<sup>5</sup>, the Council has confirmed that 575 representations were received from 145 respondents on the Publication version of the Plan between 16 January – 28 February 2013, along with 11 late representations. The Council has prepared a report summarising the main issues raised in the representations<sup>6</sup>.

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<sup>3</sup> s20(7/7A/7B/7C) of the Planning & Compulsory Purchase Act 2004 (as amended by s112 of the Localism Act 2011)

<sup>4</sup> Local Development Frameworks: Examining Development Plan Documents: Procedure Guidance (5.21-5.25 & Annex ¶ 5) [PINS: August 2009]

<sup>5</sup> Town & Country Planning (Local Planning) (England) Regulations 2012; SI.2012/767 [Reg. 22(c)(v)]

<sup>6</sup> Documents A14 & A17-A19

- 4.2 The representations cover many aspects and policies in the Plan, but focus on:
- *Duty to Co-operate;*
  - *Spatial Vision and Key Objectives*
  - *Development Strategy, including the housing strategy and overall level and distribution of housing provision*
  - *Stafford, including the amount and location of development and strategic sites*
  - *Stone, including amount and location of development and strategic sites*
  - *Economy, including specific employment sites*
  - *Transport, Communities and Environment*
  - *Infrastructure, delivery and viability*
- 4.3 The Council has already proposed some minor changes to the Publication version of the Plan in response to representations<sup>7</sup>. Other amendments to the Plan may be debated during the Examination, to ensure that it is sound. 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.

## **5 Methods of considering representations**

- 5.1 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.
- 5.2 Both methods carry the same weight and the Inspector will have equal regard to views put orally or in writing. Those who wish their representations to be considered in writing can rely on their original representations. **Only those who seek specific changes to the Plan are entitled to participate in the hearing sessions of the Examination**<sup>8</sup>. 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. If anyone wishes to participate in the hearing sessions, they should let the Programme Officer know as soon as possible, and well before the hearings sessions commence.

## **6 Procedure at the Hearing Sessions of the Examination**

- 6.1 The hearing sessions of the Examination are scheduled to commence on **Wednesday 23 October 2013** at the **Civic Suite, Civic Centre, Stafford Borough Council, Riverside, Stafford ST16 3AQ** at **10.00am**. Subsequent sessions will normally start at **10.00am** 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.
- 6.2 The purpose of the hearing sessions is to concentrate on the Matters & Issues identified by the Inspector, rather than repeat or debate points made in the representations or present individual cases. The hearings will be conducted on the basis that everyone 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, he will aim to minimise the amount of material that is necessary to come to informed conclusions on the relevant issues.
- 6.3 A separate hearing session of the Examination will be held for each of the main topics in the programme. 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, but they should let the Programme Officer know well before the hearings commence if they intend to have legal representation, along with the names of their representative(s).
- 6.4 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 him to gain enough information to reach a conclusion on the relevant issues.

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<sup>7</sup> Document A26

<sup>8</sup> Planning & Compulsory Purchase Act 2004 [S.20(6)]

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. Please note that the hearing sessions are intended to discuss issues raised about the soundness and legal compliance of the Plan, rather than discussing the representations or giving an opportunity for a full presentation of participants' cases. The Examination process does not provide the opportunity to present new evidence not based on the original representation or submit new points and material. Participants promoting additional/alternative development sites should first demonstrate why such sites are needed in the context of the soundness of the strategy and the sites already proposed in the Local Plan. Not all matters and issues will be discussed at the hearings; some matters will be dealt with in writing. In some cases, issues may 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.

## **7 Hearings Programme**

- 7.1 A draft programme for the hearings will be published well before the hearings commence. The programme will reflect the Inspector's *Schedule of Matters & Issues for Examination*. In addition to considering the legal and procedural requirements (including the Duty to Co-operate), the list of Matters and Issues is likely to cover most of the key issues that have been raised in the representations (see para 4.2 above). However, the list may be reviewed if new government statements are issued on national, regional and local planning policy or on the scope of the examination.
- 7.2 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.

## **8 Preparation and submission of further material**

- 8.1 The Council has already submitted the Evidence Base for the Plan, including the Submission and Supporting Documents; this is available on the Council's web-site<sup>9</sup>. 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).
- 8.2 The original representations made on the Publication Plan should include all the points, documents and evidence necessary to substantiate representors' cases. **It should not therefore be necessary to submit any further material based on the original representations. Any further statements should only respond to relevant matters in the Inspector's Schedule of Matters & Issues for the Examination**, rather than repeating or expanding on the original representations. A draft version of this schedule will be available shortly, along with the programme for the hearings. Statements from the Council and other participants relating to the Matters & Issues should be submitted to the Programme Officer no later than **Friday 11 October 2013**.
- 8.3 The Council is invited to respond on all the matters, issues and questions, referring to information in the Submission Documents and Evidence Base, explaining why the Plan is sound and responding to the concerns of those challenging the Plan. 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 Publication 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.**
- 8.4 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.

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<sup>9</sup> <http://www.staffordbc.gov.uk/examination-library>

- 8.5 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. Participants should notify the Programme Officer if they do not intend to submit further statements.
- 8.6 The Programme Officer will require **4 copies** of all statements, as well as an electronic version. Statements from participants should be **no longer than 3,000 words** for each matter/issue/policy (the Council's statements may exceed this figure, if necessary, due to their scope and content). 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, and any plans, photos or diagrams should fold down to A4 size.
- 8.7 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. **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 submitted. Further statements from the Council and others will be put on the Examination web-site and will be available from the Programme Officer, but will not be formally circulated to participants.

## **9 Availability of information**

### **Examination Library**

- 9.1 The Examination Library is currently available for inspection at the Council's Offices at **Reception desk (ground floor), Stafford Borough Council, Civic Centre, Riverside, Stafford ST16 3AQ**. This contains copies of the Plan, along with associated documents, all representations and the Examination Library, including the Submission & Supporting Documents, and further statements and documents will be added, as received. Copies of the representations, statements and other relevant information are also available on the Examination web-site. When the hearings are in session, the Examination Library will be located in the Examination office at the hearing venue.
- 9.2 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 Examination web-page. Anyone who needs assistance or special facilities for disabled persons should contact the Programme Officer beforehand.

## **10 Site visit arrangements**

- 10.1 The Inspector will familiarise himself with the district, visiting relevant places referred to in the Plan and representations on an unaccompanied basis. He will also ask the Council to suggest an itinerary of relevant areas and places for him to include on his site visits. If there are particular sites which participants wish him to visit, or need an accompanied visit, they should discuss this with the Programme Officer.

## **11 Close of the Examination and submission of Inspector's report**

- 11.1 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 he specifically requests further information. Any late or unsolicited material is likely to be returned.
- 11.2 After the Examination has closed, the Inspector will submit his report to the Council with his 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.

## ANNEX

### SOURCES OF RELEVANT DOCUMENTS AND ADVICE

#### A. Council's web-site and Programme Officer's web-site

Details of the submission of the Plan for Stafford Borough can be found at:

<http://www.staffordbc.gov.uk/examination>

Details of the submission documents and supporting evidence base can be found at:

<http://www.staffordbc.gov.uk/examination-library>

#### B. Relevant legislation and national policy

- *Planning & Compulsory Purchase Act 2004 (as amended)*
- *Planning Act 2008*
- *Local Democracy, Economic Development & Construction Act 2009*
- *Localism Act 2011*
- *The Town & Country Planning (Local Development) (England) Regulations 2012*
- *The Environmental Assessment of Plans & Programmes Regulations 2004*

This legislation can be found at:

<http://www.legislation.gov.uk/>

The National Planning Policy Framework (March 2012) can be found at:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

#### C. Plan Making

The Planning Advisory Service produces useful guidance on plan-making, including the principles of plan-making and local planning, which can be found at:

<http://www.pas.gov.uk/plan-making>

#### D. Guidance from the Planning Inspectorate

The Planning Inspectorate has produced various guidance on examining development plans:

- *Local Development Frameworks: Examining Development Plan Documents: Procedure Guidance* [2<sup>nd</sup> edition: August 2009]
- *Examining Development Plan Documents: Learning from Experience* [PINS: Sept 2009];
- *Development Plan Document Examination: Procedural Advisory Notes* (August 2009)

These documents can be found at:

<http://www.planningportal.gov.uk/planning/planningsystem/localplans>