

EXAMINATION OF THE ST ALBANS CITY AND DISTRICT LOCAL PLAN

EXAMINATION GUIDANCE NOTES

Introduction

1. The Inspectors for the Examination are Louise Crosby MA MRTPI and Elaine Worthington BA (Hons) MTP MUED MRTPI. They have been appointed by the Secretary of State to hold the Examination into the soundness of the St Albans City and District Local Plan (the Plan). These notes have been prepared to assist participants in the examination into the soundness of the Plan.
2. A draft schedule of hearings and a statement of the Inspectors' Matters, Issues and Questions for stage 1 hearings has also been issued and these can be found on the Council's examination website (details below). More detail about how the hearings will operate is set out below, together with general information about the examination.

The role of the Programme Officer

3. Louise St John Howe has been appointed as the Programme Officer (PO), acting as an impartial officer for the purposes of the examination. She is not a Council Officer and works to the Inspectors' direction. Her principal functions are to ensure the smooth running of the examination; to ensure that documents are recorded and distributed; to maintain the examination library (mainly in electronic form); and to assist the Inspectors with procedural matters.
4. She is your first point of contact and any procedural questions or other matters that you wish to raise with the Inspectors prior to the hearing sessions should be made through her.

She can be contacted as follows:

Louise St. John Howe
Local Plan Programme Officer
PO Services
PO Box 10965
Sudbury, Suffolk, CO10 3BF
Email: louise@poservices.co.uk
Phone: 07789 486419

The Examination webpages

5. The Examination has a dedicated series of webpages that can be accessed via the Council's website.
6. All the material produced for the examination, including the hearings will appear on the examination webpage. If you do not have access to the internet, documents and other information can be obtained from the Programme Officer.

Participants are encouraged to make use of the examination website

<https://www.stalbans.gov.uk/planning/Planningpolicy/localplan/>

and keep up to date with documents posted there:

<https://www.stalbans.gov.uk/planning/Planningpolicy/localplan/examinationdocuments.aspx>

Further general guidance about Local Plans can be found at:

<https://www.gov.uk/guidance/local-plans>

The role of the Inspectors

7. The role of the Inspectors is to consider whether the Plan is sound and whether the requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and associated Regulations have been met. The Council should rely on evidence collected while preparing the Plan to demonstrate its soundness. Those seeking changes have to demonstrate why the Plan is not sound and why their suggested changes would make it sound.
8. The National Planning Policy Framework sets out the criteria for determining soundness; namely that the Plan is positively prepared, justified, effective and consistent with national policy. Planning Policy Guidance also provides helpful advice. These can be found on-line at
9. <https://www.gov.uk/government/publications/national-planning-policy-framework--2>
10. There are three possible outcomes to the examinations:
 - The submitted Plan is sound
 - The submitted Plan is not sound, but could be made sound by changes (known as 'main modifications'), if necessary following additional work
 - The submitted Plan is not sound and could not be made sound by changes.

11. Following the close of the hearings the Inspectors will prepare a report to the Council with their recommendations. The Council has formally requested that the Inspectors recommend any 'main modifications' necessary to make the Plan sound.

Changes to the Plan

12. The starting point is that the Council have submitted a Plan which they consider is ready for examination. At this stage there are only two means by which changes can be made to the submitted Plan:
- (1) *Main modifications* recommended by the Inspectors
 - (2) *Additional modifications* made by the Council on adoption.
13. However, the Inspectors can only recommend *main modifications* if they are necessary to resolve problems that would otherwise make the submitted Plan unsound or not legally compliant. *Main modifications* are changes which, either alone or in combination with others, would materially alter the Plan or its policies. Any potential *main modifications* must be subject to consultation and in some cases further sustainability appraisal might also be required.
14. *Additional modifications* are those changes which do not materially affect the policies in the Plan. They are made by the Council on adoption and are also sometimes referred to as 'minor modifications'. The Council is accountable for any such changes and they do not fall within the scope of the examination.

The Examination Process

15. The Inspectors will run the examination hearings as efficiently as possible, keeping a tight rein on the discussions and time taken. Repetition will be discouraged. The aim is to conduct a short, but focussed, series of hearings – resulting in the preparation of a short, focussed report.
16. Representors have largely already indicated whether they wish their views to be dealt with solely on the basis of their written representation or if, in addition, they intend to participate in a hearing session. Both methods will carry the same weight and the Inspectors will have equal regard to views put orally or in writing.
17. It is open for any representor to submit an additional statement in advance of the hearings provided the content of further submissions seeks to address the questions the Inspectors have raised, and the subject matter directly relates to the issues raised in original representations. Representors should not seek to repeat comments already submitted or introduce new areas of objection to the Plan at this stage. However, the submission of further written material is not a requirement and respondents may rely on their original submissions.

Only those parties seeking specific changes to the Plan are entitled to participate in the hearing sessions of the examination, and there is no need for those supporting or merely making comments on the Plan to attend. Anyone wishing

to take part in a hearing session must notify the Programme Officer of this even if they indicated that they wished to participate when responding at Regulation 19.

The **Deadline** for confirming with the PO if you wish to exercise the right to be heard, giving the hearing session and matter in which you wish to take part, is **5.00 pm Thursday 14 November**

18.If a further statement is submitted, it should be focussed upon the matters, issues and questions identified by the Inspectors and should be sent to the PO for receipt by **5pm on Thursday 12 December 2019**. The requirements for such statements are as follows:

- Statements should be limited to not more than 3,000 words on any one of the main matters. If more detailed material needs to be submitted it should be in the form of appendices (see below), but any such material should not duplicate the content of documents already included in the Core Documents list
- 3 paper copies and an electronic version (in either MS Word or PDF format) **must** be provided by the above deadline, including any appendices
- A4 size is required, with any plan 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
- **A separate statement should be submitted for each matter addressed**
- Statements should relate solely to the matters raised in your representations
- They should explain which particular part of the SA DPD is unsound; explain why it is unsound; and say how the SA DPD can be made sound, explaining the precise change/working that is being sought

19. The need for succinct submissions is emphasised. Unnecessary detail and repetition should be avoided. It is the quality of the reasoning that carries weight, not the bulk of the documents. Nonetheless, it is vital that the fundamental elements of cases are set out clearly and succinctly – the hearings are not the place for rabbits to be drawn out of hats.

20. From the Council, a statement is required setting out its response to the Inspectors' questions, explaining why it considers the Plan to be sound in these respects. This should be submitted within the same timescale. While it is not necessary to prepare detailed responses to all of the representations, the Council may wish to respond to representations that it feels are of particular significance or concern. Where a specific response to a representation is requested by the Inspectors, this will be set out in the Matters, Issues and Questions paper. Further discussion between the Council and representors is strongly encouraged – ideally leading to statements of common ground.

21. Those representors who wish to proceed by written means only need take no further action; they can rely on what they have already submitted in writing. However, if any party wishes to submit further written evidence in support of

their position, this should be focussed on the matters, issues and questions that have been identified – and submitted within the same timescale.

22. The Inspectors have already submitted some initial queries and comments to the Council: these are available on the examination website, along with the Council's responses. The starting point for the examination will be the St Albans City and District Local Plan 2020 - 2026. Nevertheless, the Inspectors will also consider any changes that have subsequently been suggested by the Council, along with those changes put forward by other parties seeking to amend the Plan. Under the provisions of section 20(7C) of the Planning and Compulsory Purchase Act 2004 the Council can ask the Inspectors to recommend any main modifications that are considered necessary to make the Plan sound/legally compliant.

Hearing Arrangements and Procedure

23. The examination will take place in two stages.

Stage 1 will solely cover legal and procedural matters, duty to cooperate (DtC), the spatial strategy, settlement hierarchy and development strategy, the approach to the Green Belt, objectively assessed needs for housing and employment land, the broad locations for development and strategic infrastructure, the housing allocations and the supply and delivery of housing land. If following the Stage 1 hearing sessions, we are satisfied with that the relevant legal duty has been met and we consider the Plan is legally compliant and capable of being found sound on the matters considered at Stage 1 the examination will move on to Stage 2 on a date yet to be set.

Stage 2 will consider development management type policies.

24. The **Stage 1** hearing sessions will start at **10am on Tuesday 21 January 2020 at The Council Chamber, St Albans City and District Council Offices, Civic Centre, St Peter's St, St Albans, AL1 3JE.**

It is anticipated that the session will last for 9 days (21 to 23 January; 4 to 6 February 2020 and 11 to 13 February). However, an additional morning session has been reserved for Friday 14 February should any session overrun. **Please note that after the first day, the hearing sessions will commence at 9.30am.**

25. The draft ***Inspectors' matters, issues and questions (stage 1 hearings)*** sets out the matters, issues and questions to be covered on during the first stage of hearings. A list of matters, issues and questions for Stage 2 will be issued in due course.
26. Following the Stage 1 hearing sessions, we will advise on the appropriate way forward for the examination. Any initial findings we make, and any final report, will deal with broad issues, rather than specifically with each individual representation.
27. At the hearing sessions, a short break will be taken mid-morning and mid-afternoon, with a lunch break at about 1.00 pm. Where an afternoon session

is shown, this will begin at 2.00pm. The hearings will focus on the matters, issues and questions outlined by the Inspectors and arise from the tests of soundness and the representations made about soundness. They are public hearings and interested persons are welcome to attend and observe, even if not taking part. Any participant who has a disability that could affect their contribution to the examination should contact the PO as soon as possible so that any necessary assistance can be provided.

28. The sessions will generally take the form of round table sessions, providing an informal setting for dealing with issues by way of a discussion led by an Inspector. Those attending may bring with them professional advocates and witnesses, although there will be no formal presentation of evidence or cross-examination. More detailed agendas will be circulated before the hearings. Comments should focus on those aspects of the Plan that parties are seeking to change: it is for the Council to explain why it considers the Plan to be sound as submitted. The hearings will be conducted on the basis that everyone taking part has read the relevant documents.

Site Visit Arrangements

29. The Inspectors will view relevant locations from public roads and footpaths before or after the hearing sessions. This will be done unaccompanied by the parties, unless it is considered that an accompanied visit is necessary – for example where the land concerned cannot be seen from the public road. In such cases, the PO will liaise with the parties to make arrangements. Accompanied site visits will not be the opportunity for discussion of the merits of the cases concerned.

Close of the Examination and the Inspectors' Report

26. Once the Inspectors have gathered all the information necessary to come to reasoned conclusions on the main issues, they will write their report. The report will not deal with omission sites. The examination itself remains open until the report is submitted to the Council. However, once all stages of the hearing sessions are completed the Inspectors can receive no further information from any party, unless it is a matter on which further comments have been requested. Any unsolicited items will be returned to the sender.
27. Any queries regarding the examination programme should be addressed in the first instance to the Programme Officer.

Louise Crosby & Elaine Worthington
Inspectors

October 2019