

# SEFTON LOCAL PLAN EXAMINATION

## GUIDANCE NOTES FOR PARTICIPANTS

### Introduction

1. The Sefton Local Plan, Submission July 2015 - 'the Plan' or SLP - was submitted for examination by Sefton Council on 31 July 2015. The Submission Plan is the same as the Publication Draft Plan (January 2015).
2. These Guidance Notes are to assist those involved in the examination of the Plan. Their purpose is to explain the procedural and administrative matters relating to the examination. They provide details about the examination process, the hearings programme, further statements and the procedures to be followed.

### Inspector and Programme Officer (PO)

3. The Secretary of State has appointed a Government Planning Inspector, **Martin Pike** BA MA MRTPI, to hold an independent examination into the soundness of the Sefton Local Plan.
4. The Programme Officer for the examination is **Carmel Edwards**. She is an independent officer of the examination, working under the Inspector's direction. She is responsible for organising the programme of hearings, recording and circulating all material received and ensuring the smooth running of the examination. **Any matters which participants wish to raise with the Inspector should be addressed to the Programme Officer (PO)**. Carmel can be contacted on 07969 631930 or by email at [programme.officer@sefton.gov.uk](mailto:programme.officer@sefton.gov.uk). The postal address for correspondence is Programme Officer, c/o Local Plan Team, Sefton Council, Magdalen House, 30 Trinity Road, Bootle, L20 3NJ.

### Purpose and Scope of the Examination

5. The Inspector's task is to consider whether the SLP accords with all legal requirements and whether it is "sound". The soundness criteria are set out in the National Planning Policy Framework (NPPF)<sup>1</sup>, namely that the Plan is: (1) **positively prepared** (based on a strategy which meets objectively assessed development and infrastructure requirements), (2) **justified** (the most appropriate strategy when considered against reasonable alternatives, based on a proportionate evidence base), (3) **effective** (deliverable over its period and based on effective joint working), and (4) **consistent with national policy** (enabling the delivery of sustainable development in accordance with the policies of the NPPF). The examination will focus on these tests of soundness.

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<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicyframework/>

6. The starting point for the examination is that the Council has submitted what it considers to be a sound plan. The Inspector is required to consider all the representations made to the Publication Draft Plan but only so far as they relate to the four matters of soundness (and legal compliance). The Inspector asks those seeking changes to the SLP to demonstrate why the document is not sound and how the suggested changes would make it sound. The Inspector aims to work collaboratively with the Council and examination participants in a proactive, pragmatic and solution-orientated manner to deliver a positive outcome for the people of Sefton.

### **Early Review of Sefton Local Plan**

7. When submitting the SLP for examination, the Council indicated that an early review of the Plan is likely to be necessary. The need for an early review is set out in the Housing Technical Paper (TP.1) and arises from new Government household projections which, in the Council's view, indicate that the Submission Local Plan does not fully meet Sefton's housing need. The Council asks that the SLP be adopted in its current form, with the commitment to an early review.
8. This matter was discussed at the Pre-Hearing Meeting held on 24 September 2015 (see Notes of Pre-Hearing Meeting for further details). The Inspector clarified that the Council was asking that the examination proceed on the following basis:  
*If the Inspector finds that the housing delivery does not meet the substantially increased "Objectively Assessed Housing Need" based on 2012 household projections, the fact that the increase in housing need arose very late in plan preparation, coupled with the commitment to an early review, would be sufficient for the SLP not to be found unsound.*
9. Having heard the views of all parties present at the PHM, and in the absence of any overriding objection, the Inspector decided that the examination will proceed on this basis.

### **Inspector's 'Matters, Issues and Questions' and further Statements**

10. The topics for discussion at the hearings are set out by the Inspector in a "Matters, Issues and Questions" document issued with this Guidance. The issues and questions provide the structure for any further statements prior to the hearings.
11. Representors who are content to rely on their previous written submissions need take no further action. **If anyone wishes to make a further written statement in support of their representation, it should be succinct and focused on the relevant issues and questions identified in the "Matters, Issues and Questions" document.** It is not necessary to repeat representations already made, nor should new topics or issues be introduced at this stage. Please note that although representations may have been made at earlier stages of the plan process, the Inspector only has copies of representations made in response to the Publication Draft Plan (January 2015).

12. Representors submitting further written statements should explain:
  - What particular part of the SLP is unsound (or not legally compliant)?
  - Which soundness criteria or legal requirement does it fail, and why?
  - How can the Plan be made sound or legally compliant?
  - What is the precise change and/or wording that you are seeking?
13. From the Council, statements should be submitted to address each item on the “Matters, Issues and Questions” document. The Council may, if necessary, include any further suggestions for modifications to the Plan.
14. All **further statements** should be submitted to the PO by 5.00 pm on **Friday 30 October 2015**. This deadline relates to the receipt of both electronic and paper copies. The detailed format for statements is set out in Appendix A. Statements will be placed on the examination website: [www.sefton.gov.uk/planning-building-control/planning-policy/local-plan-examination.aspx](http://www.sefton.gov.uk/planning-building-control/planning-policy/local-plan-examination.aspx).

### **The Hearings**

15. The hearings will be structured but informal sessions dealing with issues by way of a discussion led by the Inspector. Most will have a number of participants and will follow a ‘round table’ format. It is not necessary for parties to be professionally represented, though expert advisers may attend. There will normally be no cross-examination so legal representation should not be necessary; any barristers or solicitors will be treated as part of the representor’s team. The Inspector will ensure that everyone has the chance to explain the nature of their concerns, thereby helping him to come to a conclusion on the soundness of the SLP.
16. The hearings will concentrate on the Inspector’s “Matters, Issues and Questions”, guided by agendas which will address any additional matters raised in the further written statements. Before each hearing the Inspector will have read all the statements submitted in response to his questions; he will assume that the participants will also have read the other submissions relevant to that session. Thus there will be no formal presentation of evidence or repeating of cases already made, though there will be an opportunity within the discussion to ask questions of other parties. No new evidence or documents should be submitted at the hearings or afterwards unless specifically requested by the Inspector.
17. **The hearings will commence on Tuesday 17 November 2015**. It is currently anticipated that at least 12 days will be required over 4 consecutive weeks, sitting for at least 3 days each week. This leaves Monday of each week free for preparation and Friday available to accommodate any overruns or for site visits. Two hearing sessions will normally be programmed each day, from 10.00am to 1.00pm and 2.00pm to 5.00pm, each with a short mid-session break. Please inform the PO if you have any time constraints or a disability which could affect your contribution to the examination.

18. The first two weeks of hearings will be held at Bootle Town Hall, Oriel Road, Bootle, L20 7AE. Week 3 will take place at Maghull Town Hall, Hall Lane, Maghull, L31 7BB and week 4 at the Sefton Professional Development Centre, 225 Park Road, Formby, L37 6EW. An outline of the likely programme is given below:

Week 1 17-19 Nov: Legal/Procedural matters, Overall strategy of Plan (Chapters 1-5 including principle of Green Belt releases), Housing need & requirement and employment need & requirement (Policy MN1 and general points of policy MN2).

Week 2 24-26 Nov: Chapters 7-12 – Economic Development/Regeneration, Housing and Communities, Infrastructure, Design and Environment, Natural and Heritage Assets, Implementation.

Week 3 1-3/4 Dec: Site specific allocations for southern half of plan area – Crosby, Maghull, Melling, Aintree, Bootle + omission sites.

Week 4 8-10/11 Dec: Site specific allocations for northern half of plan area – Southport, Ainsdale, Formby, Hightown + omission sites.

### **Attendance at Hearings**

19. Many respondents have already indicated whether their views should be dealt with in a written form or whether they wish to participate in the discussion at the hearings. **Both methods carry the same weight and the Inspector will have equal regard to each.** The hearings are open to all, though to ensure the efficient running of the examination, the Inspector will discourage people from repeating points that have already been made. There is no need for those supporting or merely making comments on the Plan to take part, though they may attend as observers.
20. A first draft of the hearings programme will be issued shortly. It will identify those objectors who have indicated their intention to attend particular hearing sessions. If anyone wishes to change their attendance, please would they let the PO know as soon as possible.
21. The draft hearings programme may change closer to the start of the hearing sessions. Whilst the PO will endeavour to keep people informed, **it is the participants' responsibility to keep in contact and ensure that they attend the appropriate sessions.**

### **Modifications to the Submission Local Plan**

22. Minor changes, such as those which deal with factual updating, clarification or correction, do not materially affect the policies of the SLP and are known as **"Additional Modifications"**. These can be made by the Council without the need for them to be examined. Consequently they will not normally be discussed at the hearings or mentioned in the Inspector's report, though they can be included in the Plan ultimately adopted by the Council. The Council has indicated that some proposed modifications to the Plan will be published prior to the start of the hearings.
23. Changes which materially affect the policies of the SLP and are necessary if the Plan is to be found sound (or to satisfy legal requirements) are known

as “**Main Modifications**”. They can arise if the Council accepts the need for a material change to the Plan in response to new evidence, or the Inspector may decide that main modifications are necessary to make the Plan sound. Main Modifications should be subject to the same process of publicity and consultation as the Publication Draft Plan. This can occasionally lead to adjournments and delay the examination. Any potentially significant modifications should be specified at the earliest possible stage and discussed between the relevant parties.

24. If Main Modifications are required to the Submission Local Plan, the process of publicity, consultation and, if necessary, revised sustainability appraisal is likely to occur after the hearing sessions.

### **The Evidence Base and Library**

25. The Council has made available online the documents which constitute the evidence base for the SLP, which will be regularly updated: [www.sefton.gov.uk/planning-building-control/planning-policy/local-plan-examination.aspx](http://www.sefton.gov.uk/planning-building-control/planning-policy/local-plan-examination.aspx). The documents are also available to view in hard copy at Magdalen House, 30 Trinity Road, Bootle, L20 3NJ. Parties should not attach extracts of these documents to their further written statements. These statements and other documents will be added to the examination library as they become available.

### **Statements of Common Ground**

26. The Inspector invites Statements of Common Ground prepared jointly by representors and the Council where they would be helpful in identifying points not in dispute, thereby enabling the hearings to concentrate on the key issues that require discussion. Such statements could, for example, include agreed factual information, agreed wording to a suggested change to a policy or paragraph, or clear identification of areas or points which remain in dispute. If appropriate, this work should start now with the aim of reaching agreement in time to feed into the relevant hearing statements.

### **Site Visits**

27. The Inspector will carry out site visits before, during and after the hearing sessions. These will be carried out on an unaccompanied basis unless it is necessary to go onto private land to see relevant features. If accompanied visits are deemed necessary, the Inspector should be accompanied by a representative of the landowner and the Council as well as other parties. Arrangements for any accompanied visits should be made through the PO.

### **Close of the Examination**

28. At the end of the final programmed hearing the Inspector will adjourn the proceedings in case it should be necessary to return at a future date. Unless requested by the Inspector, no further submissions should be made.
29. The Inspector will submit a report to the Council with his conclusions and recommendations on any modifications necessary to achieve soundness.

The Inspector will focus on the broad issues identified in the Matters, Issues and Questions and **will not** report on each representation individually. If he concludes that Main Modifications are necessary to the Submission Local Plan to make it sound or legally compliant, there will be a delay to allow consultation to take place. The Inspector's final report will take into account the responses to that consultation.

**Finally, the Inspector urges everyone to:**

- Ensure that all timescales and deadlines are adhered to;
- Ensure that all further statements focus on the Inspector's 'Matters, Issues and Questions' and the soundness criteria of the NPPF;
- Be aware of the examination documents and keep in touch with the hearings programme by looking at the website and/or contacting the PO.

*Martin Pike*

INSPECTOR  
28 September 2015

## **Appendix A – Format for Statements**

- A. Statements should be succinct, avoiding unnecessary detail and repetition of what has already been provided. You should only answer the Inspector's questions insofar as they relate to the content of your original representation.
- B. It is the quality of the reasoning that carries weight, not the bulk of the documents. There is no need for verbatim quotations from Core Documents or Government policy and guidance, cross references will suffice where necessary.
- C. None of the Statements should be longer than **3,000 words**. Statements which are excessively long or contain irrelevant or repetitious material will be returned by the PO for editing. They should be on A4 paper, printed on both sides, **not spiral bound** but punched with two holes for filing. Plans or diagrams should fold down to A4 size, and any photographs should be annotated.
- D. Supporting material in the form of **Appendices** should be restricted to that which is essential and should not contain extracts from documents that are already in the Examination Library. Any Appendices should have a contents page and be paginated throughout. Whilst the word limit does not include Appendices, they should respect the aim of succinctness.
- E. **A separate statement should be submitted for each of the Matters (or, if required, each Issue) specified by the Inspector.** To minimise the production of hard copies, representors are encouraged to access the statements of other participants via the Local Plan Examination page of the Council's website: [www.sefton.gov.uk/planning-building-control/planning-policy/local-plan-examination.aspx](http://www.sefton.gov.uk/planning-building-control/planning-policy/local-plan-examination.aspx). **Those appearing at hearings** should send **six** copies of all statements to the PO (for the Inspector, Council, PO, Examination Library and a couple spare for persons without access to the website). For **written representations**, only **four** copies need to be submitted. In addition, an electronic copy of statements and appendices should be sent to the PO (in Word or PDF format) for the examination web page.
- F. All statements must be headed with the representor's name and be clearly marked, in the top right hand corner of the first page, with the appropriate **Matter number** and **Representor reference**. If you are unclear about the Representor reference or which Matter is relevant to your objection, please contact the PO.
- G. **All statements, both paper and electronic, should reach the PO by 5.00 pm on Friday 30 October 2015.** Late submissions and additional material are unlikely to be accepted since this can cause disruption and result in unfairness, and might result in adjournment of a hearing. If material is not received by the above deadline, the PO will assume that you are relying on the original representations.