

Cambridge Local Plan and South Cambridgeshire Local Plan

Date: 21 July 2014

INSPECTOR:
Laura Graham BSC MA MRTPI

PROGRAMME OFFICER:
Ms Gloria Alexander

**Cambridge Local Plan and South Cambridgeshire Local Plan -
Examinations in Public**

GUIDANCE NOTE FOR PARTICIPANTS

(These Guidance Notes relate to both the submitted Cambridge Local Plan and the submitted South Cambridgeshire Local Plan Examinations)

Introduction

1. The hearings (which are part of the overall Examinations) into the Cambridge Local Plan 2014 and the South Cambridgeshire Local Plan, will open later this year. Details of the Programme will be published at or before the Pre Hearing Meeting.

The Pre Hearing Meeting (the PHM) – Thursday 11th September 2014 at 14:00 at The Guildhall, Market Square, Cambridge

2. The purpose of the PHM is to provide an opportunity for procedural and administrative matters relating to the hearings to be explained and discussed, together with the form and content of the hearings programme. Whilst you can raise any such matters that may be causing concern, **it will not be an occasion for detailed discussion of the merits of the matters to be considered at the hearings.** Notes of the PHM will be sent to all those who have made representations on the proposed submission plans of either the Cambridge Local Plan 2014 or the South Cambridgeshire Local Plan.

The Inspector and Programme Officer

3. The Secretary of State has appointed the Inspector, **Miss Laura Graham** BSc MA MRTPI, under Section 20 of the Planning & Compulsory Purchase Act 2004 (as amended), 'the 2004 Act', to hold the Examinations into the Cambridge Local Plan 2014 and the South Cambridgeshire Local Plan. The Inspector is being assisted by a Planning Officer, Laura O'Brien, who is employed by the Planning Inspectorate. An Assistant Inspector(s) may also be appointed who may lead some of the hearing sessions. Contact with the Inspector(s) and Planning Officer can be made only through the Programme Officer.
4. The Programme Officer (the PO) for the Examination is Gloria Alexander. She is not a Council employee and she works under the Inspector's direction. Ms Alexander can be contacted as follows:

Cambridge City LP Examination: programme.officer@cambridge.gov.uk
Tel: 07803 202578
South Cambridgeshire LP Examination: programme.officer@scambs.gov.uk
tel: 07803 202578

5. The main tasks of the PO are to act as a channel of communication between the Inspector and all parties; to liaise with all parties to ensure the smooth running of the Examination;

to organise the hearing programme; to ensure that all documents received are recorded and distributed; and to keep the Examination Library. Copies of the Examination documents are mainly on the Council's web site (see Appendix A) and the PO can make copies available on request. Anyone interested in viewing any of the documents should contact the PO before they are intending to view to ensure availability.

6. During the Examination, the PO will be able to tell you how closely the hearing sessions are following the circulated programme. Alternatively, you will be able to view a regularly updated programme on the web site (see Appendix A).
7. Any participant who requires specific adjustments in order to participate in the Examination should contact the PO as soon as possible so that any necessary assistance can be provided. The PO will provide advice on programming and procedural queries, and any matters which the Council or participants wish to raise with the Inspector should be addressed to the PO. If anyone wishes to film or record the hearings please advise Ms Alexander in advance.

Purpose of the Examination

8. The purpose of the Examination is to consider the soundness of the Plan. 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 will produce separate reports to the two Councils. However, bearing in mind the interdependence of the two Plans, some of the hearing sessions will be held jointly. This will avoid unnecessary repetition.
9. The Examination is concerned with two separate matters, legal requirements and soundness. The legal requirements are:
 - whether the Council has complied with the Duty to Co-operate imposed on them by section 33A of the 2004 Act,
 - whether the Plan is compliant with the Local Development Scheme;
 - whether the Plan is compliant with the requirements of the Council's adopted Statement of Community Involvement;
 - whether the Plan has been subject to adequate Sustainability Appraisal;
 - whether the Habitats Regulations Assessment has been carried out and is adequate;
 - whether satisfactory regard has been paid to the Sustainable Community Strategy;
 - whether the Plan complies with the Act and Regulations, including requirements for publicity.

The soundness requirements, as set out at paragraph 182 of the National Planning Policy Framework (the Framework) are that it is:

- Positively prepared;
- Justified;
- Effective; and
- Consistent with national policy .

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.

Number of representations

10. 2997 representations (and 9 on the draft SA) were received on the publication draft Cambridge Local Plan from 702 respondents. 7370 representations (and 15 on the draft SA) were received on the publication draft South Cambridgeshire Local Plan from 3369 respondents.

Progressing your representations

11. Respondents may have already indicated whether their views should be dealt with in a written form or whether they feel that they need to come and discuss them orally at a hearing session. Please can those who have indicated they wish to participate in the hearings confirm whether they still wish to do so to the Programme Officer. **Please note that both methods will carry the same weight and the Inspector will have equal regard to views put at a hearing or in writing.** Attendance at a hearing session will only be useful and helpful to the Inspector if you wish and need to participate in a debate.
12. Please note that in the interests of fairness it will **not** be possible to request a change from written representations to an appearance at a hearing session after **5.00pm on Friday 19th September 2014** due to the preparation work that has to be undertaken by other parties, including the Inspector. Anyone can observe the hearings, but only those who have:
 - made representations relevant to the discussion of an issue at a hearing session;
 - are seeking a change to the Plan;
 - and have indicated that they want to participate,
 will be allowed to speak. Where there are a large number of people with the same or very similar representations who wish to speak the Inspector will ask that they nominate a spokesperson to speak on their behalf at the hearing. Please note that respondents who are supporting the content of the Plan, or simply commenting on it will not be asked to participate at the hearings. If you are unsure whether or not you requested to appear at the hearing sessions, or no longer wish to appear as originally indicated, please contact the PO who will be happy to assist.
13. **The starting point for the Examination is the assumption that the Council has submitted what it considers to be a sound plan. Those seeking changes must demonstrate why the Local Plan is unsound by reference to one or more of the soundness criteria.**

The hearing sessions

14. A separate hearing will be held for each of the Matters or subject groups identified by the Inspector, chaired by the Inspector. The hearing format will provide a relatively informal round table setting for dealing with issues. Those attending may bring with them professional experts - barristers and solicitors, if present, will be treated as part of their team. The Councils have indicated that they may have a barrister as part of their teams at some of the hearings. One seat per team will be allocated at the table and any additional representatives should sit behind the lead speaker and 'hot-seat' at an appropriate time if necessary. To assist the organisation of the hearings, please advise the Programme Officer, in advance of the relevant hearing, of the names of all those who will form part of your team.
15. The hearings will concentrate on the "Matters and Issues for Examination" (which will be issued before the PHM) – they are not an opportunity to repeat a case already set out in representations. The discussion will focus on the Matters and Issues identified by the Inspector, who may issue a more detailed agenda prior to some of the hearing sessions. The emphasis will be on the soundness criteria as set out above.
16. The Inspector will draw those present into the discussion in such a way as to enable her to gain the information necessary to come to a firm conclusion. All statements will have been read beforehand, so there will be no formal presentation of evidence. There will be an opportunity within the discussion to ask questions of the other side, but the Inspector will not permit formal cross-examination, other than in exceptional circumstances and where it has been agreed with her beforehand.

17. In order to run efficient sessions, the Inspector will not permit repetition of points at hearings: a good point made ten times does not become a better point. No further submissions or evidence will be accepted once the hearing session has closed, unless expressly invited by the Inspector.

The hearing programme

18. An initial Programme for the hearings, putting dates and times to the Matters and subjects to be examined, will be published in due course, and will be discussed at the PHM. If you have any queries, please raise them with the PO as soon as possible.
19. A new version of the Programme will be available after the PHM, on the web site, or from the PO. It will be for individual participants to check the progress of the hearings, either on the web site or with the PO, and to ensure that they are present at the right time.
20. The hearings sessions start will start at 10am and afternoon sessions start at 2pm. The venue will be as indicated on the Programme. A short break will be taken mid morning and mid afternoon. Lunch will be taken around 1.00pm and the afternoon sessions will normally finish at around 5pm.

The Evidence Base and Examination Library

21. The Council has prepared an evidence base list that will be available in the Examination Library (available to view on request from the PO). Most of these documents will be available on the Council's web site, which will be regularly updated. Accordingly, parties should not attach extracts of these documents to their Statements as they are already Examination documents, a reference to the relevant part of the document is all that is needed.

Statements of [Un]Common Ground

22. Statements of Common or Uncommon Ground are invited where these would be helpful in identifying points of agreement or dispute. They could for example include: agreed wording of a suggested change to a policy criterion, or agreed factual information; or areas or points of disagreement.
23. **This work should commence now, with the aim of completing them in time to feed into the relevant hearing Statement.** However, as a last resort, agreed documents will still be accepted if submitted at least 2 weeks before the relevant hearing.

Statements

24. All Statements, for both hearing and written representation matters, should be sent to the PO **to meet the deadlines which will be published with the Programme. In general, statements will be required to be submitted about three weeks before the hearing block in which the relevant hearing session is due to be held.** The Inspector will not allow the submission of any further material based on the original representations. Thus, all further written submissions in the Statements should only address the questions in the Inspector's "Matters and Issues for Examination" for that hearing which relate to your relevant original representation(s). The Council's Statements may also include any responses to the matters in original representations, and should include any Council suggestions for minor changes to the text or plans. Statements will be placed on the Examination web site.

Form of Statements

25. Appendix B sets out the requirements for the presentation of all Statements. **Its provisions should be thoroughly read and implemented as otherwise Statements are likely to be returned. Please note the 3,000 word limit.**
26. In the Statements from respondents it would be very helpful to have a brief concluding section stating:
- What part of the Local Plan is unsound.
 - Which soundness criterion it fails.
 - Why it fails (point to the key parts of your original representations).
 - How the Local Plan can be made sound.
 - The precise change and/or wording that you are seeking.
27. Statements are required from the Council for all Matters and Issues, which say why they consider the Local Plan to be sound in that particular aspect and why the changes sought by other parties would make it less sound or even unsound. The Council's statements should also indicate any further modifications they consider to be necessary or beneficial.

Suggested changes

28. Proposed modifications and changes

Cambridge Local Plan

The City Council has produced a Schedule of Proposed Changes (RD/Sub/C/050). The Council considers that these changes can be considered as minor and the Inspector is minded to agree with this view. In the circumstances, and in accordance with paragraph 2.4 of the Inspectorate's Procedural Guidance, these amendments need not be subject to formal examination. If, however, any respondent considers that any of the proposed changes cannot be considered minor, they should advise the City Council accordingly giving reasons for their view and copy this correspondence to the Programme Officer.

South Cambridgeshire Local Plan

The Council has produced a Schedule of Proposed Minor Changes which will be treated in the same way as the City Council's Proposed Changes (see above). The Council has also produced a Schedule of Proposed Major Modifications (RD/Sub/SC/030). Paragraph 4.20 of the Planning Inspectorate's Procedural Guidance explains that: *In order for the Inspector to take forward any change (in effect a proposed main modification) initiated by the LPA (or any other party in the examination), the requirements of section 20(7B) and (7C) of the Planning and Compulsory Purchase Act 2004 (as amended) must be met. For example, a LPA's change of preferred approach to a policy (including a site allocation) could not be accommodated unless the policy/site as submitted is, in the Inspector's view, unsound or not legally compliant and the proposed change would make the Plan sound/compliant.* These Modifications will not, therefore, be considered for allocation in the Plan unless the Inspector comes to the view that the Plan, as submitted, is not sound or legally compliant, and that their inclusion would remedy the defect.

29. If the Councils suggest further modifications to the Plan, these will be placed on the website. Respondents should monitor these in case they wish to comment upon them. The Inspector will indicate at the end of the hearings whether any of these modifications need Sustainability Appraisal or advertising.

Site visits

30. The Inspector will visit all those sites and areas referred to in the representations either before, during, or after the hearings. This will be done unaccompanied by the parties, unless the Inspector feels it is necessary to go onto private land.

Finally ...

31. Please remember that the Inspector will have equal regard to views put orally or in writing and that statements that do not meet the requirements set out in Appendix B are likely to be returned.

Appendix A - List of relevant legislation and guidance

A. Legislation.

These documents can be searched for and found on: <http://www.legislation.gov.uk/>

- Planning and Compulsory Purchase Act 2004
- The Town and Country Planning (Local Development) (England) Regulations 2004, as amended.
- The Environmental Assessment of Plans and Programmes Regulations 2004

This document can be searched for and found on:

<http://www.legislation.gov.uk/uksi/2004/1633/contents/made>

- European Directive on Strategic Environmental Assessment (2001/42/EC)

B. Government Policy and Guidance

These can be found by using the search facility on: <http://www.communities.gov.uk>

- National Planning Policy Framework
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- A Practical Guide to the Strategic Environmental Assessment Directive
<https://www.gov.uk/government/publications/strategic-environmental-assessment-directive-guidance>
- Planning Practice Guidance:
<http://www.planningguidance.planningportal.gov.uk>

C. Guidance from the Planning Inspectorate

This can be found at: <http://www.planningportal.gov.uk/planning/plans>

- Examining Local Plans Procedural Guidance December 2013 (3rd Edition v.1)

D. Examination and Evidence Base Documents

The Examination web sites can be found at:

Cambridge City Council

<https://www.cambridge.gov.uk/local-plan-review-examination>

South Cambridgeshire District Council

<https://www.scambs.gov.uk/localplan>

Appendix B - Format for statements

- A. Please send, where possible, emailed electronic versions of all Statements and Appendices to the PO (in Word or PDF format) for the Examination web site, as well as four paper copies as detailed below. Please note that there is a **10MB limit** on each email attachment.
- B. None of the statements should be longer than **3,000 words** per matter. Any submissions longer than this will be returned by the PO for editing. Statements should be prepared on A4 paper, printed on both sides, and **not bound** but just stapled. Any photographs should be submitted in A4 format and should be annotated (back or front).
- C. Statements must be submitted by matter, with the matter number clearly shown at the top right hand corner of the first page, followed by your respondent number, e.g. M1/1234 for matter 1, respondent number 1234. Please also include page numbering to ensure no pages are mislaid. Electronic files should be separated by matter. Hard copy files should be staple sorted by matter. Additional information should ideally not be added to cover letters but clearly set out in your statement.
- D. Please clearly indicate on the cover page the organisation or individual's name, and agent where relevant, using your respondent number. Please contact the PO if you need help finding your respondent number.
- E. The Inspector emphasises the need for succinct submissions, with the avoidance of unnecessary detail and repetition of the original representation. **Important:** you should only answer the questions in the matters and issues as they relate to the content of your original representation, and no others.
- F. It is the quality of the reasoning that carries weight, not the bulk of the documents. There is no need for verbatim quotations from the Local Plan or other sources of policy guidance. It is vital that the fundamental elements are set out clearly and succinctly – the Examination is not the place for surprise contributions!
- G. Supporting material in the form of appendices to statements should be limited to those which are essential and should not contain extracts from any publication that is already before the Examination, such as the evidence base and nationally available Government guidance – a page or paragraph reference will suffice. Any appendices should be numbered, have a contents page and be paginated throughout. Whilst the word limit does not include text in appendices, they should respect the aim of succinctness. Anyone submitting appendices should indicate in their statement which parts they are especially relying upon.
- H. All hearing participants should adhere to the timetable for submitting statements. Late submissions and additional material **will not be accepted** after the dates listed below and participants should not attempt to submit further material on the day of the relevant hearing session since this can cause disruption and result in unfairness, and can result in an adjournment of the hearing. If material is not received by the deadlines stated below, the PO will assume that you are relying on the original representations. If you do not wish to submit a statement responding to the Inspector's Matters and Issues you may wish to reconsider whether it is necessary for you to participate in the hearing, bearing in mind the guidance at paragraph 11 above that: *Attendance at a hearing session will only be useful and helpful to the Inspector if you wish and need to participate in a debate.*
 - Statements of [Un]Common Ground: in time to feed into Statements or (as a last resort) at least **2 weeks** before the relevant programmed hearing date, if agreed by all parties.

- The last date for changing from written representations to a request for a hearing appearance – **5.00 pm on Friday 19 September 2014.**
- All Statements: by **1.00 pm on the deadline day for that hearing, which will be indicated in the hearings programme.**