

# Cheltenham Borough Council

## Local Plan 2011-2031

### EXAMINATION

[www.cheltenham.gov.uk/LPexamination](http://www.cheltenham.gov.uk/LPexamination)

## EXAMINATION GUIDANCE NOTE

### Inspector

**Mrs Wendy J. Burden BA(Hons) DipTP MRTPI**

#### 1 INTRODUCTION

- 1.1 I have been appointed by the Secretary of State to undertake an independent examination of the legal compliance and soundness of the Cheltenham Plan 2011-2031 (CP). This note provides guidance to participants on the procedural and administrative arrangements for the examination hearings.
- 1.2 The hearings will commence at **10:00 am** on **Wednesday 13 February 2019**. The sessions will mainly be held at the **Council Chamber, Cheltenham Borough Council, Municipal Offices, Promenade, Cheltenham GL50 9SA**.
- 1.3 Two documents are available with this note:
  - ***A draft programme for the hearing sessions (ED008)*** with a list of participants for each session. This is the first version and details may change.
  - ***Inspectors' matters, issues and questions (ED009)*** which will form the basis for the discussions at the hearing sessions.

#### 2 PROGRAMME OFFICER

- 2.1 Tracey Smith is the Programme Officer (PO) and is responsible for the administration of the examination. She is impartial, is not an employee of the Council and works under my direction. Her role includes liaising with all parties to ensure the smooth running of the examination, managing the availability of examination documents and the library and acting as the main point of contact for all procedural and administrative matters. The Programme Officer's contact details are as follows:

Email: [tracey.smith@cheltenham.gov.uk](mailto:tracey.smith@cheltenham.gov.uk) / Tel: 01242 264175

Postal address: Cambray Room, Cheltenham Borough Council, Municipal Offices, Promenade, Cheltenham GL50 9SA

#### 3 THE EXAMINATION WEBPAGE

- 3.1 Copies of all examination documents are available to view on the internet via the library section of the examination webpage:  
[www.cheltenham.gov.uk/LPexamination](http://www.cheltenham.gov.uk/LPexamination)

The [Examination Library](#) webpage comprises the following sections:

- Examination Documents [ED]
- Core/Submission Documents [SD]
- Submitted evidence base and supporting documents [EB]
- Non-submitted supporting documents [NS]
- County/Regional documents [CR]

The examination webpage, and several other useful pages are reached from links on the Cheltenham Plan Overview webpage:

[https://www.cheltenham.gov.uk/info/46/planning\\_policy/1034/the\\_cheltenham\\_plan](https://www.cheltenham.gov.uk/info/46/planning_policy/1034/the_cheltenham_plan)

- 3.2 Any hearing participant who does not have access to the internet should contact the Programme Officer so that alternative arrangements for document access can be put in place.

#### **4 SCOPE OF THE EXAMINATION AND THE ROLE OF THE INSPECTOR**

- 4.1 My role is to assess whether the CP has been prepared in accordance with relevant legal and procedural requirements, including the duty to cooperate, and determine whether the Plan is sound. In accordance with paragraph 214 of the July 2018 National Planning Policy Framework (NPPF), the assessment of soundness is to be carried out on the basis of the March 2012 NPPF. This involves determining whether the Plan is:

- **Positively prepared** – based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
- **Justified** – the most appropriate strategy when considered against the alternatives, based on proportionate evidence;
- **Effective** – deliverable over the Plan period and based on effective joint working; and
- **Consistent with national policy** – to enable the delivery of sustainable development in accordance with the policies in the Framework.

- 4.2 The starting point for the examination is that the Council has submitted a plan which they consider is sound and legally compliant. Those seeking changes must demonstrate why the CP does not meet these criteria.

- 4.3 There are two ways by which changes can be made to the submitted plan:  
(a) *Main modifications* recommended by the Inspector; and  
(b) *Additional modifications* (often called *minor modifications*) made by the Council.

- 4.4 I 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 alone or in combination with others, would materially alter the plan or policies and must be subject to consultation.

- 4.5 *Additional modifications*, sometimes called *minor changes*, are those changes which do not materially affect the policies in the plan and are not before the Inspector. The Council may make additional modifications to the plan during the examination and on the adoption of the plan without the need for them to be examined.

## 5 THE HEARING SESSIONS

### Format

- 5.1 The morning hearing sessions will normally commence at 10:00 and finish around 13:00 on each day unless stated otherwise<sup>1</sup>. The afternoon sessions will normally commence at 14:00 and finish at around 17:00 each day unless stated otherwise. Lunch will normally be between 13:00 and 14:00 and there will be short breaks mid-morning and mid-afternoon as appropriate on each day.
- 5.2 The purpose of the hearings is to focus on the main issues that I consider to need further discussion, to enable me to obtain the information I need to come to a conclusion on the matters before me. Please note that as advised in ED002 there will be no discussion of omission sites.
- 5.3 The hearings will be in the form of structured round table discussions which I shall lead. There will be no formal presentation of evidence or cross-examination. Barristers and solicitors, if present, will be treated as part of the respective organisation or team.
- 5.4 The discussion will focus on the issues in the programme together with any additional points or supplementary questions I wish to ask arising from any further written statements.
- 5.5 The purpose of the hearings programme (ED008) is to set out the matters and issues for each session to focus discussion. This is currently in draft form and may be subject to change. The final version will be issued shortly before the hearings and where necessary will update the list of participants invited to each session. In the meantime if you think that a programme or issue change should be made, please inform the Programme Officer by **10 January 2019** and I will consider it.
- 5.6 Please remember that when hearings are in session all mobile phones and similar devices must be switched off or on silent.

### Participants

- 5.7 Only those who have made representations within the prescribed time periods and who seek changes to the plan in relation to the issues to be discussed, have a right to be invited to and participate in relevant hearing sessions. I have also invited some participants to the sessions. However the sessions are open for anyone to observe including those supporting the plan. Also please note that I will have equal regard to views put at the hearings and those set out in writing.
- 5.8 The draft list of participants for each hearing session, determined following the Council's deadline for participant notification, is included in the draft programme. Please let the Programme Officer know by **10 January 2019** if any adjustments or arrangements need to be made to facilitate your attendance.

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<sup>1</sup> Some sessions may start at an alternative time. Participants must refer to the Programme which may be amended.

### Further written statements

- 5.9 The list of **matters, issues and questions 'MIQs'** (ED009) will form the basis for discussion at the hearing sessions. As participants should have already set out their full cases within their existing representations there should ordinarily be no need for the production of further written statements in response to the MIQs.
- 5.10 However if participants do wish to produce written hearing statements to supplement their original representations, they should:
- include on the front page their Representor ID and relevant Comment number;
  - be limited to the issues and questions set out in the MIQs and be relevant to their original representation; or
  - relate to new matters that have arisen since the submission of original representations; and
  - not repeat what is in previous representations as these will be taken into account.
- 5.11 As the examination documents are available on the internet, participants should not attach extracts of these documents to any statements. However it would be useful within any statements when referring to any of these documents, to include the examination document reference and page numbers where possible.
- 5.12 To assist the conduct of the hearings, any additional statements produced by participants should please accord with the following guidelines:
- Statements should be submitted separated out under each individual issue within the matter to be addressed. Where a representor wishes to respond on a number of different matters and issues, separate statements should be produced.
  - They should be succinct, to the point and no longer than 3,000 words long for each issue. It is the quality of the reasoning that carries weight, not the scale of the documents.
  - Statements should be produced in A4 format where possible. The paper versions should be left unbound, but stapled and hole punched. Any A3 tables/plans or diagrams should be folded to A4.
  - Appendices are not included in the word limit but these should only be submitted if they are absolutely essential and appropriate references should be made to the parts that are being relied on.
  - All statements should be received by the deadline imposed. Late submissions are unlikely to be accepted.
- 5.13 Please note that any statements that are of excessive length and/or contain irrelevant or repetitious material may be returned.
- 5.14 Unlike other participants, the Council is required to respond to each issue and question and therefore the 3,000 word limit does not apply to them. However any statements should still be as succinct as possible. References to existing evidence should be used wherever possible to avoid repetition.

- 5.15 An electronic version and four paper copies of any further statements, including those from the Council, should be sent to the Programme Officer to arrive **by 12 noon on Wednesday 23 January 2019** for all Matters 1 to 9, with the exception of statements relating to Matter 5 – Flood Risk from the Council and Environment Agency.

## **6 STATEMENTS OF COMMON GROUND**

- 6.1 Any statements of common ground between the Council and representors, or between any other representors, which are being prepared to assist the examination process should be submitted to the Programme Officer as soon as they are produced and to arrive **no later than 12 noon on Wednesday 23 January 2019** for all Matters 1 to 9, with the exception of SoCG relating to Matter 5 – Flood Risk from the Council and Environment Agency. As above this should include an electronic version and four paper copies.

## **7 SITE VISITS**

- 7.1 Insofar as I consider it necessary for the consideration of the soundness of the plan I shall visit relevant sites and areas before, during or after the hearing sessions. I will do these unaccompanied by any parties to the examination unless access to private land is necessary.

## **8 CLOSE OF THE EXAMINATION**

- 8.1 Following the hearing sessions the examination will remain open until my report is submitted to the Council. However I will not accept any further representations or evidence from any party during this time, unless I have specifically requested it.

## **9 FURTHER INFORMATION**

- 9.1 Further information about the preparation and examination of Local Plans can be found using the following links:
- The National Planning Policy Framework available at <https://www.gov.uk/guidance/national-planning-policy-framework>
  - The national *Planning Practice Guidance* available at <https://www.gov.uk/government/collections/planning-practice-guidance>, and
  - The Planning Inspectorate's *Examining Local Plans Documents: Procedural Practice – June 2016 (4th edition v.1)* available at: <https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>

*Wendy Burden*

INSPECTOR