

Guidance Notes for Participants

**Pre-Hearing Meeting: 24 April 2012 at 2.pm
Hearings Start: 26 June 2012 at 10.00 am**

Location: General Offices, The Works Site, Steelworks Road, Ebbw Vale
NP23 6DN

Inspector: Vincent Maher MA (Cantab) MSc MCD MBA MRTPI

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1. Introduction

- 1.1 I have prepared these guidance notes to help people who want to be involved in the examination into the soundness of the Blaenau Gwent County Borough Local Development Plan ('the Plan'). The Plan was formally submitted to the National Assembly for Wales in February 2012 for independent examination as to its soundness, as required by Section 64 of the Planning & Compulsory Purchase Act 2004.
- 1.2 Public consultation on the Deposit Plan took place for a six week period in accordance with Regulation 17 of The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005. A further consultation exercise was undertaken in respect of Alternative Sites proposed in the representations received for a six week period.
- 1.3 The Council has considered all of the representations and resolved to put forward a total of 15 Focussed Changes plus one Addendum to the Focussed Changes as it relates to the Six Bells Colliery Site, making a total of 16 Focussed Changes and a number of lesser "Minor Changes" to the Plan for consideration as part of the independent examination. These have been the subject of an additional six week consultation exercise starting 19 January 2012.
- 1.4 All those who wish to be involved in the hearing sessions of the examination are invited to attend the Pre-Hearing Meeting as this will provide an opportunity for you to shape how the examination will be run. However, only those who made representations within the statutory timescale at the Deposit stage, on the Alternative Sites proposed by others or on the changes put forward by the Council afterwards; and only those who consider the Plan to be unsound and seek changes in order to make it sound are normally involved in the oral Hearings.

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2. Inspector and Programme Officer

- 2.1 The Ministers of the Welsh Government have appointed me to hold the independent examination into the soundness of the Plan. I am a chartered town planner.
- 2.2 Jeanette John is the programme officer. She acts independently of the Council and under my direction. She is responsible for organising the programme of hearings, maintaining the examination library, recording and circulating all material received, and helping me with procedural and administrative matters. She will advise on any programming and procedural queries. You will need to contact Jeanette if you wish to raise any matters with me. You can find her contact details at the start of this note.

3. Purpose of the examination

- 3.1 The purpose of the examination is to examine the soundness of the Plan. It is important to note that the term "examination" covers the whole process of examining the Plan, from the time of its submission up until the Council receives my report.
- 3.2 My role is to consider whether the Plan meets the requirements of Sections 62 - 64 of the 2004 Act and associated regulations and whether it complies with paragraphs 4.34-4.35 of Local Development Plans Wales: Policy on Preparation of LDPs, *December 2005* (LDP Wales). These requirements fall into two broad groups: whether *legal requirements* have been met; and whether the Plan satisfies *soundness tests* that the strategy is justified, effective and consistent with national policy. The Council should rely on the evidence used in preparing the Plan to demonstrate that it is sound. Those seeking changes to the Plan have to show why the document is not sound and how the suggested changes would make it sound.
- 3.3 The process of examining a local development plan is different from the previous process of considering objections to a unitary development plan or local plan:
 - **The starting point for the examination is that its purpose is to examine whether the Plan is sound.**
 - In examining soundness under the new system, I have to consider the representations made to the Plan, but only insofar as they relate to the tests of soundness set out in LDP Wales.
 - I am not expected to report in relation to each and every point made in every objection, but to use the representations received as the starting point in considering whether the Plan is sound.
 - I also have to exercise my duties under Section 39 of the 2004 Act with the objective of contributing to the achievement of sustainable development.
 - At the end of the examination process, I will produce a binding report containing my recommendations and the reasons for the recommendations.

**BLAENAU GWENT COUNTY BOROUGH COUNCIL
LOCAL DEVELOPMENT PLAN EXAMINATION**

ED. 6

- 3.4 An important element of the new system is that the hearing sessions in the examination are intended to be an inquisitorial process, rather than the previous more adversarial approach between local planning authority and objector. With this in mind, the hearing sessions will be run as a series of round-table sessions which I will lead addressing particular topics or issues, rather than individual representations. I attach a first draft of the topics and issues I wish to discuss. The topics identified for discussion arise from the questions as to the soundness of the Plan raised by the representations made or which I have identified so far.
- 3.5 I will not encourage a debate on the merit of national policies as such but would rather seek to solicit views on the application and implications of these policies on the various policies and proposals within the Plan. Throughout the hearing sessions the focus will be on whether the Plan is sound. It is not the purpose of the examination process to recommend changes to a Plan where it is found to be sound that would further enhance its soundness. I am not seeking to improve the Plan.
- 3.6 At the end of the examination I will send my report to the Council with my conclusions and recommendations on the actions or changes needed as regards the soundness of the Plan. These recommendations are binding on the Council and any recommended modifications to the Plan must be made before the Council adopts it.
- 3.7 The following publications provide the procedural framework for the conduct of the examination:
- Local Development Plans Wales: Policy on Preparation of LDPs, *Welsh Assembly Government, December 2005.*
 - Local Development Plan Manual, *Welsh Assembly Government, June 2006.*
 - Part 6, Sections 62-72 of Planning & Compulsory Purchase Act 2004.
 - Town and Country Planning (Local Development Plan) (Wales) Regulations 2005.
 - Local Development Plans: Examining Local Development Plans Procedure Guidance, *The Planning Inspectorate Wales, November 2009.*
- 3.8 Those who wish to participate in the examination would do well to familiarise themselves with this guidance. Most of the guidance to procedures is set out in LDP Wales, the LDP Manual and the Planning Inspectorate's procedure guidance. These documents can be viewed via the LDP Examination website: <http://www.blaenau-gwent.gov.uk/business/17460.asp>, Jeanette keeps a paper copy of these documents which you can look at from Monday to Friday from 9am to 5pm. Please phone Jeanette first to make an appointment to see these documents.

4. The Pre Hearing Meeting (PHM)

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- 4.1 The Pre Hearing Meeting will take place on Tuesday 24 April 2012, at the General Offices, The Works Site, Steelworks Road, Ebbw Vale NP23 6DN at 2pm. The purpose of the meeting is to explain and discuss procedural and administrative matters relating to the management of the examination, including the programme for the hearings; the matters to be examined and related questions; the running order and participants; the methods of dealing with representations; the timetable for submitting any additional material that may be required; and any other relevant matters. The merits of the Plan and the representations will not be discussed at this meeting.
- 4.2 I will ask the Council at the PHM to confirm that the Plan has been prepared in accordance with the relevant statutory procedures and associated regulations, and is supported by a sustainability appraisal. I will also clarify the position in respect of the Statement of Community Involvement and the Delivery Agreement. To ensure that there are no fundamental procedural shortcomings at this stage, the Council has produced its own self-assessment of soundness of the Plan.
- 4.3 I attach an agenda for the PHM, together with a draft list of hearing sessions around which I would like to structure the examination. **I invite all participants to let me have their views on the draft list of hearing sessions.**
- 4.4 I will write to all individuals and organisations, whether or not you come to the PHM, with a note of any discussion that takes place along at this meeting and will finalise the programme for the examination thereafter.

5. Representations on the Plan

- 5.1 The Council prepared a consultation report as part of its core documentation. This reports that some 390 representations were received from 85 organisations, bodies and individuals within the specified six-week period following the publication of the Plan (Deposit Plan). Of the representations made, 98 expressed support for the Plan. 63 alternative sites were suggested in the deposit representations. These alternative sites were then subjected to a further round of consultation. 423 representations were received from 176 individuals and organisations in relation to this consultation. Of these, 321 were objections, that is, they supported the Council's position.
- 5.2 The Council has considered the submissions made over the preparation of the Plan and responded to some of them by making changes to the Plan (called "Focussed Changes"). It will be aware that it should avoid changes to the deposited Plan as far as possible. Such changes should not normally be necessary, if the plan making process has been carried out properly and the Plan is

**BLAENAU GWENT COUNTY BOROUGH COUNCIL
LOCAL DEVELOPMENT PLAN EXAMINATION**

ED. 6

founded on robust evidence. However, exceptionally, the Council may consider that late changes are necessary in response to representations made or in response to some significant new evidence, in order to ensure that the Plan is sound.

- 5.3 When considering such changes, the Council will have been expected to have regard to their effect, individually and cumulatively, on the Plan's overall soundness and to any resulting need to carry out a further sustainability appraisal. The Council has set out its reasons for the changes and indicated the implications in terms of the soundness of the plan.

6. Methods of considering representations

- 6.1 There are two ways in which representations on the Plan will be considered:

- Written representations – based on the original representation, and the Council's response on the matters raised. Most representations will be considered by this method. Written representations are not discussed at the hearings and attendance at the Hearing sessions is not necessary;
- Oral representations – where representors have indicated that they wish to have an oral hearing, relevant matters in the representations will be dealt with at a Hearing session of the Examination, where the Council and other participants debate the main points on the key issues I have identified in a structured and informed discussion.

- 6.2 **Both methods of representation carry the same weight and I will have equal regard to views put orally or in writing.** Some respondents have not stated a preference in terms of the method they wish their representation to be considered; unless I invite them to a specific hearing session, only those representors who have stated that they wish to appear in person will be invited to participate in the hearing sessions. Attendance at the hearings will only be helpful if participants are able to contribute in terms of evidence as to the Plan's soundness. Only those parties seeking specific changes to the Plan are entitled to participate at the hearing sessions of the examination, and there is no need for those supporting or merely making comments on the Plan to attend.

7. Procedure at the hearing sessions of the examination

- 7.1 The hearing sessions of the examination will start on **Tuesday 26 June 2012 at 10.00 am** at the same venue. Subsequent sessions will normally start at 10.00 am and 2.00 pm, with a break for lunch at about 1.00 pm, and should finish between 5.00 pm and 6.00pm. In my draft schedule, I have suggested that we start some sessions at 9.30am. **I invite interested participants to tell me if this is acceptable.** A short break will be taken at convenient points in the morning and afternoon. The Hearing session dates as currently

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**BLAENAU GWENT COUNTY BOROUGH COUNCIL
LOCAL DEVELOPMENT PLAN EXAMINATION**

ED. 6

scheduled are set out in the accompanying sessions programme and are likely to run over four weeks with the aim of finishing before the start of the school holidays.

- 7.2 The focus in the sessions will be on the soundness of the Plan, having regard to the tests of soundness concerning procedural requirements and the Plan's consistency, coherence and effectiveness. A separate session will be held for each of the main topics outlined in the programme. The sessions will take the form of an informal roundtable session which I will lead, where the Council and those who wish to be heard discuss the key points identified. Participants may bring professional representatives to speak on their behalf and may ask questions about the evidence, but there will be no formal presentation of evidence, cross-examination or formal submissions. Participants do not need legal representation. The Council has told me it will not be legally represented at the sessions.
- 7.3 At the start of each session I will set out a detailed agenda along the lines of the draft hearing schedule attached. The discussion will focus on these questions. I will begin by making a few brief comments on the matters to be covered, before inviting participants to make their contribution to the debate. The session will progress under my guidance, drawing participants into the discussion in such a way as to enable me to gain the information necessary to come to a firm conclusion on the relevant issues. At the end of each session, participants will have the opportunity to briefly sum up the main points of their arguments.
- 7.4 The hearings will be conducted on the basis that those taking part have read the relevant representations, statements and associated documentation, although participants will be able to refer to and elaborate on relevant points as necessary. I aim to progress the sessions in an effective and efficient manner, keeping a firm hand on the discussions and time taken. As part of that process, I have imposed a limit on the amount of material to be submitted to help me come to informed conclusions on the issues.

8. Examination Programme

- 8.1 The hearings part of the examination is likely to run over four weeks with a break in the middle to conduct site visits. The Programme Officer will draw up a final programme for the hearings, which will be published with the topics for discussion on each date, on the Council's website within a week of the PHM.
- 8.2 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 appointed time, but on occasions it may be necessary to extend the debate. The draft timetable allows for a reserve session. Jeanette will contact participants and tell them of any late changes to the timetable, but it is the

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**BLAENAU GWENT COUNTY BOROUGH COUNCIL
LOCAL DEVELOPMENT PLAN EXAMINATION**

ED. 6

responsibility of the participants to keep themselves up to date with the arrangements and programme.

9. Preparation and submission of further material

Core documents

- 9.1 The Council has prepared a comprehensive list of Core Documents, which is available to view in the Examination Library located at the General Offices on Steelworks road. They can also be viewed on the Examination website at: <http://www.blaenau-gwent.gov.uk/business/17460.asp> These documents include relevant national policy and guidance, background papers, existing development plan and other policy documents, and any other documents to which they are likely to refer. The list of Core Documents includes the Council's full evidence base for the Examination. Other participants should ensure that any additional documents they intend to refer to are included in the list of Core Documents, and they should arrange for such documents to be sent to the programme officer (four copies will be required). Any further written statements or other material requested will be added to the Core Documents list as it is submitted.
- 9.2 The representations already made at the Deposit, Alternative Sites and Focussed Changes stages should have included all the points, documents and evidence intended to substantiate representors' cases. Participants should therefore not submit any further material based on the original representations.

Submission of further material

- 9.3 Submissions should focus on the issues/matters I have identified on the tests of soundness and demonstrate why the plan is sound/unsound and how it could be made sound. All statements should clearly indicate the policy/ paragraph/ page of the Plan and the relevant soundness test(s). All submissions should be as concise as possible, avoiding unnecessary detail or repetition. There is no need for lengthy quotations from the Plan or other sources of policy guidance – a clear reference to the relevant part/paragraph will suffice. Nonetheless, it is vital that all evidence supporting the submission is included, since the Hearings are not the place for new points or evidence to be presented for the first time. The cut off date for all further submissions is **Friday 1 June at 12 noon**. I will then give the Council a further 14 days to respond to these submissions. The deadline for the Council to prepare and circulate its own submission incorporating a rebuttal of other participants' submissions is **Friday 15 June 2012 at noon**.
- 9.5 Participants should attempt to reach agreement on factual matters and statistics before the Hearings start and everyone is encouraged to maintain a dialogue with the Council and other participants in advance of the Hearings. Brief position statements and statements

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**BLAENAU GWENT COUNTY BOROUGH COUNCIL
LOCAL DEVELOPMENT PLAN EXAMINATION**

ED. 6

of common ground can be a useful way of focusing the issues/matters in dispute, and are encouraged as a means of achieving this. Any statements of common ground should be prepared no later than **Friday 1 June 2012 at noon.**

- 9.6 Jeanette will need four copies of all statements submitted. Statements should not be longer than 3,000 words for each hearing session; the guiding principle should be that statements should be as concise and to the point as possible. Supporting technical evidence should be restricted to appendices and clearly related to the case. Any supporting material should be limited to that which is essential. Extracts from documents that are already in the Examination Library are not necessary. There is no need for summary statements. Statements should be on A4 paper, punched with two holes for filing, and unbound. Plans or diagrams should fold down to A4 size. All statements should be marked with the Council's Representation reference number, and should also be submitted in electronic form, if possible.
- 9.7 All participants must adhere to the timetable for submitting further statements. Late submissions and additional papers will not be accepted at the hearing session, since this can cause delay, disruption and result in unfairness, and can result in an adjournment of the hearing. If material is not received by the deadlines stated, Jeanette and I will assume that no representations are to be made by that participant.

10. Availability of information

- 10.1 Jeanette maintains an examination library at the Programme Office and online at the examination website. This will contain copies of the Plan and associated documents, all representations, the Core Documents and further representations and statements, as received. You can view the documents online at any of Blaenau Gwent's public libraries. Alternatively, Jeanette would be pleased to help anyone who wishes to see paper copies of these documents. An administrative charge will be made for any photocopying at 10p a sheet.
- 10.2 Jeanette maintains lists of all documents submitted. Lists of documents, the up-to-date programme for the hearing sessions of the examination and other relevant material will be on display on a notice board at the venue. Relevant information will also be included on the Council's website. Feel free to contact Jeanette if you need any special facilities to enable you to participate in or observe the examination. The building is accessible to wheelchair users.
- 10.3 The hearing venue has a café which we expect will be up and running in time for the hearing sessions.

11. Site visit arrangements

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**BLAENAU GWENT COUNTY BOROUGH COUNCIL
LOCAL DEVELOPMENT PLAN EXAMINATION**

ED. 6

11.1 I have already visited parts of the borough and will conduct a more detailed tour before the start of the hearing sessions. I intend to conduct a number of sites in the week from 11 to 13 July and intend to do most of them unaccompanied. Jeanette will contact relevant participants if I consider it necessary to visit specific sites accompanied by other participants in the examination.

12. Close of the examination

12.1 The examination will remain open until I submit my report to the Council. However, I cannot accept any further representations or evidence after the hearing sessions have finished unless I specifically ask for it. Any late or unsolicited material will be returned.

13. Timetable for submission of report to the Council

13.1 The timetable for the submission of my report will depend on what happens at the examination. I will confirm the likely date once the hearings sessions have been completed.

Vincent Maher
INSPECTOR