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Pre-Hearing Meeting: Thursday 19 November 2015 at 10:00 am

Council Chamber
Civic Offices
Holton Road
Barry
CF63 4RU

Hearings Commence: Tuesday 19 January 2016 at 10:00am

The Board Room
Dock Offices
Barry
CF63 4RT

Please ensure you check the Examination webpage regularly for up to date information:

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Vale of Glamorgan Local Development Plan

EXAMINATION

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1. Introduction

- 1.1 These Guidance Notes have been prepared to assist those individuals and organisations who wish to be involved in the Examination into the soundness of the Vale of Glamorgan Local Development Plan 2011-2026 (the 'Plan'). The preparation of a local development plan is a requirement of the Planning & Compulsory Purchase Act 2004 (as amended).
- 1.2 Public consultation on the Deposit Plan took place for a six week period ending on Friday 20 December 2013, 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 commencing on 20 March 2014.
- 1.3 The Vale of Glamorgan Council (the 'Council') considered all of the representations received and the Council's Consultation Report summarises the substance of these representations and its response. As part of this process the Council proposed a number of Focused Changes and Minor Changes to the Deposit Plan. The Focused Changes underwent public consultation during the six weeks following submission of the Plan for Examination which took place on 24 July 2015.
- 1.4 Only those representors who made representations at the Deposit stage, the Alternative Sites stage and/or the Focused Changes stage are involved in the examination process; and only those who consider the Plan to be unsound and seek changes to make it sound are entitled to participate in the hearing sessions. It would be helpful if those representors who wish to be involved in the hearing sessions of the Examination attend the Pre-Hearing Meeting (PHM).

2. Inspector and Programme Officer

- 2.1 The Ministers of the Welsh Government have appointed, **Mr Richard Jenkins** BA(Hons) MSc MRTPI to hold the Examination into the soundness of the Plan.
- 2.2 The Programme Officer for the Examination is **Sarah Knevelt**. She is acting independently of the Council and will work under the Inspector's direction. She is responsible for organising the programme of hearings, maintaining the Examination Library, recording and publishing all material received, and assisting the Inspector with procedural and administrative matters. She will also advise on any programming and procedural queries. Any matters which the Council or other participants wish to raise with the Inspector should be addressed to the Programme Officer, preferably via email. Her contact details are as set out on the front cover of these notes.

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 'examination' covers the whole process of examining the Plan, from the time of confirmation of submission of the Plan to the Welsh Government to receipt of the Inspector's Report by the Council.

Vale of Glamorgan Local Development Plan

EXAMINATION

www.valeofglamorgan.gov.uk/ldp

- 3.2 The Inspector's role is to consider whether the Plan meets the requirements of Sections 62-64 of the 2004 Act (as amended) and associated regulations (as amended) and whether the Plan is sound. The soundness tests are set out in Chapter 2 of Planning Policy Wales (2015) and are: Does the Plan fit (i.e. is it consistent with other Plans); Is the Plan appropriate (i.e. is the Plan appropriate for the area in the light of the evidence); and will the Plan deliver (i.e. will the Plan be effective). The Council should rely on evidence used in preparing the Plan to demonstrate that it is sound. Those seeking changes to the Plan have to demonstrate why the document is not sound and how the changes they suggest would make it sound.
- 3.3 The starting point for the Examination is that its purpose is to examine whether the submitted Plan is sound. In examining soundness, the Inspector has to consider the representations made to the submitted Plan, but only insofar as they relate to the tests of soundness. The Inspector is not required to determine and report in relation to each and every point made in every objection, but to use the representations as the starting point in considering whether the Plan is sound or to report on them but will use the representations as the starting point in considering whether the Plan is sound.
- 3.4 The Inspector also has to exercise his 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 the Inspector will produce a binding report containing recommendations and the reasons for the recommendations.
- 3.5 The hearing sessions of the Examination are intended to be an inquisitorial process under the Inspector's direction, rather than the previous more adversarial approach between the Council and objectors of the local plan/unitary development plan inquiry. The process of examining the soundness of the LDP will generally be conducted as a series of roundtable sessions led by the Inspector and addressing particular topics or issues, rather than individual representations. The topics identified for discussion arise from questions as to the soundness of the Plan raised by the representations made or identified by the Inspector.
- 3.6 National policies will not be debated, but the examination will consider the application and implications of such policies where such matters arise from the particular policies and proposals within the LDP. Throughout the hearings sessions the focus will be on whether the submitted LDP is sound. It is not the purpose of the examination to recommend changes to a LDP where it is found to be sound that would further enhance its soundness.
- 3.7 At the end of the Examination the Inspector will submit his report to the Council with his 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 modification to the LDP must be made before it is adopted by the Council. The following provide the procedural framework for the conduct of the Examination:
 - Part 6, Sections 62-72 of Planning & Compulsory Purchase Act 2004 (as amended).

Vale of Glamorgan Local Development Plan

EXAMINATION

www.valeofglamorgan.gov.uk/ldp

- Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended).
- Planning Policy Wales, Chapter 2, 2015.
- Local Development Plan Manual, Welsh Government, Edition 2, 2015.
- Local Development Plans: Local Development Plan Examinations: Procedure Guidance, the Planning Inspectorate (Wales), July 2015.

3.8 Participants should familiarise themselves as appropriate with the relevant parts of the above documents¹.

4. The Pre Hearing Meeting

4.1 To be held on **Thursday 19 November 2015** at **10.00am** in the Council Chamber, Civic Offices, Holton Road, Barry CF63 4RU. The purpose of the PHM 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 and additional material that may be required (including hearings statements), and any other relevant matters. **The content and merits of the Plan and the representations will not be discussed at this meeting, although the Inspector may identify issues or topics they feel additional material is required on to assist them in considering soundness of a particular aspect.**

4.2 At the PHM the Inspector will ask the Council a series of procedural questions to confirm that the Plan has been prepared in accordance with the statutory procedures under Section 64(5)(a) of the 2004 Act and associated regulations, and is supported by a Sustainability Appraisal. They will also clarify the position in respect of the Community Involvement Scheme and the Delivery Agreement.

4.3 The PHM Agenda has been published on the Examination website. A Note of the PHM, the Draft Hearing Sessions Programme, and the Matters and Issues will also be published on the Examination website.

5. Representations received on the Plan

5.1 Under Regulation 22(2)(iv) of the LDP Regulations, the Council has confirmed that, with regard to the Deposit Plan consultation 3,367 duly made representations were received from 1,328 different respondents.

5.2 8,222 duly made representations were made by 1,715 representors in response to the Alternative Sites consultation.

5.3 1,054 duly made representations were made by 167 representors in response to the Focused Changes consultation.

5.4 This equates to 12,643 representations registered as part of the 2013 Deposit Plan, Alternative Sites and Focused Changes consultations.

¹ www.gov.wales/planning

Vale of Glamorgan Local Development Plan

EXAMINATION

www.valeofglamorgan.gov.uk/ldp

6. Methods of considering representations

6.1 There are two ways in which the Inspector will consider representations made on the Plan:

- **Written representations:** Based on the original representation and the Council's response on the matters raised. The Inspector may also seek additional information by way of clarification. 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 identified by the Inspector in a structured and informed discussion directed by them.

6.2 Both methods carry the same weight and the Inspector will have equal regard to views put orally or in writing.

6.3 Some respondents have not stated a preference in terms of the method they wish their representation to be considered. Unless invited to a hearing by the Inspector, only those representors who have stated a wish to appear in person will be invited to participate in the hearing sessions. If you did not state a preference it will be assumed that you wish to proceed by way of written representations. Attendance at the hearings will only be helpful if participants wish to contribute to the debate in terms of evidence to the Plan's soundness.

6.4 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 participate.

Alternative Sites

6.5 The strategy, policies and allocations in a LDP should be realistic and appropriate having considered relevant alternatives and be founded on a robust evidence base.

6.6 The Inspector will start from the position that the Council has submitted a strategy, policies and allocations which it considers to be sound. The Inspector will not look beyond the LDP's strategy, policies and allocations unless they conclude otherwise. The Inspector is not required to report on individual alternative sites. If the Inspector considers the allocations in the LDP to be sound, individual alternative sites are unlikely to be mentioned in the report.

7. Procedure at the Hearing Sessions of the Examination

7.1 The Council will advertise the start of the hearing sessions at least 6 weeks in advance.

7.2 The hearing sessions of the Examination are due to commence on **Tuesday 19 January 2016 at 10.00 am** and will primarily be held in The Board Room, Dock Offices, Barry Docks, Barry CF63 4RT unless otherwise notified. Subsequent

Vale of Glamorgan Local Development Plan

EXAMINATION

www.valeofglamorgan.gov.uk/ldp

sessions will normally start at 10.00 am, with a break for lunch at about 1.00 pm. A short break will be taken at convenient points in the morning and afternoon. The hearing session dates will be set out in the Draft Hearings Programme and are likely to take approximately eight weeks to complete over a four month period.

- 7.3 The focus of the hearing sessions will be on the soundness of the Plan, having regard to the tests of soundness. A separate hearing session of the Examination will be held for each of the main topics identified in the programme. The sessions will normally take the form of an informal round-table discussion where the Council and those who wish to be heard discuss the key points identified. This will provide a means of examining the issues by way of a discussion led by the Inspector. Participants may bring professional representatives with them 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. **There is no need for participants to have legal representation.**
- 7.4 At the start of each session the Inspector will set out a detailed agenda with the points for discussion on each topic. The discussion will focus on the 'Matters and Issues' identified in the agenda and the questions posed. The Inspector 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 the Inspector's guidance, drawing participants into the discussion in such a way as to enable them 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 sum-up the main points of their arguments if they wish.
- 7.5 Participants will be advised, **via email wherever possible**, when any statements invited by the Inspector (please refer to clause 10 of these notes) are published on the website and participants should familiarise themselves with these and any representations that are relevant to particular hearing sessions they are involved in (representations can also be viewed on the Examination website). The hearings will be conducted on the basis that everyone taking part has read the relevant documents, although participants will be able to refer to and elaborate on relevant points, as necessary.
- 7.6 The Inspector will endeavour to progress the hearing sessions in an effective and efficient manner, keeping a firm hand on the discussions and time taken. As part of that process, they will aim to minimise the amount of material produced that is necessary to come to informed conclusions on the issues, and will seek to avoid repetitious oral presentation or discussion which does not focus on the evidence.

8. Hearings Programme

- 8.1 The hearing sessions of the Examination are likely to last up to eight weeks over a four month period, including breaks. The Inspector and Programme Officer will draw up the Hearings Programme which will reflect the main topics for discussion and invited participants on each date.
- 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, and on occasion it may be necessary to extend the debate in the afternoon session. The Programme Officer will inform the participants of any late changes to the timetable, but **it is the responsibility of the participants to**

Vale of Glamorgan Local Development Plan

EXAMINATION

www.valeofglamorgan.gov.uk/ldp

keep themselves up to date with the arrangements and programme, principally by checking the Examination website.

9. Preparation and submission of further material

Examination Library

- 9.1 The Council has prepared a list of Submission Documents including all documents which have informed the LDP's development and their Evidence Base, all of which are available to view/download from the Examination website at www.valeofglamorgan.gov.uk/ldp. Anyone requiring to view paper copies of the Examination Library should contact the Programme Office to arrange a mutually convenient time. The Submission Documents also refer to relevant national policy and guidance, background papers, existing Structure and Local Plans, and any other documents the Council are likely to reference.
- 9.2 Participants should ensure that any additional documents they intend to refer to are added to the Examination Library by arranging for such documents to be sent to the Programme Officer (*one electronic and four paper copies will be required*).
- 9.3 Any further written submissions or other material requested by the Inspector will be added to the Library as it is submitted and participants should check the list via the Examination website regularly for updates.

Submission of further written statements and other material

- 9.4 The representations already made at deposit or alternative sites stage should have included all the points, documents and evidence to substantiate representors' cases. Participants should therefore not submit any further material based on their original representations. Please note that although representors may have made representations at earlier stages of the Plan process, the Inspector only has copies of representations made at the deposit stage onwards.
- 9.5 Any further written submissions sought by the Inspector from representors should address the Matters and Issues identified by the Inspector and be submitted in accordance with timescales set by the Inspector.
- 9.6 Essentially, when submitting further statements, the Inspector needs to know:
- Which particular part of the Plan is unsound? (the policy/paragraph/page of the Plan)
 - Which soundness test(s) it fails?
 - Why does it fail?
 - How can the Plan be made sound?
 - What is the precise change/wording that is being sought?
- 9.7 From the Council the Inspector needs a general response to the written statement on each topic, setting out why it considers the Plan to be sound and why the changes sought by other parties would make it unsound.
- 9.8 All submissions **should be succinct, avoiding unnecessary detail and repetition**. There is no need for verbatim quotations from the Plan or other sources of policy guidance. Nonetheless, it is vital that the fundamental elements of cases are set out clearly and succinctly, since the hearings are not the place for

Vale of Glamorgan Local Development Plan

EXAMINATION

www.valeofglamorgan.gov.uk/ldp

new points or evidence to be presented for the first time. Statements from representors should focus on the issues identified by the Inspector.

- 9.9 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. Statements of Common Ground can be a useful way of narrowing the issues in dispute, and should be submitted within the timescales set out above.
- 9.10 There is no need to prepare a further statement if all the points raised in the Matters and Issues, and the questions listed in paragraph 9.6 above, are already covered in the original representation, but it would be helpful for participants to notify the Programme Officer if they do not intend to submit further statements.
- 9.11 The Programme Officer will require **one electronic copy and four paper copies of all statements. A separate Statement for each hearing session topic is required and should be no longer than 3,000 words each.** Statements which are excessively long or contain unsolicited material may be returned.
- 9.12 Supporting technical evidence should be limited to appendices and should be clearly related to the case. Any supporting material should be limited to that which is essential. Extracts from any documents 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 representor's reference number as allocated by the Council.
- 9.13 There are limitations to the Council's ability to accept large documents submitted via email to the Programme Officer. Electronic documents over 10MB should be submitted on a CD or USB via post or by hand. **The Programme Officer will not be able to print, collate or bind large submissions and paper copies should be submitted as per clauses 9.11 and 9.12 above.**
- 9.14 All participants should adhere to the timetable for submitting further statements. Late submissions and additional papers are unlikely to be accepted on the day of the relevant 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, the Programme Officer will assume that no representations are to be made by that participant.

10. Availability of information

- 10.1 The Programme Officer will maintain an Examination Library at the Programme Office and online at the Examination website. This will contain the Submission Documents including copies of the Plan and associated documents as well as all representations. The Library will also include Examination Documents comprising, further representations, statements and related correspondence as received. The Library will be under the supervision of the Programme Officer, who will assist anyone wishing to view any document, provided reasonable advanced notice is given.
- 10.2 The Programme Officer will maintain a record of all documents submitted. The Examination Library List, the up-to-date Hearings Programme, Agendas and other

Vale of Glamorgan Local Development Plan

EXAMINATION

www.valeofglamorgan.gov.uk/ldp

relevant material for each session will be available at the venue on the day. Relevant information will also be included on the website.

- 10.3 Anyone who requires assistance or special facilities for disabled persons should contact the Programme Officer beforehand to enable appropriate arrangements to be made.
- 10.4 **Anyone wishing to speak in Welsh during any of the Hearing Sessions is requested to give the Programme Officer three weeks notice to allow time for translation facilities to be arranged.**

11. Site visit arrangements

- 11.1 As part of the Examination, the Inspector will carry out a familiarisation tour of the area, visiting locations referred to as necessary on an unaccompanied basis. If there are exceptional circumstances that justify an accompanied visit, participants should discuss this with the Programme Officer.

12. Close of the Examination

- 12.1 The Examination will remain open until the Inspector's report is submitted to the Council. However, the Inspector will not accept any further representations or evidence after the hearing sessions have finished except at his specific request. Any late or unsolicited material is likely to be returned.

13. Submission of Inspector's Report to the Council

- 13.1 After the Examination has closed, the Inspector will submit his report with binding recommendations to the Council. The date of submission will largely depend on the content, extent and length of the Examination, and the Inspector will confirm the likely date once the hearings sessions have been completed.

KEY DATES

Council submission of LDP for Examination	24 July 2015
Examination formally commenced (on receipt of all submission documents)	15 September 2015
Pre-Hearing Meeting	19 November 2015
Deadline for submission of written statements responding to Matters & Issues for Examination	To be specified with the publication of the Matters and Issues Agendas
Hearing sessions commence	Tuesday 19 January 2016