

## GUIDANCE NOTE FROM THE INSPECTOR

### Introduction

1. The examination for the London Legacy Development Corporation (LLDC) Local Plan began at the end of November 2014, when the plan was submitted to the Planning Inspectorate. My name is Jill Kingaby (Ms) and I have been appointed by the Secretary of State to conduct the examination. I shall be assisted by the Programme Officer, Mrs Claire Jones-Hughes, in the organisation of hearings and dissemination of relevant information.

### The Inspector's role

2. My task is to consider whether the Local Plan (the plan) meets the legal requirements and soundness criteria, and the duty to co-operate introduced through the Localism Act, 2011. The relevant soundness criteria are defined in the National Planning Policy Framework, March 2012, (NPPF), and state that a plan must be: 1) *positively prepared* (based on a strategy which seeks to meet objectively assessed development and infrastructure requirements); 2) *justified* (the most appropriate strategy when considered against the reasonable alternatives, and based on proportionate evidence); 3) *effective* (deliverable over its period and based on effective joint working on cross-boundary strategic priorities); and 4) *consistent* with national policy. Appendix A contains a list of useful publications and web sites for advice.
3. The examination is proceeding on the basis of the Local Plan Publication Version, August 2014 [Document LD/01 in the examination library]. The Table of minor amendments and corrections compiled following consultation on the plan between August and October 2014 will also be examined [LD/26].
4. The examination will have three main stages:
  - Gathering written evidence. I shall define the main Matters and Issues which arise from my reading of the plan, its evidence base and all the representations on it. All those who made representations on the publication version of the plan will have the opportunity to answer in writing the Questions which I shall define based on the matters and issues.
  - Hearings for the examination will open at 10.00 am on Tuesday 3<sup>rd</sup> March 2015 at London Legacy Development Corporation, Level 10, 1 Stratford Place, Montfichet Road, London E20 1EJ. Those who made representations **and have indicated to the Programme Officer that they wish to be heard** will be invited to attend the hearings. However, please note that it is not essential to take part in the hearings. Representations whether made in writing or orally at the hearings carry the same weight, and I shall have equal regard to all. Attendance at a hearing session will only be useful and helpful if (a) a debate to explore the perceived aspect of unsoundness and improve the Inspector's understanding is essential, and (b) ways to remedy the plan need to be explored through a debate.
  - Reporting After the hearings, I shall review all the evidence and prepare my report for submission to the Corporation. Once the report has been submitted, the examination ends.

### The Programme Officer

5. The Programme Officer (the PO) for the examination, Mrs Claire Jones-Hughes, is not a Corporation employee and she works under my direction. Mrs Jones-Hughes can be contacted as follows:

Address: 6 Brading Road, Brighton, BN2 3PD  
Telephone: 01273 381518 and 07737786425  
E-mail: bankssolutionsuk@gmail.com

6. The main tasks of the PO are to act as a channel of communication between all parties and myself; to liaise with all parties to ensure the smooth running of the examination; to ensure that all documents received are recorded and distributed; and to keep the examination library. Copies of the examination documents are on the examination web site <http://queenelizabetholympicpark.co.uk/Local-Plan-Examination> and paper copies are available to view during opening hours in the reception of the London Legacy Development Corporation offices, Level 10, 1 Stratford Place, Montfichet Road, London E20 1EJ. Any questions on the examination documents should be directed to the PO, who will also be able to provide information about the programme for hearings.
7. Any participant who has a disability that could affect their contribution to the examination /attendance at hearings should contact the PO as soon as possible so that any necessary assistance can be provided. Any other procedural questions or matters that you wish to raise with me prior to the hearings must be made through the PO.

### **Representations and Further Representations**

8. From the latest consultation exercise in August-October 2014, the LLDC received 1125 representations from 145 respondents. 77 parties have indicated their wish to appear at the hearings.
9. All those who consider the plan to be unsound or contrary to the relevant legal requirements will be invited to submit further written representations prior to the hearings on my Matters, Issues and Questions. **Please confine your further written statements to the questions posed. Answer only the questions which are relevant to your original representation,** and provide additional, detailed information to justify your position. It is unnecessary to repeat what you have already written. Answers to questions should be concise and statements should not exceed 3,000 words for each Matter. Statements which ignore the word limit may be returned for editing.
10. The starting point for the examination is the assumption that the Corporation has submitted what it considers to be a sound plan. Those seeking changes to it must demonstrate why the plan is unsound by reference to soundness criteria or the legal requirements.
11. It is most helpful for me to receive in the further written statements constructive comments and suggestions for re-wording of the policies and text where these modifications could potentially make the plan sound. All sides should work together during the examination process on possible modifications that could be made to the plan. Statements of common ground between representors and the Corporation are welcome.
12. **No written evidence should be submitted (i) after the deadline for sending in further written statements on the matter, issues and questions, (ii) during or (iii) after the hearing sessions have closed, unless the Inspector expressly invites it. The only exception to this would be a statement of common ground as described in paragraph 22 below.**

### **The hearing sessions**

13. **Representors who have not already notified the PO but wish to be heard must make this clear to her by 5pm 13<sup>th</sup> February 2015 at the latest. Those who fail to contact the PO by this date will be assumed to be content to rely on their written representations.**
14. A number of different topics will be discussed at the hearings. Each main matter will be the subject of a separate session. The format will provide a relaxed and informal setting for a discussion led by the Inspector enabling everyone to state their point of view. It is not necessary for those attending to be professionally represented but a professional

expert may act for a representor, so long as they engage in the discussions in an informal and non-adversarial way. **Please inform the PO in advance if you intend to be professionally represented and provide the person's name and position.**

15. The hearing sessions will follow agendas which I shall prepare after reading all the further statements with answers to my questions. I will draw those present into the discussion in such a way as to enable me to gain the information necessary to come to a firm conclusion on the matters and issues. All statements will have been circulated to other participants beforehand and read by me, so there will be no formal presentation of evidence. There will be an opportunity within the discussion to ask questions of the other side by way of the Inspector.
16. Thus, the hearings will be inquisitorial rather than adversarial. So that they should run in an effective and efficient manner, repetition of evidence should be avoided. A good point often repeated does not become a better point. **If a number of representors share a common viewpoint, they should nominate one spokesperson to represent their case at the hearings.**
17. At the hearings, I shall aim to work collaboratively with the examination participants in a proactive, pragmatic and problem-solving manner. Those taking part should be cooperative and willing to discuss potential changes which would overcome any unsoundness problems. The examination will not however deal with detailed "improvements" to the plan that do not affect its soundness.

### **The hearing programme**

18. A preliminary programme for the hearings, detailing dates and times to discuss the various matters will be available shortly. If there are any queries as to the programme, please raise them with the PO as soon as possible.
19. Should changes be required to the programme, it will be updated on the web site <http://queenelizabetholympicpark.co.uk/Local-Plan-Examination>. **It will be for individual participants to check on 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 hearing sessions are scheduled to start at 10.00am on the first day, although an earlier start (e.g. 09.30am) may be adopted on subsequent days if agreed to be necessary. A short break will be taken mid-morning and mid-afternoon. Lunch will be taken at around 1.00pm. We will aim to complete hearings at 5pm, but they may be extended if convenient and if the parties around the table agree to continue.

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

21. The Corporation has prepared an evidence base list that is available in the Examination Library <http://queenelizabetholympicpark.co.uk/Local-Plan-Examination>. The evidence base includes documents to which the parties may wish to refer. Accordingly, parties should not attach extracts of these documents to their statements but simply make a cross-reference with the appropriate library number, eg LD/01. Please be aware that the Government has produced national Planning Practice Guidance, which should be distinguished from the National Planning Policy Framework, but is designed to aid the practical application of national policy. This document has been published on-line only and can be accessed via [http://www.planningportal.gov.uk/uploads/pins/dpd\\_procedure\\_guide.pdf](http://www.planningportal.gov.uk/uploads/pins/dpd_procedure_guide.pdf). If necessary, selected extracts will be made available as hard copies to assist the hearing sessions in due course.

## Statements of Common Ground

22. Statements of Common Ground (SOCGs) with the Corporation are invited where these would help in identifying points in dispute or no longer in dispute, thereby assisting the hearings to concentrate on the outstanding contentious issues. SOCGs could for example include agreed wording of a modification to a policy criterion, agreed factual information or areas / the extent of partial agreement.
23. **Work on statements of common ground with the Corporation should commence now with the aim of completing them in time to feed into the relevant hearing statements and/or inform discussion at the hearings. The Corporation can be contacted at [planningpolicy@londonlegacy.co.uk](mailto:planningpolicy@londonlegacy.co.uk) to progress such statements.**

## Statements responding to Matters, issues and Questions

24. All Statements responding to the Inspector's questions should be sent to the PO by **midday on Tuesday 10<sup>th</sup> February 2015**. This deadline relates to the receipt of both **paper copies** and **electronic copies**. Additional or late material will not be allowed. All further written submissions in the statements should accord with the requirements given in paragraph 9 above and in Appendix B. Statements will be placed on the examination web site for reading prior to the hearings.
25. The statements from representors should make clear:
  - What part of the local plan is unsound.
  - Which soundness criterion it fails.
  - Why it fails.
  - How the plan can be made sound.
  - The precise change of wording to policy and/or text that you are seeking.

It is helpful if the Corporation can give answers to all my questions. The other parties should answer only those questions which follow from the representations they made in August-October 2014 to the Publication Local Plan.

## Reporting and post-hearings

26. After the close of the hearings, assuming the plan can be found sound, I shall prepare a report for the Corporation with my conclusions and details of any main modifications, which the Corporation has requested and I am able to make to secure a sound plan. It will be for the Corporation to determine whether any additional minor modifications are needed e.g. to correct typographical errors or alter paragraph numbering. I shall announce the expected date for completion of my report at the last hearing session. The report will deal with broad issues rather than individual representations.
27. If there is a request from the Corporation for additional significant ie. main modifications, it will be necessary to ensure that appropriate public consultation takes place and, if necessary, additional sustainability appraisal.

## Schedules of Main and Additional changes

28. If any additional main modifications are agreed and requested by the Corporation, these will be included in a Schedule of Proposed Main Modifications which will be placed on the examination web page. This will be updated as required and respondents should monitor this in case they wish, at the appropriate time, to comment upon such changes.

## Site visits

29. Where necessary, I shall visit relevant sites and areas referred to in the plan and/or representations before, during or after the hearings. If any participant feels that a site visit is essential they should advise the PO. I will normally carry out site visits alone unless I need to go on private land in which case the owner's representative and a Corporation or Council officer should accompany me.

## **Finally, regarding further written statements and hearing sessions**

30. I emphasise:

- I shall have equal regard to views put orally or in writing;
- the need for succinctness, respecting the letter and spirit of the 3,000 word limit on any necessary further submissions with short appendices,
- the need to meet the target date for the statements; and
- the need to focus on my Matters, Issues and Questions and the soundness criteria in the statements.
- the need for collaborative working with the Corporation, with the production of statements of common ground to overcome problems ahead of the hearings wherever possible;
- the need for a constructive and co-operative approach by all participants in the hearings, with a focus on problem-solving where soundness is perceived.

Jill Kingaby BSc(Econ), MSc, MRTPI (Inspector)

January

2015

## **Appendix A - 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 Planning) (England) Regulations 2012
- The Localism Act 2011

### **B. Government Policy and Guidance**

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

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (PPG) 2014

### **C. Planning Inspectorate**

- Examining Local Plans: Procedural Practice [The Planning Inspectorate, Dec 2013 (3<sup>rd</sup> Edition v.1)]

See: <http://www.planningportal.gov.uk/planning/planningsystem/localplans>

### **D. Examination and Evidence Base Documents**

The examination web site can be found at:

<http://queenelizabetholympicpark.co.uk/Local-Plan-Examination>

Paper copies are available to view during opening hours at the London Legacy Corporation offices, Level 10, 1 Stratford Place, Montfitchet Road E20 1EJ.

## **Appendix B - Format for further written representations**

- A. Please send, where possible, e-mailed electronic versions of all statements and appendices to the PO (in Word or PDF format) for the examination web site as well as the paper copies as detailed below.
- B. Statements should be prepared on A4 paper, printed on both sides, **not bound** but just stapled. Any photographs should be submitted in A4 format and should be annotated. If you are unable to supply electronic copies of your statement, please print single sided to enable fast scanning.
- C. Supporting material in the form of appendices to statements should be concise as explained above – a paragraph or page reference from large documents will often suffice. Any appendices should 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.
- D. Those **submitting further written representations** should submit **three hard copies** to the PO (for the Inspector, the Corporation and the PO).
- E. All statements should be clearly marked to indicate the name of the representor, the matter to which the statement is directed and the question that is addressed. Please do not include home addresses, telephone numbers or e-mails on the statement as these cannot be published and would need to be redacted. We should have your details on record and if there are any changes let the PO know under separate cover.
- F. All participants should adhere to the timetable for submitting statements. Both the hard copies and electronic copies must be received by the deadline. Late submissions, or additional material at a hearing session, **are unlikely to be accepted** since this can cause disruption and result in unfairness to other parties and the adjournment of the hearing. If material is not received by the deadlines stated below, the PO will assume that you are relying on your original representation:
  - Statements of Common Ground: in time to feed into Statements ideally, or before the relevant programmed hearing, if agreed.
  - All Statements responding to the Matters, Issues and Questions: by **midday on Tuesday 10<sup>th</sup> February 2015**.
  - **It is stressed that this last deadline refers to the receipt of both electronic *and* paper copies of statements.**
  - **All paper copies of statements should be addressed to the Programme Officer at the following address:**

**Mrs Claire Jones-Hughes**  
**Programme Officer**

**bankssolutionsuk@gmail.com**