

**Examination into the Joint Core Strategy for Broadland,  
Norwich and South Norfolk produced by the Greater  
Norwich Development Partnership**  
**Inspectors • Inspector Roy Foster MA MRTPI and Assistant Inspector  
Mike Fox BA(HONS) DIPTP MRTPI**



11 April 2010

**PRE-HEARING MEETING – 10.00 Thursday 13<sup>th</sup> May 2010**

I am writing to you regarding the Joint Core Strategy for Broadland, Norwich and South Norfolk. The Strategy was prepared by the three councils of Broadland, Norwich and South Norfolk, working together with Norfolk County Council as the Greater Norwich Development Partnership. The process of consultation for this Development Plan Document (DPD) has ended and the documents are now subject to scrutiny by way of an Examination, during which time independent Planning Inspectors will consider whether the DPD is “sound”. Please find enclosed a brief guide to the Examination process, which has been produced by the Planning Inspectorate.

**Appointment of Inspector**

Inspector Roy Foster MA MRTPI and Assistant Inspector Mike Fox BA(HONS) DIPTP MRTPI have been appointed to conduct the Examination.

I am the Programme Officer for the Examination and will deal with all procedural, administrative and programming matters. I am independent of the Greater Norwich Development Partnership and work directly with the Inspectors. All correspondence for the Inspector should be addressed to me.

**Pre-Hearing Meeting (PHM)**

The oral hearing sessions for the Examination are scheduled to commence on or about 28<sup>th</sup> June 2010. In preparation for this, a Pre-Examination Meeting will be held at **Thursday 13<sup>th</sup> May 2010** at:

King's Centre,  
King Street,  
Norwich,  
Norfolk NR1 1PH

The purpose of the meeting is to discuss the management of the Examination, including the overall programme, how representations will be heard and the timetable for the submission of supplementary statements. All parties who have made representations are welcome to attend, but those who wish to appear at the oral Examination may find it particularly useful.

I would be grateful if you could let me know as soon as possible if you wish to attend the PHM. You can do this either by email or telephone.

The venue for the Pre Hearing Meeting is accessible to the disabled and a hearing loop is included in the room to be used. If you have any specific requirements for this meeting or the Examination, which you would like to discuss, please contact me on the number above.

An agenda for the PHM and Guidance Notes for the Examinations are attached together with two page guide produced by the Planning Inspectorate showing how the process works. A Note of the PHM will be circulated to all respondents after the event irrespective of whether they have attended the PHM.

Please could you also check your details at the top of this letter. If any of your details are missing or incorrect, please amend as necessary and return this letter to me as soon as possible.

#### **Further information**

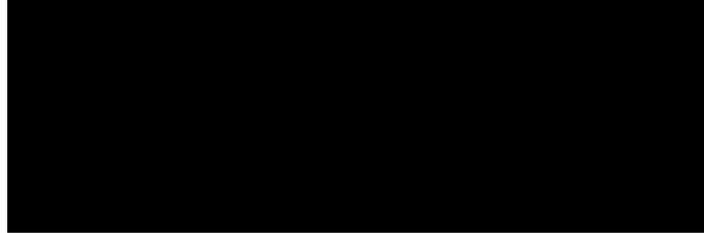
**The Inspectors have asked me to let you know that they have sent a letter to the Greater Norwich Development Partnership, dated 9<sup>th</sup> April 2010, raising some preliminary concerns about the soundness of the Joint Core Strategy and asking the Partnership to respond by Thursday 21st April . A copy of this letter and its reply will be placed on the Partnership's website at [www.gndp.org.uk/our-work/joint-core-strategy/stages-of-the-joint-core-strategy/](http://www.gndp.org.uk/our-work/joint-core-strategy/stages-of-the-joint-core-strategy/).**

Participants will be kept informed of the changes as and when they are made. If you have any queries regarding the process in the meantime, please contact me on the number above.

Yours sincerely

Simon Osborn  
Programme Officer

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**PRE-HEARING MEETING AGENDA**

**10.00 Thursday 13<sup>th</sup> May 2010**

**at**

**King's Centre,  
King Street,  
Norwich,  
Norfolk NR1 1PH**

- 1) Introductions – Inspectors and Programme Officer
- 2) The scope and purpose of the examination
- 3) The Purpose of the PHM
- 4) Procedural questions for the Council
- 5) Identification of main matters and key issues
- 6) Draft timetable for further statements on the matters
- 7) Arrangements for hearings and programme
- 8) Availability of information
- 9) Site visit arrangements
- 10) Close of the Examination
- 11) Any other business
- 12) Close

**Examination into the Joint Core Strategy DPD for Broadland, Norwich  
and South Norfolk produced by the Greater Norwich  
Development Partnership**

**GUIDANCE NOTES FOR PARTICIPANTS**

**Introduction**

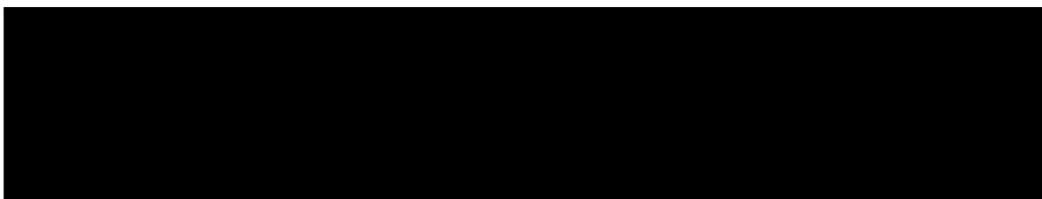
1. These Guidance Notes have been prepared to assist participants in the Examination into the soundness of the Joint Core Strategy for Broadland, Norwich and South Norfolk Development Plan Document (DPD). As part of the examination, hearings sessions will commence on or about 28<sup>th</sup> June 2010. A Pre-Hearings Meeting, at which procedural and administrative matters will be discussed, will held at 10.00 Thursday 13<sup>th</sup> May 2010.
2. These notes provide information to all who have made representations on the submitted DPD, whether you wish to take part in a hearing session or rely on your original representations. It is hoped that by providing these notes early in the process they will help make the Pre-Hearings Meeting (PHM) as useful and helpful as possible, as well as providing background information on the approach to examination hearing sessions. An up-dated version will be available after the PHM, reflecting what has been decided at that meeting. Everyone who has made representations may find the attached document entitled A Brief Guide to Examining Development Plan Documents, published by the Planning Inspectorate, useful. The Programme Officer can supply further copies should you need them.

**The role of the Inspectors**

4. The Inspectors appointed to examine this DPD are Mr Roy Foster MA MRTPI (Lead Inspector) with Mr Mike Fox BA(HONS) DIPTP MRTPI (Assistant Inspector). Their role is to consider whether the submitted DPD is sound and whether the requirements of the Planning and Compulsory Purchase Act 2004 and associated Regulations have been met. In considering whether the DPD is sound they will focus on the tests of soundness set out in paragraph 4.52 of the relevant Government guidance on Local Development Frameworks (PPS12). The Council should rely on evidence collected while preparing the DPD to demonstrate that it is sound. Those seeking changes to the DPD have to demonstrate why the document is not sound and how their suggested changes would make it sound.

**The Programme Officer**

5. Mr Simon Osborn has been appointed as the Programme Officer. His main tasks are to liaise with all parties to ensure the smooth running of the Examination, to organise the Hearings Programme, to ensure that all documents received both before and during the Hearings are recorded and distributed, and to keep the Examination Library. Copies of all the Examination documents, including the representation forms and written submissions, will be available in the Examination Library.



The Programme will be posted, when available, on the website;  
<http://www.gndp.org.uk/our-work/joint-core-strategy/stages-of-the-joint-core-strategy/>

## **THE PRE-HEARING MEETING**

6. The main purpose of the PHM is to explain and discuss the procedure for the Examination as a whole, including the management of any hearing sessions. The Inspector's list of matters and issues to be examined and a first draft timetable for the hearings sessions will be made available at the meeting.
7. All those who have made representations on the DPD, especially those seeking changes to it, are urged to attend or be represented at the PHM, as this will make the meeting more useful and assist with the subsequent running of the Examination. However, if attendance is not possible it will not prejudice any right to be heard by the Inspector during the Examination. The PHM is not intended as a forum for discussion of the contents or merits of the DPD, these are matters for the Examination itself.

## **THE EXAMINATION PROCESS**

8. The Inspector has already begun his examination of the submitted DPD. His initial list of the main matters, issues and key questions he wishes to deal with in his report will have been derived in part from his reading of the representations and the Council's assessment as set out in their Regulation 30(e) statement. The Programme Officer, in consultation with the Inspector, will produce lists of the representations which fall within or outside each of the identified matters.
9. It should be noted that not all representations will be covered by the list of matters to be examined further. Although the Inspector has to consider the representations this is only insofar as they relate to the tests of soundness set out in PPS12. Unlike the old system, the Inspector is not required to consider each and every point made in every "objection" or to report on them, but to use the representations as the starting point in considering whether the plan is sound.
10. An important difference between the DPD Examination process and the old local plan inquiry procedure is that there is no general opportunity for representors to supplement their representations. Nor is the Council invited to submit evidence to provide further justification for the contents of the DPD. The Inspector will assume this is all part of the submitted evidence base.
11. However, any person or organisation listed as having made a representation on a matter identified by the Inspector is invited to submit a statement addressing the key questions posed by the Inspector in relation to that matter. This material should not amount to substantive new evidence which goes beyond the scope of the original representation.
12. The Inspector will expect the Council to respond to his initial list of matters and key questions on the same basis as all other participants in the process.

## **Methods of examination**

13. The Inspector's initial appraisal of the soundness of the DPD is made from his reading of the plan, the documentary evidence which supports it and the representations made. He may decide that this is sufficient for his purposes

or he may consider that a more detailed discussion of the views expressed on a particular matter would be advantageous. In that case, he will arrange a hearing into that matter to which all those who made representations on an issue related to that matter, and have a right to be heard, will be invited. Most hearings will take the form of round-table discussions chaired by the Inspector.

14. Those who do not wish to participate at a hearing but who have made written representation on the subject matter will still be able to make further written submission on the Inspector's questions should they so choose (see paragraph 10 above) with the timescales set out below. All members of the public are most welcome to attend the hearings as observers.
15. Where no hearing is held into an identified matter the Inspector may still seek further clarification or expansion of aspects related to the soundness of the DPD. In such a situation he will invite written responses to his questions in the same timescale as for the hearing sessions.

### **The submission of statements**

16. All statements including those from the local planning authority in response to the Inspector's list of matters and key questions should reach the Programme Officer by not later than 12 noon on the date given at the PHM
  - They should be clearly marked in the top right hand corner with the relevant matter number and representor reference number
  - They should be limited to not more than 3,000 words on any one of the main matters (if more detailed material needs to be submitted it should be in the form of appendices (see below) but any such material should NOT duplicate the content of documents already included in the Examination Library
  - Be A4 size with any plans folded so as not to exceed that size
  - Include paragraph and page numbers
  - Show any measurements in metric units
  
  - Appendices should have a contents page and pages should be numbered consecutively. Where these and/or maps and other diagrams contain coloured material additional hard copies will be required and the requisite number should be checked in advance with the Programme Officer.
  
  - A separate statement should be submitted for each matter addressed.
  
  - Six hard copies of any statement should be submitted – with one of these copies being loose leaf. In addition a single electronic copy in MS Word format should be sent to the Programme Officer as an e-mail attachment by the deadline stated above.
  
  - In fairness to all prospective participants, a failure to submit statements by the stated deadline may be taken as an indication that the person or organisation concerned no longer wishes to participate and their original representations will be used to determine their concerns about the submitted DPD.
17. Those participants who have been identified from their representation(s) as having an interest in a matter being discussed at a hearing but who are unable or do not wish to attend the hearing may submit a written response

to the Inspector's supplementary questions as set out on the agenda. When the agenda is circulated it will state a date for the return of written responses otherwise it will be the date of the last hearing held.

18. Submissions should be succinct, avoiding unnecessary detail and repetition. There is no need for verbatim quotations from the DPD or other sources of policy guidance and it is vital that the fundamental elements of cases are set out clearly and succinctly. All statements should focus on the issues identified by the Inspector and on the tests of soundness and demonstrate why the plan is unsound and how it could be made sound. All statements should clearly indicate the policy/paragraph/page of the DPD and the relevant soundness test.
19. 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.

### **Arrangements for hearings**

20. With the draft list of matters and participants the Programme Officer will circulate a short questionnaire seeking confirmation as to whether you still wish to be heard by the Inspector or are content for your representation(s) to be considered in writing. If you elect to be heard this is likely to be done jointly with others who have an interest in the identified matter. There is no right to an individual hearing.
21. On the assumption that a number of hearings will be held, arrangements are being made for these to be during the weeks beginning 28<sup>th</sup> June 2010.
22. Hearings will be arranged between 10 am on the Tuesday and 5.00 pm on the Thursday in each week. Exceptionally a session may be arranged for Friday morning 9.30 am to 12.45 pm. There will be a one hour break for lunch with shorter morning and afternoon 'comfort' breaks. The length of individual hearings will vary according to the subject matter. A representor or a representative will be expected to attend at the agreed time and will not be given another opportunity should this be missed; the representation will be considered in writing.
23. The finalised programme for the hearings sessions will be issued as soon as possible after the PHM at which point the Council is required under Regulation 34 to give formal notice of the start of the hearings sessions.

### **Procedure at the hearing sessions**

24. The hearing sessions will be modelled on the procedures adopted at Examinations-in-Public, and used to examine Regional Spatial Strategies and the old-style Structure Plans. As stressed in PPS12, the Examination is conducted on inquisitorial lines and hearings will be of an informal nature, with no formal representation or cross-examination.
25. Discussion on those matters arising from the Core Strategy will focus on strategic issues, rather than particular sites or proposed developments. It will not normally be appropriate to debate the merits of individual development schemes or address specific land allocations, unless they are of strategic significance to the plan, since the Core Strategy does not deal with this level of detail. Subsequent development plan documents will deal with these matters. Similarly, national and regional policies as such will not be

debated, but the Examination will consider the application and implications of such policies if they directly affect the areas and topics covered by the Core Strategy.

26. The Inspector will prepare an agenda for each hearing raising any supplementary questions which may arise from the statements previously submitted. The agenda and questions are intended to structure and promote discussion at the hearing, and so may not be circulated in advance. There is no requirement for statements of evidence to be produced for the hearings and no new evidence will be accepted on the day. The hearing will be led by the Inspector and will take the form of a discussion around each of the questions set out in the agenda for the session.

### **The Examination library**

27. The Library will be updated and maintained by the Programme Officer during the Examination. It will comprise Reference Documents which are the background material (Planning Policy Statements and so on) and Examination Documents which are the administrative papers (Attendance Sheets, Examination Programmes etc) and documents submitted by the Council and respondents during the Examination period. Where possible electronic copies of library documents will also be available via the Examination website. To ensure availability, anyone interested in viewing any of the documents held in the library should first contact the Programme Officer.

### **Site visits**

28. The Inspector will make site visits before and during the Examination to see areas or sites that have been referred to. It is hoped that most of these will be unaccompanied but if, exceptionally, there are features that cannot be seen without going onto private land, a request for an accompanied visit should be made to the Programme Officer. The visit will then take place with the respondent (or respondent's representative) and a local planning authority officer present. No further discussion on the merits of the respondent's concerns is permitted during the course of the site visit.

### **Close of the Examination**

29. 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 unless he specifically requests further information. Any late or unsolicited material is likely to be returned.

### **Submission of Inspector's Report to the Council**

30. 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 at the end of the hearings sessions of the Examination.

### **MISCELLANEOUS MATTERS**

31. A detailed note on 'housekeeping' matters will be circulated after the PHM together with the note of that meeting. During the Hearing Sessions the Programme Officer will have an office at the venue. The Examination Library will be available for inspection at any time prior or during the

hearing sessions by arrangement. Reasonable requests for photocopying will be met wherever possible, subject to any charges that the Council may make. However, please note that requests to assist with producing representors' evidence or copy large volumes of material cannot be met.

32. Any participant who has a disability that could affect their contribution to the Examination should contact the Programme Officer as soon as possible so that any necessary assistance can be provided.



# The Planning Inspectorate

An Executive Agency for Communities and Local Government and the National Assembly for Wales

## A brief guide to examining development plan documents

**Development plan documents** set planning policies in local authority areas. They are very important when deciding planning applications. Independent planning inspectors must look at all development plan documents that local authorities in England prepare. The examination is the last stage of the process for producing a development plan document. The process should have fully involved everyone who has an interest in the document and they should have had the chance to comment.

### How do I get involved in the examination?

The authority will **publish** its development plan document for a minimum period of 6 weeks. It will put the document on its website and make it available at its office and other suitable venues, such as public libraries. The authority will also give notice that it has published the document by placing an advert in the local newspaper.

The authority will put a form on its website for you to make your comments (known as **representations**) on the development plan document. Or, you may ask the authority for a paper copy of the form to fill in. Their contact details will be on their website and in the newspaper advert. The authority will also provide a guidance note to help you fill it in and tell you where and when to send the filled-in form.

To make sure your representation is considered when the document is **submitted for examination**, you must make the representation during the consultation period which the authority will set. You should also let the authority know if you want to speak to the inspector at the hearing sessions.

### What form will the examination take?

In most cases, the inspector will hold a **pre hearing meeting** before the **hearing sessions** to discuss how he or she will manage the examination. The meeting will identify the main areas to be examined and a timetable will be produced for the hearing sessions. Everyone involved in the examination will be invited to attend the meeting.

The hearing sessions will usually involve concentrated discussions on a range of issues in a fairly relaxed atmosphere. Occasionally, where there are strongly opposed views on matters within the development plan document, the evidence may need to be tested more formally, with the relevant people putting their case forward with the help of legal representation.

The inspector will combine this approach with carrying out the examination through a process known as **written representations**. This is a procedure which allows the inspector to carry out the examination through written communications with the people who have an interest in the development plan document. If no-one uses their right to speak to the inspector, the inspector may choose to carry out the whole examination using written representations.

### How will the inspector make the assessment?

In carrying out the examination, the inspector will check that the authority has prepared the development plan document in compliance with the **legal requirements** and consider whether it is **sound**. There is no legal definition of 'sound' but in this context, to be sound, a development plan document should be justified, effective and consistent with National Policy. There is a short summary of the key legal requirements and soundness considerations in the text box over the page.

In assessing the document, the inspector will need to use his or her **professional judgement** based on the evidence available. The inspector will need to consider the whole development plan document and all of the representations made. If the inspector is not satisfied that he or she has enough information from the local authority to determine whether the development plan document is sound, he or she may ask the authority to carry out more work before the examination can be completed. The inspector may also want more details of the matters raised in the examination, and will set a timetable for receiving that information, before making his or her report.

The length of the examination will vary according to how complicated the document is and what representations have been made. The hearings sessions will usually take no more than 8 days. The overall examination process will be around 6 months for most development plan documents.

### What happens after the inspector has made the assessment?

After the examination, the inspector will produce a **report** for the local planning authority with his or her recommendations. The authority must make the changes recommended by the inspector in order to **adopt the development plan document**. The authority must publish the inspector's recommendations and tell those people who asked to be informed of its publication. The report should also be available for inspection at the authority's offices, any other suitable venues and on its website.

## In order to comply with legislation the inspector will check that the plan:

- has been prepared in accordance with the Local Development Scheme and in compliance with the Statement of Community Involvement
- has been subject to sustainability appraisal
- conforms generally to the Regional Spatial Strategy
- has regard to any Sustainable Community Strategy for its area
- meets the procedural requirements involving publicity and availability of the development plan document and related documents.

## The inspector will consider the soundness of the document in the context of whether it is:

1. 'Justified' - this means that the document must be:

- founded on a robust and credible evidence base
- the most appropriate strategy when considered against the reasonable alternatives

2. 'Effective' – this means that the document must be:

- deliverable
- flexible
- able to be monitored

3. Consistent with National Policy

## Key websites

The policy framework for development plan documents is set out in *Planning Policy Statement 12: Local Spatial Planning* which can be found at the Communities and Local Government website:

[www.communities.gov.uk](http://www.communities.gov.uk)

*The Plan Making Manual* provides a practical guide to the preparation of development plan documents and can be found at the Planning Advisory Service website:

[www.pas.gov.uk/planmakingmanual](http://www.pas.gov.uk/planmakingmanual)

Comprehensive guides on both the examination procedure and considering soundness can be found at the Planning Inspectorate's website:

[www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)

If you have a query about the content of this leaflet you may write to the **LDF Team, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN**. Alternatively, telephone **0117 372 8732** or email [LDF.team@pins.gsi.gov.uk](mailto:LDF.team@pins.gsi.gov.uk)

## Frequently asked questions

### 1 Can representations on a development plan document be made confidentially?

The local planning authority cannot treat the representations it receives as confidential. This is to make sure that you have a chance to identify other people who may have made a representation similar to yours.

### 2 What is the nature of the legal right to be heard?

You only have the right to be heard if you are seeking a change to the document. If your representation is in support of the development plan document, you cannot speak to the inspector unless invited.

If you want to use this right, you should consider how going to a hearing session, rather than setting out your case in writing, will help the inspector decide whether the document is sound. Written representations are treated with equal importance to appearances at the hearing sessions.

### 3 Do representations opposing a development plan document have to be related to legal compliance or soundness?

No, but it will help the inspector in the examination process if your representation seeking a change to the document focuses on legal compliance or soundness. Ideally, your representations should aim to show why the document is not legally compliant or unsound and what changes you think are needed to make it compliant or sound.

### 4 Will the inspector help me to make my representation at the hearing session?

Inspectors will make sure that people who are not familiar with an oral hearing are properly guided through the process. However, the inspector must be fair to other people who might not share your views and can only offer limited help.

### 5 Who will pay my costs if I go to the examination?

Everyone who attends a hearing session will be responsible for meeting their own costs.

### 6 Will I be able to identify specifically how my representation has been dealt with in the inspector's report?

The report will not summarise any representations considered during the examination. It will focus on whether the development plan document is legally compliant and sound overall, which the inspector's conclusions will cover.

### 7 What if I want to challenge the adopted development plan document?

Any person may challenge an adopted development plan document if they do not think that it meets the conditions of the relevant legislation. Applications must be made to the high court within six weeks of the date of the authority advertising that the development plan document has been adopted. You should get legal advice before starting this process.