

KNOWSLEY LOCAL PLAN:
CORE STRATEGY EXAMINATION

GUIDANCE NOTES FOR PARTICIPANTS

Introduction

1. These Guidance Notes are to assist those involved in the Examination into the Knowsley Local Plan: Core Strategy. The Core Strategy Submission Document (July 2013) was submitted for examination by Knowsley Council on 19 July 2013.

Inspector and Programme Officer

2. The Secretary of State has appointed a Government Planning Inspector, **Martin Pike** BA MA MRTPI, to hold an independent Examination into the soundness of the Knowsley Local Plan: Core Strategy.
3. The Programme Officer for the Examination is **Paul Morris**. He is acting as an independent officer for the Examination, under the Inspector's direction. He will be responsible for organising the programme of hearings, recording and circulating all material received and ensuring the smooth running of the Examination. **Any matters which participants wish to raise with the Inspector should be addressed to the Programme Officer.** Paul can be contacted on 0151 443 3077 or by email at programme.officer@knowsley.gov.uk. The postal address for correspondence is Paul Morris, Programme Officer, Knowsley Local Plan Core Strategy Examination, Municipal Buildings, Archway Road, Huyton, Merseyside, L36 9YU.

Pre-Hearing Meeting

4. A Pre-Hearing Meeting (PHM) will take place on Thursday 26 September 2013 at 2.00 pm. The purpose of the PHM is to explain and discuss procedural and administrative matters relating to the Core Strategy Examination. This will include details about the programme, further submissions and the procedure to be followed. **The content and merits of the Core Strategy and the representations will not be discussed at this meeting.**
5. An agenda for the PHM accompanies these notes. A note of the discussion at the PHM will be circulated after the meeting to all those who have made representations on the Knowsley Local Plan: Core Strategy Proposed Submission Version (2012).

Purpose and Scope of the Examination

6. The Inspector's task is to consider whether the Plan accords with all legal requirements and whether it is "sound". The soundness criteria are set out

in the National Planning Policy Framework ("the Framework")¹, namely that it is (1) **positively prepared** (based on a strategy which meets objectively assessed development and infrastructure requirements), (2) **justified** (the most appropriate strategy when considered against reasonable alternatives, based on a proportionate evidence base), (3) **effective** (deliverable over its period and based on effective joint working), and (4) **consistent with national policy** (enabling the delivery of sustainable development in accordance with the policies of the Framework). The Examination will focus on these tests of soundness

7. The starting point for the Examination is that the Council has submitted what it considers to be a sound plan. The Inspector is required to consider all the representations made to the submission document but only so far as they relate to the four matters of soundness (and legal compliance). The Inspector asks those seeking changes to the Core Strategy to demonstrate why the document is not sound and how the suggested changes would make it sound. The Inspector aims to work collaboratively with the Council and the Examination participants in a proactive, pragmatic and solution-orientated manner to deliver a positive outcome for the people of Knowsley Borough.

Modifications to the Submission Core Strategy

8. Minor changes, such as those which are necessary to deal with factual updating, clarification or correction, do not materially affect the policies of the Plan and are known as "**additional modifications**". These additional modifications can be made by the Council without the need for them to be examined; consequently they will not normally be discussed at the hearings or mentioned in the Inspector's report, though they can be included in the Plan ultimately adopted by the Council. The Council has already published some minor changes and is likely to suggest more. Additional modifications should be cumulatively listed on the Core Strategy Examination page of the Council's website on a regularly updated basis.
9. Changes which materially affect the policies of the Core Strategy and are necessary if the Plan is to be found sound (or to satisfy legal requirements) are known as "**main modifications**". They can arise if the Council accepts the need for a material change to the Plan in response to new evidence, or the Inspector may decide that main modifications are necessary to make the Plan sound. Main modifications must be subject to the same process of publicity and opportunity to make representations as the submitted plan. This can lead to the need for adjournments and delay the process of Examination. Any potentially significant modifications should be specified at the earliest possible stage and discussed between the relevant parties.
10. If main modifications are required to the Submission Core Strategy, the process of publicity, consultation and, if necessary, sustainability appraisal is likely to occur after the Hearing sessions.

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<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicyframework/>

Inspector's 'Matters, Issues and Questions' and further Statements

11. The topics for discussion at the Hearings will be set out by the Inspector in a "Matters, Issues and Questions" document to be issued before the PHM. The issues and questions will provide the structure for any further Statements prior to the Hearings. A draft Hearings Programme will also be issued at this time.
12. Those representors who are content to rely on their previous written submissions need take no further action. **If anyone wishes to make a further written Statement in support of their representation, it should be succinct and focused on the issues identified in the relevant "Matters, Issues and Questions" document.** It is not necessary to repeat representations already made, nor should new topics or issues be introduced at this stage. Please note that although representations may have been made at earlier stages of the plan process, the Inspector only has copies of representations made in response to the Core Strategy Proposed Submission Version (November 2012).
13. Representors submitting further written Statements should explain:
 - What particular part of the Plan is unsound (or not legally compliant)?
 - Which soundness criterion or legal requirement does it fail?
 - Why does it fail?
 - How can the plan be made sound or legally compliant?
 - What is the precise change and/or wording that you are seeking?
14. From the Council, Statements should be submitted to address each item on the "Matters, Issues and Questions" document. The Council may, if necessary, include any suggestions for modifications to the Plan.
15. All **further Statements** should be submitted to the PO by 5.00 pm on **Monday 21 October 2013**. This deadline relates to the receipt of both electronic and paper copies. The detailed format for Statements is set out in Appendix A. Statements will be placed on the Examination website.

The Hearings

16. The Hearings will be structured but informal sessions dealing with issues by way of a discussion led by the Inspector. Most will have a number of participants and will follow a 'round table' format. It is not necessary for parties to be professionally represented, though expert advisers may attend. There will be no cross-examination so legal representation should not be necessary; any barristers or solicitors will be treated as part of the representor's team. The Inspector will ensure that everyone has the chance to explain the nature of their concerns, thereby helping him to come to a conclusion on the soundness of the Core Strategy.
17. The Hearings will concentrate on the Inspector's "Matters, Issues and Questions", guided by Agendas which will address any additional matters raised in the further written Statements. Before each Hearing the Inspector will have read all the Statements submitted in response to his questions; he

will assume that the participants will also have read the other submissions relevant to that session. Thus there will be no formal presentation of evidence or repeating of cases already made, though there will be an opportunity within the discussion to ask questions of other parties. No new evidence or documents should be submitted at the Hearings or afterwards unless specifically requested by the Inspector.

18. The **Hearings will commence on Tuesday 5 November 2013** and will be held at the Gallery Room, Huyton Suite, Civic Way, Poplar Bank, Huyton, L36 9GD. It is currently anticipated that about 9 days will be required over three weeks, with three sitting days each week. Two Hearing sessions will normally be programmed each day, from 10.00am to 1.00pm and 2.00pm to 5.00pm, each with a short mid-session break. Please inform the PO if you have any time constraints or a disability which could affect your contribution to the Examination.

Attendance at Hearings

19. Respondents have already indicated whether their views should be dealt with in a written form or discussed orally at a hearing session. **Both methods carry the same weight and the Inspector will have equal regard to each.** Whilst Hearings are open to all, only those who have made representations seeking changes and who have indicated that they want to participate will be entitled to speak. There is no need for those supporting or merely making comments on the Plan to take part, though they may attend as observers.
20. It is possible that the draft Hearings Programme may change closer to the start of the Hearing sessions. Whilst the PO will endeavour to keep people informed, **it is the participants' responsibility to keep in contact and ensure that they attend the appropriate sessions.**

The Evidence Base and Examination Library

21. The Council has made available in the Examination Library the Core Documents which constitute the evidence base for the Plan. These are available to view on request through the PO and most are available on the Council's website, which will be regularly updated. Accordingly, parties should not attach extracts of these Core Documents to their statements. The further written Statements and other documents will be added to the Examination Library as they become available.

Statements of Common Ground

22. The Inspector invites Statements of Common Ground where they would be helpful in identifying points not in dispute, thereby helping the Hearings to concentrate on the key issues that require discussion. Such statements could, for example, include agreed factual information, agreed wording to a suggested change to a policy or paragraph, or clear identification of areas or points which remain in dispute. If appropriate, this work should start now with the aim of completing them in time to feed into the relevant Hearing statements.

Site Visits

23. The Inspector may carry out site visits before, during and after the Hearing sessions. These will be carried out on an unaccompanied basis unless it is necessary to go onto private land to see relevant features. If accompanied visits are deemed necessary, the Inspector should be accompanied by a representative of the landowner and the Council. Arrangements for any accompanied visits should be made through the PO.

Close of the Examination

24. At the end of the final programmed Hearing the Inspector will adjourn proceedings in case it should be necessary to return at a future date. However, unless requested by the Inspector, no further submissions should be made.

25. The Inspector will submit a report to the Council with his conclusions and recommendations on any changes necessary to achieve soundness. The Inspector will focus on the broad issues identified in the Matters, Issues and Questions and **will not** report on each representation individually. If he concludes that "main modifications" are necessary to the Core Strategy to make it sound or legally compliant, there will be a delay to allow consultation to take place. The Inspector's final report will take into account the responses to that consultation.

Finally, the Inspector urges everyone to:

- Ensure that all timescales and deadlines are adhered to;
- Ensure that all further Statements focus on the Inspector's 'Matters, Issues and Questions' and the soundness criteria of the Framework;
- Be aware of the Examination documents and keep in touch with the Hearings programme by looking at the website and/or contacting the PO.

Martin Pike

INSPECTOR

23 August 2013

Appendix A – Format for Statements

- A. Statements should be succinct, avoiding unnecessary detail and repetition of what has already been provided. You should only answer the Inspector's questions insofar as they relate to the content of your original representation.
- B. It is the quality of the reasoning that carries weight, not the bulk of the documents. There is no need for verbatim quotations from Core Documents or Government policy and guidance, cross references will suffice where necessary.
- C. None of the Statements should be longer than **3,000 words**. Statements which are excessively long or contain irrelevant or repetitious material will be returned by the PO for editing. They should be on A4 paper, printed on both sides, **not spiral bound** but punched with two holes for filing. Plans or diagrams should fold down to A4 size, and any photographs should be annotated.
- D. Supporting material in the form of **Appendices** should be restricted to that which is essential and should not contain extracts from documents that are already in the Examination Library. Any Appendices should have a contents page and be paginated throughout. Whilst the word limit does not include Appendices, they should respect the aim of succinctness.
- E. **A separate statement should be submitted for each of the Matters specified by the Inspector.** To minimise the production of hard copies, representors are encouraged to access the statements of other participants via the Core Strategy Examination page of the Council's website. **Those appearing at Hearings** should send **six** copies of all Statements to the PO (for the Inspector, Council, PO, Library and a couple spare for persons without access to the website). For **written representations**, only **four** copies need to be submitted. In addition, an electronic copy of Statements and Appendices should be sent to the PO (in Word or PDF format) for the Examination web page.
- F. All Statements must be headed with the representor's name and be clearly marked, in the top right hand corner of the first page, with the appropriate **Matter number** and **Representor reference**. If you are unclear about the Representor reference or which Matter is relevant to your objection, please contact the PO.
- G. **All Statements, both paper and electronic, should reach the PO by 5.00 pm on Monday 21 October 2013.** Late submissions and additional material are unlikely to be accepted since this can cause disruption and result in unfairness, and might result in adjournment of a Hearing. If material is not received by the above deadline, the PO will assume that you are relying on the original representations.