

**EXAMINATION OF THE CORNWALL SITE ALLOCATIONS
DEVELOPMENT PLAN DOCUMENT**

GUIDANCE NOTE FROM THE INSPECTORS

Notes

- i. *This document relates only to the Cornwall Site Allocations DPD (CSADPD). Although the same Inspectors are appointed to the Minerals Safeguarding DPD, that Plan is being examined independently and separate guidance has been issued.*
- ii. *The following guidance should be kept for reference throughout the Examination. It should be read in conjunction with Procedural Practice in the Examination of Local Plans – The Planning Inspectorate June 2016 (4th Edition v.1) [available at <https://www.gov.uk> or from the Programme Officer]¹ and with the accompanying letter from the Programme Officer and the Draft Schedule of Matters and Issues attached.*
- iii. *Document References in [italic square brackets] are to the Examination Library List which can be viewed on the Examination web page or obtained from the Programme Officer (PO).*
- iv. *Items in **bold italic** are for particular note or action.*

Key Dates

Friday 29 December 2017

Advise Programme Officer of Participation.
Council provide requested clarification to evidence

Friday 19 January 2018

Firm Programme and Hearing Details

Friday 2 February 2018

Position Statements submitted.

Tuesday 27 February 2018

Opening Hearing Session on Legal, Procedural matters and
Initial discussion of certain Plan-wide issues.
First individual town sessions

*The Council web site or the PO should be
consulted on further dates and the progress of
the Examination*

¹ <https://www.gov.uk/guidance/local-plans>

Introductions

1. The appointed Lead Inspector is Brian J Sims BSc(Hons) CEng MICE MRTPI assisted by Thomas Bristow BA MSc MRTPI.
2. The Programme Officer (PO) is David Coulthard. The PO is not an officer of Cornwall Council but acts as an independent officer of the Examination under the direction of the Inspectors. He is responsible for the organisation and administration of the Examination, keeps the Examination Library and provides a central point of contact for all parties. No one should attempt to contact the Inspectors directly. This is in order to protect their impartiality.
3. It may be noted that Inspector Thomas Bristow has determined a number appeals in Cornwall. However, none of these are considered to be of significance in relation to the SADPD such that any conflict of interests would arise. Moreover every appeal is decided and the soundness of every local plan is considered on its particular merits. In the unlikely event of a conflict of interest affecting either Inspector, the other would take the lead in examining that aspect of the CSADPD.
4. Details of how to contact the PO are as follows:

Programme Officer: David Coulthard

St Austell One Stop Shop
39 Penwinnick Road
St Austell
Cornwall
PL25 5DR

Telephone: 01726 223445

Mobile: 07483 152749

Email: programmeofficer@cornwall.gov.uk

5. Cornwall Council will be represented by:

- Matthew Brown
- Louise Wood
- Phil Mason
- Marcus Healan
- Matthew Williams
- Zoe Bernard-John
- Rob Lacey

and other officers as appropriate.

Hearing Venues

6. Where oral Examination Hearings are required, they will take place at several venues according to the location of the towns concerned, as detailed in the attached ***First Draft Programme of Hearings***.

Starting Point and Purpose of the Examination

7. The basis of the Examination is the Cornwall Site Allocations Development Plan Document (CSADPD) [A.1] as published for consultation under Regulation 19 from 12 June to 7 August 2017.
8. The Inspectors will first consider whether the Plan is compliant with legal requirements and the Duty to Co-operate as set down in the National Planning Policy Framework (NPPF) and legislation².
9. Otherwise the Examination is an independent check on the soundness of the Plan, concentrated mainly on whether its town strategies and allocations of sites for development are justified and effective, in terms of the adopted Cornwall Local Plan Strategic Policies 2010-2030 (LPSP), in particular the relevant Community Network Area (CNA) Sections [E.1; E.1.1] and the robustness of the evidence base supporting the CSADPD itself.

Representations

10. The Council has exceptionally accepted and placed before the Examination seven late representations [65f] [231b] [319] [320] [321] [323] [324], as these were received prior to the formal submission of the Plan. These representations will be considered alongside all the duly made representations.

Modifications to the Plan

11. The Council has formally requested under section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended) that, should the need arise, the Inspector recommends such Main Modifications (MMs) as may be necessary to make the Plan sound [**CC.S2**].
12. Additional minor modifications not affecting soundness but improving accuracy or clarity may be put forward by the Council but are not themselves for examination.
13. Any proposed MMs will be made subject to further public consultation, when all representations will be taken into account before any recommendation for their adoption is made.

Post-Submission Correspondence and Evidence

14. Since the submission of the Plan for examination, the Inspectors have issued a Preliminary Note Ref [**INSP.S1**] and an Initial Note [**INSP.S2**] to the Council, posing a total of fifteen specific questions relating to administration of and approach to the Examination (Q1-8) and planning

² The Town and Country Planning (Local Planning) (England) Regulations 2012
The Localism Act 2011 Section 112

evidence (Q9-15). The Council has responded considerations issues and planning issues . The Council has provided written responses refs [CC.S1] (Q1-8) and [CC.S2] (Q9-15). These documents are now part of the Examination Library and evidence to the Examination.

15. The Inspectors are seeking by Document [INSP.S6], further clarification in the presentation of certain of the evidence, mainly relating to housing supply and delivery. The Council is expected to provide a further written response by 29 December, which will be forwarded to all Representors, in time for any further written responses before the Examination Hearings take place. (see the *First Draft Programme INSP.S5*)

Scope of the Examination – Alternative or ‘Omission’ Sites

16. It is not for the Inspectors to seek to improve the Plan or make it “more sound”. The Inspectors will make recommendations for MMs only where necessary to ensure soundness.
17. There will accordingly be no oral sessions on “omission sites”. That is because the Plan is the property of the Council and the community. In the spirit of Localism it is not for the Inspectors to recommend specific alternative sites or land uses. Such concerns will be considered with respect to the rationale for the identification and selection of sites with reference to the adopted LPSP and its CNA objectives and provisions. In the event that the Plan were to be found unsound with the sites it allocates, the Council would be asked to consider and propose additional or alternative sites as Main Modifications (MMs) to the plan for further consultation.
18. Nevertheless, Representors promoting sites or uses not allocated in the Submitted Plan have a right to be heard in support of a duly made objection. However, an objection to the “omission” of a site is, in effect, an objection to the site selection process or the deliverability of development land or the town strategy and will be redirected and heard, as such, in the appropriate sessions reserved for those issues or, if necessary, in a general session.
19. Where matters of current existing development or specific applications for planning permission (for example for student accommodation in Falmouth) are of understandable concern to Representors, these are for separate consideration in relation to development management or the determination of individual planning applications or appeals. They are not directly matters for this Examination.

Appearances and Written Evidence

20. Equal weight will be given to the original written responses to the Submission Consultation as to oral submissions. Representors seeking a change to the Plan therefore need only exercise their right to be heard when they wish to discuss matters with the Council and the Inspector.

21. Before deciding whether to appear, Representors should study the Summary of Issues and Council Responses [C.1-14] to note how the Council may have dealt with their concerns.
22. Persons and organisations of a similar point of view are urged to combine together because the Inspector will not allow repetition. The PO will assist in such arrangements.
23. Occasionally, the Inspector may invite a person or organisation who has not expressed a wish to appear to take part in a Hearing where this would be advantageous to his understanding of the evidence.

Position Statements

24. In order to assist all participants preparing for the Hearings and to facilitate focussed discussion, the Council and ***all Representors intending to appear are invited to submit a Position Statement (PS) for each matter they are invited to discuss.***
25. The interval between the publication of the firm programme and the date for submission of the PSs is short. However, ***Representors are advised to consider in advance the content and presentation of their PSs in light of the accompanying Schedule of Matters and Issues.***
26. ***PSs must be sent to the PO no later Friday 2 February 2018***, three working weeks before the first Hearing, setting out in ***a strict maximum of 3000 words per Matter*** the Council's or Representors' position on the issues of concern. No rebuttal papers will be accepted.
27. ***The submission of a PS must not be taken as an opportunity to submit new responses or fresh evidence.*** The PS must not be accompanied by any appendices. ***Reliance must be placed essentially on the Original Response to the Submission Plan, which is taken as the complete case for the Representor.***
28. ***PSs will only be accepted if they bear the name of the Representor and the Hearing to which they relate and are printable to A4 paper format. They will not be accepted with special title sheets or binding.***
29. ***The PS would helpfully make cross-reference to the Original Response. Alternatively, Representors may choose to rely entirely upon their Original Representation, advising the PO accordingly. Such cross-reference should be by Representation Number with reference to the Examination Database held by the PO.***
30. ***Four paper copies of the PSs are to be submitted to the PO for distribution to the Inspectors, the Council and a copy for the Examination library. Additionally, an electronic copy is required for posting on the examination website and to enable the PO to circulate all PSs participants of the Hearing sessions.***

31. Once the Hearing Sessions are completed the Inspector will not accept further written information from anyone unless he has himself requested it. Any unsolicited items will be returned.

Provisional Schedule of Matters and Issues for Discussion and Programme of Hearings

32. The Inspectors have prepared a Schedule of Matters and Issues for consideration and provisional Programme of Hearings. This is attached.
33. Where Representors have raised a matter of soundness not identified by the Inspector but still wish to appear, a suitable item will be added to an appropriate Hearing session. ***If any Representor considers that an additional item is required, this should be raised with the PO at the earliest opportunity.***
34. A firm programme will be drawn up as soon as possible after responses to the invitation to participate are known and published by 5 January 2018. The Inspectors will issue an Agenda to structure the discussion at each Hearing, normally shortly before the date that the Hearing is to take place. The Agenda will often identify which speaker may be invited to open discussion on any given points.

Conduct of Hearings

33. Examination Hearings are inclusive, relatively informal, round table sessions, where the sitting Inspector leads a discussion on the matters of soundness he has identified from the representations and the evidence base of the Council. The Inspectors will deal with the Duty to Co-operate and any other points of Legal Compliance immediately after opening the first Hearing session.
35. Only very exceptionally would formal cross-examination be permitted and then only in response to convincing submissions in advance that this is essential to the proper testing of the evidence on a particular point.
36. When invited to take part in a Hearing session, participants on arrival are asked to find their nameplate and take their place at the table. During the discussion, the nameplate can be stood on end to indicate a wish to speak. Only one seat is provided per Representor but participants may change round during the proceedings according to their subject of interest. In view of their particular position in covering the whole Plan, two or sometimes more Council representatives may sit at the table, depending on the subject under discussion.
37. Representors are requested to keep in touch with the PO or the Council Examination web page regarding the programme. Generally sessions are held on Tuesdays to Thursdays from 10am to 5pm with a break for lunch and short mid-session adjournments.

38. Members of the public not involved in the Hearings may of course attend to observe.

Document Library

39. The Document Library is available to view via the Council website or the PO. An updated Library List will be displayed on the website with links to electronic versions of all Documents.

Site Visits

35. The Inspectors will carry out a tour of the County to familiarise themselves with the area. Where necessary, the Inspectors will visit sites referred to in the representations, normally unaccompanied, save where access might be required to private land. In that case, the PO will arrange a suitable date and time for an accompanied visit.

Report by the Inspectors and Close of the Examination

36. The Inspectors will not complete their Report until they are satisfied that all Representations and other evidence have been taken into account and that they have gathered all the information they require to form reasoned conclusions on any matter of soundness.
37. In line with established current practice, the Report will be as brief as possible, consistent with dealing with all matters of legal compliance and soundness and will not rehearse the individual arguments of Representors. The essential focus of the Report will be upon any Main Modifications required to ensure the soundness of the Plan.
38. The Examination itself will be formally closed on delivery of the Report to the Council.

Next Steps

39. ***If you consider that the attached draft Schedule should include matters or issues other than those listed or if you have any queries on any aspect of the Examination process, please contact the PO as soon as possible.***
40. ***Please confirm to the PO by Friday 29 December 2017 whether you wish to attend a Hearing and upon which Issue or Issues you wish to speak.***
41. ***Representors are advised to begin preparation of Position Statements on the basis of the accompanying schedule of Matters and Issues, in order submit them to the PO by the due date of Friday 2 February 2018.***

Brian Sims

Lead Inspector

11 December 2017

Thomas Bristow

Inspector