

EXAMINATIONS OF THE BROMSGROVE DISTRICT PLAN (BDP) and
BOROUGH OF REDDITCH LOCAL PLAN No. 4 (BORLP4)
GUIDANCE NOTES

1. These notes have been prepared to assist participants in the examinations into the soundness of the Bromsgrove District Plan (BDP) and the Borough of Redditch Local Plan No. 4 (BORLP4). These examinations are being held concurrently and will include several joint hearing sessions as well as separate sessions relating to each Local Plan. A draft hearings programme and statement of the Inspector's Matters Issues and Questions will be issued in due course.
2. The Inspector has already raised some queries about the Local Plans' housing evidence base in a written exchange with the Council (available on both examination websites¹). As a result, the Inspector will hold two initial hearing sessions on **16-17 June 2014**. These will address the following general matters in respect of both examinations: Objective Assessment of Housing Needs; Duty to Co-operate; and the approach to meeting anticipated housing needs from the major urban area. They will not deal with other policy issues or any site-specific representations. The dates for the remainder of the hearings will be finalised in due course, but are unlikely to take place before September 2014.
3. A Pre-Hearings Meeting will not therefore be held. More detail about how the hearings will operate is set out below, together with general information about the examinations. Planning Inspectorate guidance *Examining Local Plans: Procedural Practice* (2013) can be found on the Planning Portal².

The role of the Inspector

4. **Michael J Hetherington BSc(Hons) MA MRTPI MCIEEM** has been appointed to examine the Local Plans. His role is to consider whether the Plans are sound and whether the requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and associated Regulations have been met. The Councils should rely on evidence collected while preparing the Plans to demonstrate that they are sound. The National Planning Policy Framework³ (at paragraph 182) explains that in order to be sound, a Local Plan should be **positively prepared, justified, effective** and **consistent with national policy**. Those seeking changes have to demonstrate why the Plans are not sound and why their suggested changes would make it sound. Further guidance on Local Plans, and associated matters, is contained in the national Planning Practice Guidance⁴.

The role of the Programme Officer

5. **Helen Wilson** has been appointed as the Programme Officer (PO), acting as an impartial officer for the purposes of both examinations. Her contact details are circulated with this guidance note. Her principal functions are to ensure the

¹ <http://www.bromsgrove.gov.uk/cms/environment-and-planning/planning/strategic-planning/bromsgrove-district-plan.aspx>
<http://redditch.whub.org.uk/cms/environment-and-planning/planning-services/planning-policy/development-plan/local-plan-no-4-examination.aspx>

² <http://www.planningportal.gov.uk/planning/planningsystem/localplans>

³ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

⁴ <http://planningguidance.planningportal.gov.uk/>

smooth running of the examinations and to assist the Inspector with procedural matters. She is your first point of contact.

The Examination Process

6. The Inspector will run the examination hearings as efficiently as possible, keeping a tight rein on the discussions and time taken. Repetition will be discouraged. The aim is to conduct a short, but focussed, series of hearings – resulting in the preparation of a short, focussed report. Those who have made representations should have already decided whether their views can be dealt with in written form or whether they need to come and present them orally at a hearing session. Both methods will carry the same weight and the Inspector will have equal regard to views put orally or in writing.
7. As explained in *Examining Local Plans: Procedural Practice*, representors who are *supporting* the submitted Plans do not have a right to appear. The starting point for the examinations is the assumption that each Council has submitted what it considers to be a sound Plan. Supporters will not be seeking a change to the Plan and therefore a firm line will normally be taken against supporters' requests to appear, since their position is represented by the Council concerned.
8. For the avoidance of doubt, the examinations will be based on the **Bromsgrove District Plan Proposed Submission Version** and the **Proposed Submission Borough of Redditch Local Plan No. 4**, both published for consultation in September 2013. Further changes have been proposed by both Councils⁵, which will be considered during the examinations. Changes to the Plans that are being sought by other parties will also be considered. However, in line with relevant national guidance, the Inspector's report will not normally comment on individual representations: as already noted, its focus will be on the Plans' soundness.
9. Anyone wishing to take part in the hearing sessions should confirm their participation with the PO by **5pm on 5 June 2014**. The Inspector will only be hearing those parties who have made such arrangements: representors will be allocated to sessions that are relevant to the changes that they are seeking. Any representors who intend to speak and have not contacted the PO should do so before this date. It is open for any representor to submit an additional statement in advance of the hearings. However this is not a requirement and representors can rest on their main submissions: if so, they need take no further action.
10. If a further statement is submitted, it should be focussed upon the matters, issues and questions to be identified by the Inspector and should be sent to the PO for receipt by **5pm on 5 June 2014**. The requirements for such statements are:
 - Statements 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 but any such material should not duplicate the content of documents already in the examination library (see the examination website).
 - Two paper copies of any document should be provided, with an electronic copy if possible (in MS Word or .pdf format). Excessively large files may not be able to be accepted.
 - Paragraph and page numbers should be included.
 - A separate statement should be submitted for each matter addressed.
 - It should be made clear which examination the statement refers to.
11. The need for succinct submissions is emphasised. Unnecessary detail and repetition should be avoided. It is the quality of the reasoning that carries weight, not the bulk of the documents. Nonetheless, it is vital that the

⁵ Bromsgrove DC reference CD1.3; Redditch BC reference CD1.2.

fundamental elements of cases are set out clearly and succinctly – the hearings are not the place for new issues to be introduced.

12. From the Councils, a statement will be required setting out their responses to the Inspector's questions, explaining why they consider their Plan to be sound in line with national planning policy. This should be submitted within the same timescale. While it is not necessary to prepare detailed responses to all of the representations, the Councils may wish to respond to representations that they feel are of particular significance or concern. However, specific comments will be required from the Councils on the merits of alternative site allocations being promoted by representors. In all cases, further discussion between the Councils and representors is encouraged – ideally leading to statements of common ground.

Hearing Arrangements and Procedure

13. The initial hearing sessions will take place on **Monday 16 June and Tuesday 17 June 2014** at the **Council Chamber, Redditch Town Hall, Walter Stranz Square, Redditch, B98 8AH**, starting at 10.00am. A short break may be taken mid-morning and mid-afternoon, with lunch at about 1.00pm. They are public hearings and interested persons are welcome to sit in, even if not taking part.
14. Any participant who has a disability that could affect their contribution to the examination hearings should contact the PO as soon as possible so that any necessary assistance can be provided. Any persons wishing to film or record the hearing proceedings should contact the PO beforehand.
15. The sessions will take the form of **round table sessions**, providing an informal setting for dealing with issues by way of a discussion led by the Inspector. Those attending may bring with them professional advocates and witnesses, although there will be no formal presentation of evidence or cross-examination. The PO will ask hearing participants who will be speaking at the sessions. More detailed agendas will be circulated before the hearings. Comments should focus on those aspects of the Plans that parties are seeking to change: as already noted it is for the Councils to explain why they consider the Plans to be sound as submitted.

Site Visit Arrangements

16. The Inspector will view relevant locations from public roads and footpaths before or after the hearing sessions. This will be done unaccompanied by the parties, unless it is considered that an accompanied visit is necessary – for example where the site concerned cannot be seen from public land. In such cases, the PO will liaise with the parties to make arrangements. Accompanied site visits will not be the opportunity for discussion of the merits of the cases concerned.

Close of the Examinations & the Inspector's Reports

17. Once the Inspector has gathered all the information necessary to come to reasoned conclusions on the main issues, he will write his reports. If he is asked by the Council concerned to recommend changes to make a Plan sound ('main modifications'), these will normally be the subject of a separate consultation exercise – which may itself result in a reopened hearing session (or sessions). Each examination remains open until the Inspector's report is submitted to the Council. Once the hearing sessions are completed the Inspector can receive no further information from any party, unless it is a matter on which further comments have been requested (or a specific consultation exercise in respect of 'main modifications'). Any unsolicited items will be returned to the sender.

17. Any queries regarding the examination programme should be addressed in the first instance to the Programme Officer.

Michael J Hetherington
Inspector
10 April 2014