



The Planning Inspectorate

Independent Examination of The Ryedale Plan-Local Plan Sites Document

Examination Guidance Note

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Inspector appointed by the Secretary of State

Date: July 2018

1.0 Introduction

- 1.1 The Ryedale Plan-Local Plan Sites Document was submitted to the Secretary of State for Examination on 29 March 2018.
- 1.2 This Guidance Note provides further information on the procedural and administrative arrangements for the Examination.

2.0 The Role of the Planning Inspector

- 2.1 The Local Plan is being examined by Caroline Mulloy BSc (Hons) DipTP MRTPI.
- 2.2 The Inspector has been appointed by the Secretary of State. The role of the Inspector is to examine whether or not the Local Plan has been prepared in accordance with the requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and associated Regulations and whether or not it meets the tests of 'soundness' set out in the National Planning Policy Framework (the Framework).
- 2.3 At all times the Inspector will aim to work with the Council and everyone else involved in the Examination in a positive and pragmatic manner.

3.0 The Role of the Programme Officer

- 3.1 The appointed Programme Officer is Mr James Draper. The Programme Officer is an independent Officer who is responsible for receiving, recording and distributing all of the Examination materials, maintaining the Examination library and organising the Hearing Sessions. Communication between the Inspector and the participants is also handled by the Programme Officer, who can be contacted as follows:

Mr James Draper Programme Officer Ryedale House Malton North Yorkshire YO17 7HH Telephone: 01653 600666 ext 318 Email: programmeofficer@ryedale.gov.uk

- 3.2 The Programme Officer is also responsible for making sure that the information regarding the Examination and all relevant documents are made available on the Examination Website:
<https://www.ryedaleplan.org.uk/local-plan-sites/submission-and-forthcoming-examination>
- 3.3 Should any participants not have access to the internet, please contact the Programme Officer so alternative arrangements can be made.

4.0 The Examination

- 4.1 The Framework requires that Local Plans are prepared in accordance with the Duty to Cooperate, meet legal and procedural requirements and are 'sound'. To meet the tests of soundness plans should be positively prepared, justified, effective and consistent with national policy.
- 4.2 As part of this process the Inspector will need to determine whether or not:
- The Council has complied with the Duty to Cooperate under Section 33A of the Planning and Compulsory Purchase Act (as amended);
 - The Local Plan has been prepared in accordance with the Local Development Scheme and Statement of Community Involvement.
 - The Local Plan has been subject to an adequate Sustainability Appraisal;
 - The requirements of the Habitats and Species Regulations 2010 have been complied with, having regard to relevant national policy and guidance, and if the Plan would have a significant effect on a European Site, that an appropriate assessment has been carried out; and
 - Relevant publicity and procedural requirements have been met.
- 4.3 In terms of 'soundness' the Framework advocates that the Plan should be:
- **Positively prepared:** based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
 - **Justified:** the most appropriate strategy when considered against the reasonable alternatives, and based on proportionate evidence;
 - **Effective:** Deliverable over the plan period based on effective joint working on cross-boundary strategic policies;
 - **Consistent with national policy:** enables the delivery of sustainable development in accordance with the Framework.

5.0 Changes to the Plan

- 5.1 The starting point is that the Council should have submitted a local plan which they consider is ready for examination¹. At this stage there are only two means by which changes can be made to the submitted plan:
- 'Main Modifications' recommended by the Inspector; and
 - 'Additional Modifications' made by the Council upon adoption of the Plan.
- 5.2 Only the Inspector can recommend 'Main Modifications' if they are necessary to resolve problems that would otherwise make the submitted Local Plan unsound, or not legally compliant². Main modifications are changes which, either alone, or in combination with others, would materially alter the plan or its policies. Any potential Main Modifications must be subject to consultation and, in some cases, further sustainability appraisal may be required.

¹ Section 20 (2) of the Planning and Compulsory Purchase Act 2004

² Under section 20(7B) of the Planning and Compulsory Purchase Act 2004

5.3 'Additional Modifications' are changes that do not materially affect the plan (such as typographical errors, factual changes etc). They are made by the council on adoption and are sometimes referred to as 'Minor Modifications'. The Inspector is not accountable for any such changes and they do not fall within the scope of the Examination³.

6.0 Modifications suggested by Ryedale Council

6.1 A number of post-submission changes to the Plan have already been suggested by the Council. These are set out in the Council's response to my Initial Questions (Ex/RDC/1) These may be discussed, where appropriate, at the relevant Hearing sessions. It is possible that Main Modifications may also be proposed and discussed during the Hearings.

7.0 Progressing your Representations on the Plan

7.1 Only those seeking to change the plan have a right to participate in the Hearing sessions⁴. However, the sessions are open for anyone to observe.

7.2 It is important to stress that written representations carry the same weight as those made orally at a Hearing Session. Consequently, participation at the Hearings is only necessary if, in the light of the matters, issues and questions, you have any specific points you wish to contribute to at the Hearing, including to any discussion.

7.3 The Inspector's Matters, Issues and Questions for Examination ('MIQ's) will form the basis of the discussion at the Hearing sessions. If you have any comments on this document (for example because you feel there may be a significant omission) it is important that you contact the Programme Officer no later than 31 July 2018.

7.4 Published alongside the MIQs is a draft Hearing Programme. This sets out which matters will be discussed on each day. All those who wish to speak at the hearing sessions should confirm this in writing with the Programme Officer by 31 July 2018 stating which session or sessions they wish to speak at (referring to the Matter number and quoting the respondent ref. no). If you do not contact the Programme Officer by this date, it will be assumed that you do not wish to speak at the hearings. You should only attend a session if you have made a relevant representation seeking a change to the Plan.

7.5 A final version of the MIQs and Hearing Sessions Programme will be published on the examination website around two weeks before the start of the hearings, if any changes have been made. It will be for participants to check the progress of the hearings, either on the website or with the Programme Officer, and to ensure that they are present at the right time.

³ See paragraph 3.4, 5.27 and 6.2 of the Examining Local Plans Procedural Practice.

⁴ S20 (6) of the PCPA 2004

8.0 Hearing Sessions

- 8.1 The sessions will be informal, but structured. They will take place in the form of a roundtable discussion led by the Inspector. Hearings are designed to allow the Inspector to explore the matters raised in the MIQs. People may choose to be professionally represented on the day, but there will be no formal cross-examination of witnesses or any detailed presentation of evidence.
- 8.2 The Hearings will commence on 25 September 2018 and will be held in the Council Chamber at Ryedale Council offices. Further information regarding the venue is provided below.
- 8.3 The Hearing Sessions will start at 10.00 each day on Week 1 and should be concluded no later than 17.30. Breaks will be taken mid-morning, over lunch and mid-afternoon.
- 8.4 Each session will be arranged by topic, not necessarily by policy number. It is therefore important that representors check that they have been allocated to the correct session, contacting the Programme Officer if unsure. As identified above, you should only attend a session if you have made a representation seeking a change to the Plan.
- 8.5 If anybody has any specific needs in relation to attending a particular session it is important that you let the Programme Office know in advance.

9.0 Hearing Statements

- 9.1 The Council should produce a Hearing Statement which responds directly to all the points raised in the Inspector's MIQs. However, there is no need to repeat any answers provided in response to the Inspector's Initial Questions.
- 9.2 Any representors who have made comments seeking a change to the Plan and who are invited to the Hearing Sessions may also submit Statements in response to the Inspector's MIQs. This however, is optional and is not a requirement of the Hearings.
- 9.3 Statements should be concise and focused. They should not exceed a maximum of 3,000 words per Matter and appendices should only be included where directly relevant and necessary. Statements should only answer to the specific Matters, Issue and Questions which are directly relevant to the original representation, and should clearly identify the relevant topic to which they relate.
- 9.4 Statements should be provided for each Matter separately and not bound as a single document.
- 9.5 If there is a single Matter that has been raised by the Inspector and one where several individuals (such as a group of local residents) wish to speak and make the same point, representors should consider producing a joint

Hearing Statement. Please contact the Programme Office to discuss if this is relevant.

- 9.6 All Hearing Statements must be submitted on time and received in paper form or electronically no later than **5.00pm on Friday 24 August 2018**. Any Statements received after this deadline may be returned by the Programme Officer. Statements will be published on the Examination website so that the other participants and interested parties may have access to them.
- 9.7 In responding to the MIQs participants should be aware of the Council's response to the Inspector's Initial Questions. All of these documents are available to view and download on the Examination website.
- 9.8 If anyone does not have access to the internet, please contact the Programme Officer.
- 9.9 Representors that are not participating at the Hearing Sessions may also submit an additional Written Statement where necessary in direct response to the Inspector's MIQs. However, this is not an opportunity to introduce further arguments and the format and length of Written Statements is the same as for Hearing Statements.
- 9.10 No other written evidence can be submitted unless it is specifically requested by the Inspector.

10.0 Statements of Common Ground

- 10.1 The Inspector invites Statements of Common Ground between participants where they would assist in identifying matters in agreement and therefore allowing the Hearing Sessions to concentrate on the issue in dispute.
- 10.2 Where possible, Statements of Common Ground should be submitted alongside Hearing Statements. If representors are intending on submitting Statements of Common Ground please make the Programme Officer aware.

11.0 Site Visits

- 11.1 Prior to and during the course of the Examination the Inspector will make site visits to the Plan area where necessary. Site visits will be carried out on an unaccompanied basis unless it is necessary to enter private land. In such circumstances the Programme Officer will make the necessary arrangements with the relevant parties.

12.0 Consideration of Alternative Sites not in the Submission Local Plan

- 12.1 Part of the task of the Inspector is to examine the soundness of the sites that are allocated for development in the submitted Local Plan. Those who have submitted representations to the effect that a site allocation or designation policy is unsound will be able to put their views forward at a relevant Hearing

session, if they have made a request to do so. The Council will have the opportunity to respond.

- 12.2 Sites that have been put forward for inclusion in the Local Plan by objectors, but which have not been selected for allocation are referred to informally as 'omission sites'. A list of these sites has been published on the Examination website. Please contact the Programme Officer if any sites have been omitted.
- 12.3 Representors should be aware that it is not part for the Inspector's role to examine the soundness of the omission sites, and subject to the legal right to be heard, such sites will not normally be discussed in detail at the Hearing sessions.
- 12.4 Instead, should the situation arise that additional site(s) are needed (for example, because one or more of the allocated sites is found to be unsound), the Inspector will look to the Council in the first instance to decide which alternative or additional site(s) should be brought forward for examination. This process would be subject to consultation, and sustainability appraisal if required. Further hearing sessions might then be required to test the soundness of any additional site(s) proposed for inclusion in the Local Plan.

13.0 Examination Programme

13.1 Based on the above Examination process and relevant dates are as follows:

- The Hearing Sessions will start on **Tuesday 25 September 2018** at **10.00am**.
- All of those wishing to participate (speak) at the hearings must confirm this in writing with the Programme Officer by **5.00pm on Tuesday 31 July 2018**.
- Statements for the Hearing sessions should be based on the Matters and Issues Paper and must be submitted to the Programme Officer by Friday **5.00pm Friday 24th August 2018**.

14.0 Closing the Examination and the Inspector's Report

- 14.1 The relevant findings will be set out in the Inspector's Report, or in some cases, through Interim Findings. The Report will be sent to the Council at the end of the Examination and will set out the conclusions, and where necessary, any Main Modifications to make the Plan sound and/or legally compliant.
- 14.2 The Examination will remain open until the Report has been submitted to the Council. During this time no further written submissions or evidence will be taken into account until specifically requested.

15.0 Further information

15.1 Further information about the preparation and examination of Local Plans can be found in the national Planning Practice Guidance

<https://www.gov.uk/government/collections/planning-practice-guidance>

and the Planning Inspectorate's

<https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>

16.0 Venue

16.1 The Hearings will take place in the Council Chamber, Ryedale District Council, Ryedale House, Old Malton Road, Malton, North Yorkshire YO17 7HH.

16.2 Disability Access: The Council Chamber is on the ground floor and there is a ramp to access the main reception. There is a disabled parking bay just beyond the main reception door and a public toilet which has disabled access. The Council Chamber has a hearing loop system.

16.3 Public Transport: Malton is on the main Scarborough to York railway line and is served by a number of bus services. There is a bus stop outside the main office.

16.4 Parking: There are some parking spaces on site available free of charge. There is also a public long stay car park at Wentworth Street, a short walk from the venue.

16.5 Refreshments: The Council has a subsidised canteen.

Caroline Mulloy

Inspector