

SOUTHAMPTON CITY COUNCIL

**EXAMINATION OF SOUTHAMPTON CORE STRATEGY PARTIAL REVIEW (PR) AND
THE CITY CENTRE ACTION PLAN (CCAP)**

Guidance Notes for Participants

Deadline for submission of further statements: 21 March 2014

Hearings commence: 31 March 2014

Hearing sessions

Dolphin Hotel (Mercure)
34-35 High Street
Southampton
SO14 2HN

Inspector: Christina Downes BSc DipTP MRTPI

Programme Officer: Irene Smith
Southampton City Council
Planning, Transport & Sustainability
45 Castle Way
Southampton
SO14 2PD

Telephone no: 023 8083 2863
e-mail: irene.smith@southampton.gov.uk

Web-site:

<http://www.southampton.gov.uk/s-environment/policy/developmentframework/actionplan/examination.aspx>

INTRODUCTION

1. The Inspector has prepared these Guidance Notes to assist everyone who wishes to be involved in the Examination of the Southampton Core Strategy Partial Review (PR) and the City Action Plan (CCAP). This Plans were published in September 2013 and were formally submitted to the Secretary of State in December 2013.
2. **It is important that everyone who wishes to be involved in the hearing sessions of the Examination takes account of this Guidance Note.** However, only those who made representations on the proposed Submission versions of the PR

and CCAP are involved in the Examination process, and only those who seek some changes are normally involved in the hearing sessions.

INSPECTOR AND PROGRAMME OFFICER

3. The Secretary of State has appointed Planning Inspector, **Christina Downes** under Section 20 of the Planning & Compulsory Purchase Act 2004 to carry out the independent Examination of the PR and CCAP.
4. The Programme Officer is **Irene Smith**, who is an impartial officer of the Examination, working under the Inspector's direction. She helps to organise the programme of hearings, maintains the Examination library, records and circulates all material received, and assists the Inspector with procedural and administrative matters. She will advise on any programming and procedural queries, and any matters which the Council or participants wish to raise with the Inspector should be addressed to the Programme Officer. Her contact details and web-site address are set out above.

PURPOSE OF THE EXAMINATION AND INSPECTOR'S ROLE

5. The purpose of the Examination is to examine the **soundness** and **legal compliance** of the PR and CCAP. The "Examination" starts when the Plan is submitted to the Secretary of State and ends when the Inspector's report is sent to the Council.
6. The Inspector's role is to assess whether the Plans have been prepared in accordance with the legal and procedural requirements set out in Sections 19-20 of the 2004 Act (as amended) and associated regulations and whether it is sound in terms of the guidance in the National Planning Policy Framework (the Framework). **The Examination will focus on these requirements.** The Council should rely on evidence collected while preparing the PR and CCAP to demonstrate that they are sound. Those seeking to change the Plans need to demonstrate why they are unsound and suggest specific changes that would make them sound, including any detailed alternative/additional wording and supporting evidence.
7. The Examination is concerned with two separate matters¹:
 - **Legal requirements:** whether the Plans have been prepared in accordance with the Duty to Co-operate, and with the Local Development Scheme, Statement of Community Involvement and Local Planning Regulations; have been subject to Sustainability Appraisal; and have had regard to national policy and the Sustainable Community Strategy.
 - **Soundness:** whether the PR and CCAP have been:
 - **Positively prepared** - based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
 - **Justified** - the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence;
 - **Effective** - deliverable over its period and based on effective joint working on cross-boundary strategic priorities;
 - **Consistent with national policy** - enable the delivery of sustainable development in line with policies in the Framework.
8. Further guidance on the examination process can be found in the Planning Inspectorate's booklet: "*Examining Local Plans: Procedural Practice*" (updated in

¹ National Planning Policy Framework (including ¶ 182) [DCLG: March 2012]

December 2013), available on the PINS Planning Portal. Other guidance is included in the attached Annex to these Guidance Notes.

9. The starting point for the Examination is the assumption that the Council has submitted what it considers to be sound and legally compliant plans. The Examination is into the **soundness** of the PR and CCAP, **not into individual objections**. In examining compliance with the legal requirements and soundness, the Inspector considers the representations made to the submitted plans, but only insofar as they relate to legal requirements and soundness. The Inspector is not required to consider each and every point made in every representation or to report on them, but to use the representations in considering whether the Plans comply with the legal requirements and are sound.
10. These matters will be addressed through informal round-table discussions at the Examination hearings, based on the Matters, Issues and Questions which the Inspector identifies. The hearings will focus on these main issues, rather than on the individual representations. The Inspector's role is to ensure the PR and CCAP meet the soundness tests in the Framework, rather than seeking to "improve" it or make it "sounder". To these ends, she will concentrate on identifying any "**Main Modifications**" which are needed to ensure that the plans are sound and can be adopted². The Inspector does not need to recommend any minor changes ("Additional Modifications") which the Council may wish to make to the plans.
11. The Inspector takes control of the Examination process from start to finish. However, the scope for making substantial or fundamental changes to the PR and CCAP, once submitted, is limited, particularly where they have implications for the sustainability appraisal, the consultation processes already undertaken and the underlying strategy. PAS and PINS guidance³ advises that post-submission changes to a plan should not be necessary, and the Council should only seek changes after submission in exceptional circumstances or to cater for the unexpected. Any "Main Modifications" needed to ensure the PR and CCAP are legally compliant and sound will normally be subject to the same process of publicity, opportunity to make representations and sustainability appraisal as the original plans.
12. After the hearings have closed and any "Main Modifications" required have been published and subject to consultation, the Inspector will prepare a report for the Council with conclusions and recommendations. This report will deal with the main issues relating to the soundness and legal compliance of the PR and CCAP, taking into account the representations made, but it will not deal with individual representations.
13. In carrying out this Examination, the Inspector will aim to work in a pro-active, pragmatic and consensual manner with the Council and other participants, so as to deliver a positive outcome in terms of the soundness of the PR and CCAP.

REPRESENTATIONS ON THE PR AND THE CCAP

14. In accordance with the Local Planning Regulations⁴, the Council has confirmed that 36 representations were received from 36 respondents on the submission PR and 3 representations from 3 respondents on the submission version of the CCAP. These included 4 late representations which the Council has agreed to accept. The Council has summarised the main issues raised in the representations and its responses in Core Document CD104.

² s20(7/7A/7B/7C) of the Planning & Compulsory Purchase Act 2004 (as amended by s112 of the Localism Act 2011)

³ Examining Local Plans: Procedural Practice [PINS: December 2013]

⁴ Town & Country Planning (Local Planning) (England) Regulations 2012; SI.2012/767 [Reg. 22(c)(v)]

15. The Council has already made some modifications to the submission version of the plans in response to representations⁵. Other amendments may be debated during the Examination, to ensure that it is sound. Any changes proposed during the Examination/hearings should include the precise wording of any amendments to the policies/text of the Plan and be set out in an Examination document.
16. Representations will be considered either on a written basis or by participating at the hearing sessions. Normally, only those who seek some change to the Plan to make it sound or legally compliant can participate at the hearing sessions⁶. Both methods carry the same weight and the Inspector will have equal regard to views put orally or in writing. Those who wish their representations to be considered in writing can rely on their original representations. There is no need for those supporting or commenting on the Plan to attend, and participants only need to attend the hearings if they wish to contribute to the debate. If anyone wishes to participate in the hearing sessions, they should let the Programme Officer know as soon as possible.

PROCEDURE AT THE HEARING SESSIONS OF THE EXAMINATION

17. The hearing sessions of the Examination are scheduled to commence on Monday 31 March 2014 at 1000 hours. Subsequent sessions will normally start at 0930 hours with a break for lunch at about 1.00pm, and finish at about 1730 hours. Short breaks will be taken mid-morning and mid-afternoon.
18. The purpose of the hearing sessions is to concentrate on the Matters, Issues and Questions identified by the Inspector, rather than repeat or debate points made in the representations or present individual cases. The hearings will be conducted on the basis that everyone has read the relevant documents and statements, although participants will be able to refer to and elaborate on relevant points. The statements of the Council and other participants will be available to all those participating in the relevant hearing sessions. The Inspector will endeavour to progress the hearing sessions in an efficient manner, keeping a tight hand on the discussions and time taken. As part of this process, she will aim to minimise the amount of material that is necessary to come to informed conclusions on the relevant issues.
19. A separate hearing session of the Examination will be held for each of the main topics in the programme. The sessions will take the form of an informal, structured and informed discussion, where the Council and other participants debate the key points raised by the Inspector around a table. Legal/professional representatives are welcome to participate and ask questions, but there is no presentation of evidence, cross-examination or formal submissions. Participants do not need to be legally represented, but they should let the Programme Officer know well before the hearings commence if they intend to have legal representation, along with the names of their representative(s).
20. Before each session, the Inspector will set out a detailed agenda with the points for discussion on each topic. The discussion will focus on the issues identified in the agenda and the questions posed. The Inspector will begin by making a few brief comments on the matters to be covered, asking questions and drawing participants into the discussion to enable her to gain enough information to reach a conclusion on the relevant issues. Participants can ask questions, and at the end of each session, participants may have the opportunity to sum-up the main points of their arguments.
21. The Examination process does not provide the opportunity to present new evidence not based on the original representation or submit new points and material. Participants challenging the development strategy or soundness of the Plan will need to clearly demonstrate why it is unsound and what changes are necessary. Not all matters and issues will be discussed at the hearings; some will be dealt with in

⁵ Core Documents CD3 and CD10

⁶ Planning & Compulsory Purchase Act 2004 [S.20(6)]

writing. In some cases, issues may only be discussed with the Council, without other participants taking part. Anyone can attend the hearings as an observer, but they will not be able to take part in the discussion unless they are listed on the programme.

HEARINGS PROGRAMME

22. A draft programme for the hearings will be published well before the hearings commence. The programme will reflect the Inspector's **Schedule of Matters, Issues and Questions** for Examination. In addition to considering the legal and procedural requirements the Matters, Issues and Questions are likely to cover most of the key issues that have been raised in the representations. However, the list may be reviewed if new government statements are issued during the Examination.
23. Every effort will be made to keep to the programme, but late changes may be unavoidable. Priority will be given to starting the debate on each matter at the scheduled time, and it may be necessary to extend the debate in the afternoon session. The Programme Officer will seek to inform participants of any late changes to the timetable, but **it is the responsibility of all participants to keep themselves up to date with the programme.**

PREPARATION AND SUBMISSION OF FURTHER MATERIAL

24. The Council has already submitted the Evidence Base for the PR and CCAP, which is available on the Council's web-site. Participants should ensure that any documents they wish to refer to are included in the Examination Library, and should arrange for any missing documents to be sent to the Programme Officer (4 copies, including an electronic copy).
25. The original representations made on the submission version of the plans should include all the points, documents and evidence necessary to substantiate representors' cases. **It should not therefore be necessary to submit any further material based on the original representations. Any further statements should only respond to relevant matters in the Inspector's Schedule of Matters, Issues and Questions for the Examination,** rather than repeating or expanding on the original representations.
26. A draft version of this Schedule is included, along with a draft Programme for the hearings. Statements from the Council and other participants should be submitted to the Programme Officer no later than **Friday 21 March 2014.**
27. The Council is invited to respond on all the Matters, Issues and Questions, referring to information in the submission documents and evidence base, explaining why the PR and CCAP are sound and responding to the concerns of those challenging the plans. Other participants should only respond on topics/issues relevant to points made in their original representation(s). Participants may refer to information in earlier representations, but the Inspector only has copies of the representations made to the Publication version of the PR and CCAP. All responses should include the necessary evidence and supporting material. **Participants will be expected to state which aspect of the Plan is unsound, explain why it is unsound and specify precisely how it should be altered, with detailed wording and clear evidence to support any changes.**
28. Statements should be succinct, avoiding unnecessary detail, repetition and quotations from the PR or CCAP or other sources of policy guidance. Nevertheless, it is vital that the fundamental elements of the cases are set out clearly and succinctly, since **the hearings are not the place for new points or evidence to be presented for the first time.** All statements should clearly indicate the relevant policy/paragraph/page of the plans.
29. Participants should try to agree factual matters and statistics before the hearings start and continue a dialogue with the Council and other participants. Statements of

Common Ground can be useful in narrowing the issues in dispute, and should be submitted within the timescales set out. There is no need to prepare a further statement if all the points are covered in the original representation, but participants will not be able to raise new points or extend the scope of the original representation. Participants should notify the Programme Officer if they do not intend to submit further statements.

30. The Programme Officer will require **4 copies** of all statements, as well as an electronic version. Statements from participants should be **no longer than 3,000 words** for each main Matter. The Council's statements may exceed this figure, if necessary, due to their scope and content, but should still be succinct. Statements that are excessively long or contain irrelevant or repetitious material may be returned. Technical evidence, clearly related to the case, should be included in appendices. Supporting material should be limited to that which is essential to understand the case and should not contain extracts from documents already in the Examination library. Statements should be on A4 paper, unbound, and any plans, photos or diagrams should fold down to A4 size.
31. Participants should adhere to the timetable for submitting further statements and should avoid circulating additional material during the hearings. **Late submissions and additional material are unlikely to be accepted on the day of the relevant session**, since this can cause disruption and result in unfairness. **Those who fail to meet the deadline may lose their right to be heard**, unless the Inspector is satisfied that there is a genuine and unavoidable reason; the matter will then be considered by written representations. If statements are not received by the deadline stated, the Programme Officer will assume that no further representations are to be submitted. Further statements from the Council and others will be put on the Examination web-site and will be available from the Programme Officer, but will not be formally circulated to participants.

AVAILABILITY OF INFORMATION

32. The **Examination Library** is currently available for inspection at the Southampton City Council offices at 45 Castle Way. Please note that an appointment will need to be made with the Programme Officer to view the documents in this way. The Library copies of the PR and CCAP, along with associated documents, all representations. Further statements and documents will be added, as received. Copies of the representations, statements and other relevant information are also available on the Examination web-site. When the hearings are in session, the Examination Library will be located in the Examination office at the hearing venue.
33. The Programme Officer will record all documents submitted. The evidence base and other examination documents will be updated as the examination proceeds. Lists of documents, the up-to-date Programme for the hearing sessions and other relevant material will be on the Examination web-page. Anyone who needs assistance or special facilities for disabled persons should contact the Programme Officer beforehand.

SITE VISIT ARRANGEMENTS

34. The Inspector will familiarise herself with the city centre, visiting relevant places referred to in the CCAP and representations on an unaccompanied basis. If there are particular sites which participants wish her to visit, or need an accompanied visit, they should discuss this with the Programme Officer.

CLOSE OF THE EXAMINATION AND SUBMISSION OF INSPECTOR'S REPORT

35. The Examination remains 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 she specifically requests further information. Any late or unsolicited material is likely to be returned.

36. After the Examination has closed, the Inspector will submit her report to the Council with her conclusions and recommendations on the actions or changes needed as regards the soundness of the Plan. The date of submission of the report will depend on the content, extent and length of the Examination and the issues raised. The Inspector will confirm the likely date at the end of the hearing sessions of the Examination.

CD/20.02.14

ANNEX

SOURCES OF RELEVANT DOCUMENTS AND ADVICE

A. Council's web-site

Details of the submission of the PR and CCAP can be found at:

<http://www.southampton.gov.uk/s-environment/policy/developmentframework/actionplan/examination.aspx>

Details of the submission documents and supporting evidence base can be found at:

<http://www.southampton.gov.uk/s-environment/policy/developmentframework/actionplan/ccap-background-evidence.aspx>

B. Relevant legislation and national policy

- *Planning & Compulsory Purchase Act 2004 (as amended)*
- *Planning Act 2008*
- *Local Democracy, Economic Development & Construction Act 2009*
- *Localism Act 2011*
- *The Town & Country Planning (Local Development) (England) Regulations 2012*
- *The Environmental Assessment of Plans & Programmes Regulations 2004*

This legislation can be found at:

<http://www.legislation.gov.uk/>

The National Planning Policy Framework (March 2012) can be found at:

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

C. Plan Making

The Planning Advisory Service produces useful guidance on plan-making, including the principles of plan-making and local planning, which can be found at:

<http://www.pas.gov.uk/plan-making>

D. Guidance from the Planning Inspectorate

The Planning Inspectorate has produced various guidance on examining development plans:

- *Examining Local Plans: Procedure Guidance [3rd Edition v.1; December 2013]*
- *Examining Development Plan Documents: Learning from Experience [PINS: Sept 2009];*
- *Development Plan Document Examination: Procedural Advisory Notes (August 2009)*

These documents can be found at:

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

