

## **INSPECTOR'S GUIDANCE NOTES**

### **1 Introduction**

- 1.1 The inspector for this Examination is Christopher Anstey, a Senior Planning Inspector for the Planning Inspectorate. He is a Chartered Town Planner and holds a Bachelor of Arts Degree in Social Studies, and post graduate Diplomas in Town and Country Planning and Landscape Architecture. He has been appointed by the Secretary of State under Section 20 (4) of the Planning & Compulsory Purchase Act 2004 to hold the Examination into the soundness of the Bassetlaw District Council's Core Strategy and Development Management Policies Development Plan Document (DPD).

### **2 Programme Officer**

- 2.1 The Programme Officer for the Examination is Carmel Edwards, who for the purposes of the Examination is acting as an independent officer under the Inspector's direction, not as an employee of the Council. Her contact details are on the covering letter that accompanies these notes.
- 2.2 The Programme Officer is responsible for finalising the programme for the Hearing Sessions of the Examination, for maintaining the Examination Library, for recording and circulating all material received, and for assisting the Inspector with procedural and administrative matters.
- 2.3 The Programme Officer will be able to advise you on any programming queries, and any procedural queries should be addressed to her in the first instance. Any matters which the Council or anyone wishes to raise with the Inspector should also be addressed to the Programme Officer initially.

### **3 Scope of the Examination and Inspector's Role**

- 3.1 The Inspector's role is to consider whether the DPD meets the requirements of sections 19 and 24 (i) of the 2004 Act and the associated Regulations, and whether it is sound in terms of being justified, effective and consistent with national policy. The starting point for the Examination is the assumption that the Council has submitted what it considers to be a sound plan and the Council should rely on evidence collected while preparing the DPD to demonstrate that it is sound. Representors seeking changes to the DPD have to demonstrate why they consider it to be unsound and how their suggested changes would make it sound.
- 3.2 Representations made to the submitted plan will be considered insofar as they relate to its soundness, but they will not be reported on individually.
- 3.3 The Examination will close when the Inspector submits his report to the Council on his conclusions and actions or changes needed as regards the soundness of the DPD. His recommendations are binding on the Council when the DPD is adopted by the Council.
- 3.4 There are several possible outcomes of the Examination.

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- The DPD is found to be sound - this could be subject to the inclusion of various changes;
- Additional work needs to be undertaken before the Examination can be completed;
- Part of the DPD should be excluded or changed (having regard to the implications in terms of community involvement and sustainability appraisal requirements), and the remainder adopted;
- Part of the DPD should be excluded and subsequently brought forward in a revised form in a fresh DPD, and the remainder adopted;
- The DPD is found unsound in relation to a critically important part of it, leading to a recommendation that it should be withdrawn.

3.5 The Inspector may only recommend a change to the submitted plan if that change is itself sound and meets the requirements for public consultation and sustainability appraisal.

3.6 The Inspector believes that the possibility of Essential Changes to the Submission DPD to make the Plan sound cannot be ruled out at this stage. The Council should bear this in mind when responding to the Inspector's questions as it may be possible to resolve soundness issues in this way. It would be the responsibility of the Council to propose these changes. Essential changes are likely to require advertising and be subject to sustainability appraisal.

### **4 Representations Made on the Plans**

4.1 Some 299 representations were made by a total of 74 organisations and individuals during the 6 week consultation period prior to its formal submission to the Secretary of State on 31 January 2011.

4.2 The representations cover most aspects and policies of the DPD. Recently the Council prepared a Schedule of Proposed Minor Changes to address issues raised in the representations on the Pre-Submission DPD.

### **5 Methods of Considering Representations**

5.1 Those who have made representations on the DPD and consider it to be unsound need to decide whether they want their views to be dealt with in writing or if they wish to present them orally at the relevant Hearing Session of the Examination. Both methods carry the same weight and the Inspector will have equal regard to views put to him orally or in writing. Attendance at the Hearings will only be helpful if you wish to participate in the debate.

5.2 With reference to the two main ways in which representations on the document can be considered:

- Written representation  
This is based on the original representation. Those people who wish to proceed by written representations can, if they wish, rely on what they have already submitted in writing and take no further action, or they may send in a further written representation in support of their position, having regard to the Inspector's Main Matters and Questions Papers that are relevant to their objections. Most representations will be

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considered by this method. Written representations will not be discussed at the Hearings and attendance at the Hearing Sessions is not necessary, although all will be public meetings;

- Oral representations

Where Representors have indicated on their representation form that they wish to be heard, relevant points of their representation will be considered at a Hearing Session of the Examinations, where the Council and other participants will be able to debate the main points on the key issues, in a structured discussion led by the Inspector.

- 5.3 Whichever method you select, please remember that the Inspector's role is to consider the soundness of the DPD in light of the representations received, rather than considering all the points raised in those representations. Only those parties seeking specific changes to the DPD are entitled to attend the Hearing Sessions of the Examination. There is no need for those supporting or merely making comments on the plan to attend, unless they wish to as observers.

### **6 Procedure and Programme for the Hearing Sessions of the Examination**

- 6.1 The Hearing Sessions will commence at 10.00am on Tuesday 17 May 2011 and extend into the following week excluding Monday 23 May 2011. It is anticipated that the first week will be occupied with the Hearings related to the Core Strategy, with the second week (or part thereof) given over to the Development Management Policies. Sessions will normally start at 10.00am and 14.00 each day, with a break for lunch at about 13.00. When convenient, a short break will be taken mid-morning and mid-afternoon.
- 6.2 The Hearing Sessions will take the form of a structured discussion, where the Council and those who have been invited to participate will discuss the key issues, around a table. This will provide a relaxed and informal setting for dealing with the Main Matters, Issues and Questions. Those attending may bring professional representatives with them who may ask other participants questions, but there will be no formal presentation of evidence, cross-examination or formal submissions. If the Council or any respondents intend to invite their legal representatives/expert witnesses to any of the Hearing Sessions please would they inform the Programme Officer and provide her with their details so that the necessary administrative and seating arrangements can be made.
- 6.3 The Inspector will set out a range of Main Matters, Issues and Questions on which he needs information or a response from the Council and Representors. The Main Matters, Issues and Questions will be circulated by **5 April at the latest for the Core Strategy Hearings**, and by **12 April for the Development Management Policies Hearings**. The discussion at the Hearing Sessions will focus on the Matters, Issues and Questions identified in the relevant agenda. The Inspector will make a few brief comments on the matters he wants covered in the session. He will then invite the participants to make their contribution in response to the points he has raised. The Hearing Session will progress under his guidance, drawing those present into the discussion in such a way as to enable him to gain the information necessary to come to firm conclusions and recommendations with regards the soundness of the DPD. There will be an opportunity in the Hearing Sessions

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to ask questions, and professional representatives and advocates can also join in the discussion.

- 6.4 The Hearings will be conducted on the basis that everyone taking part has read the relevant documents, although participants will be able to refer to and elaborate on relevant points, as necessary. The Inspector will endeavour to progress the Hearing Sessions in an effective and efficient manner. As part of that process, he will aim to minimise the amount of material necessary to come to informed conclusions on the Main Matters.

### **7 Examinations Programme**

- 7.1 The draft Examination Programme will also be circulated at the same time as the Inspector's Main Matters, Issues and Questions. If you wish to change the method of considering any of your representations, please inform the Programme Officer as soon as possible. It will be for individual participants to keep in touch with the Programme Officer to check the progress of the Examination and to ensure that they are present at the appropriate time.

### **8 Preparation and Submission of Further Material**

#### **Core documents**

- 8.1 The Council has prepared a list of Core Documents. Copies of this list can be obtained from the Programme Officer. Hard copies of the Core Documents are available for inspection in the Examination Library, subject to prior appointment with the Programme Officer. The Examination Library also contains copies of the submitted Core Strategy and DPD and associated documents, all representations, the core documents and further representations and statements, as received. A Web page for the Examination has been set up on the Council's LDF website and this contains most of the same information.

#### **Topic papers**

- 8.2 In response to each of the Inspector's Matters, Issues and Questions Papers the Council will be asked to prepare a full written response in the form of an individual Topic Paper. They should include full and precise references to the evidence base to justify a particular strategy/proposal/policy, along with any supporting documentation. They should also include references to any suggested changes considered necessary to make the DPD sound and they should be assessed against an associated sustainability appraisal and the implications for further public consultation. These Topic Papers will provide the Council's detailed answers to the Inspector's questions and will set the scene for the issues to be debated. The Council's Topic Papers should be submitted to the Programme Officer by **6 May 2011 for the Core Strategy** and by **13 May 2011 for the Development Management Policies**. An electronic and a hard copy of each are required.

### **9 Submission of Further Written Statements and Other Written Material**

- 9.1 The representations already made should include all the points and evidence to substantiate Representors' cases. However, if you wish to submit further evidence in response to the Inspector's Matters and Questions Paper that is

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relevant to your representation, either for the Hearings or for written representations, it should be sent to the Programme Officer by **6 May 2011 for the Core Strategy** and by **13 May 2011 for the Development Management Policies**.

- 9.2 The Inspector emphasises the need for succinct submissions, avoiding any unnecessary detail and repetition. There is no need for verbatim quotations from the DPD, or other sources of policy guidance. Nonetheless, it is vital that the fundamental elements of cases are set out clearly, since the Hearings are not the place for new points or evidence to be presented for the first time. Please note that it is the quality and substance of the reasoning that carries weight, not the bulk of the documents.
- 9.3 The Programme Officer will require 4 hard copies of all statements, which should also be submitted in electronic form, if possible. Statements should be no longer than 3,000 words, either for a Hearing Session or further written representations. Statements which are excessively long or contain irrelevant or repetitious material may be returned. Technical evidence should be limited to appendices, and should be clearly related to the Main Matter. Any supporting material should be limited to that which is essential and should not contain extracts from any documents that are already in the Examination Library, although these should be cross-referenced if referred to. All statements should focus on the elements of soundness; justification, effectiveness and consistency with national policy, and they should specifically demonstrate how the submitted DPD is unsound, and how it could be made sound by adopting the approach advocated by the Representor. All statements should clearly indicate the policy/paragraph/page of the DPD at issue, and the relevant aspect of soundness.
- 9.4 There is no need for summary statements. Statements should be on A4 paper, not spiral bound, but punched with two holes for filing. Photographs should be in A4 format, annotated on the back. Plans or diagrams should fold down to A4 size. All statements should be marked with your unique reference number as indicated on the covering letter, and the Main Matter to which it refers. If you have mislaid your reference number please contact the Programme Officer. If you wish to make further representations that cover more than one Main Matter a separate copy of your statement is required for each Main Matter, and should be appropriately referenced.
- 9.5 A copy of each statement should also, if possible, be emailed to the Programme Officer by the relevant dates at: [programme.officer@bassetlaw.gov.uk](mailto:programme.officer@bassetlaw.gov.uk).
- 9.6 Electronic copies should be submitted preferably as a “.pdf” file, or otherwise in Microsoft Word format (.doc).
- 9.7 Copies of statements will be placed on the Council’s Examination website.
- 10 Site Visit Arrangements**
- 10.1 The Inspector has already visited all the main areas and sites of relevance. If, exceptionally, there are particular reasons for an accompanied visit, participants should discuss these with the Programme Officer.

**11 Close of the Examination**

- 11.1 The Examination will remain open until the Inspector's report is submitted to the Council for the fact check. He will not accept any further representations or evidence after the Hearing Sessions have finished, unless he specifically requests further information on particular topics. Any late or unsolicited material will be returned.

**12 Submission of Inspector's Report to the Council**

- 12.1 The Inspector will announce the date when he expects to submit his report to the Council at the last Hearing Session or soon afterward

*Christopher Anstey*  
Inspector