

# **BABERGH AND MID SUFFOLK JOINT LOCAL PLAN EXAMINATION**

## **EXAMINATION GUIDANCE NOTE FROM THE INSPECTORS**

### **Purpose of the Guidance Note**

1. This note provides guidance to representors involved in the examination of the Babergh and Mid Suffolk Joint Local Plan
2. All representors should familiarise themselves with the contents of the note, in particular those who wish to submit further statements and/or take part in the hearing sessions.

### **Dates for Hearing Sessions**

3. The hearing sessions (which are part of the overall Examination) will take place between:

#### **Stage 1:**

**Monday 21 June 2021 – Thursday 24 June 2021;  
Monday 28 June 2021 – Thursday 1 July 2021;  
Wednesday 21 July 2021 – Thursday 22 July 2021 (virtual  
sessions);**

#### **Stage 2:**

**Dates to be confirmed in Autumn 2021**

#### **Venue:**

**Ipswich Town Football Club, Portman Road, Ipswich, IP1 2DA**

#### **and:**

**Virtually online for those who wish to exercise their right to be heard by the Inspectors but who do not wish to attend the hearing sessions in person**

4. There will be a morning and afternoon session on each day. A draft programme indicating the matters to be discussed at each hearing session is attached to this note **although you should be aware that it may change**. Details concerning the finalised programme are set out in paragraph 28 below.

### **The Inspectors' role in the Examination**

5. Our task is to consider the soundness of the plan, ie the **Babergh and Mid Suffolk Joint Local Plan** (Pre Submission Reg 19 Document, November 2020). This is the document which was the subject of Regulation 19 consultation in November and December 2020.
6. The *National Planning Policy Framework* (MHCLG, February 2019) sets out the criteria for determining soundness; namely that the plan is **Positively Prepared, Justified, Effective and Consistent with National Policy**.
7. We aim to work collaboratively with the Councils and the other examination participants in a proactive, pragmatic and solution-orientated manner to deliver a positive social, economic and environmental outcome for the districts. However, this does not necessarily mean that the plan will be found to be sound.
8. Following the close of the hearings we shall prepare a report to the Councils with our conclusions. We will deal with broad issues in our report, and not with each individual representation.
9. Any main modifications we consider are likely to be necessary for the plan to be sound (and if the Councils formally request that we recommend such modifications) will be the subject of formal consultation and potentially considered as part of a revised Sustainability Appraisal and updated Habitats Regulations Assessment. Should this be necessary more information will be provided at the time.

### **The Programme Officer**

10. The Programme Officer for the Examination is Annette Feeney who works independently of the Councils under the Inspectors' direction in connection with the Examination. Annette can be contacted as follows:

Annette Feeney  
Babergh Mid Suffolk Joint Local Plan Programme Officer  
C/O Babergh and Mid Suffolk District Councils  
Endeavour House  
Russell Road  
Ipswich  
IP1 2BX

Mob: 07775 771026

Email: Annette.feeney@baberghmidsuffolk.gov.uk

11. The main tasks of the Programme Officer are to act as a channel of communication between all parties and ourselves; to liaise with the parties to ensure the smooth running of the Examination and to ensure that all documents received are recorded and distributed. Copies of the all Examination documents are available on the Examination Website:

<https://www.babergh.gov.uk/planning/planning-policy/new-joint-local-plan/joint-local-plan-submission/joint-local-plan-examination/>

<https://www.midsuffolk.gov.uk/planning/planning-policy/new-joint-local-plan/joint-local-plan-submission/joint-local-plan-examination/>

12. Any procedural questions or other matters that you wish to raise with us prior to the hearing sessions should be made through Annette and please let her know if you have any specific needs in relation to attendance/participation at the hearing sessions.

### **Progressing your representations on the plan**

13. **In examining the plan we will give the same weight to written representations as to those made orally at hearings sessions.** Consequently, participation at a hearing session is only necessary if, in the light of the list of Matters and Questions for the Examination, you have relevant points to contribute to the debate.
14. Accompanying this note is a list of *Matters and Questions* for the Examination. We have identified 10 Matters on which the legal compliance and soundness of the plan depends and for each Matter there are a number of specific questions. These questions will form the basis of the discussion at the hearing sessions and should also be the basis on which any further written statements, to be submitted in advance of the hearings, are prepared.

### **The hearing sessions**

15. The Councils are keen to hold the hearing sessions physically if possible and this would also give us the opportunity to get a better “feel” and understanding for the area and its issues than if the hearing sessions were to be held entirely virtually. Current circumstances and the Government’s road map for the easing of Coronavirus restrictions suggests that it is feasible to hold physical hearings and these will commence on 21 June

2021.

16. The physical hearing sessions will be held at Ipswich Town Football Club and these will be the subject of the relevant Coronavirus regulations and guidelines (and any specific requirements of the venue) in place at the time. However, any person with a “right to be heard” in the Examination (ie those who submitted a Regulation 19 consultation response seeking a change to the plan), but who do not wish to attend the physical hearing sessions, will instead be able to give their views to the Inspectors at one of the Virtual (MS Teams) sessions on 21 and 22 July 2021. Similar Virtual sessions will also be held alongside the Stage 2 hearing sessions in Autumn 2021 (dates to be confirmed). If you are in doubt as to which Matter your representation relates to please contact the Programme Officer to discuss this.
17. Arrangements will also be made for people not participating in the sessions to observe/listen to the proceedings; further details on this will be published on the Examination website in due course.
18. Notwithstanding any indications you may have previously made, anyone who believes it is necessary for them, and who wishes, to participate in a hearing session for either Stage 1 or Stage 2 should register their interest in doing so with the Programme Officer by 12 noon on Friday 21 May 2021. Please make clear the Matter(s) you wish to speak on and whether you wish to take part in the physical hearing sessions or be heard by the Inspectors virtually.
19. Full details on attendance in person and participation in the virtual sessions will be provided nearer the time. **Whilst we hope and anticipate that the hearings will be able to take place as detailed above, we are sure that you will appreciate that during this continued period of significant uncertainty it may be necessary to alter the arrangements at short notice.**
20. At the physical hearing sessions each Matter will be the subject of separate discussion, although the discussion on some Matters may take place over several hearing sessions. The sessions will take the form of a roundtable discussion which we shall lead. They will not involve the formal presentation of cases by participants or cross-examination. We shall take account of all written representations already submitted and it is not the purpose of the hearings for these to be repeated. The list of Matters and Questions will form the agenda for each session.
21. The hearing sessions will be inquisitorial, rather than adversarial. We shall endeavour to progress them in an effective and efficient manner. As part of that process, it is our aim to minimise the amount of material necessary to come to informed conclusions on the issues of soundness. In that way we will conduct a short, focussed series of hearings and, in turn, produce a short, focussed report.

## Further statements

22. The Councils are required to produce a further statement for each of the 10 Matters in which it should answer all of the individual questions set out in the list of Matters and Questions. In answering the questions (or as an appendix to its statements) the Councils should also provide a specific but brief response to each of the Main Issues raised during consultation (2020) which they have set out in the Regulation 20 'Main Issues' in the JLP Consultation Statement (Reg 22) [Doc A06].
23. Whilst it is not a requirement, other participants (those who submitted representations as part of the November – December 2020 consultation either in support of or objection to the plan) can also submit further statements, but only on the questions of relevance to their original representation.
24. Further statements should be a **maximum** of 3,000 words for each Matter and we anticipate that many will not need to be as long as this, particularly those addressing only a small number of questions. The word limit does not include Appendices but these should only be included where directly relevant and necessary and should also be as succinct as possible. The word limit does not apply to the Councils because they are required to answer every question, although we would encourage them to be as concise as possible, providing references to specific sections of the already submitted evidence wherever relevant. Statements should be simply stapled rather than bound.
25. In preparing statements you should:
  1. **only** answer the specific question(s) of relevance to your original representation, whilst clearly identifying the number(s) of the question(s) you are seeking to answer;
  2. compile a separate statement for each Matter; and
  3. have regard to the evidence submitted by the Councils available on the Examination Website, including the Councils' response to the Inspectors' Initial Questions [Docs G01 and G02]

In turn, in answering each question the Councils should have regard to the representations made on the plan of relevance to that question.

Whilst they are not specifically invited, Statements of Common Ground between Examination participants on issues of direct relevance to the matters under examination will also be accepted, to be submitted by the same deadline as further statements as detailed below

We are examining the plan as submitted by the Councils. Therefore, we will not, at this stage, be considering the merits for development of sites for

development not included in the plan ("omission sites"). Should we determine that there is a need for additional or different sites to be allocated, we will, in the first instance, ask the Councils to consider how they would wish to proceed with the examination.

26. An electronic version of each further statement (and any Statements of Common Ground) should be submitted to the Programme Officer (contact details as above) by **12 noon on Friday 4 June 2021** (for Matters 1a and 2-8) and by **12 noon on Friday 13 August 2021** (for Matters 1b, 9 and 10). Unless there are exceptional circumstances it is unlikely that late submissions will be accepted.
27. Aside from these further statements (and any Statements of Common Ground) no other written evidence will be accepted unless we specifically request it. All statements will be posted on the Examination webpage, so that they are available to all participants and anyone else who wishes to read them. Because they will be available in this way they will not be circulated directly to participants. However, anyone who is unable to access them on the webpage may request copies from the Programme Officer.

### **The hearing sessions programme**

28. An initial programme for the hearing session is attached. A final version of the programme will be published on the Examination web site around two weeks prior to the start of the hearing sessions. **As previously indicated the uncertainties caused by the current pandemic may necessitate change to the draft programme.** It will be for individual participants to check the progress of the sessions, either on the web site or with the Programme Officer, and to ensure that they are present at the right time.
29. The physical hearings sessions will normally run between 09:30 and 13:00 and 14:00 and 17:00 each day. A short break will usually be taken mid-morning and mid-afternoon.

### **Site visits**

30. Insofar as we consider it necessary to our assessment of the soundness of the plan we shall visit sites and areas referred to in the representations before, during, or after the hearings. We will do these on an unaccompanied basis unless we find that we need to go onto private land.

### **Finally ...**

31. We emphasise:
  - we shall have equal regard to views put orally or in writing;

- the need for succinctness; please respect the letter and spirit of the 3,000 word limit in further statements with only limited and directly relevant appendices;
- that your further statement(s) should focus on answering the questions we have posed in the Matters and Questions;
- that you must meet the **12 noon on Friday 21 May 2021** deadline to advise the Programme Officer of your wish to participate in a physical or virtual hearing session; and
- that you must meet the deadlines for the submission of further statements in electronic form – **12 noon on Friday 4 June 2021** (for Matters 1a and 2-8) and **12 noon Friday 13 August 2021** (for Matters 1b, 9 and 10)

*Malcolm Rivett and Alison Partington*

INSPECTORS