

## GUIDANCE NOTE FROM THE INSPECTOR

### Introduction

1. The hearing sessions, which are part of the overall examination into the Trafford Civic Quarter Area Action Plan (AAP), will open on **Tuesday 5 April 2022** at 10:00 hrs; they are likely to last for one week (depending on the response to the Matters, Issues and Questions document) and are scheduled to end on **Friday 8 April 2022**. **They will be held in the Council Chamber in Trafford Town Hall, Talbot Road, Stretford, M32 0TH.**
2. If anyone is unable to take part in the hearings by attending in person at the physical venue, the technology is available to allow us to have 'virtual' sessions, which we could arrange for a later date, eg by means of Microsoft Teams, thus overcoming the restrictions imposed by the Covid-19 epidemic. Anyone wishing to make use of this facility must register this with the PO by **18 February 2022**.

### The Inspector's role

3. The Inspector's role is to consider whether the AAP, which I shall refer to as the Plan in this Guidance Note, meets the requirements of the Act and associated Regulations against the **tests of legal compliance, duty to co-operate and soundness**. The examination is likely to focus on the tests of soundness as set out in paragraph 35 of the National Planning Policy Framework (*the Framework*), which was published in July 2021. The relevant soundness criteria are whether the Local Plan is:
  - a) **positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
  - b) **justified** - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
  - c) **effective** - deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
  - d) **consistent with national policy** - enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national policy, where relevant. Appendix A contains a list of useful publications and web sites for advice.
4. Examining plans under the current system is based on the following key considerations:
  - First, the **focus is on the Plan** rather than the objections. My role is to examine the soundness of the Plan having regard to the representations submitted and issues identified, rather than considering individual objections as such.
  - The hearings are akin to an examination in public with 'round table' or **informal hearing sessions**.
5. Through the **Programme Officer**, I shall work with Trafford Council and the examination participants in a proactive, pragmatic and solution-orientated manner. I cannot recommend as 'main modifications' changes that are merely 'improvements' which do not affect the soundness of the Plan. Nevertheless, it would be unusual if the Council did not wish to respond positively to the concerns of participants, where possible, and I shall encourage that, if appropriate.

6. **The Council has already prepared schedules of main and minor modifications, to be available on the website, and asked that I deal with them in the Report, which I will do, but only after everyone has had an opportunity to comment in writing on both those sets of modifications. Of course, further modifications may be suggested during the course of the hearing sessions.**
7. **If, exceptionally, more fundamental changes are proposed, such as the addition or deletion of a key site, the Council must fully explain and justify the reasons for the changes, with supporting evidence. It should also indicate the implications in terms of the soundness of the document and ensure that they have been subject to the same process of Sustainability Appraisal (SA), publicity and opportunity to make representations as with the submitted version.**
8. After the hearing sessions I prepare a **Report to the Council**, with my conclusions and recommendations as to the action(s) it needs to take regarding the soundness of the document. My report is **not binding** on the Council, but it should amend the documents in the light of my recommendations and move swiftly to formal adoption. The report will deal with broad issues and not with each individual representation.

### **The Programme Officer**

9. The Programme Officer (PO) for the examination is Ms Carmel Edwards. She is entirely independent of the Council and has not been involved in the preparation of the Plan and she works under my direction. Carmel Edwards can be contacted by e-mail at [programmeofficer@carmeledwards.com](mailto:programmeofficer@carmeledwards.com), by phone on 07969 631930 or by post, c/o Trafford Town Hall, Talbot Road, Stretford, M32 0TH.
10. The main tasks of the PO are to act as a channel of communication between me and everyone involved; to liaise with all parties to ensure the smooth running of the examination, including the hearing sessions; and to ensure that all documents received are recorded and distributed. Copies of the examination documents are mainly to be found on the Council's web site (see below).
11. During the examination, the PO will be able to tell you how closely the hearing sessions are following the circulated programme. Alternatively, you will be able to view a regularly updated programme on the web site at:

<https://www.trafford.gov.uk/planning/strategic-planning/CQAAP/CQAAP.aspx>

12. Any participant who has a disability that could affect their contribution to the examination should contact the PO as soon as possible so that any necessary assistance can be provided. All other procedural questions or other matters that you wish to raise prior to the hearing sessions should be made through the PO.

### **Number of representations**

13. A total of 34 respondents (persons or organisations) made 253 individual representations on the Submitted Plan within the consultation deadline. All the duly made representations which have been made will be taken into account in the examination insofar as they relate to my consideration of soundness.

### **Progressing representations**

14. **The starting point for the examination is the assumption that the Council has submitted what it considers to be a sound Plan. Those seeking changes should demonstrate why the Plan is unsound by reference to one or more of the soundness criteria set out in paragraph 2 above.** Those who are supporting the Plan, or who are

not seeking changes to the Plan are not entitled to take part, although I would be willing to accept written statements.

15. The Council should rely on evidence collected whilst preparing the documents to demonstrate that the Plan is sound. Those who have made representations on the Plan should have already indicated whether those views can be dealt with in a **written form** or whether they want to take part in the hearings and discuss them **orally**. Both methods carry the same weight; I will have equal regard to views put orally or in writing. Representors should let the Programme Officer know by **18 February 2022** if they wish to be heard at a hearing session, irrespective of any previous indications provided during the consultation (January-March 2021).
16. Taking part in a hearing session will only be useful and helpful to me if you wish to participate in a debate. You will all be there to help me, so you may be asked to comment on things that are not directly related to your own written submissions.
17. I may also specifically invite participants to sessions if I think that would assist the examination.
18. The hearing sessions will only discuss the issues and questions that I have raised in the Matters, Issues and Questions (MIQs) Discussion Note. If you feel that there are important matters that have not been identified for discussion or you wish to participate in a hearing session but are not listed to do so, or vice versa, please let the Programme Officer know by no later than **18 February 2022**.
19. It is important to stress the need for everyone to work together during the examination process on changes that could be made to the Plan, whilst avoiding producing so many alterations that they together might render the Plan cumulatively unsound.

### **The hearing sessions**

20. Matters will be the subject to bespoke sessions. The format aims to provide a relaxed and informal setting for a discussion led by me. It is not necessary for those attending to be professionally represented but a professional expert may act for you if you so wish.
21. Legal representatives take part as a member of the team, not in a traditional advocate's role, as no cross-examination or opening/closing statements will normally be permitted.
22. I will draw those present into the discussion in such a way as to enable me to gain the information necessary to come to a firm conclusion on the matters before me. All statements should have been read beforehand by all participants and discussions will proceed on the assumption that they have been; there will therefore be **no formal presentation of evidence**. There may be an opportunity within the discussion to ask questions of the other participants, if appropriate. **No more evidence can be submitted once the hearing session has closed, unless I expressly request it. Any unsolicited evidence will almost certainly be returned by the PO.**
23. The hearings will be inquisitorial rather than adversarial. I shall endeavour to progress them in an effective and efficient manner. As part of that process, it is my aim to minimise the amount of material necessary to come to informed conclusions on the issues of soundness. In that way I will conduct a short, focused series of hearings and, in turn, produce a short, focused report.

### **The hearing programme**

24. A draft Programme for the hearings, putting dates and times to the Issues and Questions, is included with the Discussion Note. If you have any queries, please raise them with the PO as soon as possible.

25. Should changes be required to the Programme, it will be updated on the examination web site. The PO will also be able to provide information on any changes. However, it will be for individual participants to check on the progress of the hearings, either on the web site or with the PO, and to ensure that they are present at the right time.
26. **After the first day, which starts at 10:00 hours, the hearing sessions will start at 09:30 each day** and will normally finish no later than 17:00. No new Matter will begin before its stated start time, but a later start may be unavoidable if discussion on a previous Matter has overrun. A short break will be taken mid-morning and mid-afternoon. Lunch will be taken at around 13:00hrs.

### **The Evidence Base and Examination Library**

27. The Council has prepared an evidence base list that will be available in the examination library (available online). The evidence base includes documents to which the parties are likely to need to refer. Most of these will be available on the web site, which will be regularly updated. Accordingly, parties should not attach extracts of these documents to their Statements as they are already examination documents. However, where reference is made to an examination document, the reference number should be given as should the section or paragraph where the point referred to can be found. This will allow other participants to see for themselves the context in which the point is made.

### **Statements of Common Ground**

28. Statements of Common Ground (SCGs) are welcome where these would be helpful in identifying points not in dispute (as well as areas of disagreement), thereby assisting the hearing sessions to concentrate on the key issues that truly need public discussion. They could, for example, include agreed wording of a suggested change to a policy, agreed factual information or areas or points of disagreement.
29. **Work on such statements should commence now with the aim of completing them in time to influence relevant hearing statements.**

### **Statements**

30. The **Matters, Issues and Questions (MIQs) Discussion Note** sets out all the areas where I am seeking further statements. All further written statements should only address the Matters, Issues and Questions as set out in the Discussion Note.
31. All further statements, for both the hearing sessions and further written representations **must** be sent to the Programme Officer by 17:00 hrs on **Friday 11 March 2022**. This deadline relates to the receipt of both **paper copies and electronic copies**.
32. **I will not be discussing evidence on any omission sites** until and unless, following consideration of all the allocated sites in the Plan, I have come to the view that the Plan as submitted would not realistically be able to deliver the housing quantum or any other required quantum of development.
33. All statements will be placed on the examination web site as soon as possible.

### **Form of statements**

34. Appendix B of this document sets out the requirements for the presentation of all statements. Its provisions should be thoroughly read and implemented. Statements that do not comply with these requirements will be returned. Please note the 3,000- word limit.
35. **Essentially, I need to know the following** from those submitting further statements:
- What particular part of the Plan is unsound?

- Which soundness test(s) does it fail?
- Why does it fail?
- How could the document be made sound?
- What is the precise change that is sought?

36. **From the Council I look for a brief response statement on each issue**, as set out in the MIQs document, setting out why they consider the Plan to be sound in that respect.

### **Site visits**

37. By the time of the hearings I will have **toured the area covered by the Plan** to familiarise myself, and I will visit the main sites referred to in the representations before, and/or possibly after the hearing sessions. This will mostly be done unaccompanied, but I will consider any requests for an accompanied visit which may be needed, probably after the hearing sessions.

### **Close of the Examination**

38. Once I have gathered all the information necessary to come to reasoned conclusions on the main issues, I will write the Report. The examination **remains open** until the Report is submitted to the Council; however, once the hearing sessions are over, I can receive **no further information** from any party, unless it is a matter on which I have specifically requested. Any unsolicited items sent in will be returned to the sender.

### **Submission of the Report to the Council**

39. The report is currently expected to be submitted to the Council around **late July 2022**. However, this will be subject to review, depending on the progress of the examination.

*Mike Fox*

Inspector

31/01/2022

## **Appendix A - List of relevant legislation and guidance**

### **Legislation**

These documents can be searched for and found on: <http://www.legislation.gov.uk/>

Planning and Compulsory Purchase Act 2004

The Town and Country Planning (Local Development) (England) Regulations 2012

The Localism Act 2011

### **Government Policy and Guidance**

National Planning Policy Framework (NPPF)

<https://www.enr.gov.uk/20180608095821/https://www.gov.uk/government/publications/national-planning-policy-framework-2>

### **Guidance from the Planning Inspectorate**

Procedural Guide for Local Plan Examinations, October 2021

[http://www.planningportal.gov.uk/uploads/pins/dpd\\_procedure\\_guide.pdf](http://www.planningportal.gov.uk/uploads/pins/dpd_procedure_guide.pdf)

### **Examination and Evidence Base Documents**

The Examination web site can be found at:

<http://www.trafford.gov.uk/planning/strategic-planning/CQAAP/CQAAP.aspx>

Many of the above documents and most of the evidence base documents are available on-line through the web site and can be found towards the end of the page.

## **Appendix B - Format for statements**

- A. Please send, where possible, e-mailed electronic versions of all Statements and Appendices to the PO (in Word or PDF format) for the examination web site as well as three paper copies (for the Library, Council and Inspector) as detailed below.
- B. I emphasise the need for succinct submissions with the avoidance of unnecessary detail and repetition of the original representation. They should be focused on the **MIQ Discussion Note**.
- C. It is the quality of the reasoning that carries weight not the bulk of the documents. There is no need for verbatim quotations from the Plan or other sources of policy guidance. It is vital that the fundamental elements are set out clearly and succinctly – the hearing sessions are not the place for surprise contributions!
- D. None of the statements should be longer than **3,000 words**. For the avoidance of doubt, this limit applies to statements in response to individual questions in the MIQ. Statements should be prepared on A4 paper and **not bound** in any way but just stapled and hole punched. Any plans or diagrams should also be folded to A4 size and listed as Appendices.
- E. Supporting material in the form of Appendices to statements should be limited to that which is essential and should not contain extracts from any publication that is already before the examination, such as evidence base documents and nationally available Government guidance – a paragraph or page reference will suffice. Any Appendices should have a contents page and be **paginated** throughout. Whilst the word limit does not include text in appendices, the aim of succinctness should be respected. Anyone submitting appendices should indicate in their statement which parts they are especially relying upon.
- F. Please submit a separate statement for each issue covered; if your statement covers multiple issues please do not combine the content into a single statement, each statement should specifically address questions covered within an individual issue. This will assist distribution, publication and understanding during the hearing sessions.
- G. All participants must adhere to the timetable for submitting statements. Late submissions and additional material will **not be accepted** under any circumstances, since this can cause disruption and result in unfairness. If material is not received by the deadlines, the PO will assume that you are relying on your original representation:
- H. Statements are to be received by the PO by **17:00 hrs on Friday 11 March 2022** (see paragraph 30 of the Notes).
- I. **It is stressed that these deadlines refer to the receipt of both electronic and paper copies of statements.**