

Examination of the Winchester District Gypsy and Traveller and Travelling Showpeople Development Plan Document

Guidance notes for people participating in the examinations

Introduction

I am Louise Crosby, a Planning Inspector appointed by the Secretary of State for Communities and Local Government to independently examine the soundness of the Winchester District Gypsy and Traveller and Travelling Showpeople Development Plan Document (the Plan). I have prepared this guidance note. Its purpose is to explain the procedural and administrative matters relating to the examination.

The Programme Officer for the examination is **Rosie Morton**. Her contact details are given below. She is acting as an independent officer for the examination, under my direction. Rosie will be responsible for organising the programme of hearings, maintaining the examination library, recording and circulating all material received, and assisting me with procedural and administrative matters. She will also advise on any programming and procedural queries. Any matters which the Council or participants wish to raise with me should be addressed to Rosie.

Information about the progress of the examinations and links to documents are provided on the Council's examination website:

www.winchester.gov.uk/planning-policy/traveller-dpd/gypsy-and-traveller-dpd-examination

Purpose and scope of the examinations

My role is to consider whether the Plan meets the requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and associated Regulations and whether they are sound in accordance with the National Planning Policy Framework.

To be sound the Plan must be:

Positively prepared: based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

Justified: the most appropriate strategy when considered against the reasonable alternatives and based on proportionate evidence;

Effective: deliverable over the plan period and based on effective joint working on cross-boundary strategic priorities; and

Consistent with national policy: the examination must consider whether the Plan satisfies the following legal and procedural requirements:

whether it has been prepared in accordance with the Local Development Scheme and in compliance with the Statement of Community Involvement and the relevant Regulations;

whether it has been subject to Sustainability Appraisal and Habitats Regulations Assessment; whether it complies with national policy;

whether it has regard to the sustainable community strategy for the area; and

whether the Duty to Cooperate has been met.

The starting point is that the Council has submitted what it considers to be a sound Plan. The Council should rely on evidence collected while preparing the Plan to demonstrate it is sound.

People seeking changes to the Plan have to demonstrate why it is not sound and how their suggested changes would make it sound. Representations to the Plan will be considered insofar as they relate to soundness and legal requirements. However, my report will not refer to representations individually.

Some people have already indicated whether they wish their views to be dealt with solely on the basis of their written representation or if, in addition, they intend to participate in a hearing session. **Both methods carry the same weight and I will have equal regard to each.**

Only people seeking specific changes to the Plan are entitled to participate in the hearing sessions of the examination. There is no need for those supporting or merely making comments on the plans to attend.

I ask that representors let the Programme Officer know by **5pm on 20 July 2018** whether they wish to be heard at a hearing session.

At this advanced stage of the Plan preparation process, any further changes to the Plan should be limited. The Council cannot itself now make any 'main modifications' – significant changes to remedy soundness problems can only come about through a recommendation in my report. However, the Council can make any 'minor' modifications considered necessary without my recommendation. Generally speaking, minor changes are those which do not affect the substance of the plan and are not needed for soundness reasons.

I will confirm the likely date for the submission of my report to the Council at the end of the final hearing session. The report will set out my conclusions about the soundness of the Plan and, where appropriate, will include recommendations on any actions or modifications needed to make them sound.

There are several possible outcomes of the examination. The submitted Plan forms the basis of the examination, and it could be found to be sound as originally submitted. If it is not, it may be decided that further additional work needs to be undertaken before the examination can be completed. I may conclude that the plan could be modified to make it sound, having regard to any implications for consultation and sustainability appraisal. The most serious outcome would be a finding that either plan is not sound.

Examination programme and my matters and issues

The examination will take place in one stage.

The hearing sessions will start on Wednesday 29 August 2018 at 10am.

It is anticipated that the session will last for 2 days. However, an additional day has been reserved for Friday 31 August 2018.

The draft ***Inspector's matters, issues and questions*** sets out the matters, issues and questions to be covered at the hearings.

At the hearing sessions, a short break will be taken mid-morning and mid-afternoon, with a lunch break at about 1.00 pm. Where an afternoon session is shown, this will begin at 2.00pm. The hearings will focus on the matters, issues and questions outlined by the Inspector and arise from the tests of soundness and the representations made about soundness. They are public hearings and interested persons are welcome to attend and observe, even if not taking part. 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.

Any comments on either the timetable or the scope of my matters and issues should be sent to the Programme Officer by 27 July 2018.

Every effort will be made to keep to the draft timetables, but late changes may be unavoidable. Priority will be given to starting the debate on each matter at the appointed time, and it may be necessary to extend the discussion in the afternoon session. The Programme Officer will inform the participants of any late changes to the timetable, **but it is the responsibility of the participants to keep themselves up to date with the arrangements and programme.**

Procedure at the hearing sessions of the examination

The topics selected for discussion arise from the tests of soundness and the representations made about soundness. The hearing format will provide an informal setting for dealing with these issues, by way of a discussion led by me. I will usually begin by making a few brief comments on the matters to be covered. I will then invite participants into the debate so I can gain the information necessary to come to a conclusion on the relevant issues. Those attending may bring professional advisors with them and although they may participate there will be no formal presentation of evidence, cross-examination or formal submissions.

The discussions will focus on the relevant matters and issues I have set out. The emphasis will be on the tests of soundness and the hearings will be conducted on the basis that everyone taking part has read the relevant documents.

Submission of further written statements

If representors participating in the hearing sessions so wish, they may submit further written statements or they can rely on their original submissions. For those who do choose to provide statements, they should directly address the matters and issues I have identified.

Those who wish to proceed solely by written representations (and are not participating in the hearings) can rely on what they have already submitted in writing. However, representors proceeding by this method may submit a written statement if they feel it necessary to respond to the matters and issues.

Statements from representors should:

- i) relate solely to the matters raised in their earlier representations;
- ii) should make it clear which of the Inspector's questions their representation is about;
- iii) explain why the Plan is unsound, having regard to the National Planning Policy Framework;
- iv) explain how the Plan can be made sound;
- v) explain the precise change/wording that is being sought.

From the Council, a written statement in response to all of the matters and issues is required. These should include full and precise references to the evidence base to justify the relevant policies and to demonstrate that the Plan is sound. They should also include references to any further main modifications the Council considers necessary to make them sound and set out the Council's position on changes sought by other parties, where relevant.

Written statements should be succinct, avoiding unnecessary detail and repetition. There is no need for verbatim quotations from the Plan, national planning policy or other core documents (references will suffice). Nonetheless, it is vital that the fundamental elements of 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 Plan being referred to.

Please note that it is not my role to 'improve' the Plan. I can only recommend modifications to rectify issues of soundness.

Participants should attempt to reach agreement on factual matters and evidence before the hearings start and I strongly encourage everyone to maintain a dialogue with the Council and other participants in advance of the hearings.

Statements of Common Ground can be particularly helpful and are especially welcomed.

There is no need to prepare a further statement if all the points are already covered in the original representation, but it would be helpful for participants to inform the Programme Officer if they do not intend to submit further statements. Three paper copies (not bound) of each written statement and an electronic copy should be sent to the Programme Officer. The Programme Officer's postal and email address is provided at the end of these Guidance Notes. Statements should be no longer than 3,000 words for each matter. Statements which are excessively long or contain irrelevant or repetitious material may be returned. Any technical evidence should be limited to appendices, and should be clearly related to the case being made. Statements should be on A4 paper and stapled. Plans or diagrams should fold down to A4 size.

All statements must be received by the Programme Officer by 12:00 noon on 13 August at the latest. If material is not received by this deadline, the Programme Officer will assume that written statements are not being provided.

Participants should adhere to the timetable for submitting written statements. **Late submissions and additional papers are unlikely to be accepted on the day of the relevant session**, since this can cause disruption and result in unfairness, and may lead to the hearing being adjourned.

Core documents

The Council has prepared a list of core documents, which are available in the examination library. The list should represent the Council's full evidence base for the examination and will include the documents that participants are likely to need to refer to. The list will be updated from time to time and is available from the Programme Officer and on the Council's website. The Programme Officer will assist anyone wishing to see a document.

Site visit arrangements and close of the examination

I will carry out an unaccompanied tour of the district to familiarise myself with the area. I will also be visiting the sites during the examination. My site visits will generally be unaccompanied. However, if there are particular reasons for an accompanied visit, for instance because it may be necessary for me to go onto land which is not publicly accessible in order to see the site adequately, I ask that you discuss this with the Programme Officer as soon as possible.

The examination will remain open until my report is submitted to the Council. However, I will not accept any further representations or evidence after the hearing sessions have finished unless I specifically request it. Any late or unsolicited material is likely to be returned.

If you have any further questions please contact the Programme Officer:

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Louise Crosby,
Inspector