

## **Local Development Framework**

# **Bridlington Town Centre Area Action Plan DPD Examination**

## **Guidance Notes for Participants**

<b>Hearings commence:</b>	<b>05 December 2011</b>
Location:	The Spa South Marine Drive Bridlington YO15 3JH
Inspector:	Siân Worden BA DipLH MCD MRTPI
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## GUIDANCE NOTES FOR PARTICIPANTS

### 1. Introduction

- 1.1. These Guidance Notes are intended to help those who wish to be involved in the examination into the soundness of the Bridlington Town Centre Area Action Plan (AAP). This is a key development plan document in the *Local Development Framework* (LDF) for the District prepared under the Planning & Compulsory Purchase Act 2004. It was formally submitted to the Secretary of State on 21 April 2011 and the examination started then.
- 1.2. The baseline for the examination is the AAP as published for consultation in October 2010, and amended by the Schedule of minor editing changes prepared by the Council prior to formal submission.
- 1.3. The Council cannot itself now make changes to the AAP – that can only come through a recommendation in the Inspector's binding report. The Inspector will consider any further changes suggested by the Council alongside those suggested in representations. Any significant proposed changes must be subject to the same process of sustainability appraisal (SA) and consultation as the submitted plan.
- 1.4. The purpose of the Pre-Hearing Meeting (PHM) is to provide an opportunity for procedural and administrative matters relating to the examination to be explained and discussed. A note of the PHM will be circulated as soon as possible after the meeting.

### 2. Scope and Purpose of the Examination

- 2.1. The purpose of the examination is to investigate whether or not the AAP is sound. The whole examination is intended to be an inquisitorial process under the Inspector's direction. The Inspector will use this approach for the hearings dealing with representations on soundness although there remains a 'right to be heard'.
- 2.2. The Inspector's role is to consider whether the AAP meets the requirements of Sections 19 and 24 of the 2004 Act and associated Regulations and whether it is sound in terms of the three aspects set out in Planning Policy Statement (PPS) 12: *Local Spatial Planning*. To be sound the AAP must be:
  - **Justified:** founded on a robust and credible evidence base and the most appropriate strategy when considered against the reasonable alternatives;
  - **Effective:** deliverable, flexible and able to be monitored;
  - **Consistent with national policy.**
- 2.3. In examining soundness the Inspector is required to consider all representations made to the submission AAP but only so far as they relate to these three aspects of soundness. She is not required to consider each and every 'objection' or to report on it; and the Council is deemed to have submitted what it considers to be a sound plan. The representations are a starting point for the Inspector's deliberations but she is able to raise other matters too. As the decision maker she has to exercise her duties under section 39 of the 2004 Act with the objective of contributing to the achievement of sustainable development.
- 2.4. There are two main ways in which representations on the AAP will be considered:  
Written representations – based on the original representation, with a response, if necessary, from the Council, and the Inspector may also seek additional information by way of clarification. Most representations will be considered by this method. Written representations are not discussed at the hearings and attendance at the hearing sessions is not necessary;  
Oral representations – where representors have indicated that they wish to have an oral hearing, relevant points in the representations will be dealt with at a hearing session of the examination, where the Council and other participants debate the

main points of the key issues identified by the Inspector in a structured and informed discussion.

- 2.5. **Both methods carry the same weight and the Inspector will have equal regard to views put orally or in writing.** The hearings will take the form of round table sessions addressing particular topics, rather than the traditional public inquiry considering individual objections. The topics selected for discussion arise from the aspects of soundness and the representations made on the submission AAP. Attendance at the hearings will only be helpful if participants wish and need to participate in the debate. Only those parties seeking specific changes to the AAP are entitled to attend the hearing sessions, and there is no need for those supporting or merely making comments on the plan to attend.
- 2.6. The Inspector must also emphasise the very tight timetable everyone has to adhere to in order to meet the objectives set in PPS12 and, as far as possible, in the Council's own Local Development Scheme. Therefore, participants should agree with the Council (and with other participants if necessary) those items of evidence which can be agreed.
- 2.7. 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 AAP. These recommendations are binding on the Council and it has to amend the document accordingly and move swiftly to its formal adoption. The likely date for submission of the Inspector's report will be confirmed at the last hearing session.

### 3. Procedure at Hearing Sessions

- 3.1. The hearings part of the examination will begin on:

**Monday 05 December 2011 at 1pm**

at

**The Spa, Bridlington.**

- 3.2. The hearing format will provide an informal setting for dealing with issues, by way of a discussion that the Inspector will lead. Those identified to participate may bring professional advocates and witnesses but space around the table will often be at a premium. There will be no formal presentation of evidence or cross examination and as the discussion will focus on the issues identified in the agenda and the questions posed, it is important that the person able to make the most useful contribution should sit forward. Where a number of individuals have made representations on the same issue, they are encouraged to select one or two of their number to act as spokespeople at the hearing.
- 3.3. Before the sessions, the Inspector will set out a detailed agenda with the points for discussion on each topic. **The emphasis will be on the aspects of soundness.** The Inspector will begin by making a few brief comments on the matters to be covered. She will direct a question to a person – sometimes the Council representative - to start the discussion in response to the points raised. The hearing will then progress under the Inspector's guidance, drawing those present into the discussion in such a way as to enable the Inspector to gain the information necessary to come to a firm conclusion and decision on the matters.
- 3.4. The Programme Officer will provide name boards for each participant which should be up-ended to indicate a wish to speak. In that way the Inspector can invite contributions as she goes along without overlooking anyone with a point to make.
- 3.5. The statements and representations relevant to particular hearing sessions will be circulated to participants. 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 relevant points, as necessary.

- 3.6. The Inspector will endeavour to progress the hearing sessions in an effective and efficient manner, keeping a tight hand on the discussions and time taken. As part of that process, she will aim to minimise the amount of material that is necessary to come to informed conclusions on the issues.

#### 4. Submission of further written statements

- 4.1. The representations already made when the submission AAP was published should include all the points, documents and evidence to substantiate representors' cases. It should not therefore be necessary to submit any further material based on the original representations. Please note that although representors may have made representations at earlier stages of the plan process, the Inspector only has copies of representations made on the submission document.
- 4.2. However where participants relying on written representations feel that it is necessary for them to put in further material, this must be submitted to the Programme Officer in accordance with the same timetable which will be set for the submission of further statements by those attending hearing sessions.
- 4.3. From now on, all written submissions should address the Matters and Issues<sup>1</sup> for Examination identified by the Inspector. The need for succinct submissions is emphasised, with the avoidance of unnecessary detail and repetition. There is no need for verbatim quotations from the AAP or other sources of policy guidance. Earlier this year the Government published its draft National Planning Policy Framework (NPPF) which will eventually replace existing national Planning Policy Guidance (PPG) and Planning Policy Statements (PPS). The Council and other participants may wish to refer to this in their written statements.
- 4.4. Where the original representation does not do so, participants should address the following questions in their statements or in any further written material they submit:
- What particular part of the AAP is unsound?
  - Which aspect of soundness, set out in PPS12, does it fail?
  - Why does it fail?
  - How can the AAP be made sound? That is, what change is required?
  - What is the precise change/wording that is being sought?
- 4.5. The Inspector will not ask the Council to respond to each and every representation. What she needs from the Council is a general response to the representations on each topic, in a written statement, setting out succinctly why it considers the AAP to be sound in that respect and why the changes sought by other parties would make it unsound. This is in addition to its written statements dealing with the Matters and Issues.
- 4.6. Where there is scope for participants to co-ordinate their contributions to hearings this possibility should be explored. Participants should attempt to reach agreement on factual matters and statistics with the Council before the hearings start. Statements of Common Ground can be a useful way of narrowing the issues in dispute, and should be submitted within the timescale set out below. New evidence should not be produced at the hearings. It is the quality of the reasoning that carries weight, not the size of the documents or the number of appendices.
- 4.7. The Programme Officer will require **4 hard copies** of all statements. Wherever possible, documents should also be submitted in electronic form and sent using Microsoft Word format (.doc). No statement should be longer than 3,000 words, with technical material consigned to appendices, and should be clearly related to the case. *The Programme Officer has been requested to return any submissions longer than 3000 words.* Statements should be on A4 paper, not spiral bound, punched with

<sup>1</sup> Following the Exploratory Meeting some participants wished to correct parts of the paper (ED02 - ERYC Responses to the Inspector's Matters) submitted to it by the Council. The topics and questions set out in the Matters and Issues should allow them to do this within their written statements. Where that is not possible concise, additional comments may be made under a separate heading.

two holes for filing, with one copy unbound and the remainder stapled once in the top left hand corner. Plans or diagrams should fold down to A4 size. Please see the Programme Officer's note about referencing documents attached as **Appendix A**.

**4.8. Written submissions based on the Matters and Issues for Examination should be submitted by 5.00pm on Monday 7 November 2011.**

- 4.9. All participants should adhere to the timetable for submitting further statements. Participants should avoid circulating additional material during the hearings. **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 can result in an adjournment of the hearing. **Those who fail to meet the deadlines may lose their right to be heard**, unless the Inspector is satisfied that there is a genuine and unavoidable reason, and the representation will then be considered by written representations. If material is not received by the deadlines stated, the Programme Officer will assume that no representations are to be made by that participant.

**5. Main Reference Documents**

- 5.1. Participants should be familiar with:

*The Planning and Compulsory Purchase Act 2004 and associated Regulations;*

*PPS12: Local Spatial Planning; and*

*Examining Development Plan Documents: Procedure Guidance and Soundness Guidance* (both August 2009) produced by the Planning Inspectorate.

- 5.2. The Council has prepared a list of reference documents (**Core Documents**), which will be available in the examination library. These are the documents expected to be referred to most frequently and include the Regional Spatial Strategy, Planning Policy Guidance Notes (PPGs) & Planning Policy Statements (PPSs), the evidence base and any other documents that participants are clearly likely to need to refer to. Extracts of these documents should not be attached to statements as they are already examination documents. Participants should ensure that any documents they intend to refer to are included in the list of Core Documents, and they should arrange for any missing documents to be sent to the Programme Officer (four copies will be required). The inspector will be happy to accept relevant extracts of documents rather than the whole documents themselves.
- 5.3. The Core Documents list which is updated from time to time is available from the Programme Officer and is posted on the website. Links to electronic versions of the reference documents are provided in this list wherever possible.
- 5.4. The examination library is maintained by the Programme Officer and contains copies of the AAP, all representations, and the Core Documents as well as further statements and material when received. The library can be viewed at the Town Hall, in Quay Road, Bridlington, *subject to prior appointment with the Programme Officer*. Anyone requiring assistance should contact the Programme Officer beforehand to enable appropriate arrangements to be made. All core documents can also be viewed on the examination website.
- 5.5. The examination website can be viewed at the following link:

[www.bridlingtonrenaissance.com](http://www.bridlingtonrenaissance.com)

Participants are advised to keep a close eye on the website which will provide an update on the progress of the examination and links to relevant documents as they are produced.

**6. Other Matters**

- 6.1. The examination programme will be organised around the topics in the Matters and Issues for Examination. Every effort will be made to keep to the programme, but late

changes may be unavoidable. The Programme Officer will inform 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 the programme.

- 6.2. After the first day, when it is suggested proceedings should begin at 13:00, the hearing sessions will normally start at 9.30 and 14.00 each day, with a break for lunch at about 13.00, and finish at about 17.00. If convenient, a short break will be taken mid-morning and mid-afternoon.
- 6.3. The Inspector has walked or driven around the AAP area to familiarise herself with it. She will be visiting all the places referred to in the representations on an unaccompanied basis, viewing sites from roads and publicly accessible land. If there are particular reasons for an accompanied visit, participants should discuss this with the Programme Officer.
- 6.4. The examination will remain 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.

### **Key Points**

- **The Inspectors will have equal regard to views put orally or in writing**
- **Hearings will be short, focussed debates structured around the aspects of soundness**
- **Any further submissions should be succinct and focus on the matters for examination and aspects of soundness**
- **Please meet target dates for further work**

**APPENDIX A****DOCUMENT NUMBERING AND REFERENCING OF STATEMENTS FOR APPEARANCES AND FURTHER WRITTEN MATERIAL**

Please clearly display the following information at the top of the front page of your statement in all cases.

**Statements for appearances** should detail the Matter number shown in the Examination Programme followed by the respondent identification number, e.g. for an appearance by respondent number R56 at the hearing to be held on Matter 1 at the Allocations AAP Examination this would be Matter 1/R56. The respondent number is in the Examination Programme in brackets following the respondent name.

**When submitting your statement please also inform the Programme Officer of the name(s) of those who will be representing the respondent at the hearing.**

**Further written material** should supply the same information as detailed for statements for appearances, identifying the Matter being addressed by the statement.

The Programme Officer will require **4 hard copies** of all statements. Wherever possible, documents should also be submitted in electronic form, using Microsoft Word (.doc) and emailed to the Programme Officer by the relevant date at: [bridlingtonaap@yahoo.co.uk](mailto:bridlingtonaap@yahoo.co.uk).

No statement should be longer than 3,000 words, with technical material consigned to appendices, and should be clearly related to the case. *The Programme Officer has been requested to return any submissions longer than 3000 words.* There is no need for summary statements.

A separate statement is required for each Main Matter, and should be appropriately referenced.

Statements should be on A4 paper, not spiral bound, punched with two holes for filing, with one copy unbound and the remainder stapled once in the top left hand corner.

Photographs should be in A4 format, annotated on the back.

Plans or diagrams should fold down to A4 size.

Copies of statements will be placed on the Council's Examination website as soon as practicably possible.

SEW  
Sept11