EXAMINATION HEARINGS

**GUIDANCE NOTE FROM THE INSPECTOR**

*The hearings into the Bradford City Centre and Shipley and Canal Corridor Road Action Plans [“the Plans”] will resume at 10 am on Wednesday 1 March 2017 as part of the examination of the Plans.*

**The Programme Officer**

1. Tony Blackburn, the Programme Officer [PO], is responsible for the administration of the Examination. This includes ensuring that all Examination documents are made available to participants and organising the hearings programme. Tony works under my direction. He is not an employee of the Council. His contact details appear at the foot of this page. Any procedural questions or other matters that you wish to raise should be directed to Tony.

**The Examination webpage**

1. There are dedicated Examination webpages which can be accessed via the following link www.bradford.gov.uk.

1. All the material produced for examination hearings will appear on the webpage. If you do not have access to the internet, documents and other information can be obtained via the Programme Officer.

**The Inspector’s role**

1. I have been appointed by the Secretary of State for Communities and Local Government. My role is to consider whether the Plans comply with relevant legislation and are sound. The *National Planning Policy Framework* [NPPF] makes it clear that in order to be found sound the Plans must be:
2. ***Positively prepared -*** based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
3. ***Justified*** *-* the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence;
4. ***Effective -*** deliverable over its period and based on effective joint working; **and**
5. ***Consistent with national policy -*** able to achieve sustainable development in accordance with the NPPF’s policies.

**Changes to the plan**

1. The starting point is that the Council have submitted local plans which they consider are ready for examination. At this stage there are only two means by which changes can be made to the submitted plans:

(1) *main modifications* recommended by the Inspector

(2) *additional modifications* made by the Council on adoption.

1. However, I can only recommend main modifications if they are necessary to resolve problems that would otherwise make the submitted Plan unsound or not legally compliant[[1]](#footnote-1). Main modifications are changes which, either alone or in combination with others, would materially alter the plan or its policies. Any potential main modifications must be subject to consultation and in some cases further sustainability appraisal might also be needed.
2. ‘Additional modifications’ are those changes which do not materially affect the policies in the Plan[[2]](#footnote-2). They are made by the Council on adoption and are also sometimes referred to as ‘minor modifications.’ The Council is accountable for any such changes and they do not fall within the scope of the examination.

**Modifications proposed by the Council**

1. The Council has proposed a number of post-submission changes to the plan, including those which have been provided following the initial hearings which took place last October. These changes are available via the Council’s website. As noted above I would only be able to recommend *main modifications* if they are necessary to make the plan sound. *Additional modifications* are a matter for the Council on adoption. It is possible that additional changes may be proposed during the hearing sessions. Therefore, following the completion of both sets of hearing sessions a number *of main modifications* may be consulted upon.

**Representations on the Plan**

1. The Council’s statements on the representations made on the published plan, and all the representations are available on the examination webpage.

**Attending the hearing sessions**

1. Those who have made representations will by now have indicated whether their views should be dealt with in a written form or whether they feel that they need to come and discuss them orally at a hearing session. Both methods will carry the same weight and I shall have equal regard to views put at a hearing or in writing.
2. Anyone can come and observe the hearings, but only those who are proposing changes to the Plan in order to make it sound or legally compliant have the right to participate and speak. Besides those, I may wish to invite a small number of additional participants to attend the hearings because I think their representations are particularly relevant to the matters under discussion.

T**he hearings programme**

1. The list of Issues and Questions accompanying this note will form the basis of the discussion at the hearing sessions. It is important to note that the hearing sessions programmed for 1 March will relate to flood related matters only, as all other matters were previously considered at the October hearing sessions.
2. If you have any comments on this list (for example, because you feel there may be a significant omission), you should contact the PO by the end of **Monday 30 January 2017.**
3. The draft Hearing timetable includes a draft list of participants for each issue. This is based on previously-indicated wishes and whether I consider that the attendance of others would be helpful in my consideration of the issues which I have raised.
4. Listed participants who no longer wish to participate in the hearings should tell the PO by the end of **Friday 10 February 2017.**
5. A final version of the hearing timetable will be published on the examination web site around two weeks before the start of the hearings**. It will be for individual participants to check 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**.

**Format of the hearing sessions**

1. Each hearing session will consist of a structured discussion. This will be led by me. It will be based on my list of matters, issues and questions. Where matters and issues are common to both Area Action Plans to avoid undue repetition discussion will relate to both. I will invite particular participants to begin the discussion on each question, and others will then have a chance to contribute.
2. There is no need for formal presentation of evidence, as I will have read all the relevant representations and hearing statements beforehand, and will expect all the other participants to have done so as well. Nor will there be any cross- examination, unless I consider it necessary to deal with a particular issue or questions. Barristers, or solicitors, if present, will be treated as part of the respective team.
3. The Hearings will take place at Bradford City Hall, Centenary Square, Bradford, BD1 1HY.

**Hearing statements**

1. Oral and written representations carry equal weight, and there is no need for participants to submit an additional hearing statement if they are content that their original representations adequately cover the issues and questions they are concerned about.
2. If participants do wish to produce hearing statements to supplement their original representations, for each matter they should be limited to:
3. the issues and questions identified in the Inspector’s Matters, Issues and Questions document which are relevant to their original representations, and
4. any new matters that have arisen since the original representations were submitted.
5. Please make clear whether your statement relates to both or to only one of the plans.

1. **Statements should be no longer than is necessary to deal with their subject matter, and in any event must contain no more than 3,000 words.** This limit will be strictly applied.
2. Within this limit, they should be kept as short as possible. Appendices should only be included where directly relevant and necessary and should also be as succinct as possible. Statements should be stapled rather than bound. In addition, they should:

* only answer the specific questions which are of relevance to the original representation
* clearly identify the number(s) of the question(s) being answered
* state whether any of the Council’s *proposed main modifications* or *additional modifications* would resolve the concerns and make the plan sound
* indicate whether any other changes are needed to make the plan sound (providing detailed suggested wording for the change and if appropriate, any changes sought to the policies map).

1. The Council should produce a hearing statement for each of the issues. In doing so, they should answer each of the individual questions set out in the Issues and Questions, either directly or by referring to relevant evidence already submitted. Because of this requirement, the Council’s statements are not subject to the **3,000 word limit, but they should still be focussed and succinct.**
2. Four paper copies and an electronic version of each hearing statement should be submitted to the PO by the end of **Monday 6 February 2017**. Unless there are exceptional circumstances is it likely that late submissions will not be accepted.
3. Aside from these hearing statements no other written evidence will be accepted, unless I specifically request it. The hearing sessions should not be used to introduce new evidence or arguments. Otherwise statements will be returned.
4. Hearing 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 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 PO.

**Statements of Common Ground**

1. Statements of Common Ground, agreed between two or more hearing participants, will be welcome where they would help to identify points not in (or remaining in) dispute, and so enable the hearing to concentrate on the key issues that need further discussion. At the very latest, any Statements of Common Ground should be submitted by **Monday 20 February 2017** or earlier with the statement to which they are relevant.

**Site Visits, Close of the Examination and the Inspector’s Report**

1. Insofar as I consider it necessary to my assessment of the soundness of the respective plans, I shall visit sites and areas referred to in the representations before, during, or after the hearings. I will do these on an unaccompanied basis unless I find that I need to go onto private land.
2. When I have gathered all the information necessary to come to reasoned conclusions on the main issues I will write my report. The examination remains open until the report is submitted to the Council. However, once the hearings are completed I can receive no further information from any party, unless it is a matter on which further comments have been requested. Any unsolicited items will be returned to the sender. I will announce the likely date of the report’s submission at the end of the final hearing session.

**Further information**

1. Further information about the preparation and examination of Local Plans can be found in the national *Planning Practice Guidance* and the *Planning Inspectorate’s Procedural Practice in the Examination of Local Plans – June 2016* <http://www.planningportal.gov.uk/planning/appeals/planninginspectorate>[*(4th Edition v.1)*](http://www.planningportal.gov.uk/uploads/pins/dpd_procedure_guide.pdf) **Error! Hyperlink reference not valid.**.

Louise Nurser

INSPECTOR

January 2017

1. Under section 20(7B) & (7C) of the planning and Compulsory Purchase Act 2004 [↑](#footnote-ref-1)
2. S23(3)(b) of the PCPA 2004 “… if the additional modifications (taken together) do not materially affect the policies …” [↑](#footnote-ref-2)