

GUIDANCE NOTE FROM THE INSPECTOR

Richard Schofield BA(Hons) MA MRTPI

The hearings on the Milton Keynes Site Allocations Plan (the Plan) will open at 0930 am on Tuesday 12 September 2017, at The Church of Christ the Cornerstone, 300 Saxon Gate, Milton Keynes, MK9 2ES, as part of the examination of the Plan.

The Programme Officer

1. Ian Kemp, the Programme Officer (PO), is responsible for the administration of the Examination. He is entirely independent of the Council, has not been involved in the preparation of the Plan and works under my direction.
2. Any procedural questions or other matters that you wish to raise should be directed to Ian. He can be contacted on 01527 861711, mobile 07723 009166, by email at ikemp@icloud.com or by post at 16 Cross Furlong, Wychbold, Droitwich Spa, Worcs WR9 7TA.
3. The main tasks of the PO are to act as a channel of communication between myself and everyone involved, liaising with all parties to ensure the smooth running of the examination. He will also ensure that all documents received are recorded and distributed and will keep the Examination library.
4. 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 website (see below).
5. 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.

The examination website

6. Copies of the examination documents are mainly on the examination website:

<https://www.milton-keynes.gov.uk/planning-and-building/planning-policy/site-allocations-examination>

7. The documents are those to which the parties are likely to need to refer. A hard copy record of documents will be held at the Council Offices prior to the hearings and at the hearing session venue while hearings are in progress. Anyone interested in viewing any of the documents in person should contact the PO beforehand in order to ensure availability.
8. All of the material produced for the examination, including for the hearings, will appear on the examination webpage. If you do not have access to the internet, documents and other information can be obtained from the PO.

The Inspector's role

9. My role is to consider whether the Plan complies with relevant legislation and is sound. The National Planning Policy Framework (the Framework) makes it clear that in order for the Plan to be found sound it must be:

- *positively prepared* (based on a strategy that seeks to meet objectively assessed development and infrastructure requirements);
- *justified* (the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence);
- *effective* (deliverable over its period and based on effective joint working); and
- *consistent with national policy* (able to achieve sustainable development in accordance with the policies in the Framework).

10. Appendix A contains a list of useful publications and websites for advice and information on development plans.

The examination process

11. The starting point for the examination is that the Council has submitted what it considers to be a sound plan. Those seeking changes must demonstrate why it is unsound by reference to one or more of the tests of soundness. The **focus is on the plan** rather than the objections.

12. Unresolved issues concerning soundness or legal compliance may be addressed through discussion at the examination hearings and through consideration of the original written representations. It should be emphasised that my role is not to improve the Plan or to make it 'more' sound, but to determine whether or not it meets the soundness tests as it stands. For example, if an alternative version of a policy is put forward I cannot recommend it as an improvement if the Plan is already sound.

13. At this stage there are only two means by which changes can be made to the submitted Plan:

- 1) *Main modifications* recommended by the Inspector
- 2) *Additional modifications* made by the Council on adoption.

14. 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. *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 required.

15. *Additional modifications* are those changes which do not materially affect the policies in the Plan. 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.

16. After the hearings have closed, I will prepare a report for the Council with my conclusions and recommendations.

17. There are several possible outcomes of the examinations. First, the submitted plan 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 the Plan is not sound.
18. The examination will remain open until my report is submitted to the Council. No more evidence can be submitted once the hearing sessions have closed, except with my agreement. Any late unsolicited material will be returned.

The Hearings

19. I have prepared a list of *Matters, Issues and Questions*, which can be found on the examination website. The submission of any further written representations (see below) from participants should be directly related to the issues that I have identified as it is these that will be the focus of the hearings.
20. 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 Plan to attend.
21. The hearings will be by way of an informal, structured discussion, which I will lead. They will not normally involve cross-examination. Those attending may, if they wish, bring professional experts with them. Barristers and solicitors, if present, will be treated as part of their respective team.
22. The purpose of the hearings is to concentrate on the matters that I need to hear about. It is not an opportunity simply to repeat a case already set out in written representations. The discussion will be structured around an agenda which will be issued in its final form shortly before the hearing sessions. The emphasis will be on testing for soundness.
23. 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. There will be no formal presentation of evidence, as I will have read all of the relevant representations beforehand, and I will expect all the other participants to have done so as well.
24. 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 short, focused hearings and, in turn, produce a short, focused report.
25. **Notwithstanding any indications you may have previously made, anyone who believes it is necessary for them, and who wishes, to participate in the hearing sessions should register their interest to do so with the PO by 5pm on Thursday 31st August 2017. I may also specifically invite participants to particular sessions if I think that would assist the examination.**
26. Please note that written representations carry the same weight as oral evidence, and I will have equal regard to both. This being so, you should consider carefully, having looked at the issues that I have identified, whether it is still necessary, helpful or

constructive for you to participate in a discussion concerning the soundness or legal compliance of the Plan.

The Hearings Programme

27. A draft Programme for the Hearings, putting dates and times to the *Matters, Issues and Questions* is now available on the examination website. If you have any queries, please raise them with the PO without delay.
28. Should the Programme need amending, it will be updated on the examination website. The PO will also be able to provide information on any changes. It will be for individual participants, however, to check on the progress of the hearings, either on the website or with the PO, to ensure that they are present at the right time.
29. The hearing sessions will start at 0930 each day and normally finish no later than 1700. No new session (Issue) will begin before its stated start time but a later start may be unavoidable if a previous session (Issue) has overrun. A short break will be taken mid-morning and mid-afternoon. Lunch will be taken for about an hour at around 1300.

Site Visit Arrangements

30. I will view relevant locations from public roads and footpaths before or after the hearing sessions. This will be done unaccompanied by any party, unless it is considered that an accompanied visit is necessary (for example, where the land concerned cannot be seen from the public road). In such cases, the PO will liaise with the relevant parties to make arrangements. Accompanied site visits will not be an opportunity for discussion of the merits of the cases concerned.

Omission Sites

31. Omission sites are those proposed for allocation but which have been rejected by the Council. Representors who are seeking to have an omission site included within the Plan should be aware that it is **not** the purpose of the hearings to address the merits, or otherwise, of such sites. Should the Council feel that additional sites are required for inclusion in the Plan, it is for them to propose them.
32. If this is the case, 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 any new sites have been subject to the same process of sustainability appraisal, publicity and opportunity to make representations as with the submitted version.

Statements

33. I have already asked questions of, and received answers from, the Council in relation to a range of issues. These are available on the examination website. If the Council wishes, it may prepare a further brief response statement on each of the questions in my *Matters, Issues and Questions*, setting out why they consider the Plan to be sound in that respect. This should be with the PO by 1700 on Thursday 31 August.

34. **Given the nature of the issues involved, further statements from those representors wishing to attend the hearings are not required to assist me. Such views are already in writing and any further responses may be made orally.** However, evidence on any new matter that may have arisen since the original representations were submitted can be sent to be via the PO. This might be, for example, where a new document has been produced by others or evidence has emerged that has a direct bearing on the soundness of the Plan.
35. If you feel that such additional representation is necessary, please send three hard copies and an electronic copy to the PO by 1700 on Thursday 31 August.

Submission of the Report to the Council

36. The timing of the submission of my final report is dependent on progress. I would expect to provide an indication of potential timeframes at the close of the hearing sessions.

Richard Schofield

Inspector

10 July 2017

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

<https://www.gov.uk/government/collections/planning-practice-guidance>

Guidance from the Planning Inspectorate

http://www.planningportal.gov.uk/uploads/pins/dpd_procedure_guide.pdf

Examination and Evidence Base Documents

The examination web site can be found at:

<https://www.milton-keynes.gov.uk/planning-and-building/planning-policy/site-allocations-examination>

Many of the above documents and most of the evidence base documents are available on-line through the web site.

<https://www.milton-keynes.gov.uk/planning-and-building/planning-policy/site-allocations-examination-evidence-base>