

GUIDANCE NOTE FROM THE INSPECTOR

Introduction

1. The hearings (which are part of the overall Examination) into the St Helens Core Strategy (the CS) will open on Monday 19 March 2012 at St Helens Town Hall, Victoria Square, St Helens, WA10 1HP.

The Pre-Hearings Meeting (the PHM) – Tuesday 7 February 2012 at 14:00

2. The purpose of the PHM is to provide an opportunity for procedural and administrative matters relating to the hearings to be explained and discussed, together with the form and content of the hearings programme. Whilst you can raise any such matters that may be causing concern, **it will not be an occasion for detailed discussion of the merits of the matters to be considered at the hearings.** At the PHM I will ask the Council whether the legal soundness requirements have been met. Notes of the PHM will be sent to all those who attend the meeting and will be placed on the Examination website.

The Inspector's role

3. My task is **to consider the soundness of the CS**, as it exists in the January 2011 Re-Publication Core Strategy (although see paragraphs 11 and 12 below), based upon the soundness criteria set out in Planning Policy Statement 12 (PPS12). The relevant soundness criteria are whether the CS is: 1) *justified* (founded on a robust and credible evidence base, and the most appropriate strategy when considered against the reasonable alternatives); 2) *effective* (deliverable, flexible, and able to be monitored); and 3) *consistent* with national policy. Appendix A contains a list of useful publications and websites for advice.
4. I aim to work collaboratively with the Council and the Examination participants in a proactive, pragmatic and solution-orientated manner to deliver a positive social, economic and environmental outcome for the people of St Helens.
5. Following the close of the hearings I shall prepare a report for the Council with my conclusions and any changes required to the CS, the expected arrival date of which I will announce at the last hearing session. I will deal with broad issues in my report, and not with each individual representation.
6. Most changes will be limited to clarification or to dealing with factual updating or correction. Where more significant changes are made, I need to ensure that the rights of third parties are not prejudiced by recommendations on matters which would take them by surprise. Where appropriate, changes would also need to be covered by a revised Sustainability Appraisal.

The Programme Officer

7. The Programme Officer (the PO) for the Examination is Darren Neal. Although he is a Council employee he is working under my direction in connection with the Examination. Darren can be contacted on 01744 676195, mobile 07771 834333, by email at programmeofficer@sthelens.gov.uk or by post at:

Mr Darren Neal
St Helens Core Strategy Examination Programme Officer
Town Hall, Victoria Square
St Helens
WA10 1HP

8. The main tasks of the PO are to act as a channel of communication between myself and all parties; to liaise with all parties to ensure the smooth running of the Examination; to organise the hearing programme; to ensure that all documents received are recorded and distributed; and to keep the Examination Library. Copies of the Examination documents are mainly on the Council's web site (see below) and the PO can make available copies on request. Anyone interested in viewing any of the documents should contact Darren first to ensure availability.
9. 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:

<http://localdevelopment.sthelens.gov.uk/site.do?id=800>
10. 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 other procedural questions or other matters that you wish to raise with me prior to the hearings should be made through the PO.

Number of representations and the document to be examined

11. The first Publication Version of the CS was published for consultation in May 2009 and was the subject of 1806 representations. In March 2010 Amendments to the Publication Version were published for consultation and at that stage 1538 representations were received. In January 2011 the Re-Publication Core Strategy was published and 1391 representations were received in response to the consultation exercise. At each stage the vast majority of representations concern the possible Parkside Rail Freight Interchange. I am examining the soundness of the January 2011 Re-Publication Core Strategy, although in doing so I will take account of the representations made at all publication stages of the document.
12. Before submitting the January 2011 Re-Publication Core Strategy to the Secretary of State for examination the Council prepared a list of Minor Post Publication Changes (May 2011) and subsequently, following the Exploratory Meeting of 2 August 2011, it published, for consultation, a further set of proposed changes (St Helens Core Strategy Changes, November 2011) incorporating the majority of the May 2011 Minor Post Publication Changes and a number of other minor and more significant changes. Consultation on these proposed changes ends on 11 January 2012. As part of the Examination I will consider whether any of the of the November 2011 changes are necessary to make the January 2011 Re-Publication Core Strategy sound, and in doing so I will take account of any representations received in connection with them.

Progressing your representations

13. Respondents have already indicated at the time of making their representation 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.** Attendance at a hearing session will only be useful and helpful to me if you wish and need to participate in a debate.
14. Hearings are open to all, but only those who have made representations relevant to the discussion of an issue at a hearing session, and have indicated that they want to participate, will be allowed to speak. If you are unsure whether or not you requested to appear at the hearing sessions, no longer wish to appear as originally indicated or have not previously specified your intentions please contact the PO who will be happy to assist.
15. **My starting point for the Examination is the assumption that the Council has**

submitted what it considers to be a sound plan. Those seeking further changes (beyond those already suggested by the Council as set out above) must demonstrate why the CS is unsound by reference to one or more of the soundness criteria.

16. I stress the need for all sides to work together during the Examination process on changes that could be made to the CS, whilst avoiding producing so many alterations that they together might render the CS unsound.

The hearing sessions

17. A separate hearing will be held for each of the Matters or subject groups, chaired by me. The hearing format will provide a relaxed and informal setting for dealing with issues, with little cross-examination, by way of a discussion led by me. Those attending may bring with them professional experts - barristers and solicitors, if present, will be treated as part of their team.
18. The purpose of the hearings is to concentrate on my "Matters and Questions for Examination" (which will be issued before the PHM) – they are not an opportunity to repeat a case already set out in representations. The discussion will focus on the limited questions I will have posed in the relevant final agenda issued a week or so before the hearing session having read the answers to my questions from participants. The emphasis will be on the soundness criteria in PPS12.
19. I will then 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 will have been read beforehand by me, so there will be no formal presentation of evidence. There will be an opportunity within the discussion to ask questions of the other side. **No more evidence can be submitted once the hearing session has closed unless I expressly invite it.**
20. 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, focussed series of hearings and, in turn, produce a short, focussed report.
21. In order to run efficient sessions I will not permit repetition of points at hearings: a good point made more than once does not become a better point.

The hearing programme

22. An initial Programme of the hearings, putting dates and times to the Matters and subjects to be examined, will be published shortly before the PHM. It will be discussed at the PHM. If you have any queries, please raise them with the PO as soon as possible.
23. A new version of the Programme will be available after the PHM on the web site, or from the PO. 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.
24. The hearings sessions will normally start at 10:00 and 14:00 each day. A short break will usually be taken mid morning and mid afternoon. Lunch will be taken around 13:00.

The Evidence Base and Examination Library

25. The Council has prepared an evidence base list of documents that will be available in the Examination Library (available to view on request from the PO). These include Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs), and other

documents that the parties are likely to need to refer to. Most of these will be available on the Council's 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.

Statements of Common Ground

26. Statements of Common Ground between the Council and other representors are invited where these would be helpful in identifying points not in dispute, thereby assisting the hearings 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 criterion, or agreed factual information.
27. **This work should commence now, with the aim of completing them in time to feed into the relevant hearing Statement.** However, as a last resort, agreed documents will still be accepted if submitted at least 2 weeks before the relevant hearing.

Statements

28. All Statements, for both hearing and written representation matters, should be sent to the PO by **17:00 Tuesday 28 February 2012**. I will not allow the submission of any further material based on the original representations. Thus, all further written submissions in the Statements should only address my "Matters and Questions for Examination". Many of my questions will purely seek to clarify what are the Council's intentions, and so replies can be very short. The Council's Statements may also include any responses to the matters in representations, and should include any Council suggestions for further minor changes to the text or plans (see also paragraph 32 below). Statements will be placed on the Examination web site.

Form of Statements

29. Appendix B sets out the requirements for the presentation of all Statements. Its provisions should be thoroughly read and implemented as otherwise Statements will be returned. Please note the 3,000 word limit.
30. In the Statements from respondents it would be very helpful for me to have a brief concluding section stating:
 - Which part of the CS is unsound.
 - Which soundness criterion it fails.
 - Why it fails (point to the key parts of your original representations).
 - How the CS can be made sound.
 - The precise change and/or wording that you are seeking.
31. From the Council I require Statements which say why they consider the CS to be sound in that particular aspect and why the changes sought by other parties would make it less sound or even unsound, or suggestions for a soundness change.

Suggested changes

32. It is possible that the Council will suggest some further change. These will be posted on the Examination website and updated on a regular basis. Respondents should monitor these in case they wish to comment upon them. I will indicate at the end of the hearings whether any of these changes need Sustainability Appraisal or advertising.

Site visits

33. I shall visit sites and areas referred to in the representations before, during, or after the hearings. This will be done unaccompanied by the parties, unless I find that I need to go onto private land.

Finally ...

34. I emphasise:

- that I shall have equal regard to views put orally or in writing;
- the need for succinctness, respecting the letter and spirit of the 3,000 word limit on any necessary further submissions with short appendices, as set out in Appendix B;
- that you must meet the target date for the Statements; and
- that your Statement should focus on my "Matters and Questions" document and the PPS12 soundness criteria.

Malcolm Rivett – January 2012

Appendix A - List of relevant legislation and guidance

A. 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 2004, as amended.
- The Environmental Assessment of Plans and Programmes Regulations 2004

This document can be searched for and found on: <http://www.communities.gov.uk>:-

- European Directive on Strategic Environmental Assessment (2001/42/EC)

B. Government Policy and Guidance

These can be found by using the search facility on: <http://www.communities.gov.uk>

- Planning Policy Statement 12: Local Spatial Planning (PPS12)
- Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents
- A Practical Guide to the Strategic Environmental Assessment Directive
- Local Development Framework Monitoring: A Good Practice Guide

C. Plan Making Manual

The Plan Making Manual accompanies PPS12. It has been produced by the Government and is delivered via the Planning Advisory Service website.

<http://www.pas.gov.uk/pas/core/page.do?pageId=51391>

D. Guidance from the Planning Inspectorate

<http://www.planningportal.gov.uk/planning/appeals/planninginspectorate>

E. Examination and Evidence Base Documents

The Examination web site can be found at:

<http://localdevelopment.sthelens.gov.uk/site.do?id=800>

Appendix B - Format for statements

- A. Please send, where possible, emailed electronic versions of all Statements and Appendices to the PO at the Council (in Word or PDF format) for the Examination web site, as well as the paper copies as detailed below.
- B. I emphasise the need for succinct submissions, with the avoidance of unnecessary detail and repetition of the original representation. **Important:** you should only answer my questions as they relate to the content of your original representation, e.g. if you only commented originally on policy CAS 3.1 then you should only respond to my questions on CAS 3.1, and no others.
- 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 CS or other sources of policy guidance. It is vital that the fundamental elements are set out clearly and succinctly – the Examination is not the place for surprise contributions!
- D. None of the statements should be longer than **3,000 words**. Any submissions longer than this will be returned by the PO for editing. Statements should be prepared on A4 paper, printed on both sides, and **not bound** but just stapled. Any photographs should be submitted in A4 format and should be annotated (back or front).
- E. Supporting material in the form of appendices to statements should be limited to those which are essential and should not contain extracts from any publication that is already before the Examination, such as the evidence base 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, they should respect the aim of succinctness. Anyone submitting appendices should indicate in their statement which parts they are especially relying upon.
- F. Four paper copies of all statements should be sent to the PO by **17:00 on 28 February 2012**.
- G. No statement/piece of paper submitted in advance of, or at the hearings, will be accepted if it fails to be clearly marked, **at the top, right hand corner of the first page**, with the appropriate Matter number and respondent reference, e.g. **54321** for the hearing relating to Matter 1, respondent reference RCSPUB1234. The Council's Statements should be similarly referenced using "SHC", e.g. **M1/SHC**. Please identify the question number to which the response comment relates. The answers to a number of my questions can be combined together in one Statement (with the relevant question numbers referenced) where they are all being dealt with at one hearing session.
- H. All participants should adhere to the timetable for submitting statements. Late submissions and additional material **are unlikely to be accepted** on the day of the relevant hearing session since this can cause disruption and result in unfairness, and can result in an adjournment of the hearing. If material is not received by the deadlines stated below, the PO will assume that you are relying only on the original representations:
- Statements of Common Ground: in time to feed into Statements, or (as a last resort) at least **2 weeks** before the relevant programmed hearing, if agreed.
 - All Statements: by **17:00 on Tuesday 28 February 2012**. (Note: the Council's Statements should also deal with my written representations Matters and Questions).
 - **It is stressed that this last deadline refers to the receipt of the paper copies of statements. It is not sufficient to send an electronic copy by this deadline, to be followed by paper copies at a later time.**
 - **All paper copies of statements should be addressed to the Programme Officer at the following address:**

Mr Darren Neal, St Helens Core Strategy Examination Programme Officer
Town Hall, Victoria Square
St Helens
WA10 1HP