

Barnsley Local Plan Examination

Inspector - Mrs S Housden BA (Hons) BPI MRTPI
Programme Officer – Mr Richard Gilbert
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EXAMINATION BRIEFING NOTE

Purpose of the Briefing Note

1. This note provides guidance to participants on the procedural and administrative arrangements for the Barnsley Local Plan Examination.

The Inspector's role in the Examination

2. I have been appointed by the Secretary of State for Communities and Local Government to examine the soundness of the Barnsley Local Plan (BLP) and whether it meets the requirements of the Planning and Compulsory Purchase Act 2004 and associated Regulations.
3. The *National Planning Policy Framework* (DCLG, March 2012) <http://planningguidance.planningportal.gov.uk/blog/policy/> sets out the criteria for determining soundness (paragraph 182); namely that the plan is positively prepared, justified, effective and consistent with national policy.
4. There are three possible outcomes to the examination:
 - the submitted plan is sound;
 - the submitted plan is not sound but could be made sound by changes (known as *main modifications*), if necessary following additional work;
 - the submitted plan is not sound and could not be made sound by changes.
5. Following the close of the hearings I will prepare a report to the Council with my conclusions. My report will deal with broad issues rather than with individual representations.

Dates and Venue for Hearing Sessions

6. The Examination will take place in two stages. The Stage 1 hearing sessions will commence on **Tuesday 16 May 2017** and will continue until **Thursday 25 May 2017**. A draft programme indicating the matters to be discussed during the Stage 1 hearing sessions is attached to this note, but please be aware that it may be subject to change. The hearings will be held at:

The Core, County Way, Barnsley S70 2JW www.vabarnsley.org.uk.

7. Following the Stage 1 hearings, if I conclude that the plan is likely to be capable of being found legally compliant and sound in relation to the

matters covered (having regard to the potential for me to recommend main modifications), the Examination will proceed to Stage 2. This will cover:

- Spatial strategy, settlement hierarchy and the distribution of housing and employment development
- Green Belt and Safeguarded Land
- Housing requirement and five year land supply
- Housing and employment allocations (including mixed use sites)
- Transport
- Natural and historic environment
- Town Centres and Retail
- Development management policies
- Viability, monitoring and delivery.

8. If, however, I conclude that further work is necessary to address issues arising from Stage 1 which relate to the soundness of the plan, the topics for consideration and the timescale for the Stage 2 hearings may change. The examination web site will be kept up to date with these details.

9. Two documents are available with this note:

Main Matters, Issues and Questions (MIQs) for Stage 1 of the examination. These will form the basis of the discussion at the hearing sessions.

Draft hearing programme – this sets out the timetable for the Stage 1 hearing sessions. Details may change but will be kept up to date on the examination web site

The Programme Officer

10. The Programme Officer (PO) for the examination is Mr Richard Gilbert. For the purposes of the Examination, he is working under my direction independently of the Council. He can be contacted as follows:

Mr Richard Gilbert, Barnsley Local Plan Programme Officer, c/o Barnsley Metropolitan Borough Council, PO Box 634, Barnsley, South Yorkshire S70 9GG Tel 07713326295 po@barnsley.gov.uk.

11. The main tasks of the PO are to act as a channel of communication between all parties and myself, to liaise with the parties to ensure the smooth running of the Examination, to ensure that all documents received are recorded and distributed and to run the Examination Library.

12. Copies of Examination documents can be found on the Examination web site www.barnsley.gov.uk/local-plan-examination. Any participant who does not have access to the internet should contact the PO so that alternative arrangements can be put in hand.

13. Any procedural questions or other matters that you wish to raise with me prior to the hearing sessions should be made through the PO.

Changes to the Barnsley Local Plan

14. The starting point is that the Council have submitted a plan which they consider to be sound and ready for Examination. At this stage there are only two means by which changes can be made to the submitted BLP:

- (1) *main modifications* recommended by the Inspector;
- (2) *additional modifications* made by the Council on adoption.

15. However, I can only recommend *main modifications* if they are necessary to resolve problems that would otherwise make the submitted BLP unsound or not legally compliant.¹ *Main modifications* are changes which, either alone or in combination with others, would materially alter the BLP or its policies. Any potential *main modifications* must be subject to consultation and further Sustainability Appraisal and assessment under the Habitats Regulations might also be needed.

16. '*Additional modifications*' are those changes which do not materially affect the policies in the BLP². 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.³

Modifications proposed by the Council

17. The Council has published a 'List of Minor Modifications to Publication Version 2016' (SD30) which it intends to incorporate within the BLP. However, I will be discussing at the hearing sessions whether some of these should be considered as main modifications. As noted above I would only be able to recommend *main modifications* if they are necessary to make the plan sound. It is possible that additional changes may be proposed during the hearing sessions.

Progressing your representations on the BLP

18. The hearing sessions are open to all to observe. However, only those who have previously made representations relevant to the matters being considered and are seeking to change the plan, and who register a request to attend have a right to participate at the hearing sessions.⁴

19. If your representation concerns one or more of the allocated employment, housing or mixed use sites it will be most appropriate for you to take part in Stage 2 of the Examination, details of which will be made available on the web site. If you have any queries as to which stage of the Examination your representation relates to, please contact the PO.

¹ Under section 20(7B) & (7C) of the planning and Compulsory Purchase Act 2004

² S23(3)(b) of the PCPA 2004 "... if the additional modifications (taken together) do not materially affect the policies ..."

³ 5.27 of *Procedural Practice in the Examination of Local Plans June 2016*

⁴ S20(6) of the PCPA 2004

20. **Notwithstanding any indications that may have been previously made** about attendance at the hearing sessions, anyone who considers that it is necessary for them to participate in a Stage 1 hearing session should confirm their interest in doing so with the PO by **17:00 on 21 April 2017**.
21. The MIQs accompanying this note will form the basis of the discussion at the Stage 1 hearing sessions. Written representations carry the same weight as those made at the hearing sessions and I shall have equal regard to views put at the hearings or in writing. Attendance at a hearing session will only be useful and helpful to me if you wish to participate in the discussion.
22. A final version of the *hearing programme* 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

23. The hearings will take the form of a roundtable discussion which I shall lead. They will not involve the formal presentation of cases by participants or cross-examination. The hearing sessions will normally run between 10:00 and 13:00 and 14:00 and 17:00 each day. A short break will usually be taken mid-morning and mid-afternoon.
24. Please let the PO know as soon as possible if you have any specific needs in relation to attendance and participation at the hearing sessions.

Hearing statements

25. The Council should produce a hearing statement for each of the Main Matters listed in the MIQs and in doing so, they should answer each of the individual questions. The word limit set out below does not apply to the Council because it is required to answer every question. However, I would encourage concise answers providing references to specific parts of the evidence including Background Papers wherever relevant.
26. Other representors may also submit hearing statements on the questions within the Main Matters of relevance to their original representation, although it is not a requirement. In responding to the MIQs, you may wish to be aware of my initial questions to the Council (ID001) together with the Council's response (BMBC002) and the documents produced in response:

 'Updating the Demographic Evidence' (March 2017) (EB56)
 'Strategic Housing Market Assessment Addendum' (March 2017) (EB45)
 Revised Housing Background Paper (March 2017) (BP3)
27. If you so wish, you may also refer to any implications for the plan arising

from the Housing White Paper '*Fixing Our Broken Housing Market*'.⁵

28. Hearing statements from those who made representations should be a maximum of 3000 words for each Main Matter. 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;
 - submit a separate statement for each matter being addressed;
 - state whether any of the Council's List of Minor Modifications (SD30) would resolve the concerns and make the BLP 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)
29. Three paper copies and an electronic version of each hearing statement should be submitted to the PO by 17:00 on **3 May 2017**. Unless there are exceptional circumstances it is likely that late submissions will not be accepted.
30. Hearing statements will be posted on the Examination web site, so that they are available to all participants and anyone else who wishes to read them. Because they will be available in this way, they will not be circulated directly to participants. However, anyone who is unable to access them on the web site may request copies from the PO.
31. 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.

The Examination Library

32. The web site contains the Council's evidence base and documents which are produced during the course of the Examination. If you have difficulties accessing the web site please contact the PO. It is not necessary to attach extracts of these documents to hearing statements as they are already Examination documents.

Site visits and close of the Examination

33. If I consider it necessary to my assessment of the soundness of the plan, 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 in which case arrangements will be made as necessary.

⁵ Department for Communities and Local Government February 2017

34. The Examination will remain open until my report has been submitted to the Council. However, I will not accept any further representations or evidence after the hearing sessions have ended unless I specifically request it. Late or unsolicited material may be returned.

Further information

35. Further information about the preparation and examination of Local Plans can be found in the national *Planning Practice Guidance* <http://planningguidance.planningportal.gov.uk/> and the Planning Inspectorate's Procedural Practice in the Examination of Local Plans (June 2016 4th Edition).

Sarah Housden

INSPECTOR