

Barnsley Local Plan Examination

Inspector - Mrs S Housden BA (Hons) BPI MRTPI
Programme Officer – Mr Richard Gilbert
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STAGE 3 EXAMINATION BRIEFING NOTE

Purpose of the Briefing Note

1. This note provides guidance to participants on the procedural and administrative arrangements for Stage 3 of 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.

The Programme Officer

6. 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.

7. 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.

8. 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.
9. Any procedural questions or other matters that you wish to raise with me prior to the hearing sessions should be made through the PO.

Interim Findings and Scope of Stage 3

10. Following the Stage 2 hearings I issued interim findings on certain matters on 15 August 2017. My letter and the Council's response is available on the Examination web site. The Council has concluded that it wishes to proceed with the Examination as outlined in option 3 of my letter but will be undertaking further work following the Stage 3 hearings.
11. The interim findings are provided to identify the main matters where additional work may be required and main modifications may be needed to make the plan sound. They do not cover every matter considered during Stage 1 and Stage 2 but provide a broad overview of the matters over which I have significant concern. I am not inviting comments from the Council or anyone else on my interim views at this stage.
12. The scope of the Stage 3 hearings has therefore been altered and will focus on the soundness of the allocations that have been made to meet the requirements set out in the Publication Consultation version of the plan (SD2) together with the soundness of the general development management policies that are capable of being progressed at this stage of the Examination.
13. A further Stage of hearing sessions will be necessary to cover the outstanding main matters and any further matters arising from the additional work carried out by the Council. This is likely to take place following the completion of the further work and the Examination web site will be kept up-to-date with the necessary details.

Dates and Venue for Stage 3 Hearing Sessions

14. The Stage 3 sessions will take place on **10, 11 & 12 October and 23, 24 October 2017** with 25 October as a reserve day if needed. The Stage 3 hearings will be held at:

The Civic, Hanson St, Barnsley S70 2HZ www.barnsleycivic.co.uk

15. Two documents are available with this note:

Main Matters, Issues and Questions (MIQs) for Stage 3 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 3 hearing sessions. Details may change but will be kept up to date on the examination website.

Changes to the Barnsley Local Plan

16. The starting point is that the Council has submitted a plan which it considers 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.

17. 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.

18. '*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

19. The Council has published a 'List of Minor Modifications to Publication Version 2016' (SD30) which it intends to incorporate within the BLP. Discussion will continue at the hearing sessions on 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.

20. The Council has also prepared a list of revisions to the development management policies in the plan as an Addendum to SD30 and you may wish to refer to this document also when making further representations.

Progressing your representations on the BLP

21. The hearing sessions are open to all to observe. However, only those who have previously made representations relevant to the matters being

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*

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

22. **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 3 hearing session should confirm their interest in doing so with the PO by **17:00 on 8 September 2017**.
23. The MIQs accompanying this note will form the basis of the discussion at the Stage 3 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.
24. A draft programme indicating the matters to be discussed during the Stage 3 hearing sessions is attached to this note. **The duration and timing of the sessions may change and you are advised to check latest details with the Programme Officer and the Examination website.**
25. A final version of the hearing programme will be published on the Examination web site around two weeks before the start of the hearings. **Please note that it is for individual participants to check the draft hearing programme, either on the web site or with the PO, and to ensure that they are present at the right time.** If you are unable to attend a session for which you are listed as a participator, it would be appreciated if you could let the Programme Officer know.

Format of the hearing sessions

26. 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. Apart from 10 October when the hearing sessions will commence at 10:00, the sessions will run between 09:30 and 13:00 and 14:00 and 17:00 each day with a short break during mid-morning and mid-afternoon.
27. 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

28. The Council should produce a hearing statement for each of the Main Matters listed in the MIQs. I would encourage concise answers and where appropriate questions can be answered by providing references to specific parts of the evidence including Background Papers wherever relevant.
29. Other representors may also submit hearing statements on the questions

⁴ S20(6) of the PCPA 2004

within the Main Matters of relevance to their original representation **but it is not a requirement to do so** and if you wish to rely on your original representations please confirm this with the PO.

30. 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
31. 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) and the Addendum 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)
32. Three paper copies and an electronic version of each hearing statement should be submitted to the PO by 17:00 on **22 September 2017**. Unless there are exceptional circumstances it is likely that late submissions will not be accepted.
33. Hearing statements will be posted on the Examination website, 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 website may request copies from the PO.
34. 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

35. The website contains the Council's evidence base and documents which have been submitted during the course of the Examination. **A number of evidence documents and responses to follow up items have been submitted by the Council since the Stage 2 hearing sessions and you may wish to refer to these in responding to the Stage 3 MIQs.**

Site visits and close of the Examination

⁵ Department for Communities and Local Government February 2017

36. 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.
37. 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

38. 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