

COLCHESTER LOCAL PLAN FOCUSED REVIEW - EXAMINATION

INSPECTOR'S ADVICE NOTE – IMPORTANT - PLEASE READ

1. Introduction

1.1 These Notes have been prepared by the Inspector to assist those individuals and organisations who wish to participate further in the Examination. There will be no Pre-Hearing Meeting (PHM).

1.2 Ms Andrea Copsey is the Programme Officer (PO). She is an independent officer for the Examination working under the Inspector's direction. The main tasks of the PO are to liaise with all parties to ensure the smooth running of the Examination, to help organise the hearings, and to ensure that all documents received are recorded and distributed. The PO does not work full time on this Examination (and has commitments to other Examinations) and so will not always be able to respond to questions immediately. Any matters which the Council or participants wish to raise with the Inspector should be addressed to the Programme Officer.

1.3 The Inspector's role is to determine whether the submitted changes in the Focused Review meet various legal and procedural tests and whether they are **sound**. To be sound, policies should be positively prepared, justified, effective and consistent with national policy. The Inspector's report will deal only with broad issues and will not comment on each individual representation.

2. The Hearings

2.1 The hearings will take place on **Wednesday 8 January 2014**. Hopefully, only 1 day will be required, but they may extend into a 2nd day, which will be 9 January. The Inspector has identified the main matters and questions around which the Examination will progress and on which his report will be based. A draft hearings programme has been prepared showing how the hearings will be structured and allocating participants to hearing sessions based on the indications previously given of a wish to be heard.

2.2 Not all respondents have indicated whether their views should be dealt with in written form only or whether they want to discuss them at a hearing. **Both methods carry the same weight and the Inspector will have equal regard to views put at a hearing or in writing.** Attendance at a hearing session is only helpful if you wish and need to participate in a discussion on the issue.

2.3 Only those who have made representations relating to unsoundness relevant to the matter under discussion and who have indicated in advance that they want to participate at a hearing will be allowed to speak. The hearing sessions are open to all to observe, but questions or comments from non-participants will not be allowed. Those who submitted representations in support of a policy in the Focused Review (and are not seeking any change) do not have a right to participate in any hearing on that policy and will not be able to do so.

2.4 Some representors indicated that they wish to be heard in relation to policies not included in the Focused Review. The Inspector has already set out his preliminary view on the scope of the review in IED-01. There are question about the scope of the Review in the Inspector's pre-hearing questions and a possible hearing session on this matter has been included in the programme if any relevant representors continue to wish to be heard on the matter.

2.5 Please inform the PO by 10 December 2013 if you are listed as a participant, but have decided not to attend, or have not previously indicated that you wanted to be heard, but now want to do so. Please be clear as to which hearing session or other policy matter your request relates. Participation will be possible only if the original representation clearly relates to the matter to be discussed at a particular hearing session. In the light of final confirmation of representors intentions the hearings programme may need to be revised. There may also be additional participants arising from representations on the Council's current consultation on possible changes. They would be accommodated at the most relevant session for that change.

2.6 Each hearing will be a discussion led by the Inspector and will have a roundtable format. Each respondent can expect to have only one seat at the table. The purpose of the hearings is to concentrate on the matters that the Inspector needs to explore and clarify, having taken into account all the written material. They are not the opportunity simply to repeat a case already set out in representations.

2.7 Before each hearing the Inspector will have read all statements submitted (by the deadline) in response to his questions. Other participants should read such material in so far as they want to participate. (All the statements will be available on the Examination webpage). There will be no formal presentation of evidence. **No new evidence or documents should be submitted after the deadline set out below, or at the hearings or afterwards unless specifically requested by the Inspector.**

2.8 The Inspector will prepare a short agenda for each hearing session which will highlight the matters which will be the focus of the discussion. The PO will distribute these to the relevant participants at least a day before hearings.

3. Responding to the Inspector's Questions

3.1 The Inspector has prepared a list of questions for comment and clarification relating to the main matters. Any further statements in response to the Inspector's questions must be received by the PO by **Tuesday 10 December 2013**. Meeting this deadline is essential to allow the Inspector to prepare thoroughly for the hearing sessions, particularly given the Christmas and New Year holidays. There is no disadvantage in submitting statements in advance.

3.2 It is the convention in Examinations for pre-hearing statements to be less than 3,000 words for each hearing session/main matter. However, given the limited scope of the matters to be discussed, the Inspector expects statements to be much shorter than this. The following requirements are important:

- All statements should be on A4-size paper.
- For statements which are no more than 4 sides of A4 (including appendices): 1 electronic copy and 1 paper copy should be submitted.
- For statements which are more than 4 sides: 1 electronic and 3 paper copies should be submitted.
- If no electronic copy can be submitted, then 3 paper copies are required whatever the length of the statement.
- All paper and electronic copies need to be received by the PO by the deadline.

3.3 The Council should respond to all the questions listed, with separate statements for each of the main topics (Regs and Scope of the Review/Employment/Retail/Other matters). There is no need to repeat or restate matters set out in supporting evidence, but it should be clear the extent to which

reliance is placed on that supporting evidence with cross references to specific parts of the evidence.

3.4 Respondents may submit a further response to the questions, but this must be limited to those questions directly related to the scope of their original representation. A response to the questions is not necessary if the points have already been adequately covered in the representation. A separate statement for each main topic should be submitted. Respondents not participating in the hearings have the same opportunity as participants to respond in writing to the questions, so far as they are relevant to their original representation.

5. Possible changes to the submitted plan

5.1 The Council is currently consulting on various changes it wishes to make to the submitted plan and some others prompted by preliminary concerns expressed in IED-01. The Inspector will only recommend any of these published changes if there is unsoundness which a published change would remedy. The Inspector will take into account representations made on the published changes in considering whether a change would remedy any unsoundness. The Inspector is not concerned with "minor" modifications such as those suggested by the Council in CD7 v2, which are not necessary for soundness.

5.2 If there is unsoundness which published changes would not remedy, the Inspector would invite the Council to consult on possible further changes and will take any further representations into account before concluding on the matter.

6. Documents

6.1 The Core Documents and background evidence supporting the Focussed Review are listed on the Council's website here:

<http://www.colchester.gov.uk/article/9586/Local-Plan-Focused-Review-Submission-to-the-Planning-Inspectorate>

Most of the documents are available via links from this list on the webpage or can be viewed at the Council's offices.

6.2. Extracts from documents included in the Council's list should not be attached to statements. Where statements make reference to these documents please give its reference number from the list and highlight particular pages/paragraphs. Extracts from the NPPF should not be included with statements, but specific paragraph references made where necessary.

Simon Emerson
INSPECTOR
20 November 2013