

BIRMINGHAM DEVELOPMENT PLAN 2031

EXAMINATION HEARINGS

GUIDANCE NOTE FROM THE INSPECTOR

The hearings on the Birmingham Development Plan 2031 [“the Plan”] will open on Tuesday 21 October 2014 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. This includes ensuring that all Examination documents are made available to participants and organising the hearings programme. Ian works under my direction. He is not an employee of the Council and has not been involved in the preparation of the Plan.
2. Any procedural questions or other matters that you wish to raise should be directed to Ian. His contact details are:

Mr Ian Kemp, 49 All Saints Place, Bromsgrove, Worcestershire, B61 0AX
Telephone: 01527 837 920
Mobile: 0772 300 9166
Email: jdkemp@icloud.com

3. 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 Birmingham Development Plan 2031 Examination webpage

4. There is a dedicated Examination webpage which can be accessed via this link:

<http://www.birmingham.gov.uk/plan2031/examination>

5. All the material produced for the examination hearings will appear on the webpage. If you do not have access to the internet, documents and other information can be obtained from the Programme Officer. Hard copy documentation will be available at the City Council Offices prior to the Hearings and available to view by appointment to ensure availability.

The Inspector’s role

6. My role is to consider whether the Plan complies with relevant legislation and is sound. The *National Planning Policy Framework* [NPPF] makes it clear that in order to be found sound the Plan must be:
 - (a) **positively prepared** – based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;

- (b) **justified** – the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence;
 - (c) **effective** – deliverable over its period and based on effective joint working; **and**
 - (d) **consistent with national policy** – able to achieve sustainable development in accordance with the NPPF’s policies.
7. The Council have submitted what they consider to be a sound plan, as the NPPF requires. Those seeking changes must demonstrate why the Plan is unsound by reference to one or more of these tests.

Representations on the Plan and Evidence Base

8. All the representations received on the Plan are available via the “Birmingham Development Plan Main Page” link in the top right corner of the Examination webpage. The Examination webpage also has a link to the Evidence Base which contains all the documents that informed the preparation of the Plan.

Attending the hearing sessions

9. Anyone can come and observe the hearings, but only those who are proposing changes to the Plan in order to make it sound or legally-compliant have the right to participate and speak. Besides those, I have invited a small number of additional participants to attend the hearings because I think their representations are particularly relevant to the matters under discussion.

The hearings programme

10. Any updates to the hearings programme will be posted on the Examination webpage. **It is the responsibility of individual participants to check the latest programme for the hearings, either on the Examination webpage or with the PO, and to ensure that they are present at the correct time.**
11. Morning and all-day sessions will normally start at 9.30am, and afternoon sessions at 2.00pm. Short breaks will be taken at convenient points in the mid-morning and mid-afternoon, and there will be a lunch break at about 1.00pm.

Format of the hearing sessions

12. Each hearing session will consist of a structured discussion led by me and based on my list of matters, issues and questions. I will invite particular participants to begin the discussion on each question, and others will then have a chance to contribute.
13. There will be no formal presentation of evidence, as I will have read all the relevant representations and hearing statements beforehand, and will

expect all the other participants to have done so as well. Nor will there be any cross-examination, unless I consider it is necessary to deal with a particular issue or question. Barristers and solicitors, if present, will be treated as part of the respective team.

Hearing statements

14. Oral and written representations carry equal weight, and there is no need for participants to submit an additional hearing statement if they are content that their original representations adequately cover the issues and questions they are concerned about.
15. If participants do wish to produce written hearing statements to supplement their original representations, for each matter they should be limited to:
 - (i) the issues and questions identified in the Inspector's Matters, Issues and Questions document which are relevant to their original representations, and
 - (ii) any new matters that have arisen since the original representations were submitted.
16. **Statements should be no longer than is necessary to deal with their subject matter, and in any event must contain no more than 3,000 words.** This limit will be strictly applied.
17. The Council's statement for each matter should deal with all my issues and questions, either directly or by referring to relevant evidence already submitted. Because of this requirement, the Council's statements are not subject to the 3,000-word limit, but they should still be succinct.
18. All statements, including those from the Council, should be sent to the PO **to arrive by 5pm on the following dates:**

Matters A to F (Weeks 1 and 2): Monday 15 September 2014

Matters G to N (Weeks 3 and 4): Monday 13 October 2014
19. Hearing statements will be posted on the Examination webpage, 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 webpage may request copies from the PO.

Form and content of statements

20. Annex B sets out the presentational requirements for all statements. Its provisions should be carefully read, and followed. Otherwise statements will be returned.

Statements of Common Ground

21. Statements of Common Ground, agreed between two or more hearing participants, will be welcome where they would help to identify points not in (or remaining in) dispute, and so enable the hearing to concentrate on the key issues that need further discussion. At the very latest, any Statements of Common Ground should be submitted by the appropriate deadline with the statements to which they are relevant.

Roger Clews

Inspector

August 2014

ANNEX A

SOURCES OF RELEVANT DOCUMENTS AND ADVICE

A. The Birmingham Development Plan 2031 Examination webpage

All documents for and information about the Plan are available via the Birmingham Development Plan 2031 Examination webpage at:

<http://www.birmingham.gov.uk/plan2031/examination>

All the material produced for the examination 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 Programme Officer whose contact details appear on page 1 above.

B. Relevant legislation

These documents can be searched for and found at:

<http://www.legislation.gov.uk/>:

- *Planning and Compulsory Purchase Act 2004*
- *Planning Act 2008*
- *Local Democracy, Economic Development and Construction Act 2009*
- *Localism Act 2011*
- *The Town and Country Planning (Local Development) (England) Regulations 2012 [SI No 2012/767]*
- *The Environmental Assessment of Plans and Programmes Regulations 2004 [SI No 2004/1633]*

This document can be found at:

<http://ec.europa.eu/environment/eia/sea-support.htm>:

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

C. National Guidance and guidance from the Planning Inspectorate

See: <http://www.planningportal.gov.uk/planning/planningsystem/localplans>

which provides links to the following:

- *The National Planning Policy Framework*
- *Examining Local Plans: Procedural Practice* (December 2013)

The National Planning Practice Guidance [PPG] is available via:

<http://planningguidance.planningportal.gov.uk/>

ANNEX B

FORMAT FOR HEARING STATEMENTS

- A. Please send, where possible, e-mailed electronic versions of all Statements and Appendices to the PO (in Word or PDF format) for the Examination web site as well as **three paper copies** as detailed below. **Individual statements should be submitted for each matter addressed – please do not combine multiple matters in single statements.**
- B. The Inspector emphasises the need for succinct submissions with the avoidance of unnecessary detail and repetition of the original representation.
- 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 Plan or other sources of policy guidance. It is vital that the fundamental elements are set out clearly and succinctly – the Hearing Sessions are not the place for surprise contributions!
- D. None of the statements should be longer than **3,000 words**. For the avoidance of doubt, this limit applies to statements for the overall matter and not the individual questions. Statements should be prepared on A4 paper and **not bound** in any way but just stapled and hole punched. Any plans or diagrams should also be folded to A4 size and listed as Appendices.
- E. Supporting material in the form of appendices to statements should be limited to that which is essential and should not contain extracts from any publication that is already before the Examination, such as evidence base documents 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, the aim of succinctness should be respected. Anyone submitting appendices should indicate in their statement which parts they are especially relying upon.
- F. A separate statement should be submitted for each matter covered. Multiple issues should not be combined into a single statement. Each statement should specifically address questions covered within an individual matter. This will assist distribution, publication and understanding during the Hearing Sessions.
- G. All participants should adhere to the timetable for submitting statements. If material is not received by the deadlines stated below, the PO will assume that you are relying only on the original representations:

- H. **All statements must be received by the PO by 5pm on:**
- Monday 15 September 2014 for Matters A to F** (Weeks 1 and 2)
- Monday 13 October 2014 for Matters G to N** (Weeks 3 and 4)
- I. Any Statements of Common Ground should be prepared in time to feed into statements, and must be received by the PO by the above deadlines at the latest.
- J. **Late submissions of statements and/or additional material are unlikely to be accepted** since this can cause disruption and result in unfairness, and could result in the hearing being adjourned. **It is stressed that these deadlines refers to the receipt of both electronic and 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.**
- K. **All paper copies of statements should be addressed to the PO at the following address:**
- Mr Ian Kemp**
- 49 All Saints Place**
- Bromsgrove**
- Worcestershire**
- B61 0AX**