

<p align="center"><b>ARCHWILIAD</b> Cynllun Datblygu Lleol ar y Cyd Gwynedd a Môn</p>	<p>Arolygwyr / Inspectors: <b>HYWEL WYN JONES BA (Hons), BTP, MRTPI</b> <b>RICHARD DUGGAN BSc (Hons), DipTP, MRTPI</b></p>
<p align="center">Anglesey &amp; Gwynedd Joint Local Development Plan <b>EXAMINATION</b></p>	<p>Swyddog Rhaglen / Programme Officer: <b>SHARON ELLIS</b></p> <p>☎01286 679411    ✉<a href="mailto:SwyddogRhaglen@gwynedd.llyw.cymru">SwyddogRhaglen@gwynedd.llyw.cymru</a> Swyddfa'r Cyngor, Stryd y Jêl, Caernarfon LL55 1SH</p>

## GUIDANCE NOTES FOR REPRESENTORS

<b>Pre-Hearing Meeting:</b>	14 <sup>th</sup> June 2016 at 10.30am
<b>Location:</b>	Dafydd Orwig Chamber, Gwynedd Council Offices, Shirehall Street, Caernarfon, LL55 1SH
<b>Hearings Commence:</b>	6 <sup>th</sup> September 2016
<b>Inspectors:</b>	Hywel Wyn Jones BA(Hons) BTP MRTPI Richard Duggan BSc(Hons) DipTP MRTPI
<b>Programme Officer:</b>	Sharon Ellis
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<b>Website:</b>	<a href="http://www.gwynedd.llyw.cymru/independentexamination">www.gwynedd.llyw.cymru/independentexamination</a> <a href="http://www.anglesey.gov.uk/ldp">www.anglesey.gov.uk/ldp</a>

## **1. Introduction**

- 1.1 These Guidance Notes have been prepared to assist those individuals and organisations who wish to be involved in the Examination into the soundness of the Anglesey and Gwynedd Joint Local Development Plan 2011-2026 (the 'Plan'). The preparation of a local development plan is a requirement of the Planning & Compulsory Purchase Act 2004.
- 1.2 Public Consultation on the Deposit Plan ended on 31<sup>st</sup> March 2015. The Councils have also undertaken a 6 week consultation exercise on its Proposed Focussed changes, which ended on 13<sup>th</sup> April 2016.
- 1.3 The Councils have confirmed that approximately 1,697 representations have been received from 458 different respondents within the specified 6-week period following the publication of the Deposit Plan. Approximately 130 representations from 24 different respondents have been received in response to the Proposed Focussed Changes.

## **2. Inspectors and Programme Officer**

- 2.1 The Ministers of the Welsh Government have appointed Hywel Wyn Jones and Richard Duggan to hold the Examination into the soundness of the Plan.
- 2.2 The Programme Officer for the Examination is Ms Sharon Ellis. She is acting as an independent officer for the Examination, under the Inspectors' direction. She will be responsible for organising the programme of hearings, maintaining the Examination Library, recording and circulating all material received, and assisting the Inspectors with procedural and administrative matters. She will advise on any programming and procedural queries. Any matters which the Councils or other participants wish to raise with the Inspectors should be addressed to the Programme Officer. Her contact details are as set out on the front cover of these notes.

## **3. Purpose of the Examination**

- 3.1 The purpose of the Examination is to examine the soundness of the Plan. It is important to note that the "Examination" relates to the whole process of examining the Plan, from the time of submitting the Plan to the Welsh Government to the submission of the Inspectors' report to the Councils.
- 3.2 The starting point for the Examination is the assumption that the Isle of Anglesey County Council and Gwynedd Council have submitted what they consider to be a sound plan. In examining soundness the Inspectors have to consider the representations made to the submitted plan, but only insofar as they relate to the tests of soundness set out in Planning Policy Wales. The Inspectors are not required to consider each and every point made in every objection or to report on them.

- 3.3 The hearing sessions of the Examination are intended to be an inquisitorial process under the Inspectors' direction, rather than the previous more adversarial approach of a local plan/unitary development plan inquiry. The topics selected for discussion arise from the tests of soundness and the representations made at the deposit and submission stages.
- 3.4 The merits of national policy will not be debated. The Examination will consider the application and implications of national policy insofar as it affects the areas and topics covered by the Plan. It is also important to note that the purpose of the hearings is not to address or deal with each point in every objection made to the Plan, but to focus on matters related to the soundness of the Plan, having regard to the points raised in the representations.
- 3.5 After the Examination has closed, the Inspectors will submit their report to the Councils with their conclusions and recommendations on the actions or changes needed as regards the soundness of the Plan. These recommendations are binding on the Councils and they have to amend the Plan in the light of these recommendations and move swiftly to its formal adoption.
- 3.6 Further guidance and advice regarding procedure is set out in Planning Policy Wales (PPW) and guidance produced by The Planning Inspectorate which is available on its web site. In terms of published documents, all participants should be familiar with: PPW, Chapter 2 (August 2015) and LDP Manual Edition 2.
- 3.7 The amendments to Chapter 2 of PPW incorporate new Tests of Soundness, effectively replacing those previously identified in Local Development Plans Wales. In brief, the new tests require the assessment of:
  1. Does the plan fit? (i.e. is it clear that the LDP is consistent with other plans);
  2. Is the plan appropriate? (i.e. is the plan appropriate for the area in the light of the evidence); and
  3. Will the Plan deliver? (i.e. is it likely to be effective?)

As new Policy, there are no transitional arrangements for implementing these tests. As such, they will form the basis for the Examination. However, it is clear from that there is considerable overlap with the older tests of soundness. As such, there is no need for parties to submit further information to account for the change to the tests and the Inspector confirms that nobody will be prejudiced by the timing of the publication of the new tests.

#### **4. Pre Hearing Meeting**

- 4.1 The Pre Hearing Meeting (PHM) will take place at 10.30am on 14<sup>th</sup> June 2016, at the venue indicated on the front of this document. The purpose of the PHM is to explain and discuss procedural and administrative matters relating to the management of the Examination. An agenda for the PHM is appended to this Note. **The content and merits of the Plan and the representations will not be discussed at this meeting.**
- 4.2 At the PHM, the Inspectors will ask the Councils a series of procedural questions, to confirm that the Plan has been prepared in accordance with the statutory procedures under Section 64(5)(a) of the 2004 Act and associated regulations, and is supported by a Sustainability Appraisal. They will also clarify the position in respect of the Community Involvement Strategy and the Delivery Agreement. All relevant documents are available on the Examination website.
- 4.3 Shortly before the PHM a draft timetable for the Hearing sessions will be circulated to participants, which will also identify the purpose of each session. After the PHM a note of the event, along with a Programme for the Hearing sessions and the matters and issues for Examination will be made available to all those who have made representations. The Council will advertise the start of the hearing sessions of the Examination at least 6 weeks before 6<sup>th</sup> September 2016.

#### **5. Methods of considering representations**

- 5.1 There are two main ways in which representations on the Plan will be considered:
- Written representations – based on the original representation, with a response, if necessary, from the Councils. The Inspectors may seek additional information by way of clarification. Most representations will be considered by this method. Written representations are not discussed at the hearings and attendance at the hearing sessions is not necessary;
  - Oral representations – where representors have indicated that they wish to have an oral hearing, relevant points in the representations will be dealt with at a Hearing Session of the Examination, where the Councils and other participants debate the main points on the key issues identified by the Inspectors in a structured and informed discussion.
- 5.2 **Both methods carry the same weight and the Inspectors will have equal regard to views put orally or in writing.**
- 5.3 Some respondents have not stated a preference in terms of the method they wish their representation to be considered. In these cases it will be assumed that they wish to proceed by way of written representations unless the Programme Officer is notified otherwise in writing by **1<sup>st</sup> July**

**2016. Only those representors seeking specific changes to the Plan are entitled to participate at the hearing sessions of the Examination. Supporters of the LDP, its policies or allocations are not entitled to participate at the hearing sessions.**

### **Alternative Sites**

- 5.4 The proponents of alternative sites may appear but as those objecting to alternative sites are not seeking a change to the Plan they are not entitled to participate in the hearing session/s considering those sites.
- 5.5 The strategy, policies and allocations of a LDP should be realistic and appropriate having considered relevant alternatives and are founded on a robust evidence base. There are likely to be a number of equally valid ways a local planning authority can meet the needs of its communities. A local planning authority is required to produce a plan that is sound. That does not necessarily mean that it presents the best solution and it is not the Inspectors' role to make a sound plan better.
- 5.6 The Inspectors will start from the position that the Councils have submitted a strategy, policies and allocations which they consider to be sound. The Inspectors will not look beyond the LDP's strategy, policies and allocations unless they conclude otherwise. As stated above the Inspectors are not required to consider each and every point made nor are they required to report on individual alternative sites. If the Inspectors consider the allocations in the LDP to be sound, individual alternative sites are unlikely to be mentioned in the report.

## **6. Procedure at the Hearing Sessions of the Examination**

- 6.1 The hearing sessions of the Examination will commence at 9.30am on 6 September 2016. Subsequent sessions will normally start at 9.30am with a break for lunch at about 1.00pm. Afternoon sessions will start at 2.00pm.
- 6.2 The sessions will normally take the form of a discussion led by the Inspector. Those attending may bring professional representatives with them and ask questions, but there will be no formal presentation of evidence, cross-examination or formal submissions. There is no need for participants to have legal representation.
- 6.3 In advance of the sessions, the Inspectors will set out an agenda with the points for discussion on each topic. The discussion will focus on the issues identified in the agenda and the questions posed. The Inspector will begin by making a few brief comments on the matters to be covered, before inviting participants to make their contribution to the debate. The session will progress under the Inspector's guidance, drawing participants into the discussion in such a way as to enable him to gain the information necessary to come to a firm conclusion on the relevant issues.

- 6.4 Participants will be circulated with any statements invited by the Inspectors and representors should familiarise themselves with any representations that are relevant to particular hearing sessions. The hearings will be conducted on the basis that everyone taking part has read the relevant documents, although participants will be able to refer to and elaborate on relevant points, as necessary.
- 6.5 The Inspectors will progress the hearing sessions in an effective and efficient manner, keeping a tight hand on the discussions and time taken. As part of that process, they will aim to minimise the amount of material that is necessary to come to informed conclusions on the issues.

## **7. Examination Programme**

- 7.1 Every effort will be made to keep to the programme, but late changes may be unavoidable. The Programme Officer will inform the participants of any late changes to the timetable, but it is the responsibility of the participants to keep themselves up to date with the arrangements and programme.

## **8. Preparation and submission of further material**

- 8.1 The Councils have prepared a list of Submission Documents, which is available to view in the Examination Library and also electronically on the Examination website. The Library will also include relevant national policy and guidance, Background Papers and any other documents to which they are likely to refer. This list of Supporting Documents should represent the Councils' full evidence base for the Examination. Participants should ensure that any documents they intend to refer to are included in the list of Core Documents, and they should arrange for such documents to be sent to the Programme Officer (three copies will be required). Representors should check the list regularly as it is likely to increase as the Examination progresses.

### **Submission of further written statements and other material**

- 8.2 The representations already made should include all the points, documents and evidence to substantiate representors' cases. It should not, therefore, be necessary to submit any further material based on the original representations. Please note that although representors may have made representations at earlier stages of the plan process, the Inspectors only have copies of representations made since the Plan was placed on deposit.
- 8.3 From now on, all written submissions should address the matters and issues for Examination identified by the Inspectors. The Councils and those making representations on these topics must respond to these questions in a statement presented at least **THREE WEEKS** before the hearing sessions open, i.e. by **16 August 2016**.

- 8.4 Further statements from participants should provide Inspectors with the following information:
- Which particular part of the Plan is unsound? (the policy/paragraph/page of the Plan)
  - Which soundness test(s), set out in paragraph 2.5.11 of PPW, does it fail?
  - Why does it fail?
  - How can the Plan be made sound?
  - What is the precise change/wording that is being sought?
- 8.5 From the Councils, the Inspectors need a general response to the representations on each topic, setting out why they consider the Plan to be sound in that respect and why, if applicable, the changes sought by other parties would make it unsound.
- 8.6 All submissions should set out the fundamental elements of cases since the hearings are not the place for new points or evidence to be presented for the first time. Statements from representors should focus on the issues identified by the Inspectors insofar as they are relevant to their representations. There is no need to prepare a further hearing statement if all the points are already covered in the original representation, but participants are requested to notify the Programme Officer if they do not intend to submit a further statement.
- 8.7 Participants should attempt to reach agreement on factual matters and statistics before the hearings start and everyone is encouraged to maintain a dialogue with the Councils and other participants in advance of the hearings. Statements of Common Ground can be a useful way of narrowing the issues in dispute, and should be submitted within the timescale set out above.
- 8.8 The Programme Officer will require 4 copies<sup>1</sup> of all statements. Statements should be no longer than 3,000 words for each matter or issue. Statements which are excessively long or contain irrelevant or repetitious material may be returned. Technical evidence should be limited to appendices, and should be clearly related to the case. Any supporting material should be limited to that which is essential and need not contain extracts from any documents that are already in the Examination library. There is no need for summary statements. Statements should be on A4 paper, punched with two holes for filing, and unbound. Plans or diagrams should fold down to A4 size. All statements should be marked with the Councils' Representation reference number, and should also be submitted in electronic form, if possible.
- 8.9 All participants should adhere to the timetable for submitting further statements. Late submissions and additional papers are unlikely to be

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<sup>1</sup> Only 2 copies required if accompanied by an electronic version.

accepted, since this can cause disruption and result in unfairness, and could result in an adjournment of the hearing.

## **9. Availability of information**

9.1 The Programme Officer will maintain an Examination Library at the Programme Office and online at the Examination website. This will contain copies of the Plan and associated documents, all representations, the Submission and Supporting Documents and further representations and statements, as received. The Library will be under the supervision of the Programme Officer, who will assist anyone wishing to see and copy any document, provided reasonable advanced notice is given.

9.2 The Programme Officer will maintain lists of all documents submitted. Lists of documents, the up-to-date Programme for the hearing sessions of the Examination and other relevant material will be on display on the Examination notice board at the venue during the hearing sessions. Relevant information will also be included on the Councils' web site. Anyone who requires assistance or special facilities for disabled persons should contact the Programme Officer beforehand to enable appropriate arrangements to be made.

## **10. Site visit arrangements**

10.1 The Inspectors will carry out a tour of the Counties to familiarise themselves with the area, visiting places referred to in the representations on an unaccompanied basis. Where a site is not visible from a highway or any other public vantage point it may be necessary for the Inspectors to be accompanied onto the site by a representative of the land owner and the Councils. There will be no opportunity at an accompanied visit to make any representations to the Inspectors.

## **11. Close of the Examination**

11.1 The Examination will remain open until the Inspectors' report is submitted to the Councils. However, the Inspectors will not accept any further representations or evidence after the hearing sessions have finished unless they specifically request further information. Any late or unsolicited material is likely to be returned.

## **12. Submission of Inspectors' Report to the Councils**

12.1 After the Examination has closed, the Inspectors will submit their report with binding recommendations to the Councils. The date of submission will depend on the content, extent and length of the Examination, and the Inspectors will confirm the likely date at the end of the hearings sessions of the Examination.



## **KEY DATES**

<b>Pre-Hearing Meeting</b>	<b>14 June 2016</b>
<b>Submission of written statements responding to Matters &amp; Issues for Examination</b>	<b>16 August 2016</b>
<b>Hearing Sessions commence</b>	<b>6 September 2016</b>

**Tuesday 14 June 2016 at 10.30 am**  
**Dafydd Orwig Chamber, Gwynedd Council Offices, Shirehall Street,**  
**Caernarfon, LL55 1SH**

**AGENDA FOR PRE-HEARING MEETING**

1. Opening and Introduction
2. Purpose of the Pre-Hearing Meeting
3. Role of the Programme Officer
4. Scope of the Examination and Role of the Inspectors
5. Procedural Questions for the Councils
6. Representations made on the JLDP
7. Method of considering Representations
8. Procedure at Hearing Sessions of the Examination
9. Examination Hearings Programme
10. Preparation and submission of further material
11. Availability of Information
12. Site Visit arrangements
13. Close of Examination
14. Submission of Inspectors' Report
15. Councils' response to Inspectors' Preliminary Note
16. Questions
17. Close of Meeting