

EXAMINATION OF THE ISLES OF SCILLY LOCAL PLAN

EXAMINATION GUIDANCE NOTE FROM THE INSPECTOR

Purpose of the Guidance Note

1. This note provides guidance to representors involved in the Examination of the *Isles of Scilly Local Plan*.
2. All representors should familiarise themselves with the contents of the note, in particular those who wish to submit further statements and/or take part in the hearing sessions.

Dates for Hearing Sessions

3. The hearing sessions (which are part of the overall Examination) will take place between:

Tuesday 21 January 2020 and Friday 24 January 2020

**Venue: Old Wesleyan Chapel, Garrison Lane, St Mary's, Isles of Scilly
TR21 OJD**

4. There will be a morning and afternoon session on each day. A draft programme indicating the matters to be discussed at each hearing session is attached to this note although you should be aware that it may change. Details concerning the finalised programme are set out in paragraph 25 below.

The Inspector's role in the Examination

5. My task is to consider the soundness of the plan, i.e. the *Isles Scilly Local Plan* (doc SD01). This document was the subject of [Regulation 19] consultation in an earlier format between 22 February 2019 and 5 April 2019 and its modified, current format between 5 August 2019 and 13 September 2019. In examining the plan I will have regard to the representations submitted in response to both of these rounds of consultation.
6. The *National Planning Policy Framework* (February 2019) sets out the criteria for determining soundness; namely that the plan is **Positively Prepared, Justified, Effective and Consistent with National Policy**.
7. I aim to work collaboratively with the Council and the Examination participants in a proactive, pragmatic and solution-orientated manner to deliver a positive social, economic and environmental outcome for the islands. However, this does not necessarily mean that the plan will be found to be sound.

8. At the end of the Examination I will prepare a report to the Council with my conclusions. The Council has formally requested that I recommend any main modifications which are necessary to make the plan sound, if it is feasible that such modifications could make it sound. I will deal with broad issues in my report, and not with each individual representation
9. Any main modifications I consider are likely to be necessary for the plan to be sound will be the subject of formal consultation and potentially considered as part of a revised Sustainability Appraisal and updated Habitats Regulations Assessment. Should this be necessary more information will be provided at that time. In submitting the plan for Examination the Council has suggested a number of further modifications to it, detailed in its responses to the second round of Regulation 19 consultation representations (Doc EB04). As part of the Examination I will consider whether or not any of these proposed modifications are necessary for the plan to be sound.

The Programme Officer

10. The Programme Officer (the PO) for the Examination is Jo McCabe who works independently of the Council under my direction in connection with the Examination. Jo can be contacted as follows:

Jo McCabe
Programme Officer
3B Pydar House
Pydar Road,
Truro
TR1 1XU

Tel: 01872 224248
Mob: 07483 338295

Email: ProgrammeOfficer@cornwall.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 and to ensure that all documents received are recorded and distributed. Copies of the all Examination documents are available on the Examination Website:

<https://www.scilly.gov.uk/planning/local-plan-local-planning-policies/local-plan-examination-library-news>

12. Any procedural questions or other matters that you wish to raise with me prior to the hearing sessions should be made through Jo and please let her know if you have any specific needs in relation to attendance/participation at the hearing sessions.

Progressing your representations on the plan

13. In examining the plan I will give the same weight to written representations as to those made orally at hearings sessions. Consequently, participation at a hearing session is only necessary if, in the light of the list of *Matters and Questions for the Examination*, you have relevant points to contribute to the debate.

14. Accompanying this note is a list of *Matters and Questions for the Examination*. I have identified four Matters on which the legal compliance and soundness of the plan depends and for each Matter there are a number of specific questions. These questions will form the basis of the discussion at the hearing sessions and should also be the basis on which any further written statements, to be submitted in advance of the hearings, are prepared.
15. The hearings are open to all to observe, but only those who previously made representations relevant to the matters being considered in response to either the February – April 2019 or August – September 2019 consultations on the plan, and who register a request to participate, will be allowed to speak. If you are in doubt as to which Matter your representation relates to please contact the PO to discuss this.
16. Participants for each session are indicated on the attached draft programme for the hearings. This is based on responses to the Council's invitation to participate in the hearings. I should be grateful if you would confirm your attendance with Jo the Programme Officer by **17:00 on 6th January 2020**. Any other queries about participation at the hearings should be directed to Jo as soon as possible and by **17:00 on 6th January 2020** at the absolute latest.

The hearing sessions and further statements

17. Each Matter will be the subject of separate discussion, although the discussion on some Matters may take place over several hearing sessions. 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. I shall take account of all written representations already submitted and it is not the purpose of the hearings for these to be repeated. The list of Matters and Questions will form the agenda for each session, although we will not necessarily discuss every listed question in detail particularly if I have all the information I need in the written evidence.
18. The hearings will be inquisitorial, rather than adversarial. I shall endeavour to progress them in an effective and efficient manner. As part of that process, it is my aim to minimise the amount of material necessary to come to informed conclusions on the issues of soundness. In that way I will conduct a short, focussed series of hearings and, in turn, produce a short, focussed report.
19. The Council is required to produce a further statement for each of the four Matters in which it should answer all of the individual questions set out in the list of Matters and Questions.
20. Whilst it is not a requirement, other participants (those who submitted representations as part of the February – April 2019 or August – September 2019 consultations either in support of or objection to the plan) can also submit further statements, but only on the questions of relevance to their original representation.
21. Further statements should be a **maximum** of 3000 words for each Matter and I anticipate that many will not need to be as long as this, particularly those addressing only a small number of questions. The word limit does not include Appendices but these should only be included where directly relevant and necessary and should also be as succinct as possible. The word limit does not apply to the Council because it is required to answer every question, although I encourage it be as concise as

possible, providing references to specific sections of the already submitted evidence wherever relevant. Statements should be simply stapled rather than bound.

22. In preparing statements you should:

1. **only** answer the specific question(s) of relevance to your original representation, whilst clearly identifying the number(s) of the question(s) you are seeking to answer;
2. compile a separate statement for each Matter; and
3. have regard to the evidence submitted by the Council available on the Examination Website.

In turn, in answering each question the Council should have regard to the representations made on the plan of relevance to that question.

23. An electronic version of each further statement should be submitted to Jo (contact details as above) by **17:00** on **6th Jan 2020**. Unless there are exceptional circumstances it is unlikely that late submissions will be accepted.

24. Aside from these further statements no other written evidence will be accepted unless I specifically request it. All 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.

The hearings programme

25. A draft programme for the hearings is attached. A final version of the programme will be published on the Examination web site around two weeks prior to 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.

26. The hearings sessions will normally run between 09:30 and 13:00 and 14:00 and 17:30 each day. A short break will usually be taken mid-morning and mid-afternoon.

Site visits

27. Insofar as I consider it necessary to my assessment of the soundness of the plan I will visit sites and areas referred to in the representations before, during, or after the hearings. I will do these on an unaccompanied basis other than in the, relatively unlikely, event that I find that I need to go on to private land.

Finally ...

28. I emphasise:

- I shall have equal regard to views put orally or in writing;
- the need for succinctness; please respect the letter and spirit of the 3,000 word limit in further statements with only limited and directly relevant appendices;
- that your hearing statement(s) should focus on answering the questions I have posed in the *Matters and Questions*;
- that you must meet the **17:00, 6th January 2020** deadline to confirm with the

- PO your participation in the hearings;
- that you must meet the **17:00, 6th January 2020** deadline for the submission of further statements in electronic form.

Malcolm Rivett

INSPECTOR