

**Snowdonia National Park Local Development Plan
2016 – 2031 Revision Examination**

GUIDANCE NOTES FOR REPRESENTORS

Location:	National Park Office, Penrhyndeudraeth, Gwynedd. LL48 6LF
Hearings Commence:	Tuesday 17 July 2018
Inspector:	Richard Duggan BSc(Hons) DipTP MRTPI
Programme Officer:	Mrs Rhian Randall
Address for correspondence:	National Park Office, Penrhyndeudraeth, Gwynedd, LL48 6LF
Tel:	01766 772203
Email:	programmeofficer@eryri.llyw.cymru or swyddogrhaglen@eryri.llyw.cymru
Website:	http://www.snowdonia.gov.wales/examination

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 Snowdonia National Park Local Development Plan Review 2016 - 2031 (the 'Plan'). The review 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 30 August 2017. The Authority has confirmed that approximately 216 representations have been received from 41 different respondents within the specified 6-week period following the publication of the Deposit Plan. In addition, approximately 72 representations from 11 different respondents have been received in response to the Proposed Focussed Changes.

Inspector and Programme Officer

- 2.1 The Ministers of the Welsh Government have appointed Richard Duggan to hold the Examination into the revised plan including the appropriateness of the proposed changes in light of the evidence base and the continued soundness of the Plan.
- 2.2 The Programme Officer for the Examination is Mrs Rhian Randall. She is acting as an independent officer for the Examination, under the direction of the Inspector. She will be responsible for organising the programme of hearings, maintaining the Examination Library, recording and circulating all material received, and assisting the Inspector with procedural and administrative matters. She will advise on any programming and procedural queries. Any matters which the Authority or other participants wish to raise with the Inspector 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 changes put forward by Snowdonia National Park Authority to the Plan and whether these result in the continued soundness of the Plan. It is important to note that the "Examination" relates to the whole process of reviewing the Plan, from the time of submitting the Plan to the Welsh Government to the submission of the Inspectors' report to the Authority.

- 3.2 The starting point for the Examination is the assumption that Snowdonia National Park Authority has submitted what it considers to be appropriate changes to the plan and as a result of the changes it remains a sound plan. In examining the proposed changes and the soundness of the plan the Inspector has to consider the representations made, but only insofar as they relate to the tests of soundness set out in Planning Policy Wales. The Inspector is not required to consider each and every point made in every objection or to report on them.
- 3.3 The Examination relates only to elements of the plan which are proposed to be changed and the topics selected for discussion arise from the changes to the plan, the tests of soundness and the representations made at the deposit and submission stages. The Examination will not consider representations outside the scope of the proposed changes to the Plan, nor will it examine every matter contained in them, but focus on key issues. Unaltered policies, text, tables, maps and figures that are clearly outside the scope of the plan revision are not subject to the Examination and will not be discussed unless it appears that a proposed alteration has implications which suggest that another part of the Plan may need to be changed.
- 3.4 The Examination will consider the application and implications of national policy insofar as it affects the areas and topics covered by the changes to 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 Inspector will submit his report to the Authority with his conclusions and binding recommendations on the changes needed to make revised Plan sound. The Authority must 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 Tests of Soundness are:
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?)

4. Methods of considering representations

4.1 There are two main ways in which representations on the changes to the Plan will be considered:

- Written representations – based on the original representation, with a response, if necessary, from the Authority. The Inspector 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;
- Hearings - the Authority and other participants debate the main points on the key issues identified by the Inspector in a structured and informed discussion.

4.2 Both methods carry the same weight and the Inspector will have equal regard to views put orally or in writing.

4.3 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 by **1 June 2018**. It is important to note that only those representors seeking specific changes to the Authority's proposed changes to the Plan are entitled to participate at the hearing sessions of the Examination. Supporters of the proposed changes are not entitled to participate at the hearing sessions.

Alternative Sites

4.4 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 role of the Inspector to make a sound plan better.

4.5 The Inspector will start from the position that the Authority considers that its proposed changes, including new allocations,

are sound. The Inspector will not look beyond the changes and new allocations unless he concludes otherwise.

- 4.6** The focus of the examination will be on whether or not there are sufficient deliverable allocated sites to meet the identified need. This may involve looking at the soundness of individual allocated sites where necessary. Promoters of alternative sites will be allowed to exercise their right to be heard and put arguments on these issues but not to promote the merits of their own site.
- 4.7** Inspectors are not required to consider each and every point made nor are they required to report on individual alternative sites. Only if it is concluded that additional sites are needed in order to meet the housing requirement or if proposed sites may not be sound will the Inspector ask the LPA to put forward alternatives and consider the need for additional hearings.

5. Procedure at the Hearing Sessions of the Examination

- 5.1** The hearing sessions of the Examination will commence at 10am Tuesday 17 July 2018. Subsequent sessions will normally start at 9.30 am with a break for lunch at about 1.00 pm. Afternoon sessions will start at 2.00 pm.
- 5.2** The sessions will 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.
- 5.3** In advance of the sessions, the Inspector 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 guidance of the Inspector, 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.
- 5.4** Participants will be circulated with any statements invited by the Inspector 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.

- 5.5 The Inspector 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.

6. Examination Programme

- 6.1 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.

7. Preparation and submission of further material

- 7.1 The Authority has 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 it is likely to refer. This list of Supporting Documents should represent the Authority's 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.

8. Submission of further written statements and other material

- 8.1 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 Inspector will only have copies of representations made since the revised Plan was placed on deposit.
- 8.2 From now on, all written submissions should address the matters and issues for Examination identified by the Inspector. The Authority and those making representations on these

topics must respond to these questions in a statement presented no later than **21 June 2018**.

8.3 Further statements from participants should provide the Inspector with the following information:

- Which particular part of the proposed changes to the Plan are 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?

8.4 From the Authority, the Inspector needs a general response to the representations on each topic, setting out why they consider the proposed changes and the Plan to be sound in that respect and why, if applicable, the changes sought by other parties would make it unsound.

8.5 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 Inspector 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.

8.6 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 Authority 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.

8.7 The Programme Officer will require 4 copies¹ 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.

¹ Only 2 copies required if accompanied by an electronic version.

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 Authority' Representation reference number, and should also be submitted in electronic form, if possible.

- 8.8 All participants should adhere to the timetable for submitting further statements. Late submissions and additional papers are unlikely to be 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 Authority's 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 Inspector will carry out a tour of the National Park to familiarise himself 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 Inspector to be accompanied onto the site by a representative of the land owner and the Authority. There will be no opportunity at an accompanied visit to make any representations to the Inspector.

11. Close of the Examination

11.1 The Examination will remain open until the Inspectors report is submitted to the Authority. However, the Inspector 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 the Inspectors Report to the Authority

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