**Public Examination into the Torbay Local Plan**

**Pre-Hearing Notes**

**Introduction**

1. The purpose of this note is to inform statutory consultees and all those who have made representations on the above Plan of the arrangements that the Inspector is making for conducting hearings into the examination of the Plan.
2. The Inspector, Keith Holland BA (Hons) DiP TP MRTPI ARICS has been appointed by the Secretary of State to conduct the independent Examination into the soundness of the Torbay Local Plan.
3. The hearings into the Council’s plan will open on **Tuesday 18 November 2014** at the Council’s offices in the Town Hall, Castle Circus, Torquay TQ1 3DR.

**The Inspector’s task**

1. The Inspector’s task is to consider the soundness of the Plan based upon the Planning and Compulsory Purchase Act 2004 (as amended), the Town and Country Planning (Local Planning) (England) Regulations 2012, the Localism Act 2011 and the National Planning Policy Framework March 2012.

**The Council’s Team and compliance with the Procedural Soundness Test**

1. The main members of the Council’s team for the oral examination will be as follows:

Pat Steward: Senior Service Manager - Strategic Planning & Implementation

Steve Turner: Team Leader – Strategic Planning

David Pickhaver: Senior Strategic Planner

Tracy brooks: Senior Strategic Planner

Andrew Gunther: Senior Planning and Public Health Officer

Ashwag Shimin: Strategic Appraisal Officer

Alexis Huggins: Green Infrastructure Coordinator

Mike Oxford: Kestrel Wildlife Ltd

Durwyn Liley: Director, Footprint Ecology

The above represents a pool of officers and appointed consultants that the Council will call upon as required. Other individuals may be involved, depending on the issues raised at the Hearing sessions of the Examination.

1. The Council has confirmed that it has met the statutory procedural requirements set out in the Regulations relating to the submitted version of the Plan.

**The Programme Officer**

1. Mr Robert Young is the Programme Officer (PO): he is an impartial officer of the Examination under the Inspector’s direction. He can be contacted by email at robert.young@torbay.gov.uk or on tel 07547 227036.
2. The main tasks of the PO are to liaise with all parties to ensure the smooth running of the Examination, to organise the hearings programme, to ensure that all documents received both before and during the hearings are recorded and distributed, and to keep the Examination Library.
3. During the Examination the PO will be able to advise on how closely the hearing sessions are following the circulated programme. Alternatively, a regularly-updated programme will be available on the Council’s web site at [www.torbay.gov.uk/localplanexamination](http://www.torbay.gov.uk/localplanexamination) Any procedural questions or other matters should be made through the PO.

**Progressing representations**

1. Respondents have already indicated whether their views should be dealt with in a written form or whether they feel that they need to come and discuss them orally at a hearing session. **Both methods will 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 will only be useful and helpful if you wish and need to participate in a debate.
2. The starting point for the Examination is the assumption that the Council has submitted what it considers to be a sound plan. Having said that, the task of the Inspector is to test the soundness of the plan. Accordingly those seeking changes must demonstrate why the Plan is unsound and detail the changes needed to make the Plan sound.
3. The Inspector will only consider representations that are accepted by the Council as being duly made taking into account the consultation timetable. If the Council chooses to accept late representations as duly made the Inspector will take these representations into account but the decision as to whether or not to accept late representations rests with the Council not the Inspector

**The hearing sessions**

1. The hearing format will provide an informal setting for dealing with issues by way of a discussion led by the Inspector. Those attending may bring with them professional experts. Formal presentation of evidence and cross examination may be allowed at the discretion of the Inspector in circumstances where the Inspector considers that a formal approach is essential in order to be properly informed about a matter under discussion. In practice this is rarely necessary as the intention is to make the examination inquisitorial rather than adversarial.
2. The purpose of the hearings is to concentrate on the issues that the Inspector feels he needs to hear further about. They are not an opportunity to repeat a case already set out in representations. The discussion will focus on the issues identified by the Inspector taking into account the scope and nature of the representations, national planning policy and the legislative requirements
3. The Inspector will draw those present into the discussion in such a way as to enable him to gain the information necessary to come to a firm conclusion and decision on the matters before him. The Inspector will have read all representations beforehand, so there will be no need for participants to introduce and repeat the substance of the representation.
4. The Inspector will endeavour to 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, it will be the Inspector’s aim to minimise the amount of material to that necessary to come to informed conclusions on the issues of soundness. In order to run efficient sessions the Inspector will aim to prevent repetition of points at the hearing sessions.

**The hearings programme**

1. The Hearings Programme will be posted on the Council’s web site in late September and will be available from the PO. It may be subject to change and will be updated. It will be for individual participants to check the timing and progress of the hearings, either on the web site or with the PO, and to ensure that they are present at the correct time. The hearings sessions will normally start at 9.30 am and 2.00pm each day. A short break will be taken mid morning and mid afternoon. Lunch will be taken about 1.00pm.

**Evidence Base and Examination Library**

1. The Council has prepared a list of Core Documents that will be available in the Examination Library. The list will be available for viewing on the Council’s web site [www.torbay.gov.uk/localplanexamination](http://www.torbay.gov.uk/localplanexamination) Any changes to the list will be shown on the web site. The examination library will contain all the material submitted to the examination and the Inspector will not accept any material that is not in the public domain.

**Additional Written Material**

1. The general position is that no additional material should be put forward unless requested by the Inspector. The Inspector assumes that the documentation submitted by the Council largely represents the material needed to justify the Plan. It is noted that some of the documents referred to by the Council are not yet complete. Final versions of these documents will be available on the Council’s web site as soon as they are available.

1. The original representations already made should have included all the points, documents and evidence to substantiate respondents’ cases. Should any person with a duly made representation consider that their representation is incomplete or that they need to make a representation relating to the material that the Council is currently finalising, they should submit the additional material, limited to 2000 words, to the Programme Officer by 24 October 2014. Three paper copies and an electronic version of the additional material will be required.
2. The Inspector will consider whether to invite any additional material as the examination progresses taking into account any new evidence or changes introduced to the Plan.

**Suggested changes-Proposed Minor Changes**

1. The Council may ask the Inspector to consider further changes to those already proposed as the examination progresses. Should that arise, the Inspector will ask the Council to prepare a special Examination web page – a Schedule of Rolling Changes - where those changes will be cumulatively listed on a regularly updated basis (a “living document”), as well as being dealt with in detail at each hearing session. Respondents should monitor this in case they wish to comment upon them.

If there are any questions arising from this note they should be passed to the Inspector through the PO. A more detailed explanation of the examination procedure is contained in the Planning Inspectorates document entitled Examining Local Plans Procedural Practice, which is available at [Examining Local Plans Documents: Procedural Practice, The Planning Inspectorate December 2013 (3rd Edition v.2)](http://www.planningportal.gov.uk/uploads/pins/dpd_procedure_guide.pdf)

Keith Holland

INSPECTOR

2 October 2014

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