

**LONDON BOROUGH OF REDBRIDGE**  
**Examination of Redbridge Local Plan 2015-2030**

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**Webpage:** [Redbridge - Redbridge Local Plan 2015-2030](#)

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## **GUIDANCE NOTE FROM THE INSPECTOR**

### **Purpose**

1. This Note is intended to assist those who have made representations as part of the pre-submission consultation process under Regulation 19 and those who wish to appear in person. It concerns procedural and other aspects of the examination process.

### **Examination Hearings**

2. The examination hearings for the Redbridge Local Plan will commence at 10.00am on **Tuesday 6 June 2017** at the City Gates Conference Centre, 25-29 Clements Road, Ilford, IG1 1BH and will form part of my examination of this Plan. A draft hearing programme is being issued at the same time as this note. The hearings will take place during the weeks commencing 5 and 12 June (weeks 1 and 2) before a break until week commencing 17 July (week 3). This note applies to all the hearings but some of the deadlines are different. The hearings will proceed on the basis of an agenda which will be available shortly in advance of the event. These will follow the relevant issues and questions as required which are also being produced today in respect of Issues 1-6 (weeks 1 and 2). Those for Issues 7-12 (week 3) will follow in due course and I expect them to be published by the end of April.

### **Inspector's role and the examination process**

3. My task is to consider the soundness and legal compliance of the Local Plan, on the basis of the relevant legislation and the National Planning Policy Framework (NPPF). I confirm that I will be examining the Redbridge Local Plan 2015-2030 pre-submission draft of July 2016. This is the document that the Council consulted on between July 2016 and September 2016 under Regulation 19. Considering soundness involves determining whether the Plan is:
  - (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.
4. The NPPF also sets out principles for Local Plans in paragraph 157. Furthermore, it establishes that only policies that provide a clear

indication of how a decision maker should react to a development proposal should be included in the plan. The Local Plan should therefore set out clear policies on what will or will not be permitted. Additional guidance is also contained in the Planning Practice Guidance on *Local Plans*.

5. The starting point for the examination is nevertheless that the Council has submitted what it considers to be a sound plan. Those seeking changes to the Plan must demonstrate why it is unsound by reference to one or more of the criteria of soundness.
6. Issues concerning soundness or legal compliance will be addressed by round-table discussion at the examination hearings and consideration of the original written representations. It should be emphasised that my role is not to improve the Plan but to determine whether or not it meets the soundness tests as it stands.
7. As part of this process I raised some preliminary matters with the Council on 28 March 2017 (IED001). I have requested a response by 13 April 2017. These documents can be viewed on the examination webpage. Details of this are in the heading above and in **Annex A**.
8. After the hearings have closed, I will prepare a report for the Council with my conclusions and recommendations. This will deal with the main issues concerning the soundness of the Plan, taking into account the representations received. However, it will not deal with each one individually. I will give an indication at the last hearing session of the likely date when the report might be received together with any other steps to be taken by the Council. If I find the submitted Local Plan to be legally compliant and sound in all respects, my report will recommend its adoption. If I find the Plan non-compliant or unsound, I can recommend main modifications to make it compliant and sound. The Council may then, if it so wishes, formally adopt the Plan, incorporating the main modifications as recommended.
9. If main modifications are proposed by the Council, adequate consultation will need to take place on them where necessary, so that the rights of interested parties are not prejudiced. Where appropriate, proposed main modifications may also need to be covered by a revised Sustainability Assessment.
10. Further details of the examination process are set out in the Planning Inspectorate's publication *Procedural Practice in the Examination of Local Plans*. See **Annex A** for details of how to access this document.

### **Programme Officer**

11. Andrea Copsey is the Programme Officer (PO). She acts as an impartial officer of the examination under my direction and can be contacted on 07842 643988 or [copseyandrea@gmail.com](mailto:copseyandrea@gmail.com).
12. The main tasks of the PO are to liaise with all parties to ensure the smooth running of the examination, to organise the hearing programme and to oversee the distribution of documents received including those posted on the webpage. If necessary the PO can make available

electronic or paper copies of examination documents on request.

13. Any other procedural questions or other matters that you wish to raise with me prior to the hearings should be directed through the PO.

### **Progressing representations**

14. The Council has prepared a Consultation Statement (LBR 1.13) setting out details of the various stages of the process. It has also produced a schedule of Regulation 19 representations (LBR 1/01.1) including a short response to some of those received. I have been provided with a full set of the representations made on the submitted Local Plan. These will all be taken into account but representations can be progressed either by submitting a statement for the hearings and/or by appearing at the hearings themselves. It is worth stressing that all of these methods carry equal weight.
15. In considering whether a statement is necessary to assist the examination I wish to highlight a number of matters. First, the Council has produced a schedule of modifications to the Local Plan (LBR 1.01.2), to Appendices 1 and 2 (LBR 1.01.3) and to the Policy Maps (LBR 1.02). Many of these respond to original representations and will be considered alongside the submitted Local Plan. Where relevant, any statement should also take account of the Council's reply mentioned earlier which is due by 13 April 2017 and which will be posted on the webpage.
16. Furthermore, in addition to documents accompanying the submission of the Local Plan, the Council has produced additional and updated evidence in support of it. These include:-
  - Local Plan Spatial Strategy Topic Paper (LBR 1.04)
  - Sustainability Appraisal Interim Report (LBR 1.11.2)
  - Habitats Regulation Assessment (LBR 1.12)
  - Local Plan Appendix 1 – Development Opportunity Sites Review (LBR 2.06)
  - Redbridge Infrastructure Delivery Plan (LBR 2.21)
  - Redbridge Primary Care Capacity Plan (LBR 2.22)
  - Green Belt Review Addendum and Appendices (LBR 2.41.1, 2 & 3)
  - Feasibility Report for Oakfield Playing Pitch Re-Provision (LBR 2.44.1)
  - Transport Assessment (LBR 2.50)
  - Sequential Test on Local Plan Development Opportunity Sites (LBR 2.60)
  - Tall Buildings Study (LBR 2.77)
  - Concept Masterplans for Green Belt Release Sites (LBR 2.78)
17. I understand that a further feasibility report concerning playing pitch re-provision for the Ford Sports Ground will be available on 7 April 2017.

18. The original representations should have been complete. These should not be repeated and in many cases they should suffice in explaining the representors view about the soundness of the plan. Any further statement should be strictly limited to responding to the issues and questions I have identified having regard to the additional and updated evidence that has been published. There is nevertheless no requirement for further statements to be done and it will not assist the examination to have more material produced than is actually necessary. Any statement should not stray beyond the issue(s) which each original representation refers to. Neither is there a need for representors to respond to every question raised under each issue since some are fairly broad or are specifically aimed at the Council. A concise summary of the main points that you wish to make or the position that you take could nonetheless be useful. Further details about the form of hearing statements are set out below in paragraphs 31-38 and in **Annex B**.
19. Under section 20(6) of the 2004 Act only those who have made representations seeking to change the plan in order to make it sound and legally-compliant have a right to appear before, and be heard by, the Inspector. This entitlement also extends only to matters covered in the original representation. So although anyone can attend the ability to speak is not available to all but is limited to either those with a legal right or those specifically invited. In this way the examination process is different to other planning procedures. It is also worth reiterating that written representations carry the same weight as those made orally at a hearing session. Participation is only likely to be useful if you have specific points to contribute having regard to the issues and questions but there is no need to produce a hearing statement in order to appear.
20. There is no need for those supporting the Plan or only making comments on it to take part in the hearings although they may attend as observers. I may, however, invite additional participants to attend the hearings where they are needed to enable the soundness of the plan to be determined.
21. You should only request to be heard at a hearing session if you made a relevant representation seeking a change to the plan. If that is the case and you wish to appear then you should contact the PO **by noon on Wednesday 17 May 2017 for weeks 1 and 2** indicating the session(s) you wish to attend based on the published programme. The deadline for week 3 is **by noon on Wednesday 28 June 2017**. You need to do this regardless of what you may have indicated on the representation form. **Please note that if you do not contact the PO by those dates then it will be assumed that you do not wish to appear and be heard and you will not be listed as a participant.** This should also be done in advance in the interests of fairness to other participants and to ensure the effective running of the hearing sessions.
22. In deciding whether to appear you should consider whether it is necessary to do so in order to assist me in determining the soundness of the Local Plan. In this respect I have a few further observations. Some issues have a number of people making similar representations about them or there are community or other groups. Where this is the case it would greatly assist if spokespersons could be appointed to represent the views of others. Whether a plan is sound or not is not decided purely on basis of

numbers of people writing in, attending or appearing. Furthermore, the discussion on Day 2 regarding housing and exceptional circumstances in the Green Belt will be a high-level one concerned with broad principles. Individual sites will be discussed under the relevant subsequent session (including those relating to the Investment and Growth Areas) and representors should tailor their requests to attend accordingly. The PO will guide you as to which session you should or are entitled to attend.

23. Some representations are concerned with what are known as 'omission' sites. These are sites which have been excluded from the Local Plan but which their promoters consider should be included. However, I am examining the plan as submitted for soundness and therefore it is not part of my role to examine the soundness of any alternative sites that have been put forward. Consequently any further statements should focus on the proposed opportunity sites in Appendix 1 and whether they are sound. The discussion at the hearings will take a similar approach.

### **Hearing sessions**

24. The oral examination will take the form of a series of hearing sessions based on the issues and questions identified. Each hearing session will deal with these by way of a structured discussion which I will lead. The hearings will not normally involve cross-examination. Those attending may, if they wish, bring professional experts with them although this is not necessary. Barristers and solicitors, if present, will be treated as part of the respective team.
25. The purpose of the hearings is to concentrate on the issues that I need to hear further discussion about. They are not an opportunity simply to repeat a case already set out in written representations. The discussion will focus on the identified issues and questions. The emphasis will be on testing for soundness. I shall make a few brief comments on the matters I want covered, then invite individuals to make their contribution in response to the points I have raised. All participants will have an equal chance to contribute.
26. I will draw those present into the discussion in such a way as to enable me to gain the information necessary to come to a firm conclusion on the issues before me. There will be no formal presentation of evidence, as I will have read all the relevant representations and statements beforehand, and I expect all the other participants to have done so as well. No more evidence can be submitted once the hearing session has closed, except with my agreement.
27. The hearings will be inquisitorial, rather than adversarial. I shall endeavour to progress them in an effective and efficient manner, keeping a tight rein on the discussion and the time taken. In this way I aim to conduct a focussed series of hearings.

### **Hearing programme**

28. Updates to the hearing programme, if required, will be available on the Council's webpage. **It is the responsibility of individual participants to check the latest timetable and to ensure that they are present at the correct time.**

29. The hearings sessions will normally start at 10.00am and 2.00pm each day. Participants and observers should nevertheless check the webpage for confirmation. Short breaks will normally be taken at convenient points in the mid-morning and mid-afternoon and lunch will usually be taken at about 1.00pm.

### **Documents**

30. The Council has prepared comprehensive lists of strategic and evidence base documents. These are available on the Local Plan webpage. Hard copies of the most relevant documents will be available during the hearings but it would be advisable to check with the PO if you intend to refer to a specific document. As additional documents are produced for the examination they will be added to the webpage under the Examination Hearings section.

### **Hearing statements**

31. As indicated in paragraph 18 any further written statements for the hearings should not simply repeat material already contained in the original representations. Instead, for each issue they should be limited to the issues and questions identified and any new matters that have arisen since representations were first submitted including the additional and updated evidence highlighted in paragraph 16.
32. 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 **in respect of each issue**. This limit will be strictly applied.
33. All statements should be sent to the PO to arrive **by noon on Friday 12 May 2017 for Issues 1-6 (weeks 1 and 2) and by noon on Friday 23 June 2017 for Issues 7-12 (week 3)**. Statements and other evidence should not be provided after that date or at the hearing sessions. The material that is to be relied upon should be contained in earlier representations or in the hearing statement.

### **Form and content of statements**

34. **Annex B** sets out the presentational requirements for all statements. Its provisions should be carefully read and followed. Otherwise statements will be returned.
35. Statements from participants should make it clear:
- Which part(s) of the Local Plan you consider unsound or legally non-compliant;
  - Which of the soundness criteria or legal requirements you consider it fails to meet;
  - Why it fails - point to the key parts of your original representations or summarise concisely your current position;
  - How the Plan could be made sound or legally-compliant; and
  - The precise change/wording that you are seeking.

36. When submitting hearing statements, participants should not attach copied extracts from the examination documents. Instead simply refer clearly to the document number and the relevant paragraph or page that is relied upon.
37. The Council's statements should also address the issues and questions although there is no need for every individual question to be answered. They should nevertheless explain why it considers the Plan to be sound or compliant in that particular aspect. Where relevant, the changes sought by other parties should also be addressed. Responses may be made to the matters raised in the original representations (including from those representors not attending the hearings). Any further suggestions for minor editing changes and/or minor changes to the wording of policies or explanatory text should also be included and the schedule of modifications updated accordingly. Because of these additional requirements, the Council's statements are not subject to the 3,000-word limit but they should still be succinct. They should be submitted by the same deadlines of noon on **Friday 12 May 2017 and Friday 23 June 2017**.
38. Hearing statements will be posted on the examination webpage after the final submission date, 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 website may request copies from the PO.

### **Site visits**

39. I have already made an unaccompanied visit to Redbridge in connection with the examination and by the start of the hearings may have made a further one. If any more visits are required I shall conduct these at the time of the hearings. I anticipate that these final visits will also take place unaccompanied by any other party unless it is essential to arrange access onto private land. If there are particular places or matters that the Council or representors wish to me see then please inform the PO before the hearings commence.

### **Closing the examination**

40. The examination will remain open until my report is submitted to the Council. However, no further representations or evidence will be accepted after the hearings sessions have closed, unless I specifically request it. Any late unsolicited material will be returned.

*David Smith*

INSPECTOR

6 April 2017

## **ANNEX A**

### **Sources of relevant documents and advice**

#### **A. The Council's webpage**

All documents and information for the Plan examination is available on the Council's webpage at:

[Redbridge - Redbridge Local Plan 2015-2030](#)

If you do not have access to the internet, documents and other information can be obtained from the Programme Officer whose details appear in the heading of this note.

#### **B. Relevant legislation**

These documents can be searched for and found at: <http://www.opsi.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*

#### **C. Guidance from The Planning Inspectorate**

See: [Local Plans - GOV.UK](#) which provides a link to:

*Procedural Practice in the Examination of Local Plans* (June 2016 4th edition v.1)

## ANNEX B

### Format for statements

- A. Please email electronic versions of all statements and appendices to the Programme Officer (PO) in Word or PDF format. Anyone who is unable to submit electronically should send 4 paper copies to the PO at Examination Office, Longcroft Cottage, Bentley Road, Clacton-on-Sea Essex CO16 9BX.
- B. Statements should be succinct, avoiding unnecessary detail and repetition of the original representation. They should address those of the issues and questions defined by the Inspector that are relevant to your original representation.
- C. **No statement relating to a particular issue should be longer than 3,000 words.** Longer statements will be returned by the PO for editing. Any photographs should be annotated. Pages and paragraphs should be numbered. Sources or references to documents referred to should be included. Any written statements should be prepared on A4 paper, printed on both sides and not bound, just stapled.
- D. Please only submit appendices to statements where they are **essential**. The statement should make it clear why they are relevant. Appendices should have a contents page and be paginated. They should not contain extracts from any publication that is already before the examination – a paragraph number or page reference will suffice. The 3,000-word limit does not include the text in appendices, but they should also respect the aim of succinctness.
- E. Any statement submitted in advance of the hearings must be clearly marked, at the top right hand corner, with the appropriate issue/policy number and the name(s) of the individual representor and their representor number(s) as used by the Council. Where the representor is employing an agent, both names should appear together with the representor number. The Council's statements should be similarly referenced using LBR and referring to the issue/policy number concerned. **Any documents not so marked will be returned.**
- F. All participants should adhere to the timetable for submitting statements. **Late submissions and additional material are unlikely to be accepted on the day of the relevant session** since this can cause disruption and result in unfairness and could result in an adjournment of the hearing. If material is not received by the deadlines stated below, the PO will assume that you are relying only on the original representations.
- G. All statements must be received by the PO by **noon on Friday 12 May 2017 for Issues 1-6 (weeks 1 and 2) and by noon on Friday 23 June 2017 for Issues 7-12 (week 3).**

**Key Dates:**

Contact the PO **by noon on Wednesday 17 May 2017 for weeks 1 and 2** indicating the session(s) you wish to attend based on the published programme. The deadline for week 3 is **by noon on Wednesday 28 June 2017**

All statements should be sent to the PO to arrive **by noon on Friday 12 May 2017 for Issues 1-6 (weeks 1 and 2) and by noon on Friday 23 June 2017 for Issues 7-12 (week 3).**

Hearings commence - 10.00am on **Tuesday 6 June 2017** at the City Gates Conference Centre, 25-29 Clements Road, Ilford, IG1 1BH