

Hammersmith and Fulham Local Plan Examination

Guidance notes for people participating in the Examination

1. Introduction

My name is Andrew Seaman and I am a Chartered Town Planner. I have been appointed by the Secretary of State for Communities and Local Government to independently examine the soundness of the submitted Hammersmith and Fulham Local Plan (this is document ref KD1). I have prepared this guidance note to explain the procedural and administrative matters relating to the examination.

As you may already know, the Programme Officer for the examination is Pauline Butcher. Her contact details are given below. She is acting as an independent officer for the examination, under my direction. Pauline will be responsible for organising the programme of hearings, maintaining the examination library, recording and circulating all material received, and assisting me with procedural and administrative matters. She will also advise on any programming and procedural queries. Any matters which the Council or participants wish to raise with me should be addressed to Pauline.

Information about the progress of the examinations and links to documents are provided on the Council's examination website.
<https://www.lbhf.gov.uk/planning/planning-policy/local-plan/local-plan-examination> If anyone does not have internet access please contact Pauline for guidance.

2. Purpose and scope of the examination

My role is to consider whether the submitted Local Plan meets the requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and associated Regulations and whether it is sound in accordance with the National Planning Policy Framework.

To be sound the document must be:

- Positively prepared: based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- Justified: the most appropriate strategy when considered against the reasonable alternatives and based on proportionate evidence;
- Effective: deliverable over the plan period and based on effective joint working on cross-boundary strategic priorities; and

- Consistent with national policy.

The examination (which commenced upon the submission of the Plan to the Secretary of State and will continue until I issue my final report) must consider whether the document satisfies the following legal and procedural requirements: whether it has been prepared in accordance with the Local Development Scheme and in compliance with the Statement of Community Involvement and the relevant Regulations; whether it has been subject to Sustainability Appraisal and Habitats Regulations Assessment; whether it complies with national policy; whether it has regard to the sustainable community strategy for the area and whether the Duty to Cooperate has been met.

The starting point is that the Council has submitted what it considers to be a sound Plan. For the avoidance of doubt, my Examination does not include the Council's proposed changes contained in document ref KD 4 although these will be discussed as part of the Examination as necessary. The Council should rely on evidence collected while preparing the plans to demonstrate soundness.

People seeking changes to the Plan are required to demonstrate why it is not sound and how their suggested changes would make it so. Representations to the Plan will be considered insofar as they relate to soundness and legal requirements. Details of the Council's consultation process, representations received and the Council's response is available via the examination webpage. However, my report will not normally refer to representations individually.

Some people have already indicated whether they wish their views to be dealt with solely on the basis of their previous written representation or if, in addition, they intend to participate in a hearing session. Both methods carry the same weight and I will have equal regard to each.

Only people seeking specific changes to the plans are entitled to participate in the hearing sessions of the examination. I may invite additional participants to attend if necessary. There is no need for those supporting or merely making comments on the plans to attend. Anyone can observe any hearing session.

The Programme Officer has previously asked for confirmation from those who wish to participate.

At this advanced stage of the plan preparation process, any further changes to the Plan should be limited. The Council cannot itself now make any 'main modifications'; significant changes to remedy soundness problems can only come about through a recommendation in my report. However, the Council can make any 'minor' modifications considered necessary without my recommendation; the Council have produced an examination document ref KD4 which proposes such changes. Generally speaking, minor changes are those which do not affect the substance of the Plan and are not needed for soundness reasons.

I will confirm the likely date for the submission of my report to the Council at the end of the final hearing session. The report will set out my conclusions about the soundness of the Plan and, where appropriate, will include recommendations on any actions or modifications needed to make it sound. There are several possible outcomes of the examination. The submitted Plan (KD1) forms the basis of the examination, and it could be found to be sound as originally submitted. If it is not, it may be decided that further additional work needs to be undertaken before the examination can be completed. I may conclude that the Plan could be modified to make it sound, having regard to any implications for consultation and sustainability appraisal. The most serious outcome would be a finding that the Plan is not sound. Please note that it is not my role to 'improve' the Plan. I can only recommend modifications to rectify issues of soundness.

3. Examination programme and my matters and issues

The hearing sessions for the examination of the Local Plan will start on 13th June 2017. They will be held in the Town Hall, King Street, Hammersmith, London W6 9JU. Other than the first day which will commence at 09.45, sessions will normally start at 9.30am and 2pm each day, with a break for lunch at about 1pm, and a finish at approximately 5.15pm. A short break will be taken mid-morning and mid-afternoon. These times are liable to alter.

I have prepared a 'main issues and questions' paper which is circulated with this note and is also available on the Council's website. This represents the matters I currently intend to examine in further detail and it includes an indicative timetable. Any comments on either the timetable or the scope of my matters and issues should be sent to the Programme Officer by 2nd May 2017.

Every effort will be made to keep to the timetable but late changes may be unavoidable. Priority will be given to starting the debate on each matter at the appointed time, and it may be necessary to extend the discussion in the afternoon session. 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.

4. Procedure at the hearing sessions of the examination

The topics selected for discussion arise from the tests of soundness and the representations made about soundness. The hearing format will provide a suitable setting for dealing with these issues, by way of a discussion led by me. I will usually begin by making a few brief comments on the matters to be covered. I will then invite participants into the debate so I can gain the information necessary to come to a conclusion on the relevant issues. Those attending may bring professional advisors with them and although they may participate there

will be no formal presentation of evidence, cross-examination or formal submissions.

The discussions will focus on the relevant matters and issues I have set out. The emphasis will be on the tests of soundness and the hearings will be conducted on the basis that everyone taking part has read the relevant documents.

5. Submission of further written statements

If representors participating in a hearing session so wish, they may submit a further succinct written statement relating to their original representation and focussed on the matter being discussed at that particular hearing. For those who do chose to provide statements, they should address the matters and issues I have identified.

Those who wish to proceed solely by written representations (and are not participating in the hearings) can rely on what they have already submitted in writing. However, representors proceeding by this method may also submit a written statement if they feel it necessary to respond to the matters and issues I have identified.

Statements from representors should:

- relate solely to the matters raised in their earlier representations;
- explain which particular part of the Plan is unsound;
- explain why is it unsound, having regard to the National Planning Policy Framework;
- explain how the Plan can be made sound;
- explain the precise change/wording that is being sought.

From the Council, a written statement in response to all of the matters and issues for each hearing would be helpful and is required. These should include full and precise references to the evidence base to justify the relevant policies and to demonstrate that the Plan is sound. They should also include references to any further modifications the Council may consider necessary to make them sound and set out the Council's position on changes sought by other parties, where relevant.

Written statements should be succinct, avoiding unnecessary detail and repetition. There is no need for verbatim quotations from the Plan, national planning policy or other core documents (specific references will suffice). Nonetheless, it is vital that the fundamental elements of cases are set out clearly and succinctly, since the hearings are not the place for new points or evidence to be presented for the first time. All statements should indicate clearly the relevant policy/paragraph/ page of the Plan being referred to.

Participants should attempt to reach agreement on factual matters and evidence before the hearings start and I strongly encourage everyone to maintain a dialogue with the Council and other participants in advance of the hearings. Statements of Common Ground can be helpful, even if serving to define areas of disagreement, and are especially welcomed.

There is no need to prepare a further statement if all the points are already covered in the original representation, but it would be helpful for participants to inform the Programme Officer if they do not intend to submit further statements.

An electronic copy (pdf or Word format) of each written statement should be sent to the Programme Officer along with three paper copies (not bound). Statements should be as succinct as possible and certainly no longer than 3,000 words for each matter. Statements which are excessively long or contain irrelevant or repetitious material may be returned. Any technical evidence should be limited to appendices, and should be clearly related to the case being made. Statements should be on A4 paper and stapled. Plans or diagrams should fold down to A4 size.

All statements must be received by the Programme Officer by 1700 22nd May. If material is not received by this deadline, the Programme Officer will assume that written statements are not being provided. Additional statements and material will be posted on the examination website and will not be circulated directly to participants.

Participants should adhere to the timetable for submitting written statements. Late submissions and additional evidence is unlikely to be accepted on the day of the relevant session, since this can cause disruption and result in unfairness, and may lead to the hearing being adjourned.

6. Key documents

The Council has prepared a list of key documents, which are available in the examination library. The list should represent the Council's full evidence base for the examination and will include the documents that participants are likely to need to refer to. The list will be updated from time to time and is available from the Programme Officer and on the Council's website. The Programme Officer will assist anyone wishing to see a document.

7. Site visit arrangements and close of the examination

I will carry out an unaccompanied tour of parts of the Borough to familiarise myself with the area. I may also visit sites and locations during the examination. My site visits will be unaccompanied. However, if there are particular reasons for an accompanied visit, for instance because it may be necessary for me to go

onto land which is not publicly accessible in order to see the site/area adequately, I ask that you discuss this with the Programme Officer as soon as possible.

The examination will remain open until my report is submitted to the Council. However, I will not accept any further representations or evidence after the hearing sessions have finished unless I specifically request it. Any late or unsolicited material is likely to be returned.

If you have any further questions please contact the Programme Officer as below:

Pauline Butcher

Tel: 07823 494353

Email: ldfprogrammeofficer@tiscali.co.uk

Andrew Seaman

Andrew Seaman BA(Hons) MA MRTPI

Examining Inspector

Useful references:

National Planning Policy Framework, paragraphs 150 to 185. DCLG March 2012;
<https://www.gov.uk/guidance/national-planning-policy-framework>

National Planning Practice Guidance;
<https://www.gov.uk/government/collections/planning-practice-guidance>

The Planning Inspectorate website; <https://www.gov.uk/guidance/local-plans>

The Planning Inspectorate's Procedural Guidance in the Examination of Local Plans; <https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>

The Planning Advisory Service; <http://local.gov.uk/pas/policies-plans/local-planning>

The London Plan; <https://www.london.gov.uk/what-we-do/planning/london-plan/current-london-plan>