

Solihull Local Plan Examination

Inspectors' Guidance Notes

2 August 2021

1.0 Introductions

1.1 We are Kevin Ward BA (Hons) MRTPI and K Ford MSc MRTPI, the Inspectors appointed by the Secretary of State under Section 20 of the Planning and Compulsory Purchase Act 2004 to carry out the independent examination of the Solihull Local Plan. We shall refer to the document as the Local Plan during the examination.

1.2 Kelly Akins is the Programme Officer for the examination, working under our direction independently from the Council. She is responsible for organising the administration of the examination, maintaining the document library, ensuring that all documents received are distributed, and acting as the channel of communication between ourselves, the Council and those taking part in the examination. She is the first point of contact for those with queries about the process.

The Programme Officer's contact details are:

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2.0 The scope and purpose of the examination

2.1 The purpose of the examination of the Local Plan is to determine whether it satisfies legal requirements under the Planning and Compulsory Purchase Act 2004 and associated regulations, whether the Council has complied with the duty to co-operate and whether the Local Plan is sound. To be sound the Local Plan must be positively prepared, justified, effective and consistent with national policy. The starting point is the assumption that the Council has submitted what it considers to be a sound plan.

2.2 The Council has produced a schedule of what it considered "minor" modifications (Doc 002). In most cases, we accept that these are genuinely minor and provide clarification, updates on factual matters and address typographical issues etc. In some cases however, we consider that the modifications would materially affect the policies, their interpretation or implementation and so cannot be classed as "minor". These are modification nos. 6, 14, 28, 29, 33, 34, 37 and 47. The Council is requested to produce an updated version of the schedule, excluding these modifications.

- 2.3 The basis for the examination is the submitted Local Plan. This is the Draft Submission Plan document of October 2020 as amended by the genuinely minor modifications to be set out in the amended schedule. We regard these genuinely minor modifications as being embedded in the Local Plan. Any main modifications which we subsequently recommend will be modifications to the submitted Local Plan.
- 2.4 We will take account of any potential main modifications suggested by the Council or others during the examination, including those specifically listed above. Ultimately, if we conclude that main modifications are necessary for soundness or legal compliance, we will include them as recommendations in our report to the Council.
- 2.5 The Council would be able to make any other **"additional modifications"** to the submitted Local Plan prior to adoption, provided these do not materially alter the policies i.e. they are of a minor nature dealing with factual updates or typographical errors for example. This would be a matter entirely for the Council, we will not be considering such additional modifications during the examination and they will not form part of our report.
- 2.6 We will consider all of the representations made on the Local Plan (Draft Submission Plan document published in October 2020) insofar as they relate to legal requirements or matters of soundness. We are not required to report on every point made however. In some cases, the issues we have identified may not have been previously raised in representations. Nevertheless, anyone who has made a valid representation seeking a change to the Local Plan (an objection) has a right to make their case in person at the hearing sessions, if they have indicated their wish to do so. It is important to stress however that written representations carry as much weight as evidence given at the hearing sessions.
- 2.7 Those who have made representations supporting the Local Plan do not have a right to participate at the hearing sessions. The Council has submitted the Local Plan for examination and we expect it to be able to set out and justify its own position. We do not consider it necessary for those who support the Local Plan to participate in hearing sessions.
- 2.8 The examination will close when our report is submitted to the Council. The potential outcomes of the examination are that:
- a) We consider that the Council has complied with the duty to co-operate, the Local Plan satisfies legal requirements and it is sound – We would recommend that the Local Plan is adopted and give reasons for this.
 - b) We consider that the Council has not complied with one or more of the above requirements – We would recommend that the Local Plan is not adopted and give reasons for this.
 - c) We consider that the Council has complied with the duty to co-operate but that the Local Plan does not satisfy legal requirements and/or is not sound and the Council has asked us to recommend main modifications to address matters of legal compliance and/or soundness – we would make such recommendations.

- 2.9 It is important to stress that we would not be able to rectify non-compliance with the duty to co-operate.
- 2.10 Those main modifications recommended by us to address soundness or legal compliance issues would be subject to public consultation and sustainability appraisal prior to our report being finalised.
- 3.0 Matters, Issues and Questions and hearing sessions
- 3.1 We have identified a number of matters and issues which we consider need to be explored during the examination. These are set out in the Matters, Issues and Questions document published alongside these guidance notes. This sets out a number of specific questions that will need to be addressed. The hearing sessions will allow us to explore these matters and issues further with the Council and other participants, taking into account relevant representations made and any additional statements which we request. We will lead a discussion asking questions of the Council and allowing other participants to contribute as the session continues. Those participants indicating a desire to speak will be given full opportunity to do so. An agenda for each hearing session will be circulated to participants in advance.
- 3.2 It is proposed to conduct the hearings with a mix of “face to face” and “virtual” sessions. Those in weeks 1, 2 and 4 are intended to be face to face sessions held in the Council Chamber with the Inspector(s), Council representatives and all invited participants physically present. Those in weeks 3, 5 and 6 will be virtual sessions with all concerned using video conferencing technology. The detailed arrangements for the virtual sessions will be set out in due course and those participating in them will be contacted by the Programme Officer directly. It is intended to enable all of the hearing sessions to be viewed online and it is not proposed to make provision for those wishing to observe proceedings to be physically present during the face to face sessions.
- 3.3 The hearing sessions will commence at
9.30 AM on Monday 27 September 2021
in the Council Chamber, Civic Suite, Manor Square, Solihull B91 3QB
- 3.4 The hearings programme published alongside these guidance notes sets out the proposed times and dates for sessions dealing with each of the matters we have identified. The detailed programme may be subject to change nearer the time and participants should ensure that they check for any updates. Should circumstances change and it is not possible or appropriate to have “face to face” sessions, we have retained the option of conducting all of the sessions virtually.
- 3.5 The participants for each session will be those who made relevant and valid representations seeking a change (an objection) to the Draft Submission Plan document published in October 2020 and have subsequently confirmed to the Programme Officer that they wish to speak.
- 3.6 All those who wish to speak (participate) at the hearing sessions should confirm this in writing with the Programme Officer by 5pm on Friday 27 August 2021, stating which session or sessions they wish to speak at (referring to the matter

number and quoting their respondent ref. no.). This includes those who had previously indicated a desire to attend the examination hearings when submitting representations. If you do not contact the Programme Officer by this date, it will be assumed that you do not wish to speak at the hearings. The finalised timetable and list of participants will be confirmed before the hearing sessions commence. Only those who indicate their wish to speak in advance of the hearing sessions and make prior arrangements with the Programme Officer will be able to do so.

4.0 The examination library

4.1 A library of all documents associated with the examination is being maintained and will be updated to include any additional documents produced during the course of the examination. An up to date list of documents with their reference numbers is available from the Programme Officer. All documents are available via the Examination pages of the Council's website and this will be kept up to date.

5.0 The submission of statements and further material

5.1 The Council should produce an individual written statement for each of the matters identified; addressing all of the issues and specific questions set out in the Matters, Issues and Questions document. They should include specific references to supporting evidence where appropriate. The Council is asked to address key points raised in relevant representations when answering the questions.

5.2 Other participants may, if they wish, submit written statements addressing the issues and questions set out for the sessions they are attending which are relevant to their particular representations. There is no need to repeat points already made in representations however and participants may wish to rely on these earlier representations. Others who have made relevant representations but are not participating in the hearing sessions may also submit statements addressing the issues and questions. Although again, there is no need to repeat points already made.

5.3 Statements for the hearing sessions should be succinct, concentrating on responding to the particular questions raised. There is no need to include extracts from the Local Plan, other examination documents or those in the public domain such as the National Planning Policy Framework (NPPF), clear cross referencing will suffice.

5.4 The statements should be sent to the Programme Officer. For both the Council and other participants, the strict deadline for receipt of written statements for Matters 1, 2, 3, 4 and 5 is 5pm on Friday 10 September 2021. For the remaining Matters the strict deadline is 5pm on Friday 15 October 2021. Statements must be submitted by these deadlines at the latest to enable us and others involved to fully digest them and prepare for the hearing sessions. Statements received after these deadlines will not be accepted. Statements should be sent electronically, there is no need to provide paper copies.

- 5.5 It should be made clear who is submitting the statement (quoting the respondent ref. no.) and which matter it relates to. Statements should be no more than 3,000 words long. A flexible approach will be taken to the length of the Council's **statements** where the matters relate to a large number of policies. Separate statements should be submitted for each matter.
- 5.6 Other than the statements referred to above, no further information or documentation should be submitted to the examination unless specifically asked for. We will consider requests from the Council to produce additional Topic Papers or technical notes which would assist the examination however. There is no scope to produce rebuttal statements and additional statements or information should not be presented at the hearing sessions.

Summary/ key points

- The Matters, Issues and Questions document sets out the key questions which we will be considering.
- The Hearings programme sets out the proposed detailed timetable for hearing sessions. This may be subject to change.
- All of those wishing to participate (speak) at the hearings must confirm this in writing with the Programme Officer by 5pm on Friday 27 August 2021.
- Participants at the hearings will be confirmed in due course.
- Statements for the hearing sessions should be based on the Matters, Issues and Questions document and must be submitted to the Programme Officer by 5pm on Friday 10 September 2021 for Matters 1, 2, 3, 4 and 5 and by 5pm on Friday 15 October 2021 for all of the remaining Matters
- All documentation relevant to the examination is available on the Council's website and this will be updated.
- Any queries regarding the hearings or the examination generally should be directed to the Programme Officer – Kelly Akins

Kevin Ward and K Ford

INSPECTORS