

# MERTON SITES AND POLICIES PLAN

## Public Examination

### GUIDANCE NOTES

1. These notes have been prepared to assist participants in the examination into the soundness of Merton's Sites and Policies Plan (the Plan). As part of the examination, a group of hearing sessions have been arranged. These will commence at 10.00am on Tuesday 21 January 2014. A draft Hearings Programme and a statement of the Inspector's Main Matters and Issues have been prepared and these will be placed on the Council's Examination website (details below). A Pre-Hearings Meeting will not be held. More detail about how the hearings will operate is set out below, together with general information about the examination.

Participants are encouraged to make use of the examination website, where most documents can be located:

[http://www.merton.gov.uk/environment/planning/planningpolicy/ldf/sites\\_policies\\_plan/submission-2.htm](http://www.merton.gov.uk/environment/planning/planningpolicy/ldf/sites_policies_plan/submission-2.htm)

Further general guidance about Local Plans can be found at:

<http://www.planningportal.gov.uk/planning/planningsystem/localplans>

#### The role of the Inspector

2. Robert Yuille MSc DipTP MRTPI has been appointed to examine the Plan. His role is to consider whether the Plan is sound and whether the requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and associated Regulations have been met. The Council should rely on evidence collected while preparing the Plan to demonstrate its soundness. Those seeking changes have to demonstrate why the Plan is not sound and why their suggested changes would make it sound.

#### The role of the Programme Officer

3. Pauline Butcher has been appointed as the Programme Officer (PO), acting as an impartial officer for the purposes of the examination. Her contact details are circulated with this guidance note. Her principal functions are to ensure the smooth running of the examination; to ensure that documents are recorded and distributed; to maintain the examination library (mainly in electronic form); and to assist the Inspector with procedural matters. She is your first point of contact.

#### The Examination Process

4. The Inspector will run the examination hearings as efficiently as possible, keeping a tight rein on the discussions and time taken. Repetition will be discouraged. The aim is to conduct a short, but focussed, series of hearings – resulting in the preparation of a short, focussed report.

5. Representors have largely already indicated whether they wish their views to be dealt with solely on the basis of their written representation or if, in addition, they intend to participate in a hearing session. Both methods will carry the same weight and the Inspector will have equal regard to views put orally or in writing.
6. Only those parties seeking specific changes to the Plan are entitled to participate in the hearing sessions of the examination, and there is no need for those supporting or merely making comments on the plan to attend. Anyone wishing to take part in a hearing session should confirm their participation with the PO by 12 noon on Friday 22 November 2013. The Inspector will only be hearing those parties who have made such arrangements.
7. Those wishing to participate in the hearings are encouraged to submit hearing statements dealing specifically with the main matters and issues, as identified by the Inspector, which are of relevance to them. This is not a requirement but it is extremely helpful. Any such hearing statements should be sent to the PO for receipt by 12 noon on Friday 13 December 2013. The requirements for such statements are as follows:
  - Statements should be limited to not more than 3,000 words on any one of the main matters. If more detailed material needs to be submitted it should be in the form of appendices (see below), but any such material should not duplicate the content of documents already included in the Core Documents list.
  - Both 4 paper copies and an electronic version (in either MS Word or PDF format) must be provided by the above deadline.
  - A4 size is required, with any plans folded so as not to exceed that size.
  - Paragraph and page numbers should be included.
  - Any measurements should be in metric units.
  - Appendices should have a contents page and pages should be numbered.
  - A separate statement should be submitted for each matter addressed.
  - Statements should relate solely to the matters raised in original representations.
  - They should explain which particular part of the Plan is unsound; explain why it is unsound; and say how the Plan can be made sound, explaining the precise change/working that is being sought.
8. The need for succinct submissions is emphasised. Unnecessary detail and repetition should be avoided. It is the quality of the reasoning that carries weight, not the bulk of the documents. Nonetheless, it is vital that the fundamental elements of cases are set out clearly and succinctly – the hearings are not the place for rabbits to be drawn out of hats.
9. From the Council, a statement is required setting out its responses to the Inspector's questions, explaining why it considers the Plan to be sound in these respects. This should be submitted within the same timescale. While it is not necessary to prepare detailed responses to all of the representations, the Council may wish to respond to representations that it feels are of particular significance or concern. Where a specific response to a representation is requested by the Inspector, this will be set out in the Main Matters and Issues. Further discussion between the Council and

representors is strongly encouraged – ideally leading to statements of common ground.

10. Representors who wish to proceed by written means only need take no further action; they can rely on what they have already submitted in writing. However, if any party wishes to submit further written evidence in support of their position, this should be focussed on the matters, issues and questions that have been identified – and submitted within the same timescale.
11. The Inspector has already submitted some initial queries to the Council: these are available on the examination website, along with the Council's response. The starting point for the examination will be the July 2013 version of the Plan, which was the subject of the Council's consultation exercise. Nevertheless, the Inspector will also consider any changes that have subsequently been suggested by the Council, along with those changes put forward by other parties seeking to amend the Plan. Under the provisions of section 20(7C) of the Planning and Compulsory Purchase Act 2004 the Council can ask the Inspector to recommend any main modifications that are considered necessary to make the Plan sound/legally compliant.

#### Hearing Arrangements and Procedure

12. The hearings will commence at 10.00 am on Tuesday 21 January 2014 in the Council Chamber at Merton Civic Offices, London Road, Morden, SM4 5DX. A draft hearings programme has been prepared and issued with these notes. A short break may be taken mid-morning and mid-afternoon, with a lunch break at about 1.00 pm. Where an afternoon session is shown, this will begin at 2.00pm. The hearings will focus on the matters, issues and questions outlined by the Inspector and arise from the tests of soundness and the representations made about soundness. They are public hearings and interested persons are welcome to sit in, even if not taking part. Any participant who has a disability that could affect their contribution to the examination should contact the PO as soon as possible so that any necessary assistance can be provided.
13. The sessions will generally take the form of round table sessions, providing an informal setting for dealing with issues by way of a discussion led by the Inspector. Those attending may bring with them professional advocates and witnesses, although there will be no formal presentation of evidence or cross-examination. The PO will ask hearing participants who will be speaking at the sessions. More detailed agendas will be circulated before the hearings. Comments should focus on those aspects of the Plan that parties are seeking to change: it is for the Council to explain why it considers the Plan to be sound as submitted. The hearings will be conducted on the basis that everyone taking part has read the relevant documents.

#### Site Visit Arrangements

14. The Inspector will view relevant locations from public roads and footpaths before and/or after the hearing sessions. This will be done unaccompanied by the parties, unless it is considered that an accompanied visit is necessary – for example where the land concerned cannot be seen from the public

road. In such cases, the PO will liaise with the parties to make arrangements. Accompanied site visits will not be the opportunity for discussion of the merits of the cases concerned.

#### Close of the Examination and the Inspector's Report

15. Once the Inspector has gathered all the information necessary to come to reasoned conclusions on the main issues, he will write his report. The examination itself remains open until the report is submitted to the Council. However, once the hearing sessions are completed the Inspector can receive no further information from any party, unless it is a matter on which further comments have been requested. Any unsolicited items will be returned to the sender. The Inspector will announce the likely date of the report's submission at the end of the final hearing session.
16. Any queries regarding the examination programme should be addressed in the first instance to the Programme Officer.

Robert Yuille  
Inspector  
October 2013