

MERTON ESTATES LOCAL PLAN  
INDEPENDENT EXAMINATION

Inspector: Nicholas Taylor BA (Hons) MRTPI      Programme Officer: Pauline Butcher

Tel: 07823 494353

Email: [ldfprogrammeofficer@tiscali.co.uk](mailto:ldfprogrammeofficer@tiscali.co.uk)

12 May 2017

INSPECTOR'S GUIDANCE NOTE

---

## Introduction

1. The purpose of this note is to explain the procedural and administrative matters relating to the Examination of London Borough of Merton's Estates Local Plan (ELP).
2. The Hearings part of the Examination will open on Tuesday 4 July at 10.00am in the Council Chamber at the Civic Centre, London Road, Morden, SM4 5DX. It is expected that the Hearings will last for two or, if required, three days at most. A detailed programme will be issued nearer the date.
3. The Examination website, hosted on the Council's website, contains most documents and is regularly updated and can be accessed at [www.merton.gov.uk/estates\\_plan\\_examination](http://www.merton.gov.uk/estates_plan_examination). Additional guidance, notably Examining Local Plans Procedural Practice (the Planning Inspectorate, December 2013 3<sup>rd</sup> edition v.2), the National Planning Policy Framework (the Framework) and Planning Practice Guidance, can be found at <http://www.planningportal.gov.uk/planning/planningsystem/localplans>

## The Inspector's Role and the Purpose and Scope of the Examination

4. The Inspector for the examination is Mr Nicholas Taylor BA (Hons) MRTPI. His task is to consider whether the ELP complies with the relevant legislation and is sound. The Framework states that to be sound, a local plan must be:
  - positively prepared – based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
  - justified – the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence;
  - effective – deliverable over its period and based on effective joint working; and
  - consistent with national policy – able to achieve sustainable development in accordance with the Framework's policies.
5. The basis for the Examination is that the Council has submitted what it considers to be a sound plan. Those seeking changes to the ELP must demonstrate, with reference to the above tests, why the plan is unsound and why their suggested changes would make it sound.
6. Please note that the Examination is not directly concerned with the Clarion Housing Group's (CHG) day to day role as housing provider or the details of its

offer to tenants, leaseholders, freeholders and others. Nor is it concerned directly with the merits of masterplans prepared by CHG or of any applications for planning permission determined or submitted prior to the hearings.

#### The Programme Officer

7. Pauline Butcher is the Examination Programme Officer (PO) and is an impartial officer for the purpose of the Examinations, working under the direction of the Inspector. Her contact details are as given at the top of these notes. She is your first point of contact and is available by appointment both prior to and during the Hearings.
8. The Programme Officer's main tasks are to liaise with all parties to ensure the smooth running of the Examination, to organise the Hearing timetable, to ensure that all documents received are recorded and distributed, and to keep the Examination Library of Core Documents and Statements, which are available to all participants and members of the public.
9. All important information, such as updates to the programme or the Inspector's questions will be placed on the Examination website. In the interests of speed and efficiency, information sent out to participants will be sent by email if the PO has an email address for you. Consequently, please ensure that you inform the PO if you change your contact details.

#### The Programme for the Hearings and the Matters for Examination

10. The Inspector's aim is to hold Hearings which will focus on the Matters, Issues and Questions which he has identified, assisting him to produce a short, focussed report. The Council's statement on the representations made on the published plan, and all representations received, are available on the Examination website.
11. Representors should have already confirmed whether they wish their views to be dealt with in a written form or whether they feel that they need to come and discuss them orally at the Hearing. Both methods will carry the same weight and participation in the Hearing will only be useful and helpful to the Inspector if you wish and need to participate in a structured discussion. Furthermore, only those who are proposing changes to the ELP in order to make it sound or legally compliant have the right to participate and speak. It is not necessary to attend the Hearings if you agree with the Council and support the plan because the Council will effectively be representing your views.
12. The Inspector's Matters, Issues and Questions will provide the structure for the Hearing sessions. However, these may be subject to possible change, in the light of further statements and any other evidence.
13. It will be the responsibility of individual participants to check the progress of the Hearing, either on the website or with the PO, and to ensure that they are present at the right time.

## Further Statements based on Inspector's Matters, Issues and Questions

14. In advance of the Hearing, any representor may submit a further statement directly related to the scope of their original representation. However, given that oral and written representations carry equal weight, there is no obligation to do so and you may simply rely on your original representation. All Statements – both electronic and paper versions - should be sent to the PO by 5.00pm on Friday 16 June 2017.
15. All further written statements should only address the Inspector's Matters, Issues and Questions for Examination or any significant new matters which may have arisen since the representations on the Pre-Submission version of the ELP were submitted. Statements should focus on the questions directly related to the scope of the original representation. There is no obligation to re-state points already made and wholly new arguments should not be put forward.
16. A separate statement may be submitted for each matter but, given the nature of the plan, one comprehensive statement may be provided if it would avoid unnecessary duplication.
17. The detailed format for further Statements is set out in Appendix A. Statements must be concise and focused. Any not conforming to the format and deadline will be returned. The 3,000 word limit on the length of statements will be strictly applied.
18. Those challenging the soundness of the ELP should explain:
  - What particular part of the plan is unsound?
  - Which soundness test of those set out in Paragraph 182 of the Framework (and set out in paragraph 4 above) does it fail?
  - Why does it fail?
  - How can it be made sound? and
  - What is the precise change / wording that is sought?
19. Statements are also required from the Council, setting out its responses to the Inspector's Matters, Issues and Questions, explaining why it considers the ELP to be sound in those respects. Whilst there is no necessity to deal directly and in detail with all representations, the Council may wish to respond to any representations that it feels are of particular concern and significance. Because of these requirements, the Council's statements are not subject to the 3,000 word limit, but they should still be concise. In addition, its statements should be submitted within the same timescale as others.
20. The Council has already published a Minor Modifications Table to the ELP (document ref SD.3). The Inspector will take these into account. The Council may wish to propose further modifications.
21. Further discussion between the Council and representors is strongly encouraged if it can help to resolve issues. If these lead to Statements of Common Ground, clarifying key points no longer or still in dispute, such statements should also be submitted by Friday 16 June 2017. Please keep the PO informed about the progress of any such statements.

22. Before the start of the Hearing sessions, the Inspector may raise additional questions of the Council. If, as a result of these exchanges, any statements of common ground or further amendments proposed by the Council, it becomes clear that particular matters are no longer in contention, the Hearing programme may be revised and participants advised accordingly. Statements, further questions from the inspector and responses from the Council will be placed on the Examination website.

### The Hearings

23. Hearings will start at 10 am and will continue through the day with breaks as appropriate. Afternoon sessions will normally begin at 2 pm. Please inform the PO if you have any time constraints. Each Hearing will follow a structured, focussed format with a discussion of each matter led by the Inspector, following a round table format.
24. Only those who have made representations relevant to the discussion of an issue at a Hearing and have already indicated that they want to participate at a Hearing will be allowed to speak. However the Hearings will be held in public, open to all those who wish to observe.
25. Before the Hearing the Inspector will have read all Statements submitted (by the deadline) in response to his questions. He will assume that all other participants will have read the relevant submissions. Those participating may bring professional advocates and witnesses with them, although there will be no formal presentation of evidence and it is not expected that there will be a need for cross-examination. No new evidence or documents should be submitted at the Hearings or afterwards unless specifically requested by the Inspector.
26. Please keep the PO informed about who will be speaking at sessions. Agendas setting out the order of topics for discussion will be circulated in advance of the hearings. Generally, only one seat will be available at the table for each participant but a hot-seating arrangement may be adopted if necessary. Where participants are putting forward a similar argument they may find it helpful to nominate a main spokesperson.

### Site Visits

27. The Inspector will view relevant places before, during, or after the Hearings. He will do this unaccompanied and from roads or other public land, unless it is absolutely necessary to go onto private land, in which case the PO will liaise as necessary to make arrangements. If an accompanied site visit is necessary, it will not be the opportunity for discussion of the merits of the particular issue.

### Closure of the Examination and Production of the Inspector's Report

24. After the Hearing, when the Inspector is satisfied that he has all the information necessary to come to reasoned conclusions on the main issues, he will prepare a report for the Council. The Examination remains open until the report is submitted to the Council. However, once the Hearing is completed, no further information from any party can be given to the Inspector unless he requests it.

25. If the Inspector finds that the plan, as submitted, is not sound, he may, if requested to do so by the Council, propose Main Modifications in order to make it sound. If Main Modifications are requested, it is hoped that many, if not all, would be based on proposals put forward by the Council in response to points raised and suggestions made during the Examination. Such modifications would need to be subject to a process of publicity and opportunity to make representations and may require further Sustainability Appraisal. The Inspector would then proceed to finalise his report, in the light of the evidence and representations. The report will deal only with broad issues and the focus will be on the soundness and legal compliance of the plan, not on individual representations.
26. On adoption, the Council may also make minor changes to the plan, such as corrections and clarifications which do not change the meaning or scope of a policy and do not need to be subject to further consultation or Sustainability Appraisal. At the conclusion of the process, it will then be for the Council to make any arrangements for the publication of the report.

## Appendix A - Format for Statements

- A. No Statement should be longer than 3,000 words. Any submissions longer than this will be returned by the PO for editing. If it is essential to provide more detailed information, including maps, diagrams or statistical tables, it should be attached as Appendices (see below). Statements should address the Inspector's issues and questions relevant to the content of your original representation.
- B. Submissions, whether main statements or appendices, should be succinct and avoid unnecessary detail and repetition of the original representation. They should not duplicate or contain extracts from any publication already before the Examination, such as the evidence base and nationally available Government guidance, which may be among the Examination Documents on the Examination website – a paragraph or page reference will suffice. It is the quality of the reasoning that carries weight, not the bulk of the documents.
- C. Electronic versions of all Statements and Appendices should be emailed to the PO (in Word or PDF format) for the Examination website, as well as 3 paper copies.
- D. Statements should be prepared on A4 paper (including any plans), printed on both sides, and not bound but just stapled. Any photographs should be submitted in A4 format and should be clearly labelled and annotated.
- E. Any appendices should have a contents page and be paginated throughout. Whilst the word limit does not include text in appendices, they should respect the aim of succinctness.
- F. No Statement/piece of paper submitted in advance of, or at the Hearings, will be accepted if it fails to be clearly marked, at the top, with the appropriate Matter number and Representor name. Separate statements should be provided for each Matter, with the relevant Issue and Question numbers clearly identified.
- G. All participants must adhere to the timetable for submitting Statements. Late submissions and additional material are unlikely to be accepted on the day of the relevant Hearing session since this can cause disruption and result in unfairness, and might 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.
- H. DEADLINES:
  - All Statements, Statements of Common Ground and any supporting material: by 5.00 pm on Friday 16 June 2017.
  - It is stressed that this last deadline refers to the receipt of the paper and electronic copies of statements. It is not sufficient to send an electronic copy by this deadline, to be followed by paper copies at a later time.