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# **Forest Heath District Council**

## **Examination of the Site Allocations Local Plan (SALP)**

### **Guidance note for people participating in the examination**

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## Introduction

1. I am Christa Masters, a Planning Inspector appointed by the Secretary of State for Communities and Local Government to independently examine the soundness of Forest Heath District Council's Site Allocations Local Plan ('the SALP'). I have prepared this guidance note. The purpose of this guidance note is to explain the procedural and administrative matters relating to the examination.
2. The Programme Officer for the examination is **Annette Feeney**. Her contact details are given on the cover of this note. She is acting as an independent officer for the examination, under my direction. Mrs Feeney will be responsible for organising the programme of hearings, maintaining the examination library, recording and circulating all material received, and assisting us 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 us should be addressed to Mrs Feeney.

## Purpose and scope of the examination

3. My role is to consider whether the document meets the legal and procedural 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 plan 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
  - **Consistent with National Policy.**
4. People seeking changes to the SALP have to demonstrate why it is not sound and how their suggested changes would make it sound. Representations will be considered insofar as they relate to soundness and legal requirements. However, my report will not refer to representations individually.
5. At this advanced stage of the process, any further changes to the SALP should be limited. The Council cannot itself now make any 'main modifications'. Any changes needed to remedy soundness problems can only come about through a recommendation in my report, and only then if accepted by the Secretary of State.

## The Matters and Issues for the examination

6. The starting point is that the Council has submitted what it considers to be a sound plan. The Council should rely on evidence collected while preparing the plan to demonstrate it is sound.
7. I have set out the matters which will form the focus for the examination and the hearings going forward. They are shown on the Schedule of Matters and Issues accompanying this guidance note.
8. The Schedule of Matters and Issues has been circulated to representors with this note and is also available on the examination webpage. I have also issued a draft

timetable for the hearings alongside that Schedule. Any comments from representors on either the draft hearings timetable or the scope of the matters I have set out should be sent to the Programme Officer by **5.00pm on Friday 15 September 2017**.

### **Representations and written statements**

9. The views of representors can be considered in three ways:
  - a) you can rely on the written representation you have already made;
  - b) you can, if you wish, also submit a written statement responding to the Matters and Issues issued alongside this note;
  - c) you can, if you wish and are entitled to do so, participate in the further hearing sessions – this is explained further below.
10. Everyone who has made a representation about the SALP during the pre-submission consultation that took place in January/February 2017 can either rely on what they have already submitted in writing or may, if they so wish, now submit a further written statement. There is no need to prepare a further statement if all the points are already covered in the original representation.
11. For those who do choose to provide statements, they should directly address the matters identified in the Schedule of Matters and Issues.
12. All statements from representors should:
  - a) relate solely to the matters raised in their earlier representation
  - b) explain which particular part of the SALP is unsound
  - c) explain why it is unsound, having regard to the National Planning Policy Framework
  - d) explain how the SALP can be made sound
  - e) explain the precise change/wording that is being sought
13. From the Council, a written statement in response to all of the matters is required. These should include full and precise references to the evidence base to justify the policy and to demonstrate that the SALP is sound. They should also include references to any main modifications the Council considers necessary to make the SALP sound and set out the Council's position on changes sought by other parties, where relevant.
14. All written statements should be succinct, avoiding unnecessary detail and repetition. There is no need for verbatim quotations from the SALP, national planning policy or other core documents (references will suffice). Nonetheless, it is vital that the fundamental elements of cases are set out clearly and concisely, since the hearings are not the place for new points or evidence to be presented for the first time.
15. Please note that it is not MY role to 'improve' the SALP. I can only recommend main modifications to rectify issues of soundness.
16. Representors 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 particularly helpful and are especially welcomed.**
17. **Three paper copies** (not bound) of each written statement should be sent to the Programme Officer. Where possible, an electronic copy should also be provided. Statements should be 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.

18. **Paper copies of all statements must be received by the Programme Officer by 5.00pm on 6 October 2017 at the latest.** If material is not received by this deadline, the Programme Officer will assume that written statements are not being provided.
19. Participants should adhere to the timetable for submitting written statements. **Late submissions and additional papers are 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.
20. I will not accept any further representations or evidence after the hearing sessions have finished unless specifically requested. Any late or unsolicited material is likely to be returned.

### **Participation at hearing sessions**

21. **Only those who have made representations seeking to change the SALP have a right to appear before, and be heard by, the Inspector.**<sup>1</sup> However, it is important to stress that written representations carry the same weight as those made orally at a hearing session. Consequently, participation at a hearing session is only necessary if, in the light of the Matters and Issues, you have specific points you wish to contribute.
22. People who are able to participate in the forthcoming hearing sessions are those:
  - a) who made representations seeking to change the SALP under Regulation 20 (ie when the Council invited representations before submitting the SALP for examination) where their representation relates to a point either not already debated at a hearing or where the point is among the further matters for the examination; and
  - b) who have made representations opposing a main modification put forward by the Council where the point of the representation is among the matters for the examination.
23. If you have a right to be heard, and you wish to exercise that right, you should contact the Programme Officer **by 5.00pm on Friday 22 September 2017** indicating the appropriate Matter and the session you wish to attend (see the draft Programme). You need to do this regardless of what you may have indicated previously. **Please note that if you do not contact the Programme Officer by that date it will be assumed that you do not wish to appear and be heard and you will not be listed as a participant.** You should only request to be heard at a hearing session if you have made a relevant representation seeking a change to the SALP. However, the hearing sessions are open for anyone to observe.

### **The hearing sessions**

24. The hearing sessions will start on **Tuesday 17 October 2017**. They will be held at the **Council Offices, College Heath Rd, Mildenhall IP28 7EY**.
25. Every effort will be made to keep to the draft timetable, but late changes may be unavoidable. Priority will be given to starting the debate on each matter at the

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<sup>1</sup> S20(6) of the Planning and Compulsory Purchase Act 2004

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. Participants need to be ready to attend on the Reserve time indicated on the programme – this will be used if necessary to complete any unfinished sessions.**

26. The hearings will take the form of a round table discussion which I shall lead. It will not involve the formal presentation of cases by participants or cross-examination. There will be a lot to cover and all contributions should be focussed.
27. Sessions will normally start at 9.30am and 2.00pm each day, with a break for lunch at about 1.00pm, and a finish at about 5.00pm. A short break will be taken mid-morning and mid-afternoon. Please let the Programme Officer know as soon as possible if you have any specific needs in relation to attendance and participation at the hearing sessions.

### **My report**

28. After the final hearing session I will write a report setting out my conclusions about the soundness of the SALP, including recommendations on any actions or modifications I consider necessary to make it sound.
29. The examination will remain open until my report has been submitted to the Council. However, as mentioned above, I will not accept any further representations or evidence after the hearing sessions have ended unless I specifically request it. Late or unsolicited material may be returned.

I trust that you find this Guidance Note helpful. If you have any further questions please contact Mrs Feeney – she will be happy to assist if at all possible.

*Christa Masters*

Inspector