

**South Holland Local Plan
Public Local Inquiry**

Inspector: Mr Brian Rogers BA HONS DIPTP

**Programme Officer: Peter Chapman
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GUIDANCE NOTES

These notes complement the booklet "A Guide to Procedures" for Local Plans published by the Department of the Environment, Transport and the Regions in 1999 to help people understand the procedures which are followed in the preparation of a statutory local plan and to assist those who are to take part in a public local inquiry. Copies of the booklet are available from the Council's Customer Services reception (Council Offices, Spalding) or the Programme Officer. All participants are recommended to obtain a copy.

These notes provide information and assistance to all objectors, whether they intend to appear at the inquiry or reply upon written representations. It is hoped that objectors without professional support will find the additional guidance in the appendix particularly useful.

Public Local Inquiry and Pre-Inquiry Meeting

The inquiry into the objections in respect of proposals within the South Holland Local Plan will open at (10.00am Thursday 5 January 2006) in the Council Chamber, Council Offices, Spalding PE11 2XE.

A pre-inquiry meeting will be held in the Council Chamber, Council Offices, Spalding on Wednesday 26 October 2005 at 10.00am.

The Inspector

The Inspector appointed by the First Secretary of State to conduct the inquiry is Mr Brian Rogers.

Programme Officer (PO)

The Programme Officer for the inquiry is Peter Chapman. He has been appointed by South Holland District Council to administer the Inquiry but works under the direction of the Inspector. Mr Chapman is the sole point of contact for all parties to the inquiry and all correspondence and documents etc should be sent to him. He is based in the Inquiry Office, Council Offices, Spalding.

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| The telephone number of the Programme Officer is 01775 764816; fax 01775762937 e-mail pchapman@sholland.gov.uk |
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Messages can be left for the Programme Officer at Customer Services reception, Council Offices, Spalding.

The Programme Officer's main duties are to organise the pre-inquiry meeting (PIM), the inquiry programme, to record and distribute, as necessary, all the documents submitted and to maintain the inquiry library. Participants in the inquiry with any procedural questions, suggestions or difficulties should raise these with the PO, and, if necessary, he will consult with the Inspector. Procedural issues and other arrangements for the conduct of the inquiry will also be dealt with by the Inspector at the pre-inquiry meeting.

Inquiry Library

An inquiry library is being established in the Programme Officer's office and is available for access by interested persons. The library contains the core documents and topic papers associated with the Replacement Local Plan, together with the objections, representations of support and other representations submitted to the Council. Copies of proofs of evidence or other written statements from objectors and responses from the Council by way of rebuttal proofs of evidence or other statements will be placed in the library and will be available for public inspection.

Advocate and Witnesses

Mr Robert Lewis LLb (Hons) Solicitor, Has been instructed by Mr Steve Williams Head of Planning & Development, South Holland District Council.

The principal witnesses for the Council will be:

Steve Williams BSc (Hons) MRTPI
Simon Machen BSc (Hons) MRTPI
David Cowie BSc (Hons) MRTPI
Richard Greenwood BSc (Hons) MRTPI
Katherine Bass BSc (Hons)
James Faircliffe BA (Hons) MCIH

The Council may use further or other witnesses as appropriate.

Attendance at the Inquiry

Objectors need to decide whether they wish to give oral evidence at the inquiry or have their objection considered as a written representation. Both methods carry the same weight. Attendance at the inquiry will only usually be helpful to the Inspector if an objector wishes to question the Council's representatives but otherwise written representations will be just as fully considered by the Inspector. If there are similar objections on the same topic, objectors may wish to submit a joint case and anyone wishing to discuss this possibility should contact the Programme Officer.

Supporters of the Council's plan proposals, or those who object to proposals put forward by other objectors, are not normally heard at the inquiry. Anyone wishing to elaborate upon a supporting representation should do so in writing.

Visitors are advised Car Parking is restricted at the Council Offices and are recommended to use the Public Car Parks in the Town.

Inquiry Programme and Sitting Arrangements

The programme for the inquiry will be drafted on the basis of the information (appearance time, witnesses, legal or other representation etc) provided by objectors in response to the "Inquiry Information" questionnaire(s) sent to them by the Programme Officer.

The first draft of the inquiry programme is not expected to be available until after the pre-inquiry meeting for circulation to the parties. The inquiry will normally sit from Tuesday to Friday between 10.00am and 4.30pm.

A lunch break of agreed length would be taken as convenient to the proceedings after about 12.30pm. Short breaks will not be programmed but will be taken if or when the participants so request. Site visits will be arranged as and when the Programme permits.

The programme may need to change as the inquiry progresses but the Programme Officer cannot undertake to keep participants informed or to contact them, other than as directed by the Inspector. Please note that it will remain the responsibility of all parties to keep themselves informed of the progress of the inquiry, preferably by visiting the inquiry venue and reading the notice board. An updated version of the inquiry programme should be available on the Inquiry page of the Council's website, www.sholland.gov.uk.

People with Disabilities

Any person with a disability with special needs is asked to contact the Programme Officer in advance so that assistance can be organised.

Conduct of the Inquiry

The Inspector will formally open the inquiry and will then invite the Council to make an opening statement. After this, the Inspector will proceed to hear the objections in accordance with the programme.

The Inspector will ensure that every objector appearing at the inquiry has the opportunity to make their case fairly and comprehensively but in order to hear objections expeditiously, the procedure for hearing objections will vary according to the circumstances.

It is likely that the objectors will be heard broadly along the following lines:

1. **For objectors with legal and/or other professional representation Formal Inquiry Session:**
 - The objector will present his/her/their case
 - The Council may cross-examine the objector
 - The Council will defend the Plan proposals by responding to the objector's case
 - The objector may cross-examine the Council.
 - The Council will make a closing statement in respect of the objection
 - The objector will have a final reply

2. **For objectors without legal and/or other professional representation Informal Hearing:**
 - The Inspector will ask the objector to summarise the disagreement with the Council
 - The Inspector will lead a discussion on the main points giving the objector and the Council the opportunity to ask questions of each other
 - The Council, and then the objector, will have the opportunity to make a short closing statement.

All objectors will be urged to concentrate on the principles that underlie the Plan proposals. Matters of detail normally considered at the planning application stage of the development proposals are not appropriate for discussion at this inquiry.

Proofs of Evidence

Six copies of an objector's proof of evidence and any supporting documentation, plans etc clearly identified with the objector number and objection(s) number(s) are required to be submitted to the Programme Officer on the day six weeks in advance of the block of the inquiry within which the representations are to be heard. The Council's response providing six copies – is required within two weeks of receiving the proof etc.

This period of six weeks in advance of hearing date is set to provide sufficient time for the interested parties to read the material. Failure to comply with these arrangements will place the inquiry programme at risk and may necessitate the appearance being re-scheduled for a later time in the inquiry.

Objectors should seek to agree matters of fact with the Council before the Inspector considers their objection and submit agreed statements where possible.

The Council's topic papers and core proofs should be made available if possible by the time of the pre-inquiry meeting to set the scene for the objector's evidence to come. All documents submitted to the inquiry by the Council must be correctly referenced and indexed as agreed with the Programme Officer.

At the inquiry, all proofs will be taken as read unless objectors specifically request otherwise. In that case, only a brief summary of the main points may be read out.

The European Union has directed that all units of measurement are to be metric.

Written Objections

Objectors can, if they prefer, rely entirely on their original objections as set out in the forms provided by the local planning authority (the District Council) or in correspondence. If there is a wish to submit additional written representations these (six copies please) will need to be submitted in accordance with the inquiry timetable by the date set for the proofs of objectors' evidence if the same policy/issue is to be heard at the inquiry.

The Council's responses to the written representations are requested to be submitted on the same basis as for the submission of material for the oral objections. If further written exchanges are required, all the responses will need to be submitted to the Inspector before the inquiry closes.

Any queries the Inspector may have on the documentation submitted to him will be dealt with by the Programme Officer who will contact the relevant party to seek clarification and afterwards provide a copy of the response to the other party.

Site Visits

The Inspector will make unaccompanied site visits, before, during and after the inquiry. Requests from objectors for accompanied site visits to identify physical and environmental characteristics discussed whilst in session, should be submitted to the Programme Officer. The Council will provide an accompanying representative. No evidence may be given during these visits.

Miscellaneous

An attendance record for the inquiry will be maintained on a daily basis. Representatives of the Press and other media expressing a wish to attend the inquiry are asked to contact the Programme Officer so that a place at the Press table can be reserved for them. No live recording will be permitted in the inquiry room during proceedings and the Inspector cannot give interviews.

A notice board will be set up at the entrance to the inquiry which will display details of the current programme, list of Council witnesses and other information pertaining to the inquiry.

Access to photocopies and a facsimile machines will be available through the Programme Officer but the Council will be levying a charge for these facilities which will be notified at the pre-inquiry meeting.

Close of the Inquiry

After hearing from all the objectors and the receipt of the responses to the objections dealt with by way of written representations, the Inspector will invite the Council to make a closing statement if it so wishes. At the conclusion of this, the Inspector will formally close the inquiry.

After the Inquiry

After the inquiry, the Inspector prepares a report in which conclusions are reached and decisions are made, with reasons for each decision. The conclusions and the decisions will be based upon all the written objections and representations made and on objections made orally at the inquiry (including written material submitted as part of those objections or in response to them).

The Inspector submits his completed report and decisions to the Council who must make it available for inspection at the places where the Plan was deposited. The Council, as local planning authority, will then carry out the formal procedures to adopt the Plan including any changes made by the Inspector.

Peter Chapman
Programme Officer for the Inquiry
October 2005