

EX3 - EXAMINATION GUIDANCE NOTE FROM THE INSPECTOR

Purpose of the Guidance Note

1. This note provides guidance to participants involved in the Examination of the **International Advanced Manufacturing Park (IAMP) Area Action Plan (AAP)**.
2. All participants should familiarise themselves with the contents of the note, in particular those who wish to take part in the hearing sessions.

Dates for Hearing Sessions

3. The hearing sessions (which are part of the overall Examination) will commence on:

Monday 3 April 2017 at: 10:00

Venue: The Quadrus Centre, Woodstock Way, Boldon Business Park, Boldon Colliery, NE35 9PF

4. The hearing sessions will continue on the 4th, 5th and 6th April and, if necessary, 7th April 2017. There will be a morning and afternoon session on each day. A draft programme indicating the matters to be discussed at each hearing session is attached to this note although you should be aware that it may change. Details concerning the finalised programme are set out in paragraph 27 below.

The Inspector and his role in the Examination

5. The Inspector for the Examination is **Malcolm Rivett BA (Hons) MSc MRTPI**
6. My task is **to consider the legal compliance and soundness of the plan**. The document under Examination is the:

International Advanced Manufacturing Park Area Action Plan – Publication Draft (August 2016) [Doc PSD1]

7. Public consultation (Regulation 19) was undertaken on this document in August – October 2016. In the light of consultation responses Sunderland City and South Tyneside Councils have proposed a number of amendments to the plan set out in schedule form in **Doc PSD6** (February 2017), also shown in **Doc PSD7** (February 2017) as a “track change” version of the plan.
8. As part of the Examination I will determine whether or not any of the amendments proposed by the Councils in Doc PSD6 and PSD7 are necessary for the plan to be sound. If I conclude that any of the proposed amendments are likely to be necessary these will be the subject of a period of formal consultation (along with any other modifications I consider are likely to be necessary for the plan to be sound) as detailed in paragraph 12 below.
9. The National Planning Policy Framework (DCLG, March 2012) sets out the criteria for determining soundness; namely that the plan is Positively Prepared; Justified, Effective and Consistent with National Policy.

10. I aim to work collaboratively with the Councils and the Examination participants in a proactive, pragmatic and solution-orientated manner to deliver a positive social, economic and environmental outcome for the plan area. However, this does not necessarily mean that the plan will be found to be sound.
11. In terms of the Examination overall there are essentially three possible outcomes:
 - That I find that the plan [Doc PSD1] is sound in its current form and that no modifications are therefore necessary;
 - That I find that the plan is unsound in one or more respects but that subject to modification it could be made sound. The Councils have requested me to recommend any main modifications which are necessary to make the plan sound, if it is feasible that such modifications could make it so;
 - That I find that the plan is unsound (or is not legally compliant in a way that cannot be remedied – for example a failure to discharge the Duty to Cooperate) and that modifications could not make the plan sound without fundamentally altering the nature of the plan. In such an event I am likely to recommend that the Councils withdraw the plan.
12. Any modifications (known as “main modifications”) which I consider are likely to be necessary for the plan to be sound will need to be the subject of formal consultation and potentially considered as part of revised Sustainability Appraisal and Habitats Regulations Assessment. Should this be necessary more information will be provided at that time. My findings and ultimate report on the plan will deal with broad issues and not with each individual representation. Should the Councils be in a position to adopt the plan, in doing so they will be able to make other “additional modifications” to the plan which, taken together, must not materially alter the policies of the plan.
13. Earlier in my career, and prior to becoming an Inspector, I worked for relatively short periods of time at both Sunderland City Council (around 25 years ago) and South Tyneside Council (around 18 years ago). However, I had no involvement in work specifically related to the IAMP plan area and my previous connections with the Councils will have no bearing on my consideration of the plan.

The Programme Officer

14. The Programme Officer (the PO) for the Examination is **Kathryn Stule**, who works independently of the Councils under my direction in connection with the Examination. Kathryn can be contacted as follows:

Kathryn Stule
Room 3.64
Civic Centre
Burdon Road
Sunderland
SR2 7DN

Tel: (0191) 561 1577

Kathryn.stule@sunderland.gov.uk

15. The main tasks of the PO are to act as a channel of communication between all parties and myself; to liaise with the parties to ensure the smooth running of the Examination; to ensure that all documents received are recorded and distributed; and to keep the Examination Library. Copies of the Examination documents are on the Examination web site (see below). Any participant who does not have access to the internet should contact Kathryn in order that alternative arrangements can be put in place.
16. Any procedural questions or other matters that you wish to raise with me prior to the hearing sessions should also be made through Kathryn and please let her know if you have any specific needs in relation to attendance/participation at the hearing sessions.

Progressing your representations on the plan

17. **It is important that I stress that written representations carry the same weight as those made orally at hearings sessions.** Consequently, participation at a hearing session is only necessary if, in the light of the list of Matters and Questions for the Examination, you have points to contribute to the debate.
18. Accompanying this note is a list of *Matters and Questions* for the Examination. I have identified eight Matters on which the legal compliance and soundness of the plan depends and for each Matter there are a number of specific questions. These questions will form the basis of the discussion at the hearing sessions and should also be the basis on which any written hearing statements, to be submitted in advance of the hearings, are prepared.
19. The hearings are open to all to observe, but only those who have previously made representations requesting that a change is made to the plan have a right to participate in the discussion. Based on the requests to be heard indicated in the submitted representations the draft programme (attached) indicates the participants who are invited to each session.
20. It would be helpful if the listed participants would confirm their attendance with the Programme Officer by **17 March 2017**. Anyone who believes that they have been inappropriately excluded from the list of participants, or not allocated to attend the appropriate session, should also contact the Programme Officer by 17 March 2017.

The hearing sessions and hearing statements

21. The hearings will take the form of a roundtable discussion which I shall lead. They will not involve the formal presentation of cases by participants or cross-examination. I shall take account of all written representations already submitted and it is not the purpose of the hearings for these to be repeated. The list of Matters and Questions will form the agenda for each session, although I may have supplementary questions arising from points made in written statements.
22. The hearings will be inquisitorial, rather than adversarial. I shall endeavour to progress them in an effective and efficient manner. As part of that process, it is my aim to minimise the amount of material necessary to come to informed conclusions on the issues of soundness. In that way I will conduct a short,

focussed series of hearings and, in turn, produce a short, focussed report.

23. The Councils are required to produce a hearing statement in which they should seek to answer all of the individual questions set out in the list of *Matters and Questions*. Whilst it is not a requirement that they do so, other representors may also submit hearing statements, although these should be restricted to answering only those questions which relate to the representor's original representation.
24. Hearing statements should be a **maximum** of 3000 words for each Matter although I anticipate that many will not need to be as long as this. The word limit does not include Appendices but these should only be included where directly relevant and necessary and should also be as succinct as possible. Since they are required to answer every question the word limit does not apply to the Councils' statement although I encourage them to ensure that this is as succinct as possible, using references to specific sections of the already submitted evidence wherever possible. Statements should be simply stapled rather than bound.
25. In preparing statements you should:
 - **only** answer the specific questions of relevance to your original representation, whilst clearly identifying the number(s) of the question(s) you are seeking to answer.
 - Take account of the amendments to the plan proposed by the Councils in docs PSD6 and PSD7 and indicate if these amendments would address your concerns.
26. Three paper copies **and** an electronic version of each hearing statement should be submitted to the PO by **17:00 on Friday 17th March 2107**. Unless there are exceptional circumstances it is unlikely that late submissions will be accepted. Aside from these hearing statements no other written evidence will be accepted unless I specifically request it. Hearing statements will be posted on the Examination webpage, so that they are available to all participants and anyone else who wishes to read them.

The hearings programme

27. An initial programme for the hearings is attached. A final version of the programme will be published on the Examination web site around two weeks prior to the start of the hearings. It will be for individual participants to check the progress of the hearings, either on the web site or with the PO, and to ensure that they are present at the right time.
28. The hearings sessions will normally run between 10:00 and 13:00 and 14:00 and 17:00 each day. A short break will usually be taken mid-morning and mid-afternoon.

The Examination Library

29. The Council has prepared an online Core Document Library accessible from the Examination web site:

www.sunderland.gov.uk/iampeip

30. If you have difficulties accessing the Library please contact the PO.

Site visits

31. Insofar as I consider it necessary to my assessment of the soundness of the plan I shall visit sites and areas referred to in the representations before, during, or after the hearings. I will do these on an unaccompanied basis unless I find that I need to go onto private land.

Finally ...

32. I emphasise:

- I shall have equal regard to views put orally or in writing;
- that you must meet the **17 March 2017** deadline to advise the PO of your wish to participate in a hearing session.
- that you must meet the **17 March 2017** deadline for the submission of any hearing statements
- that hearing statement should accord with the spirit and the letter of the 3000 word limit.

Malcolm Rivett

INSPECTOR

February 2017