

Merthyr Tydfil
Replacement Local Development Plan (2016-2031)

EXAMINATION

www.merthyr.gov.uk/ldpexamination

GUIDANCE NOTES

Inspector: Paul Selby BEng (Hons) MSc MRTPI

1 INTRODUCTION

- 1.1 I have been appointed by the Ministers of the Welsh Government to undertake an independent examination into the soundness and legal compliance of the Merthyr Tydfil Replacement Local Development Plan (the 'Plan'). This note provides guidance to participants on the procedural and administrative arrangements for the examination and hearings.
- 1.2 The hearings will commence at **10:00am on Tuesday 25 June 2019**. The sessions will be held at the **Orbit Centre, Rhydycar Business Park, Merthyr Tydfil CF48 1DL**.
- 1.3 A [draft programme for the hearing sessions](#) [ED003] with a list of potential participants for each session has been published. This is an initial version and details are likely to change. **The final programme, a definitive list of hearing participants and a detailed list of matters, issues and questions will be published on or before 10 May 2019.**

2 PROGRAMME OFFICER

- 2.1 Tracey Smith is the Programme Officer (PO) and is responsible for the administration of the examination. She is impartial, is not an employee of the Council and works under my direction. Her role includes liaising with all parties to ensure the smooth running of the examination, managing the availability of examination documents, website and the library and acting as the main point of contact for all procedural and administrative matters. Her contact details are:

Email: tracey.smith@merthyr.gov.uk

Tel: 07753 414078

Postal address: F.A.O. LDP Programme Officer, Unit 5, Triangle Business Park, Pentrebach, Merthyr Tydfil CF48 4TQ.

3 THE EXAMINATION WEBSITE

- 3.1 Copies of all examination documents are available to view on the internet via the [Examination Library](#) webpages of the examination website: www.merthyr.gov.uk/ldpexamination.
- 3.2 The Examination Library comprises of [Submission Documents](#), which includes the Council's evidence base and supporting documents [SD]; and [Examination Documents](#) [ED].

- 3.3 Hearing session webpages for each hearing detailing participants and any relevant documents will be added to the examination website in due course.
- 3.4 The Council provides internet access to its website at the Council Offices, Unit 5, Triangle Business Park, Pentrebach, Merthyr Tydfil, CF48 4TQ and at the following libraries:
- Merthyr Tydfil Central Library, High Street, CF47 8AF
 - Rhydycar Library Hub, Merthyr Tydfil Leisure Centre, CF48 1UT
 - Treharris Library, Perrott Street, Treharris, CF46 5ET
 - Dowlais Library, Church Street, Dowlais, CF48 3HS
 - Aberfan Community Library, Pantglas Road, Aberfan, CF48 4QE
- 3.5 Any hearing participant who is unable to access the internet should contact the Programme Officer so that alternative arrangements for document access can be put in place.

4 SCOPE OF THE EXAMINATION AND THE ROLE OF THE INSPECTOR

- 4.1 The Council consulted on the Deposit Plan from 30 July to 10 September 2018, and on Focussed Changes to the Plan from 21 January to 4 March 2019. The Plan which I will examine is [the Plan as amended by the Focussed Changes \(December 2018\)](#) [SD01].
- 4.2 My role is to assess whether the Plan has been prepared in accordance with relevant legal and procedural requirements, and to determine whether it is sound. As per Section 8 of the Welsh Government's [Local Development Plan Manual Edition 2 \(August 2015\)](#), I will assess the Plan's soundness in relation to the following three tests:
- **Test 1: Does the plan fit?** (*i.e. is it clear that the Local Development Plan (LDP) is consistent with other plans?*)
 - **Test 2: Is the plan appropriate?** (*i.e. is the plan appropriate for the area in the light of the evidence?*)
 - **Test 3: Will the plan deliver?** (*i.e. is it likely to be effective?*)
- 4.3 The starting point for the examination is that the Council has submitted a Plan which they consider is sound and legally compliant. Those seeking changes must demonstrate why the Plan does not meet these criteria.
- 4.4 There are two ways by which substantive changes can be made to the submitted plan:
- Matters Arising Changes (MACs), proposed by the Council and recommended by the Inspector; and
 - Inspector Changes (ICs), which are proposed by the Inspector and are binding on the Council.
- 4.5 I can only recommend MACs or binding ICs if they are necessary to resolve problems that would otherwise make the submitted plan unsound

or not legally compliant. MACs and ICs materially alter the Plan or its policies and are usually subject to consultation following the hearings.

- 4.6 In addition the Council may choose to propose minor changes, for example to correct errors or make factual updates. Such changes do not materially affect the Plan and are not subject to examination.

5 THE HEARING SESSIONS

Format

- 5.1 The [draft hearings programme](#) [ED003] sets out the order of the hearings and identifies participants for each session. This is currently in draft form and may be subject to change. The final version will be issued before the hearings and will confirm the list of participants for each session. Please let the Programme Officer know by **10 May 2019** whether you intend to participate in a hearing or if any adjustments need to be made to facilitate your attendance.
- 5.2 The morning hearing sessions will normally commence at 10:00 and finish around 13:00 on each day unless stated otherwise¹. Afternoon sessions will normally commence at 14:00 and finish at around 17:00 each day unless stated otherwise. Lunch will normally be between 13:00 and 14:00 and there will usually be short mid-morning and mid-afternoon breaks.
- 5.3 The hearings will be in the form of structured round table discussions which I shall lead. There will be no formal presentation of evidence or cross-examination. Barristers and solicitors, if present, will be treated as part of the respective organisation or team.
- 5.4 The main purpose of the hearings is to enable me to obtain the information I need to conclude on the matters before me. **A list of detailed matters, issues and questions will be published on the examination website on or before 10 May 2019.** These will form the agenda for each hearing session, as well as provide the basis for any further written statements sought from hearing participants.
- 5.5 At the end of each hearing I may confirm with the Council any actions it needs to take in response to matters raised during the discussion. Any 'action points' agreed will be published in the [Examination Library](#).
- 5.6 Please note that no discussion of omission/alternative site allocations is currently programmed. Those promoting such sites will be eligible to participate in discussions concerning the LDP's strategy. If I determine that there is a need for further site allocations, relevant representors may be invited to make verbal representations at a later hearing.

¹ Some hearings may start at an alternative time. Participants must refer to the programme which may be amended.

Participation

- 5.7 The sessions are open for anyone to observe, including those supporting the Plan. Only those who have made representations within the prescribed time periods and who seek changes to the Plan in relation to the issues to be discussed have a right to participate in the hearings. However, I may also invite additional participants if I consider it necessary.
- 5.8 I will afford equal weight to oral and written evidence. There is therefore no need to participate in a hearing unless you intend to elaborate on points already made in writing or you wish to respond to points made by others. Participants who have indicated a wish to be heard will be given the opportunity to do so, but I will only specifically invite further oral or written evidence where I consider there is a need for it.
- 5.9 I will expect participants at hearings to have familiarised themselves with the relevant documents pertaining to the discussion matters, including the Council's [Submission Documents](#) and any further written statements. I would also encourage participants to view the Welsh Government's [Local Development Plan Manual](#) and the Planning Inspectorate's [Examinations Procedural Guidance](#) [ED001] before the hearings.
- 5.10 Participation in the Welsh language at hearings is welcomed. Where one or more participants in a hearing have indicated a preference to communicate in the Welsh language, translation facilities will be arranged by the Council. To prevent avoidable adjournments, the Programme Officer will seek to confirm the language choice of participants prior to hearing sessions taking place.

Further written statements

- 5.11 The published matters, issues and questions will guide discussions at hearings. As participants should have already set out their full cases in their original representations there should ordinarily be no need to produce further written statements. However, if further written statements are produced, these should:
- state the Representor ID and representation number;
 - be limited to the published matters, issues and questions and either be relevant to their original representation or relate to new relevant matters that have arisen since the original representation was made; and
 - not repeat what is in the original representations.
- 5.12 As all examination and submission documents are available on the internet, participants should not attach extracts of these documents to any statements. Instead, statements referring to any of these documents should include the relevant reference and page or paragraph numbers.
- 5.13 Further written statements should accord with the following guidelines:
- A separate statement should be submitted for each hearing.

- Statements should be clear, succinct and no longer than 3,000 words long for each issue. It is the quality of the reasoning that carries weight, not the scale of the documents.
- Appendices are not included in the word limit but these should only be submitted if they are essential, with references made to the parts of those appendices being relied upon.
- Statements should be produced in A4 format where possible. For hard copies, A3 leaves should be folded to A4.

5.14 Statements must be received by the deadline imposed (12 noon on 11 June 2019). Late submissions are unlikely to be accepted. Any statements that are of excessive length or contain irrelevant or repetitious material may be returned.

5.15 Unlike other participants, the Council is required to respond to each issue and question and therefore the 3,000 word limit does not apply to them. However, any statements should be as succinct as possible. References to existing evidence should be used wherever possible to avoid repetition.

5.16 An electronic version and 2 paper copies of any further written statements, including the Council's, should be sent to the Programme Officer to arrive **by 12 noon on 11 June 2019**.

6 STATEMENTS OF COMMON GROUND

6.1 Any statements of common ground between the Council and representors, or between any other representors, which are being prepared to assist the examination should be submitted to the Programme Officer as soon as they are produced and to arrive **no later than 12 noon on 11 June 2019**. As above this should include an electronic version and 2 paper copies.

7 SITE VISITS

7.1 Insofar as I consider it necessary to assess the Plan's soundness I shall visit relevant sites and areas before, during or after the hearings. I will do these unaccompanied unless access to private land is necessary.

8 CLOSE OF THE EXAMINATION

8.1 After the hearings, the examination will remain open until my report is submitted to the Council. No further representations or evidence will be accepted during this time unless I have specifically requested it.

9 FURTHER INFORMATION

9.1 Further information about the preparation and examination of Local Development Plans can be found using the following links:

- Welsh Government information on Development Plans: gov.wales/development-plans

- Welsh Government national policy and guidance: gov.wales/planning-policy-and-guidance-national-policy
- Planning Inspectorate Local Development Plan Examinations Procedural Guidance (2015):
<https://gweddill.gov.wales/docs/desh/publications/170503ldp-procedure-guidance-en.pdf>
- Planning & Compulsory Purchase Act 2004, Part 6, Sections 62-72 :
www.legislation.gov.uk/ukpga/2004/5/part/6/crossheading/plans
- Town and Country Planning (Local Development Plan) (Wales) Regulations 2005:
www.legislation.gov.uk/wsi/2005/2839/contents/made

Paul Selby
INSPECTOR